



Town of Vienna

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

Meeting Minutes Town Council Work Session

Monday, October 28, 2019

7:30 PM

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

Work Session

1. Regular Business

Councilmembers Present:

*Mayor Laurie A. DiRocco
Councilmember Linda J. Colbert
Councilmember Pasha M. Majdi
Councilmember Douglas E. Noble
Councilmember Nisha Patel, M.D.
Councilmember Steve Potter
Councilmember Howard J. Springsteen*

Staff Present:

*Steven Briglia, Town Attorney
Lynne Coan, Manager, Communications and Marketing
Michael Gallagher, Director, Public Works
Jim Morris, Chief of Police
Mercury T. Payton, Town Manager
Cindy Petkac, Director, Planning and Zoning
Andrea West, Planner
Rod Williams, Architect, Dewberry Architects, Inc.
Mike D'Orazio, Deputy Director, Planning and Zoning
Kelly O'Brien, Planner, Planning and Zoning*

Elected Officials Present:

*Senator John "Chap" Peterson, Virginia State Senate
Delegate Mark Keam, Virginia House of Delegates*

Town Manager Mercury Payton opened the October 28, 2019 Town Council Work Session at 7:30pm, noting four items on the agenda.

Mr. Payton recognized Lynne Coan, Communications and Marketing Manager, who shared recent awards received by the Town of Vienna at the 105th International City/County Management Association (ICMA) conference in Nashville for excellence in delivering quality-of-life services to residents. Vienna received Voice of the People Awards for both Excellence in Recreation and Wellness and Excellence in Education and Enrichment. She also outlined a few of the new promotional materials designed to help brand the town, including a back cover ad in the Fairfax County 2020 Visitor Guide and other smaller items for distribution. The website upgrade is on schedule for launch in another six to eight

A. [19-1475](#)

Discussion of a Proposed 2020 General Assembly Legislative Agenda

Town Manager Payton recognized Town Attorney Briglia to lead the discussion of the proposed legislative agenda. He, in turn, recognized the presence of Senator

John "Chap" Peterson, Virginia State Senate.

Explaining that several of the fourteen requests are repetitive from past agendas, Attorney Briglia expanded on item three which requests a change of the VDOT local road maintenance funding formula from lane mileage to lane volume: or, in the alternative, request changes that provide additional funding to localities that maintain their roads and have roads that exceed the statewide average traffic volumes for such types of roads by more than 20%. Director Gallagher noted that while Maple Avenue is already receiving funding, other high volume streets such as Lawyers, Park and Beulah would benefit from a volume based formula.

Item nine represents another repeat request with the Town seeking local zoning authority to provide tree canopy credits for development that preserves medium and large trees on lots under development and/or the authority to require developers to ensure 20% tree canopy coverage in 10 years rather than 20 years and improve storm water management efforts and water quality. Councilmember Noble noted there is no existing mechanism at the state level regarding significant tree preservation; it is delegated down to towns and localities. Mayor DiRocco indicated that a meeting with the Northern Virginia Building Industry Association proved promising as they appeared somewhat open to this request.

Senator Peterson provided insight into item ten which opposes legislation that reduces the current local government authority to review and approve applications for the use of the public right-of-way, including such use by wireless telecommunication providers, but does not oppose legislation consistent with the Virginia Constitution's requirement for transparency and local legislative approval. Noting an ongoing battle with the telecom industry, he believes that towns own right-of-way and are thereby able to contract with anyone they choose.

Attorney Briglia questioned Senator Peterson regarding anticipated inroads into local negotiations of franchises with "monopolists" such as Dominion Power.

Senator Peterson indicated that he plans to file legislation to break up this type of "monopoly". Citing the success and innovation resulting from the breakup of the telecommunication market, he emphasized that innovation follows competition.

Town Manager Payton recognized Delegate Mark Keam for additional comments. Delegate Keam noted that as a member of the finance committee, issues that arise from local governments, such as a desire and right to have more flexibility in taxing authority, the ability to rise revenues outside of the Commonwealth restrictions, will come through his committee and he looks forward to the resulting conversation. He believes that legislation must be introduced that negates localities need to attend in Richmond for everything they need. Pointing out that the State government continues to labor under the belief that Virginia is predominantly rural, he notes that policies are an outgrowth of this perception. There is a fundamental shift in the demographics of the state of Virginia and the policies reflecting those changes will be written by those who represent those changes. Within this framework many issues as outlined in the Town of Vienna legislative agenda will be brought to the forefront. He believes that whatever changes happen will result from these demographic changes and the needs of the Commonwealth rather than from any political party or interest. Referencing the January deadline for passing an ordinance regulating personal motorized vehicles, Delegate Keam suggested that he would gladly carry legislation that will allow localities more time to answer some of the questions surrounding these modes of transportation.

Mayor DiRocco thanked the representatives for their time and input.

B. [19-1484](#)

Councilmember Patel's Initiative

Town Manager Payton introduced agenda item 2 requesting Councilmember Patel put forward her initiative. Reviewing the existing code, section n 18-15.F regarding lot coverage, Councilmember Patel noted that coverage is limited to 25%. She is

introducing an initiative to allow an additional 5% of lot coverage for driveway expansion, decks, patios, tennis courts or other outdoor sports courts, terraces, screened in porches not encased in 4 walls, lead walks, and pools, classified as outdoor living space and improvements, as long as a current storm water management system is implemented, functional and in compliance with the current required standards and approved by the department of public works. Failure to implement or update a storm water management system voids the additional 5% of allowable lot coverage for outdoor living space and improvements. She stressed that the purpose of this addendum is not to allow for larger homes but rather to encourage outdoor living spaces and driveway improvements which may improve safety on busy roadways. This should be viewed as a side by side approach to updating the code and may be modified as the code is re written.

