



Town of Vienna

Meeting Minutes

Town Council Meeting

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

Monday, May 21, 2018

8:00 PM

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

Regular Meeting

Invocation: Rev. Brett Isernhagen, Epiphany United Methodist Church

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. [18-878](#) Approval of the Regular Council Meeting Minutes of April 23, 2018 and the Work Session Minutes of April 16, 2018.

It was moved to approve the minutes of the Regular Council Meeting of April 23, 2018 and the Work Session Minutes of April 16, 2018 as submitted.

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

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)

A local Boy Scout from Troop 976 introduced himself to Council. He is working on his Citizenship in the Community Merit Badge.

4. Reports/Presentations

- A. [18-835](#) Proclamation for Men's Health Month

Attachments: [Proclamation - Men's Health Week-2018](#)

Councilmember Springsteen presented the Proclamation for Men's Health Month proclaiming June 2018 as Men's Health Month in the Town of Vienna.

It was moved to approve the Proclamation as submitted.

- B. [18-894](#) Resolution for James Madison High School Band

Attachments: [Resolution - James Madison High School Band](#)

Councilmember Sienicki presented a Resolution to James Madison High School

Band for being recognized as the National Winner of the prestigious National Band Associate's Blue Ribbon Award.

It was moved that the Resolution be approved.

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

C. [18-877](#) Resolution for Clarene Helen Vickery's 100th Birthday

Attachments: [Resolution for Clarene H. Vickery 100th Birthday](#)

Mayor DiRocco presented a Resolution for Clarene Helen Vickery's 100th Birthday.

It was moved to approve the Resolution.

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

D. [18-890](#) Proclamation for National Gun Violence Awareness Day on June 1, 2018

Attachments: [Proclamation for Gun Violence Awareness Day-2018](#)

Councilmember Bloch presented a Proclamation designating June 1, 2018 as National Gun Violence Awareness Day in the Town of Vienna.

A motion was made by Council Member Bloch that the Proclamation 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

A. Report and Inquiries of Council Members

Councilmember Noble thanked the town staff and crews for completing all the road clean up where some trees were down and the drainage issues from the wet weather.

Councilmember Noble reported that the Madison Girls Lacrosse is a conference champion, Boys baseball is a conference champion, Madison Girls Soccer is a conference champion and is ranked #3 in the nation and Girls Softball is a conference champion and is ranked #2 in the entire country. Hats off to Madison and thinks they will see a lot of them in the fall.

Councilmember Colbert reported that last week was the Walk and Bike to school challenge and over the course of the week, even though it was very rainy, they had over 4,000 kids walking and biking to school. On Friday she joined Mayor DiRocco at Cunningham Park Elementary to hand out pencils to the kids. It was fun to be there even though it was raining.

Councilmember Colbert also reported that Ethics Day at Madison High School will be happening again for a 2nd year and is scheduled for Friday, November 16th at the Community Center.

Councilmember Sienicki thanked the Parks & Rec staff for a wonderful presentation for the Health and Wellness Expo for people over 55. It was really well done and well attended.

B. Report of the Town Manager

Mr. Payton asked Mr. Gallagher to come forward and provide a brief update on the drainage issue that was brought to Council a month or so ago. Mr. Gallagher explained that the resident of 614 Echols St. came and spoke to Council about a couple issues and one of them was increased drainage in her yard. He looked at the area. He provided a graphic to Council explaining the direction of the drainage flow in that area of town and he has identified six properties that are upstream of that. Three of them are the original homes and about 30 years old and three of them are newer and about 9-11 years old and built prior to our lot grade deviation ordinance as well as the stormwater ordinance so they unfortunately got lost in the stormwater management. There are two homes, one lateral and one downstream, the one downstream was just recently completed and an occupancy permit issue. It was downstream so it would not contribute to additional drainage on to the residents property and they verified that nothing was done to inhibit drainage flow and they meet the lot deviation and the storm water management. The other concern is the resident is disabled, lives on Follin lane and uses the bus on Follin Lane and has asked for some facilities to be installed so she does not have to be dropped off in the intersection because there is no platform for this bus stop. He is happy to say that on part of the agenda with Sagres Construction part of the money is for the installation of a handicap accessible ramp, sidewalk and platform and will be done before the end of June.

