



Town of Vienna

Meeting Minutes

Town Council Meeting

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

Monday, January 29, 2018

8:00 PM

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

Regular Meeting

Invocation: Town Manager, Mercury Payton

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

1. Roll Call

Councilmember Bloch was in attendance electronically.

Present: 6 - Council Member Tara Bloch, Council Member Linda Colbert, Council Member Pasha Majdi, Council Member Douglas Noble, Council Member Carey J. Sienicki and Mayor Laurie DiRocco

Absent: 1 - Council Member Howard J. Springsteen

2. Approval of the Minutes:

- A. [18-732](#) Approval of the Regular Council Meeting Minutes of January 8, 2018 and May 9, 2016.

It was moved to approve the Regular Council Meeting Minutes of January 8, 2018, May 9, 2016 (as amended).

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

Aye: 5 - Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Sienicki and Mayor DiRocco

Absent: 2 - Council Member Bloch and Council Member Springsteen

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)

Local Boy Scouts introduced themselves to Council, they are working on their Citizenship in the Community and Communications Merit Badge.

4. Reports/Presentations

A. Report and Inquiries of Council Members

Councilmember Colbert announced that she will be seeking re-election for a third term on Town Council.

Councilmember Majdi also announced that he will also be seeking re-election.

Councilmember Majdi asked for an update on a request to look into progressive fines for noise violations. One issue he is suggesting and has heard a lot of support for is progressive fines but there was a question on whether or not they have the ability to do that. He further stated that if they can't do that then in another section of the code he believes the Zoning Administrator has the authority to deny a business license if there are violations of the zoning law. He does not have a position on this other than the general feeling that they should be doing something more when someone is a repeat violator. Mr. Briglia stated there were two ways to approach it, you can designate certain offenses as a civil violation under the zoning ordinance but that usually has a lower fine to it and doesn't actually have as much teeth in it. The current noise ordinance is not in our zoning code but is in our general laws section and it is a class 1 misdemeanor, it is anywhere from no fine up to \$2500, no jail up to twelve months. It has a broad range but there is no mandatory minimum or steps. They have looked in other areas of having mandatory minimums and progressive things. He thinks it may be problematic to have stepped mandatory minimums where it is not in the enabling legislation. There may be a way of doing first offense as a civil violation and a second offense as criminal may accomplish some of the goals too. Council can either have a work session on this or staff can send a memo. Mayor DiRocco stated that they could start out with either one.

Councilmember Majdi asked the Director of Parks & Recreation, Leslie Herman, to provide an update about the history tour they talked about last year. Ms. Herman stated that the ladies from Historic Vienna Inc. will be doing a tour of African American History on June 9th. Gloria Runyon and Sylvia Taylor of HVI will be the tour guides and a staff member from Parks & Rec will be driving the bus. They will be touring various cemeteries, schools, springs, parks and streets that have African American History associated with them.

Councilmember Majdi also asked about the group over on Harmony Drive that is concerned about the Sagebrush application and whether or not it qualifies under the provision of the Commonwealth of Virginia code that allows them to circumvent local zoning rules. He asked if we should be seeking an official opinion from the Attorney General of Virginia on the specific question, is there a difference between a group home or community residential service and a supervised living residential service under s.15.2-2291. These two phrases have different meanings under the administrative code and the site there would be s.35-105-20. The operative question is, are there two separate concepts. Mr. Briglia stated it is an advisory opinion and could take some time but if Council directs him to he will seek an opinion. Councilmember Majdi suggested that Council consider whether or not they want to pursue that inquiry formally.

Councilmember Majdi heard from a resident that they were trying to submit a petition to the TSC for traffic calming but was rebuffed and told to bring it by next time. This is something that Council talked about in the past about being transparent and make things easier for citizens to engage and although he wasn't there he would like the Town Manager to look into this and see what exactly transpired.

Councilmember Noble reported that he also intends to seek re-election to Town Council.

