



Town of Vienna

Meeting Minutes

Town Council Meeting

Charles A. Robinson Jr.
Town Hall
127 Center Street South
Vienna VA, 22180

Monday, April 8, 2019

8:00 PM

Charles A. Robinson, Jr. Town Hall, 127
Center Street, South

Invocation: Reverend Dr. Vernon Walton, First Baptist Church of Vienna

Pledge of Allegiance to the Flag of the United States of America

1. Roll Call

Present: 7 - Council Member Tara Bloch, Council Member Linda Colbert, Council Member Pasha Majdi, Council Member Douglas Noble, Council Member Carey J. Sienicki, Council Member Howard J. Springsteen and Mayor Laurie DiRocco

2. Approval of the Minutes:

- A. [19-1211](#) Approval of the Regular Council Meeting minutes of February 25, 2019, revised, Regular Council Meeting Minutes of March 11, 2019 the Work Session Minutes of January 14, 2019 and March 16, 2019.

It was moved to approve the Regular Council Meeting minutes of February 25, 2019, revised, the Regular Council Meeting Minutes of March 11, 2019 the Work Session Minutes of January 14, 2019 and March 16, 2019 as submitted.

A motion was made by Council Member Springsteen, seconded by Council Member Bloch, that the Minutes be approved. The motion carried by the following vote:

Aye: 7 - Council Member Bloch, Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Sienicki, Council Member Springsteen and Mayor DiRocco

3. Receipt of petitions and communications from the Public that is not on the Agenda. (Limited to 5 minutes per issue and no formal action can be taken this evening)

None

4. Reports/Presentations

- A. [19-1197](#) Proclamation for Children and Youth Month

Councilmember Sienicki presented a Proclamation for Children and Youth Month to the American Legion Post 180 Auxiliary and the Sons of the American Legion.

- B. [19-1189](#) Proclamation for National Arab American Heritage Month

Councilmember Noble presented a Proclamation for National Arab American Heritage Month.

- C. [19-1200](#) 2019 Arbor Day Proclamation

Councilmember Bloch presented a Proclamation for Arbor Day 2019.

D. [19-1223](#)

Proclamation for Testicular Cancer Awareness Month

Councilmember Colbert presented a Proclamation for Testicular Cancer Awareness Month.

A. Report and Inquiries of Council Members

Councilmember Springsteen asked if they could get a report on the stormwater benefits for the entire Sunrise project property. He would like something a little more extensive. Mike Gallagher stated it was a concept plan, nothing has been completely engineered yet. He does believe that they meet the stormwater management requirements via a green roof. He will check to see if there are other provisions that they are including.

Councilmember Noble heard that the folks at the Flagship Car Wash development had closed a lane of traffic on Maple Avenue in the rush hour for a delivery. He asked the Town Manager and Mr. Gallagher how they do these things. He understands that when a lane closure is requested that there is a permitting process for that and asked if that was correct. Mr. Payton stated that there is a permitting process for lane closures and one was not submitted for this project as he understands it. Councilmember Noble asked if we received any reports from staff or citizens to the Police or Public Works about the closure. Mr. Payton stated that he had checked and they both reported that there were no complaints reported to dispatch regarding this. Councilmember Noble asked what can be done even though we don't have a first person observation of this. How can they hold the construction company accountable for doing something they weren't permitted to do even though they weren't actually able to observe it? Mr. Gallagher stated that any developer working in a right of way does have a right of way permit issued which does allow for lane closures, however, they must notify the town in order for that to happen and they would not allow it during the rush hour. Councilmember Noble asked Mr. Gallagher to follow up with the construction superintendent.

Councilmember Bloch reminded citizens that there will be a candidates forum sponsored by NEVCA at the Fire Station this coming Thursday from 7:00 p.m. - 9:30 p.m. They always put on a wonderful forum and allow for an open exchange of dialogue amongst the candidates. She encourages people to come out and ask questions.

