



Town of Vienna

Meeting Minutes

Town Council Meeting

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

Monday, August 20, 2018

8:00 PM

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

Invocation: Reverend Corky Eddins, Christ Church Vienna

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

1. Roll Call

Councilmember Noble attended this meeting electronically from Minneapolis Minnesota.

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. [18-993](#) Approval of the Regular Council Meeting Minutes of June 11, 2018, July 9, 2018 and the Work Session Minutes of May 29, 2018 and June 11, 2018.

It was moved to approve the Work Session Minutes of May 29, 2018 as submitted and it was further moved to approve the Regular Council Meeting Minutes of June 11, 2018 and the Work Session Minutes of June 11, 2018 as submitted.

*Motion: Councilmember Sienicki
Second: Councilmember Colbert
Carried Unanimously*

It was further moved to approve the Regular Council Meeting Minutes of July 9, 2018 as submitted.

*Motion: Councilmember Sienicki
Second: Councilmember Colbert
Abstained: Councilmember Noble
Motion carried*

A motion was made by Council Member Sienicki, seconded by Council Member Colbert, that the Minutes 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)

Local Boy Scouts from Troop 976 and 345 introduced themselves to Council, they are working on their Life Badge. A local Boy Scout from Troop 13 also introduced himself to Council but did not state the badge he was working on.

4. Reports/Presentations

A. [18-985](#) Proclamation for Constitution Week

Attachments: [Proclamation for Constitution Week-2018](#)

Councilmember Bloch presented the Proclamation for Constitution Week designating September 17th thru the 23rd as Constitution Week to Ms. Janice Dixon and Diana Jones of the Fairfax County Chapter NSDAR.

A. Report and Inquiries of Council Members

Councilmember Sienicki thanked the Police Department for the work they did protecting the citizens during the potential of what could happen when there was a rally in DC. There was a lot of behind the scenes work that citizens didn't know but she wanted to say thank you for being prepared and being part of the response. She also thanked the Town Staff who put together a very nice coordinated effort as well as the Town Manager and Lynne Coan who also did a lot of work.

Councilmember Sienicki stated that a citizen asked about Planning Commission notifications for subdivisions. Ms. Petkac stated that the Planning Commission is having a meeting and there is a subdivision that is going to be heard before the Commission. There is no requirement in the subdivision ordinance for public notification so they did not send any out. There has been a past practice to provide certified letters but there is no requirement to do so and the concern is that because there is no requirement in the code, and they don't provide notification across the board for all matters that go before the Planning Commission, and there is no Public Hearing before the Planning Commission then setting up an expectation by sending out certified letters that there is a hearing when there isn't one is not a good practice. There is no requirement to hold a public hearing for subdivision.

Councilmember Colbert reported that the Vienna Youth Players presented Beauty and the Beast and it was the last production for the Director Babs Dyer and the music Director Cathy Split. They have been doing this for 25 years and she wanted to recognize them for all their years of service.

B. Report of the Town Manager

Mr. Payton thanked the Parks & Recreation Department for their work with Chillin on Church and all the events we have had this summer, it has been very successful, particularly, with their collaboration with the Police Department and Public Works as such. He thanked Leslie Herman, Director of Parks & Recreation for her efforts with that.

Mr. Payton also reported that the Strategic Plan Work Session will be held on September 4th with the Town Council at the Community Center.

Mr. Payton also reported that the CIP Work Session will be held on September 24th, one of his favorite times of the year. They will be discussing the CIP going forward to 2032 or 2034.

C. Report of the Mayor

Mayor DiRocco thanked the Police Department, the Town Manager, Town Attorney

and Lynne Coan for all the time and energy spent to plan and coordinate with regional bodies, Metro and the County, to ensure if anything happened that we would be safe as citizens. Thankfully it all went by very smoothly.

D. Proposals for Additional Items to the Agenda

It was moved to add to the agenda an item to temporarily suspend the MAC Ordinance while the town develops Visual Design Guidelines and code changes to the Planning Commission for Public Hearing as the second item on the regular agenda.

It was moved to add an item to the agenda to suspend the MAC Ordinance

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

E. Closed Session

There was no Closed Session held.

5. Public Hearings

- A. [18-983](#) Public hearing to consider Planning Commission recommendations on proposed text amendments to Article 13.1. - MAC Maple Avenue Commercial Zone Regulations, Sec. 18-95.1. - Statement of Purpose and Intent, Sec. 18-95.3. - Procedure for MAC Zone Designation, Sec. 18-95.4. - Permitted uses, Sec. 18-95.9. - Height limit, Sec. 18-95.14. - Site Development Standards, and Article 2. - Definitions, Sec. 18-4. - Definitions. Finished lot grade of Chapter 18 of the Vienna Town Code.