Mr. Payton also asked Ms. Petkac to come forward and introduce the new Deputy Director of Planning and Zoning Michael D'Orazio.

Mr. Payton reported that there will be a joint work session with the Planning Commission on May 23rd to look at the Maple Avenue Corridor (MAC) zoning ordinance.

Mr. Payton also mentioned that on May 29th there will be Strategic Plan meeting in the Community Center and will begin at 7:00 p.m.

C. Report of the Mayor

Mayor DiRocco announced that Viva Vienna is happening this coming weekend beginning at 10:00 a.m. on Saturday.

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, May 21, 2018, the Town Council met for personnel matters, specifically the interviewing of an individual for consideration of re-appointment to a Town Board or Commission.

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, June 4,

2018 at 7:15 p.m. in accordance with Virginia Code Section 2.2-3711.A.(1) for personnel matters, specifically the interviewing of individuals for consideration of appointment and /or re-appointment to a Town Board or Commission.

A motion was made by Council Member Tara Bloch, seconded by Council Member Howard J. Springsteen, that this was 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

5. Public Hearings

A. [18-895](#) Public Hearing for Permit Parking in the 100 Block of Patrick Street SW.

Attachments: [100 Block Patrick St. SW parking survey](#)

[Permit parking code section](#)

[Signatures](#)

[proposed sign](#)

Mayor DiRocco called the Public Hearing to order at 8:38 p.m. The Deputy Town Clerk called the roll and all members of Council were present.

Chief Morris explained that twice in 2017 residents of Patrick Street SW came before Council and requested that they address some parking concerns. They tried as best they could to address the illegal parking but the one thing they could not address was the volume. They completed two separate parking studies on the entire length of Patrick Street SW. Both of the studies showed that about 10%-12% of the parking spaces were being used for non-resident and that does not meet the town code; however, if you go back and look at just the 100 block of Patrick St SW, which is the main concern of the residents that came forward, most nights it did surpass the 25% and meeting the town code. He is recommending the Public Hearing to decide if this is what they want to do and if Council agrees with it and that's what they decide to do, then he will issue a letter to the entire community advising them of the permit parking, the permit process and will put it into affect July 1st once he meets with Public Works and they get some signs. He is already working with some residents should it be passed and they will go onsite one evening and issue permits right there so it will save everyone a trip to come in to the Police Station.

Councilmember Springsteen asked if you have permit parking and have a guest, how would that work. Chief Morris said there will be guest parking permits that they would get at the Police Station. They are usually issued for 24-48 hours depending on the need but they do make exceptions for longer terms.

Councilmember Bloch stated there are a number of places in town that have permit parking and asked if they have ever thought of issuing temporary parking passes that you could have at your house to just hang off the mirror instead of having to come to the Police Station to get a temporary pass every time someone comes in to town. Chief Morris stated they have not discussed that. When he first became familiar with the process he did wonder if maybe they could give people an extra one or two, it is certainly something they can discuss.

Councilmember Majdi suggested that just in case some folks don't hear about the

new rules and don't notice the new signs, he asked that we consider some exceptions for the first month as people get used to the new rules. He thinks that would be a good idea and a friendly way to administer the rules. Chief Morris stated that is one of the reasons they are waiting until July 1st, plus before they start it they will be on site, have a police presence and talk to people but they will certainly do that.

Ms. Paruchabutr, 103 Patrick Street SW addressed Council thanking them for holding the Public Hearing. She is representing her neighbors who are in attendance as well, in supporting permit parking in the 100 block of Patrick Street SW. Approval of this proposal will solve the parking and litter problem that they have been encountering on their street for an extended period of time and thanked Council for holding the public hearing.

Councilmember Bloch stated that she lives in parking permitted area and she fully supports the residents getting this. It is a great way to help them deal with the commercial parking.

Councilmember Majdi thanked the Town Manager and staff for all the great work with this.

It was moved to close the Public Hearing.