Councilmember Sienicki stated there was a big celebration for the 40th Anniversary of the Windover Heights District and to celebrate Historic Vienna provided pins for Walk on the Hill which is occurring on April 28th from 2:00 - 5:00 p.m. in the Windover Heights District. Refreshments will be served. They will also be celebrating the 90th Anniversary of Ayr Hill Garden Club who originally started the Walk on the Hill event. Vienna Arts Society will also be celebrating their 50th Anniversary. They will be having an unveiling of the benches that have been seen around town, on Saturday at the Freeman Store at 9:45 a.m. right before the Easter Egg Roll.

Councilmember Sienicki gave a huge shout out to the Parks and Recreation Department, in partnership with the Department of Public Works, held a wonderful town clean-up which had some impressive stats. There were 136 people who came to help out and volunteer and pulled out an amazing 3,400 lbs of trash from around the streams etc. She thanked all the people that help with this event.

Councilmember Sienicki reported that the Green Expo will not be held during the Walk on the Hill, it is going back to the Community Center and will be held on Wednesday, April 24th.

Councilmember Majdi asked for an update from Public Works on the sagging wires on Maple Ave between Niblick and Mashi or Niblick and Follin. Mr. Gallagher stated they have been dealing with both Dominion and Verizon for a number of months trying to coordinate what they need to do there. Verizon has come up with a plan where they are going to reduce the number of wires up there and make them consistent with clearance regulations. A lot of the wires are vacant copper wires that they don't need anymore and will consolidate and fix that. He expects it to be done within the next 30-60 days.

Councilmember Majdi asked if there was a noise violation at Bey Lounge a couple of weeks ago. Mr. Briglia stated that there was a noise complaint and when the Police arrived the noise was coming from the neighbor who has had some issues in the past, it was unrelated to Bey Lounge. There has not been a violation for a month and a half.

Councilmember Majdi asked that they set a time for a Closed Session to discuss the Town Attorney's memo on the legal standards for the MAC. It's not urgent but would like some time set aside.

Councilmember Majdi thanked the Vienna Arts Society for a terrific event at the Community Center, it was a huge hit.

Councilmember Majdi also thanked the Mayor and the County for adding a new bus line from Dunn Loring Metro. This has been a really big win for the Town.

B. Report of the Town Manager

Mr. Payton reported that June 17th has been added to the Town Council meeting calendar. They are also adding a Work Session prior to the August 19th meeting at 7:00 p.m.

Mr. Payton introduced two new staff members in Public Works.

C. Report of the Mayor

Mayor DiRocco reported that the Northern Virginia Regional Commission recently hosted a presentation and discussion about the Tech Talent Pipeline in Northern Virginia. Northern Virginia is the 3rd biggest market for IT and there is a huge need for IT talent in our area. The question is how do we get tech talent to locate here in Northern Virginia. Northern Virginia Community College is working on a number of things to try and address this issue.

Mayor DiRocco also mentioned the Take A Seat Program by the Vienna Arts Society. There are 42 benches around town and can't wait to see all 42. They will be up through the end of October and then auctioned off in November as a fundraiser.

D. Proposals for Additional Items to the Agenda

None

E. Closed Session

It was moved that the members of the Vienna Town Council be polled to affirm that during the first Closed Session convened this date, Monday, April 8, 2019, the Town Council met for discussion or consideration of personnel matters, specifically the interviewing of individuals for consideration of appointment and/or re-appointment to Town Boards and Commissions.

It was further moved that the Certification Resolution be adopted in accordance with State Statutes, and that the Town Clerk is authorized to execute the Certification Resolution.

And it was further moved that the Closed Session be continued to later this date, Monday, April 8, 2019 at the conclusion of the Regular Council Meeting in accordance with Virginia Code Section 2.2-3711.A.(3), for purposes of discussion or consideration of the acquisition of real property for a public purpose.

*Motion: Councilmember Bloch
Second: Councilmember Springsteen
Carried Unanimously*

It was moved that Mike Gadell be recommended to the Fairfax County Circuit Court for re-appointment to the Board of Zoning Appeals for a five-year term.

*Motion: Councilmember Bloch
Second: Councilmember Springsteen
Carried Unanimously*

Motion approved as show above.

Aye: 7 - Council Member Bloch, Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Sienicki, Council Member Springsteen and Mayor DiRocco

5. Public Hearings

A. [19-1215](#)

Public Hearing on FY 2019-20 Proposed Budget

Mayor DiRocco called the Public Hearing to order at 8:45 p.m. The Town Clerk called the roll and all members of Council were present.