Councilmember Noble asked Ms. Herman for an update on the punch list for the

Community Center. Ms. Herman did not have all the information and would send an email to Council.

Councilmember Noble reported that the Federal Highway Administration has issued a clarification on the rectangular rapid flashing beacons stating "FHWA believes it is in the public interest to complete projects that have documentation of RFB's with procurements issued and or construction plans underway prior to the December 21st notice of removal of the authority." He doesn't know where VDOT is with this yet but if it is in process it is ok. Mr. Gallagher stated he did receive a memo from VDOT reiterating the FHWA clarification so Marshall Road is good to go.

B. Report of the Town Manager

Mr. Payton announced the new Director of Planning and Zoning, Cindy Petkac.

C. Report of the Mayor

Mayor DiRocco reported that this past Saturday, Senator Petersen and Delegate Mark Keam gave a legislative update to citizens. There was a lot of different discussions but the dominate conversation, currently in Richmond, is Dominion power and possibly repealing a state ordinance that allows Dominion Power to operate without state agency oversight while they have been charging above market prices to its customers. There were also a number of residents present to talk about the state law that currently allows Sagebrush to operate in the town. Delegate Keam stated he would look into it and follow up with the residents.

Mayor DiRocco reported that she will be heading down to Richmond on Wednesday for VML Day at the Capitol along with Councilmember Colbert, Councilmember Bloch, Town Attorney, Town Manager and the Town Clerk. We will be talking to Legislators about the town's Legislative Agenda.

Mayor DiRocco also reported that she will be seeking re-election for another term as Mayor.

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 Closed Session convened this date, Monday, January 29, 2018, the Town Council met for purposes of discussion or consideration of personnel matters, specifically the annual evaluation process of the Town Clerk, Town Manager, and Town Attorney.

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 Saturday, February 3, 2018 at 8:00 a.m. and Monday, February 5, 2018 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 annual evaluations of the Town Clerk, Town Manager, and Town Attorney and for the interviewing of individuals for consideration of appointment

and/or re-appointment to Town Boards and Commissions.

A motion was made by Council Member Carey J. Sienicki, seconded by Council Member Pasha Majdi, that this was approved.. The motion carried by the following vote:

Aye: 6 - Council Member Bloch, Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Sienicki and Mayor DiRocco

Absent: 1 - Council Member Springsteen

5. Public Hearings

A. [18-721](#) Public Hearing for Issuance of 2018 Bond

Attachments: [Active 94099157 8 Ordinance \(2018\) - Town of Vienna \(Version with BQ Authorization\) 2018 CIP](#)

Mayor DiRocco called the hearing to order at 8:30 p.m. The Town Clerk called the roll and all members of Council were present except for Councilmember Howard Springsteen who was absent.

Ms. Marion Serfass, Director of Finance, explained that in accordance with the Town Council's review and approval of the 2018 Capital Improvement Plan in September 2017, the town plans to issue \$7,899,000 worth of bond financing in 2018. Approximately 57% of this bond issue will be for water & sewer projects and capital commitments that will be repaid by water & sewer fees. Another 23% will be for architectural and engineering plans for the new police station that will be constructed with future bond funding. The remainder is for smaller Public Works, Parks and Recreation projects, issuing costs and a general obligation loan from the Virginia Department of Environmental Quality not to exceed \$150,000. Staff requests that Council consider the approval for a total bond issuance of \$15,000,000. \$7.9 million as identified by CIP projects, \$150,000 for the DEQ loan and the remainder for proposed property acquisition projects projected for calendar year 2018. The Public Hearing which has been advertised twice in a local newspaper has been scheduled to allow public comment on the towns plans for bond funding.

No one from the public came forward to speak.

It was moved to close the public hearing.