Attachments: [TC STAFF REPORT - 8-20-2018 - FINISHED LOT GRADE DEFINITION](#)
[TC STAFF REPORT - 8-20-2018 - MAC AMENDMENTS](#)
[PC Memo to TC on Finished Lot Grade Definition](#)
[Dwelling Units per Acre 6-22-18](#)
[MAC Comparable Mixed-Use Projects](#)
[Proposed MAC Text Amendments - Summary of Public Hearing Comments](#)
[Planning Commission - April 12, 2017 Meeting Minutes](#)
[Town Council - August 21, 2017 Meeting Minutes](#)
[Planning Commission - 7-30-18](#)

Mayor DiRocco called the Public Hearing to order at 8:19 p.m. The Town Clerk called the roll and all members of Council were present with Councilmember Noble participating electronically.

Ms. Cindy Petkac explained that this is a hearing as described for proposed MAC Text Amendments and also a change to the definition of Finished Lot Grade. She explained that Council referred this matter to the Planning Commission at their meeting of July 9, 2018. The Planning Commission had two Public Hearings separating them out, one they had a Public Hearing on the proposed changes to the definition of Finished Lot Grade and then they had a hearing on all the proposed amendments to the MAC. There was one speaker on the proposed changes to the

finished lot grade, they closed the hearing and after some discussion and some ideas for some changes to the definitions, they scheduled a work session for August 8th to further discuss those actions. At the August 8th meeting, after the Work Session, they then adopted the recommended changes to the definition with a vote of 8-0. For the MAC amendments they held a hearing on July 30th where a number of people spoke. They continued the hearing to August 8th where some additional people spoke for a total number of 34 speakers. They closed the hearing on the 9th, discussed the comments that were heard, made recommendations on two of the five sections that were proposed but did not make recommendations on all the text amendments. Staff is recommending that they hold the Public Hearing this evening for the definition of Finished Lot Grade but hold off on having the Public Hearing on the MAC Text Amendments until they have the full recommendation from the Planning Commission on the totality of the amendments. They will see how things go for the new agenda item which might be deferred to even later. Mayor DiRocco stated that they need a recommendation from the Planning Commission on those items before they move forward. The public hearing tonight will not be on the MAC changes, it will only be on the finished lot grade. Ms. Petkac further explained the current definition for "finished lot grade." She stated that staff has had some issues with administering this definition so last year when a host of amendments came forward to Council there was a proposed revision to this definition but there were still some issues with it and the change so the that change was not adopted by Council. They came back this past summer. Some of the concerns were on the proposed revision to the definition that would allow mushrooming which means if you build up your house on the lot to go another 3', to deviate another 3' up from that, it creates a mushroom affect with the house. There was also some concern that we should be treating commercial differently than residential as it pertains to the definition. There was a work session and the proposed new language is shown in green and blue. The green addresses the differentiation between commercial and residential and the blue gets to the issues with the mushrooming. This is recommended for adoption by the Planning Commission. Finished lot grade means the finished surface of ground abutting a building or structure. New language for single family detached dwellings, not including subdivisions, "the finished lot grade may deviate from the pre-existing lot grade by no more than 3 vertical feet at any point along the pre-existing lot grade around the footprint of the building or structure, such that all over lot grading shall be in accordance with the natural lay of the land. The Director of Public Works may waive the 3' lot deviation requirement if deemed for the good cause and not contrary to the public interest."

Mayor DiRocco stated that this has been tossed around for a long time and it was exactly for the reason of mushrooming or dirt skirts that were being created. They also wanted to take into account the various lots, some could be much lower or higher. They appreciate all the work the Planning Commission did with this. It has been a process to try and come up with a better definition. She thinks this seems to cover all the things that they are looking for.

Councilmember Majdi stated they had discussed, when they were considering the recommendation to the Planning Commission, defining it such that this would not affect the commercial zone and he noticed that they specifically put in single family detached dwellings. It seems straight forward to him but wanted to ask on the record to rely on Ms. Petkac's expertise and the Town Attorney's expertise that this will not affect commercial buildings. Ms. Petkac stated that was correct.

No one from the public came forward to speak.

It was moved to close the Public Hearing.

Motion: Councilmember Bloch

Second: Councilmember Springsteen

Carried unanimously

It was moved to approve the proposed text amendment to the definition of finished lot grade under Article 2, Section 4 - Definitions, and it was further moved that the Town Clerk be directed to advertise a Notice of Intent to Adopt for September 17, 2018.