Ms. Marion Serfass, Director of Finance explained that the Town Manager's proposed budget for fiscal year 19-20 has been presented to the Mayor, Town Council and residents. The proposed budget was reviewed by Town Council during work sessions of March 16th and 18th with a final work session to be held on April 22nd to discuss funding currently unfunded priorities. The public hearing is held so that the Town of Vienna residents may provide input.

The proposed fiscal year budget totals \$41,153,380.00 for fiscal year beginning July 1, 2019 and ending June 30, 2020. It is broken down as follows: \$26,725,030 for General Fund expenditures, \$9,233,080 for Water and Sewer Fund expenditure, \$4,665,270 for Debt Service Fund expenditures and \$530,000 for Stormwater Fund expenditures

The proposed budget is based upon a real estate tax rate of \$0.2250 per \$100 valuation; bank net capital at \$0.80 per \$100 valuation, and utility tax for residential uses at a rate of 20% of the first \$15 and for commercial uses at a rate of 15% of the first \$300. The major features of the budget is the fact that the tax rate is the same for the 5th year in a row, the 3% increase in compensation for eligible employees, minimal personal changes in the general fund, just one person's duties were increased from part time to full time and \$200,000 was shifted from the operating budget to the capital budget to help pay for pavement repairs.

Councilmember Springsteen had requested information on what a penny rate on the tax rate would do and it would be \$520,000.

Nisha Patel, 512 Nelson Dr. NE stated that someone asked her if the town has money set aside in a reserve, is there a reserve budget. Mayor DiRocco stated yes we do keep a reserve and it is a certain percentage that we keep in there and try not to go below and stay above. Ms. Serfass stated that their policy is that 15% of the net operations goes into an unassigned fund balance which is their reserve. We have historically run between 18-20% of our revenues. If our general fund budget revenues are \$26.7 million then 18% is what they would shoot for, the policy is 15% but they are generally above that. Council is also going to look at another \$400,000 that they have not allocated in the budget and they can choose to either add it to the reserves or spend it for what staff has proposed for unfunded priorities. Ms. Patel also asked if that rolled over each year. Ms. Serfass stated yes. Mr. Payton added that when they close out the books on June 30th they typically have money left over and they have a practice of taking half of that amount and adding to the reserves. They like to add to that every year when they can. They have been able to add \$200,000 to our general fund reserve which is a very important practice. Ms. Serfass also stated that you can find that amount in our financial statements in the fund balance statement and there is about \$4.5 million.

Mr. John Pott, Wade Hampton Drive stated that what strikes him is the budget in brief, 2nd and 3rd largest items and they don't really have any explanations to what they are. These are large numbers and he thinks they would understand a lot more about the budget if these numbers are 6 million, other local taxes, was better explained and also categorical aid. These are mysterious titles to him and he would appreciate more detail on those. His second question is how much this \$26 million is related to business activity in this town. Ms. Serfass recommends that there is a page called the revenue in brief online and that tells you what is in those lines. She did say that other local taxes is State sales tax for \$1.5 million, consumer utility taxes is \$700,000, business license taxes is \$2.4 million, vehicle license tax is \$410,000, bank stock taxes is \$1.1 millions, tobacco taxes \$245,000, Fiber Optic they get a franchise fee for that of \$132,000, telecommunication tax is \$130,000, they get a grant from the cable channel for \$165,000 and utility consumption tax of \$62,000. This all adds up to the 6.9 million and if you want to look at it in further detail, she recommends looking at the budget on line. Categorical aide is money from the state and the largest numbers of that are communications sales and use tax which is a land line tax that the state took over and passed it through to us, police support \$403,000, a fire grant of \$54,000 and then we get money from VDOT to maintain our streets of \$1.8 million.

Ms. Nishal Patel also asked if we get a surplus in the budget to a certain extent or certain amount, is there ever consideration to lowering the tax rate. Ms. Serfass stated absolutely at Councils discretion.

It was moved to close the public hearing keeping it open for written comment for one week.