Motion: Councilmember Springsteen

Second: Councilmember Noble

Carried unanimously

It was further moved to establish Permit Parking 7 days a week from 7:00 p.m. to 6:00 a.m. in the 100 Block of Patrick Street SW in accordance with Town Code 9-12.3.1 "Parking Prohibited on Certain Streets," effective July 1, 2018.

A motion was made by Council Member Springsteen, 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. [18-867](#)

Public Hearing on Rezoning of 200 Maple Avenue East and 109 Park Street Northeast From C-1a Special Commercial Zone to C-2 General Commercial Zone for Proposed Automobile Service Station and Convenience Store

Attachments: [PC STAFF REPORT - 4-25-2018 - 200 MAPLE AVE E REZONING](#)

[200 Maple Ave E Plans](#)

[200 Maple Ave E Statement of Justification](#)

[200 Maple Ave E Proffer Statement \(Executed Version\)](#)

[PC Meeting Memo April 25.Rezoning Gas Station final](#)

Mayor DiRocco called the Public Hearing to order. The Deputy Town Clerk called the roll and all members of Council were present.

Ms. Petkac explained that this is a public hearing on the re-zoning of 200 Maple Avenue East and 109-113 Park St. NE from C-1a to C-2 for a gas station. There is an existing gas station on the site that was originally constructed in 1989 and has been vacant since 2009. Because there is split zoning on the parcel, the C-2 is on the corner and then the rest of the gas station is in C-1a. Because it existed before the

zoning went in to place it was allowed to stay as a legal non-conforming except if it was vacant and not operating for more than two years which this has not been operating for more than two years so now they are coming forward. The gas station and service station use is not permitted in the C-1a so it does require a rezoning to C-2. In addition to the rezoning of the parcel that is currently the gas station on Maple Avenue they have also acquired the house on Park St. and are also requesting the rezoning to C-2. The plan is to rezone, demolish all existing structures, construct a new gas station, new canopy, a new convenience store which is 2,520 square feet, undergrounding the utilities, there are currently four curb cuts to the gas station, two on Maple and two on Park, and they will be closing one on Maple and one on Park, reducing down from four to two and installing bike racks. There is a related matter to this for a site plan modification which is not part of the Public Hearing. The Planning Commission held a public hearing on April 25, 2018 and only one individual spoke at the hearing, President of Northeast Vienna Citizens Association, Bob McCahill and they had written comments from the Vienna Courts Condo Association. The comments from NEVCA are supportive of a mixed use development happening here but recognizing that the MAC is a voluntary zone district, and if the gas station is rezoned to C-2, NEVCA was supportive to make sure there is no negative impact on surrounding properties. They were concerned with the turn movements coming out with a left turn on to Maple and also the left turn on to park and the queueing that could occur with the light on Maple, Vienna Courts was also concerned about the left turn coming out of the gas station. The Planning Commission voted to recommend approval with a 7-2 vote.

Councilmember Majdi asked if the architecture is required to conform with Church St. or is this a different zone, signage etc. and go through the BAR. Ms. Petkac stated it was different than Church St. which is C-1b zoning but they are required to get approval from the BAR for materials and things like that.

Ms. Petkac stated because there was a lot of discussion about the fact that this was a legal non-conforming use she explained that the zoning changed in the 50's and the entire corridor was C-2 and a gas station would have been a permitted use. They are not sure when the gas station first when in. They have aerials from the 30's and the 50's and it looks like there could have been a gas station but the zoning definitely changed in 59 and there was rezoning all along the corridor where they kept the C-2 on the corners and rezoned the inner blocks to C-1a. She doesn't know what the intent of that was but it was obviously carried over to the 1969 code.

Councilmember Springsteen asked if they were replacing the underground tanks. Ms. Petkac stated they were.

Mr. David Houston, of BlankRome, 1825 Eye Street, NW, Washington D.C. stated that their consultants found the gas station in an aerial photograph from 1954, 64 years ago, which identifies how long the site has been used. Councilmember Sienicki stated that on the existing drawing it states that the tanks were remaining and asked if that was correct. Mr. Houston stated that there are four existing tanks that were installed in 1981, the station has been closed for nine years, and those tanks will be removed, the soil would be replaced around those tanks and new state of art tanks would be installed. There are four 10,000 gallon tanks. It is a complete rebuild of what is there today. What is different from the most recent gas station is that the owner was able to secure the white building and add to the land area and that makes site planning a little bit better, they are still under a half an acre in size. The white building will be removed and the convenience store will be located approximately where that is today.