Motion: Councilmember Sienicki

Second: Councilmember Colbert

Absent: Councilmember Springsteen

Motion carried

It was further moved for Council approval of the bond ordinance entitled "Ordinance Authorizing the Issuance of General Obligation Public Improvement Bonds, Notes or Other Forms of Indebtedness of the Town of Vienna, Virginia in a Principal Amount Not to Exceed \$15,000,000; Providing for Reimbursement to the Town of Vienna, Virginia from Bond Proceeds; and Authorizing the Execution and Delivery of Certain Documents Related thereto. It was further moved that the Town Clerk and Bond Counsel be authorized to advertise notice of the adoption of such bond ordinance.

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

Absent: 1 - Council Member Springsteen

6. Regular Business

- A. [18-709](#) Request additional FY18 spending with Ferguson for water and sewer repair parts

Attachments: [FERGUSON IFB 13-18_1](#)
[FERGUSON IFB 13-18_2](#)
[RE Ferguson PO - 20180067](#)
[Amendment #5 Renewal](#)

It was moved to approve additional FY18 spending for water and sewer repair parts with Ferguson in the amount of \$30,000, riding Fairfax Water contract IFB 13-18.

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: 6 - Council Member Bloch, Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Sienicki and Mayor DiRocco

Absent: 1 - Council Member Springsteen

- B. [18-711](#) Request approval to increase purchase amount for VRP #34

Attachments: [BODY COMPARTMENTATION](#)
[OU-376761-3\(NJPA - PAM Complete\)](#)
[Altec #34_PO 20180236](#)

It was moved to approve the increased proposed expenditure for VRP #34 by \$1,962 for a total cost of \$29,380.

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

Aye: 4 - Council Member Bloch, Council Member Colbert, Council Member Majdi and Mayor DiRocco

Nay: 2 - Council Member Noble and Council Member Sienicki

Absent: 1 - Council Member Springsteen

- C. [18-712](#) Resolution to update VDOT Urban Street Maintenance Inventory

Attachments: [U1_Form_Town_of_Vienna_Arterial&CollectorRoads](#)
[U1_Form_Town_of_Vienna_LocalRoads](#)
[VDOT Urban Maint. Inventory V3](#)
[Resolution](#)

It was moved to approve a resolution submitting staff-recommended changes to the VDOT Urban Street Maintenance Inventory and authorize the Mayor to execute the Resolution.

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

Aye: 6 - Council Member Bloch, Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Sienicki and Mayor DiRocco

Absent: 1 - Council Member Springsteen

D. [18-720](#) Request to award contract for Route 123 and Route 243 Traffic Signal Upgrades (Phase 1)

Attachments: [RFP 17-02](#)

[Vienna Route 123 and Route 243 Traffic Signal Upgrades Fee Proposal 10-3...](#)
[ViennaTown-UPC111471_Executed PAA](#)

It was moved to approve award of contract to WRA for Route 123 and Route 243 Traffic Signal Upgrades (Phase 1) utilizing RFP 17-02 in the amount of \$36,956.00 from the account and project listed above.

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

Aye: 6 - Council Member Bloch, Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Sienicki and Mayor DiRocco

Absent: 1 - Council Member Springsteen

E. [18-722](#) Set a public hearing for the Purchase of a Public Parking Condominium on Mill Street for February 26, 2018

Attachments: [InkedMill Street Aerial LI](#)

[2017_1211_Floor Plans Elevations- Mill Street Garage \(4\)](#)

It was moved to set a public hearing on a proposed public parking floor on Mill Street, NW, on February 26, 2018.

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: 6 - Council Member Bloch, Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Sienicki and Mayor DiRocco

Absent: 1 - Council Member Springsteen

F. [18-731](#) Adoption of an ordinance relocating a polling place for Town elections back to the Vienna Community Center

Attachments: [PollingPlaceChange2017](#)

It was moved to adopt an ordinance re-locating the polling place for Town Elections back to the Vienna Community Center.

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

Aye: 6 - Council Member Bloch, Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Sienicki and Mayor DiRocco

Absent: 1 - Council Member Springsteen

7. Meeting Adjournment

It was moved to adjourn the meeting at 9:04 p.m.

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.