*Motion: Councilmember Bloch
Second: Councilmember Sienicki
Carried unanimously*

It was further moved that the Town Clerk be directed to advertise a Notice of Intent to Adopt the Fiscal Year 2019-20 Budget at the May 13, 2019 Council meeting, following Town Council's consideration of the real estate tax rate.

A motion was made by Council Member Bloch, seconded by Council Member Springsteen, that the Action Item be approved as shown above. The motion carried by the following vote:

Aye: 7 - Council Member Bloch, Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Sienicki, Council Member Springsteen and Mayor DiRocco

B. [19-1217](#)

Public Hearing regarding FY 2019-20 Water and Sewer Rates

Mayor DiRocco called the Public Hearing to order at 9:00 p.m. The Town Clerk called the roll and all members of Council were present.

Ms. Serfass explained that this is to discuss the Water and Sewer rates for the Town of Vienna. Based on the rate study that was performed last year by an external consultant, we have a five year plan for rates. What they did this year was they reviewed the actual consumption in the first six months to see how that compared to the actual. Water was pretty much straight on, sewer was running a little bit under, therefore, even though the rates were specified in the model they had to raise the sewer rates a little bit more just to make sure we got enough revenue to achieve the objective of what the water and sewer rates study did which was to make sure the fund was financially solvent. The water rates are proposed to increase 3.9%, the sewer rates are proposed to increase 10.5% and the fixed service charges will be going up this year and for the next several years from \$17.75 for residential customers to \$23 or 29.6%, and that is to make sure the fixed costs are covered which is being phased in over a five year period. Even though that is a large percent that is what that objective is supposed to achieve. In total the average customers bill will go up by 10% or \$16.20 per quarter, or \$64.80 annually. They have also looked at water availability and meter purchase fees and propose to increase those by 2.5% to 3.5% respectively, to match any fee changes in Fairfax County.

Councilmember Springsteen asked how these increases compare to Fairfax Water. Ms. Serfass stated she didn't have that information with her but they are increasing their water rates. Councilmember Springsteen stated that no one wants our water system right now so we have to maintain it and the expenses we incur are not taxes so if it cost 10 million dollars then we have to collect 10 million in fees.

Councilmember Noble stated that if anyone is interested in how we got here, to go back and look at the study that is online. One of the parts that is most important about that is if you look at our infrastructure challenges, especially on the water side, we were really only investing one quarter of what we should have been through the capital program versus what we are doing now with this new rate structure that we are implementing. He thinks that a really important thing for people to understand is infrastructure cost money and we have an infrastructure where we have two parts of our water system that age out about the same time which means between eight and ten years from now we have a lot of work we need to have done.

No one from the public came forward to speak.

It was moved to close the public hearing and keep the written public comment open for one week.

*Motion: Councilmember Bloch
Second: Councilmember Colbert
Carried unanimously*

It was further moved to approve the water and sewer rates and the public works fees for FY2019-20 as presented and it was further moved that the Town Clerk be directed to advertise a Notice of Intent to Adopt Water and Sewer rates and Public Works fees for fiscal year 2019-2020 at the May 12, 2019 Town Council meeting.

*Motion: Councilmember Bloch
Second: Councilmember Springstee
Carried unanimously*

A motion was made by Council Member Bloch, seconded by Council Member Springsteen, that the Action Item be approved. The motion carried by the following vote:

Aye: 7 - Council Member Bloch, Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Sienicki, Council Member Springsteen and Mayor DiRocco

6. Regular Business

- A. [19-1181](#) Request to re-set a public hearing for May 13, 2019 regarding the FY 2019-20 real estate tax rate

It was moved to re-set a public hearing for May 13, 2019 regarding the FY 2019-20 real estate tax rate. It was further moved to direct the Town Clerk to advertise a Notice of Public Hearing.