Councilmember Noble asked a question on the proposed plan for the parking spaces that are on the site adjacent to Park St. He would like to know how people are going to back out of space 1 shown in the upper left corner of plan P-0201. He thinks there could be a problem with people backing out of that space. Mr. Houston stated that the aisle way does meet the standard but they would have to carefully back out for sure. Councilmember Noble asked if they could take another look of that in terms of a little bit of additional space in terms of turning radius or clearance in the back and work with the Planning Department. He thinks it can be problematic in terms of someone trying to use that space or potentially that is maybe where an employee parks. Mr. Houston stated that it probably would be an employee.

Mr. Bob McCahill, 429 Center St. North, thanked Cindy Petkac for speaking at the annual meeting on May 21st. She did an excellent presentation and they learned a lot. He pointed out that when he appeared before the Planning Commission on April 25th and tonight he does not represent NEVCA. He asked Council if they have had a chance to look at the draft minutes of the Planning Commission from April 25th? The Mayor stated no, they received a summary. Mr. McCahill further stated that he had been driving by this property for years trying to envision what nice development would some day occupy this fine spot but he didn't envision another gas station. He heard all the plus points for it at the April 25th meeting of the Planning Commission, landscape, convenience building, 5' sidewalks, fewer curb cuts etc., all very nice and what comes to mind is a saying that former Mayor Robinson used to have to say about such endeavors "it's trying to make a silk purse out of a sow's ear", it's still a gas station. The landlord/tenant relationship was also described at that meeting, Mr. Houston described the market study covering economics, demographics, traffic flow etc. When he had the opportunity to talk he asked if the owner had explored any other options for the site. Commissioner Couchman for PC picked up on his concerns and wondered as well if other options were explored, thinking it a shame to revive it as a gas station noting we have plenty of gas stations all ready, we have 5 now. One with a convenience store and another with a 7-Eleven next door to it about as close as you can get. Commissioner Couchman also said the petition seems contrary to the overall vision for Maple Avenue and at that point Mr. Perkish, the proposed tenant, mentioned many developers would like it but their group are service station operators, that's what they know. The owner was invited up and asked questions; were other uses explored, no; had other developers interested, he was very vague but what he heard was that he couldn't come to terms with them, it was just vague. It recognizes that the owner has no obligation to develop along the MAC guidelines but the Town Council has no obligation either to allow a gas station on land designated as not allowable, the C-1A's. Commissioner Cole had concerns about rezoning the properties because the site of the two C-1A non-conforming properties is greater than the prior gas stations C-2 property, this is true, it is about 13,500 sq feet to 7,091 or a 2 to 1 ratio. There is a further request to decrease the number of parking spaces by 2 or 15%. Not that many years ago Mayor Seeman and the Town Council admitted allowing fewer parking spots than required across Maple Avenue at Chipotle, Cold Stone and Noodles, was a big mistake and we know that. He doesn't want to see any more problems like that. Bottom line is that he is not a big fan of this rezoning and thinks the town has a perfect right to expect something better at this spot.

It was moved to close the Public Hearing.

Motion: Councilmember Noble

*Second: Councilmember Colbert
Carried Unanimously*

It was further moved to approve the proposed rezoning of two parcels for the operation of an automobile service station located at 200 Maple Avenue East and 109 Park Street Northeast from the C-1A Special Commercial zoning district to the C-2 General Commercial zoning district.