Motion: Councilmember Bloch

Second: Councilmember Sienicki

It was further moved to defer MAC Maple Avenue Commercial Zone Regulations, Sections 95.1. - Statement of Purpose and Intent, 95.3. - Procedure for MAC Zone Designation, 95.4. - Permitted Uses, 95.9. - Height limit, and 95.14. - Site Development Standards of Chapter 18 of the Town Code for good zoning practices to September 17, 2018 and it was further moved that the Town Clerk be directed to re-advertise the Notice of Public Hearing.

Motion: Councilmember Bloch

Second: Councilmember Sienicki

Carried Unanimously

The item was approved as shown above.

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. [18-984](#)

Consideration of rezoning of 430, 440, and 444 Maple Avenue W from C-1 Local Commercial Zone and RS-16 Single Family Detached Residential Zone to Maple Avenue Commercial (MAC) Zone for the proposed 444 Maple project.

Attachments: [444 Maple Ave Comment Response to Peer Review 8-6-18](#)
[444 Maple Avenue Neighborhood Traffic Assessment Review](#)
[By-right Scenario - 444 Maple Ave West](#)
[444 Maple Avenue TIA Review](#)
[444 Maple Avenue By-Right Trip Generation Analysis](#)
[444 Maple Fiscal Impact Analysis](#)
[444 Maple Ave Water](#)
[Maple Avenue Water Report Final 11132015](#)
[14107.D rpt 11-17-14](#)
[14107 D draft logs and profiles](#)
[Groundwater inflow est 10-17-14](#)
[14107.D test boring location plan 7-18-14](#)
[Bearing for shallow footings ltr 9-23-15](#)
[Sewer Report Final 03212016](#)
[Open Space and Impervious Surface Exhibit](#)
[Response to ORR Partners Review Letter - 14107.D ltr 8-10-18](#)
[Emails #1 - 444 Maple Ave W.](#)
[Emails #2 - 444 Maple Ave W.](#)
[Emails #3 - 444 Maple Ave W.](#)
[Email #4 - 444 Maple Ave W.](#)
[Email from Estelle Belisle - Petition #1](#)
[Email from Estelle Belisle - #1 Petition validation method](#)
[Email from Estelle Belisle - Petition #2 - door to door](#)

It was moved that at the request and with the consent of the applicant, to defer the vote on the proposed rezoning of 430, 440, and 444 Maple Avenue W from C-1 Local Commercial Zone and RS-16 Single Family Detached Residential Zone to Maple Avenue Commercial (MAC) Zone for the proposed 444 Maple project to the October 15, 2018, Town Council Agenda meeting and to the September 24, 2018 Work Session, to enable the applicant to provide possible formal amendments to its proposed application for consideration by the Town Council.

Council asked questions and provided feedback to the applicant regarding changes to the proposed project.

A motion was made by Council Member Colbert, 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 Noble, Council Member Sienicki and Mayor DiRocco
Nay: 2 - Council Member Majdi and Council Member Springsteen

B 18-996

Request to refer to the Planning Commission, for public hearing, to temporarily Suspend the MAC Ordinance until the Design Guidelines are adopted.

It was moved to set a joint Public Hearing with the Planning Commission on September 17th for the temporary suspension of the MAC Ordinance for up to 270 days and direct the Town Clerk to advertise a Public Hearing and the proposed Intent to Adopt.

A motion was made by Council Member Bloch, seconded by Council Member Springsteen, that the Resolution 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. [18-886](#) Renewal of Maintenance Agreement with Tyler Technologies

Attachments: [Vienna VA - Tyler Agree 040314 draft \(1\)](#)

[Tyler Technologies NJPA Agreement](#)

[Tyler 2019 Maintenance costs](#)

[Tyler Munis quotes 2019](#)

[TYLER WAIVER](#)

It was moved to renew the contract for maintenance and support services with Tyler Munis Financial System Software for \$84,096 from the account shown above

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

D. [18-979](#) Request approval to publish Annual Report of Delinquent Real Estate Properties as of June 30, 2018

Attachments: [RE Delinquent list 6-30-18](#)

[2018 Changes in Delinq RE Taxes for Council](#)

[2018 under 5 dollars](#)

[2018 RE Tax Certification](#)

It was moved that the delinquent real estate property tax list, as submitted by the Director of Finance/Treasurer, exclusive of those taxes paid since June 30, 2018, be published in a newspaper of general circulation in Town and posted on the Town's website. It was further moved that the list be transmitted to Fairfax County with a request that it be posted and entered into County records according to law. And it was further moved that delinquent real estate property taxes be recorded as a tax lien against said properties.