Responding to a question by Councilmember Potter, she agreed that the way the initiative is written homeowners who wish to improve their property must provide proper drainage of stormwater.

In response to several inquiries, Director Petkac noted that most new builds are currently at or nearly at 25% lot coverage. Currently there are 4,625 single family detached dwellings in the Town of Vienna. Since 2006 Planning and Zoning have approved 965 new single family detached dwellings, 21% of all new single family detached dwellings.

Councilmember Potter pointed out that residents continue to experience serious drainage problems as a result of new home construction, despite the fact that storm water management systems must meet current standards specific to DEQ design criteria which include post construction inspections.

Mayor DiRocco recognized that Vienna does have a restrictive lot coverage requirement, but stressed that lot greenspace is one of the most prominent features of the community. It is one of the factors that has helped to define the neighborhoods of the town. Reiterating past concerns, she identified several issues; 1. Implementing this ordinance will potentially change the very nature of Vienna neighborhoods and 2. Based on the ordinance as written, houses will be built to the full 25% lot coverage with an extra 5% accessed for driveway and patio. Currently driveway and patio are included in the original 25% coverage. Additionally, the issue of tree preservation and coverage must be addressed. She stressed that requisite language must be added to the ordinance. The inclusion of driveway expansion for safety would be more effectively handled as a separate ordinance without adding to lot coverage.

Councilmember Noble added that while he understood the intent of the initiative, he agreed with Mayor DiRocco's concerns over unintentional consequences, stressing that rewording is essential to avoid these pitfalls. He also questioned whether "driveway expansion" should be considered in this initiative at all, stating that if outdoor living space is the intent then it should be written with that focus. He agreed with Mayor DiRocco that driveway safety would perhaps be more effectively addressed through another mechanism. Further clarification is required for the 5% addition as well as for storm water management.

Councilmember Patel reiterated that the intent of the initiative is that structures built prior to 2014 would be required to fully comply with storm water management guidelines. Suggesting that the initiative, as written, would inadvertently disadvantage older smaller lots, Councilmember Noble concluded that it demonstrates a bias that should be avoided.

Councilmember Colbert also expressed concern that any additional impervious surface allowed will have an effect on neighboring lots. Currently residents have conveyed problems with runoff into yards and basements. Mr. Gallagher explained that 5% on an individual basis is a fairly minimal amount. The code currently applies to land disturbance over 2500 sq. feet. Councilmember Colbert pointed out

that 5% could represent a slippery slope.

While he likes the concept presented, Councilmember Springsteen noted that buyers must take responsibility for understanding what they are purchasing and not use this initiative as an excuse.

Councilmember Majdi also supports the general spirit of the initiative. He stressed that staff will draft the actual ordinance so cautions against losing sight of the larger issue. He likes tying the two concepts of additional lot coverage and run-off together. He further urges public input, but recommends this at an early point in the discussion thereby allowing Council to adjust perceptions accordingly.

Mayor DiRocco noted that this issue brings forth many other considerations that must be addressed in conjunction with increasing lot coverage, such as back and front yard setback encroachment.

Town Manager Payton suggested a Town Hall meeting as an option to elicit public feedback. Council suggested two, an evening session on March 2, 2020 and an additional event on a Saturday to be scheduled.

C. [19-1476](#)

Discussion of Scope of Services to Reorganize and Update Subdivision and Zoning Ordinances

Town Manager Payton called on Director Cindy Petkac to lead the discussion. She provided a brief purpose reiterating that the current Code is outdated, not in compliance with state statutes, nor consistent with the 2016 comprehensive plan. As a two-step process reorganization will include a full review of what should be kept in the Code and what should be excluded. Results of the reorganization will be presented in table format for evaluation. A natural outgrowth of this exercise will be updating which will include recognizing what is missing from the Code. She stressed the process will include 100% community awareness and community co-creation. The year and a half project will include regular items in the Village Voice, potential office space staffed regular hours, a recognizable logo, as well as themed community walkabouts to directly engage with citizens. In response to Councilmember Springsteen's desire to move more slowly, Director Petkac indicated that the initial priority is to complete the council directive on draft amendments. Mayor DiRocco, while stressing the foundational nature of the Code, encouraged the need for reorganization and update. However, in the interest of prioritization, she suggested completion of the Council directive on the MAC and the Commercial Zone amendments first, followed closely by the Code revision. Once these items have been completed the lot coverage initiative could be taken up.

D. [19-1459](#)

Review progress of the Police Department project with Dewberry and Project Manager.

Town Manager Payton recognized Jim Morris, Chief of Police, to lead the discussion. Chief Morris introduced Rod Williams, architect for Dewberry. Mr. Williams provided a visual presentation of the proposed design materials for the project indicating that the plans have moved through two separate BAR reviews, in addition to a review by the Sustainability Commission. The next step, development of the construction document, is in early development. At this stage, the desire is to begin engaging the public by rolling out the concept photos.

Chief Morris responded to numerous sustainability questions indicating that plans are to include conduit to allow for numerous solar opportunities. He also noted that they continue to work with a cost estimator and remain on budget.

The purpose of this Council Work session is for Council to be informed of the progress of the project and for Council's input on the design.

2. Meeting Adjournment

Meeting adjourned at 11:00 pm.

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.

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