*Motion: Councilmember Springsteen
Second: Councilmember Bloch
Motion carried 5-2*

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: 5 - Council Member Bloch, Council Member Colbert, Council Member Majdi, Council Member Springsteen and Mayor DiRocco
Nay: 2 - Council Member Noble and Council Member Sienicki

6. Regular Business

6. Regular Business

Aye: 5 - Council Member Bloch, Council Member Colbert, Council Member Majdi, Council Member Springsteen and Mayor DiRocco
Nay: 2 - Council Member Noble and Council Member Sienicki

- A. [18-868](#) Request For Approval of Site Plan Modifications of Requirements for 200 Maple Avenue East and 109 Park Street Northeast for Minimum Required Off-Street Parking for Convenience Store

Attachments: [PC STAFF REPORT - 4-25-2018 - 200 MAPLE AVE E REZONING](#)
[200 Maple Ave E Parking Modification Justification](#)
[200 Maple Ave E Plans](#)
[PC Meeting Memo April 25.Rezoning Gas Station final](#)

Upon a finding that the integrity of Chapter 18 of the Town Code and the health, safety and morals of the Town will not be thereby impaired, it was moved to approve the modification of requirement for the minimum required off-street parking for the site plan associated with the redevelopment of 200 Maple Avenue East and 109 Park Street Northeast.

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

Aye: 5 - Council Member Bloch, Council Member Colbert, Council Member Majdi, Council Member Springsteen and Mayor DiRocco
Nay: 2 - Council Member Noble and Council Member Sienicki

- B. [18-879](#) Consideration of Purchasing Real Property Located at 440 Beulah Road NE

Attachments: [440 Beulah Rd NE Context Map](#)
[440 Beulah Rd NE - Property Info](#)

It was moved to approve the purchase the property located at 440 Beulah Road NE in the amount of \$712,000, plus additional closing costs in an amount not to exceed \$2,000.

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

C. [18-849](#) Intent to adopt FY 2018-19 Water and Sewer Rates

Attachments: [Sec. 1 13. Schedule of public works fees with changes](#)
[Final Notice of Intent to Adopt - FY18-19 Water and Sewer Rates](#)

It was moved to approve an ordinance setting water and sewer rates for the 2018-19 fiscal year beginning July 1, 2018 as presented and it was further moved that the Town Clerk be directed to advertise a Notice of Adoption.

A motion was made by Council Member Bloch, seconded by Council Member Sienicki, 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. [18-869](#) Request approval for spending \$1,200,000 with E.E. Lyons Construction for water main and appurtenances improvements within the Town's water service area

Attachments: [IFB 16-19 Cost Estimate 2018-05-07](#)
[IFB 16-19 FY 18 RENEWAL](#)
[IFB 16-19 FY 19 SIGNED RENEWAL](#)

It was moved for approval of the water main improvements in the amount of \$1,200,000 with E.E. Lyons Construction utilizing IFB 16-19.

A motion was made by Council Member Noble, 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

E. [18-870](#) Request approval for additional FY spending with Sagres Construction, Corp.

Attachments: [Contract IFB 16-10](#)[Sagres IFB 16-10](#)[TO 63 - 538 Lincoln St NW Estimate](#)[TO 64 - 308 Trowbridge Ln SW Estimate](#)[TO 65 - Hilcrest and Yeonas Estimate](#)[TO 67 - 801 Follin Ln SE Estimate](#)[TO 68 - Echols St & Follin Ln](#)[TO 69 - 468 West St](#)

It was moved for approval of expenditures in the amount of \$72,000 with Sagres Construction, Corp utilizing IFB 16-10 from the accounts listed above.

A motion was made by Council Member Noble, 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

- F. [18-871](#)** Request approval for spending \$400,000 with AM-Liner East, Inc. for the rehabilitation of sanitary sewer pipes throughout the service area.

Attachments: [18-15 - PWCSA - SA1815 - PRICING - 5.2.18](#)[PWCSA - SA1815 - Letter of Intenet - 4.3.18](#)[18-15 - PWCSA - SA1815 -FULLY Executed Contract - 5.8.18](#)

It was moved for approval of the expenditures in the amount of \$400,000 with AM-Liner East, Inc riding Prince William County Service Authority Contract No. SA-1815 from the account listed above.

A motion was made by Council Member Noble, 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

7. Meeting Adjournment

It was moved to adjourn the meeting at 9:55 p.m.

Laurie A. DiRocco, Mayor

Signed / Dated: _____

Attest: _____
Melanie J. Clark, Town Clerk

This was approved.

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.