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

E. [18-968](#) Award contract with John Milner Associates Preservation to prepare a feasibility study and cost estimate for Bouton's Hall located at 144 Church Street.

Attachments: [JMA Preservation Proposal - July 23 2018](#)
[73301-Bouton's Hall Assessment 06.28.18](#)
[Bouton Hall - Site-Civil](#)
[Exhibit A - Zoning Map](#)
[Exhibit B - Site Photos](#)
[Exhibit C - Topographic Map](#)
[Foundation Repair Options and Estimate2015](#)
[Business Plan for Bouton's Hall vs. 4](#)
[Exhibit D- C-1B PEDESTRIAN COMMERCIAL ZONE REGULATIONS](#)
[Bouton's Hall Signed Waiver](#)

It was moved to award a contract with John Milner Associates Preservation in the amount of \$31,275 to prepare a feasibility study on the property located at 144 Church Street.

A motion was made by Council Member Springsteen, 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

- F. [18-981](#)** Request to award contract for installation of a kitchen exhaust hood fire suppression system at the Vienna Community Center

Attachments: [Addendum1IFB19-03rebid](#)
[IFB 19-03 Summary and Recommendation for Agenda](#)
[IFB19-03finalREBID](#)

It was moved to award IFB 19-03 in the amount of \$34,300 to Alpha Sheet Metal, Inc. for purchase and installation of a kitchen exhaust hood and fire suppression system at the Vienna Community Center from the account 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

- G. [18-980](#)** Request approval of resolution for issuance of Vehicle and Equipment Replacement financing request for proposals for FY2018-19

Attachments: [ATTACHMENT A 2019](#)
[Resolution 2019](#)

It was moved to approve a resolution authorizing the Town to obtain financing for vehicle and equipment purchases in an amount not to exceed \$890,000 in principal.

A motion was made by Council Member Colbert, 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

- H. [18-951](#) Request award of IFB 19-01, Ninovan Road SE - Roadway and Drainage Improvements

Attachments: [IFB 19-01 Summary and Bid Tab for Agenda](#)

[IFB19-01FINAL](#)

[Citizen Meeting Notice - Council Construction Package - Mailed 3 Aug 201...](#)

[Ninovan and Talahi drainage mailing labels](#)

It was moved to award IFB 19-01 for roadway and drainage improvements at the intersection of Ninovan and Talahi roads to Sagres Construction in the amount of \$124,000 from the account shown 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

- I. [18-952](#) Request FY19 spending with Broad Run Recycling, LLC

Attachments: [IFB 17-09 FY 19 RENEWAL signed](#)

It was moved to approve FY19 spending with Broad Run Recycling, LLC, utilizing IFB 17-09, in the amount of \$146,000 from the accounts shown above.

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

- J. [18-953](#) Request additional FY18 spending with American Recycling

Attachments: [FFX County Contract 4400006733](#)

[PO 20180180](#)

[Invoices](#)

It was moved to approve additional FY18 spending in the amount of \$8,005 with American Recycling from the account shown above.

A motion was made by Council Member Colbert, 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

- K. Request approval for additional FY18 spending with Double H Locates

It was moved to approve an additional \$30,000 in FY18 spending YTD total of \$170,000 with Double H Locates from the account listed above riding Arlington County Contract 475-10LW from the account shown 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

L. [18-969](#) Request approval for purchase of VRP #116 - Asphalt Paver

Attachments: [Rish Equipment PO 20190148](#)
[Waiver & Contract](#)

It was moved to approve the proposed expenditure of \$160,850 for VRP #116, an asphalt paver, riding NJPA Contract #052417-VTL from the account listed.

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

M. [18-974](#) Request approval for purchase of a John Deere 35G mini excavator

Attachments: [Sales Order Town of Vienna 35G NJPA 22 jul 18](#)
[NJPA - Sourcewell Contract 032515-JDC](#)

It was moved to approve expenditure of \$51,538 for the purchase of a John Deere 35G mini excavator, riding NJPA/Sourcewell Contract #032515-JDC from the account listed above.

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

N. [18-992](#) Request approval of vehicle purchases within the Vehicle Replacement Program.

Attachments: [MT VRP2019](#)
[Memo, Quotes & Contracts](#)
[MR Quote For Radios](#)

It was moved to approve the use of the Virginia Sheriffs' Association Contract for the purchase of police vehicles and approve the proposed expenditure of funds from the above account for replacing the five above referenced vehicles within the VRP in the amount of \$182,072.

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

7. Meeting Adjournment

It was moved to adjourn the meeting at 11:48 p.m.

Mayor Laurie A. DiRocco

Signed/Dated: _____

Attest: _____
Melanie J. Clark, Town Clerk