A motion was made by Council Member Sienicki, seconded by Council Member Colbert, that the Action Item be approved. The motion carried by the following vote:

Aye: 7 - Council Member Bloch, Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Sienicki, Council Member Springsteen and Mayor DiRocco

- B. [19-1213](#) Award Church Street NE Sidewalk Extension IFB 19-08

It was moved to award Church Street NE Sidewalk IFB 19-08 in the amount of \$338,035 (bid + 10% contingency) to Ashburn Contracting Corporation from account number listed above

A motion was made by Council Member Springsteen, seconded by Council Member Bloch, that the Action Item be approved. The motion carried by the following vote:

Aye: 7 - Council Member Bloch, Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Sienicki, Council Member Springsteen and Mayor DiRocco

- C. [19-1216](#) Request to set a public hearing on April 29, 2019 regarding rezoning of 374 to 380 Maple Avenue W from C-1 Local Commercial and RS-16 Single-Family Detached Residential zoning districts to Maple Avenue Commercial (MAC) Zone for a proposed 380 Maple mixed-use development.

It was moved to set a public hearing on April 29, 2019 regarding the rezoning of 374 to 380 Maple Avenue W from C-1 Local Commercial and RS-16 Single-Family Detached Residential zoning districts to Maple Avenue Commercial (MAC) Zone for a proposed 380 Maple mixed-use development. It was further moved to direct the Town Clerk to advertise a Notice of Public Hearing.

A motion was made by Council Member Colbert, seconded by Council Member Majdi, that the Action Item be approved. The motion carried by the following vote:

Aye: 7 - Council Member Bloch, Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Sienicki, Council Member Springsteen and Mayor DiRocco

D. [19-1218](#)

Request to set a public hearing on May 13, 2019, to extend the temporary suspension of the Maple Avenue Commercial (MAC) Zone, set to expire on June 27, 2019, to October 31, 2019, and refer the matter to the Planning Commission for consideration.

It was moved to refer the proposed extension of the temporary suspension of Article 13.1 - MAC Maple Avenue Commercial Zone Regulations of Chapter 18 of the Town Code, set to expire on June 27, 2019, to be extended to November 15, 2019, to the Planning Commission for consideration.

*Motion: Councilmember Bloch
Second: Councilmember Springsteen
Carried unanimously*

It was further moved to set a public hearing on May 13, 2019, to receive the recommendations of the Planning Commission and public input on the proposed extension of the temporary suspension of Article 13.1 - MAC Maple Avenue Commercial Zone Regulations of Chapter 18 of the Town Code, set to expire on June 27, 2019, to November 15, 2019.

A motion was made by Council Member Bloch, seconded by Council Member Springsteen, that the Action Item be approved as shown above. The motion carried by the following vote:

Aye: 7 - Council Member Bloch, Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Sienicki, Council Member Springsteen and Mayor DiRocco

E. 19-1225

Second Closed Session

It was moved to recess into Closed Session at 9:23 p.m.

Mayor DiRocco called the regular meeting back into order at 10:35 p.m. The Town Clerk called the roll and all members of Council were present.

It was moved that the members of the Vienna Town Council be polled to affirm that during the second Closed Session convened this date, Monday, April 8, 2019, the Town Council met for purposes of discussion or consideration of the acquisition of real property for a public purpose.

It was further moved that the Certification Resolution be adopted in accordance with State Statutes, and that the Town Clerk is authorized to execute the Certification Resolution.

And it was further moved that the Closed Session be continued to Monday, April 29, 2019 at 7:15 p.m. in accordance with Virginia Code Section 2.2-3711.A.(1), for purposes of discussion of personnel matters, specifically the interviewing of

individuals for consideration of appointment and/or re-appointment to Town Boards and Commissions.

A motion was made by Council Member Bloch, seconded by Council Member Noble, that the Action Item be approved. The motion carried by the following vote:

Aye: 7 - Council Member Bloch, Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Sienicki, Council Member Springsteen and Mayor DiRocco

7. Meeting Adjournment

It was moved that the meeting be adjourned at 10:36 p.m.

A motion was made by Council Member Tara Bloch, seconded by Council Member Linda Colbert, that this was .. The motion carried by the following vote:

THE TOWN OF VIENNA IS COMMITTED TO FULL COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT STANDARDS. TRANSLATION SERVICES, ASSISTANCE OR ACCOMMODATION REQUESTS FROM PERSONS WITH DISABILITIES ARE TO BE REQUESTED NOT LESS THAN 3 WORKING DAYS BEFORE THE DAY OF THE EVENT. PLEASE CALL (703) 255-6304, OR 711 VIRGINIA RELAY SERVICE FOR THE HEARING IMPAIRED.

DRAFT