



# Town of Vienna

## Meeting Minutes

### Town Council Meeting

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

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Monday, November 19, 2018

8:00 PM

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

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**Invocation: Reverend Johnny Kurcina of Christ Church 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. [18-1090](#) Approval of The Regular Council Meeting Minutes of October 29, 2018 and the Work Session Minutes of October 4, 2018.

*It was moved to approve the regular council meeting minutes of October 29, 2018 and the work session minutes of October 4, 2018 as submitted.*

**A motion was made by Council Member Majdi, seconded by Council Member Sienicki, 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 Sienicki, Council Member Springsteen, Mayor DiRocco and Council Member Noble

#### 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. [18-1079](#) 2018 Halloween Parade Awards

*Mayor DiRocco along with Lily Widman and Leslie Herman of Parks & Recreation, Executive Director of the Vienna Business Association (VBA), Peggy James and from the VBA Executive Committee, James Cudney, presented the 2018 Halloween Parade Awards.*

- C. [18-1082](#) Presentation on Vienna-Fairfax-GMU Bikeshare Feasibility Study

**Attachments:** [Town Council Bikeshare Update 19 Nov 2018](#)

*A Representative from Toole Design presented the current status of the study, key preliminary findings and next steps on the Vienna-Fairfax-GMU Bikeshare Feasibility Study to Council.*

## A. Report and Inquiries of Council Members

*Councilmember Springsteen asked for an update on what was happening with the Marco Polo situation. People have been complaining it was more and more of an eye sore. Mr. Briglia stated that the Zoning Administrator, Frank Simeck sent a follow up letter on November 9th along with a letter from the Chief of Police that was relaying information from the Fairfax County Fire Marshall that they had completed their investigation and the site was clear for law enforcement purposes. Mr. Simeck was asked to follow up with them to make sure they were moving forward with their demo plans.*

*Councilmember Springsteen mentioned that there may be some issue with the mural and asked if they should have someone look at it. Mayor DiRocco stated there was an email from a retired map maker that had concerns but it is what was proposed by the artist and approved by the Vienna Public Art Commission and Town Council. Councilmember Sienicki also stated that you have to take into account "Artistic License." It is an abstract and she doesn't think everything is exactly the way it is.*

*Councilmember Springsteen also reported that a number of Council participated in Ethics Day at the Community Center and it worked very well. Someone asked him if they could work out an arrangement with Marshall High School to see if there is any interest.*

*Councilmember Springsteen also asked if the Design Guidelines could be put up on the website. He thinks they should be up on the BAR website.*

*Councilmember Springsteen also asked about the fatality on Courthouse and is interested to know if the town has any jurisdiction up there in terms of speeding and if we could help with the County to put radar. Mr. Briglia stated that he already sent an email to the Chief to find out the exact issue. The County did work the accident but is not sure if it that was because it was a fatality and they have an identification section that responds to those kind of things. He will check on it and respond to Council.*

*Councilmember Springsteen reported that the annual Turkey Trot was held and it was a great turnout.*

*Councilmember Colbert reported that they had more students than last year for Ethics Day. She thanked Councilmember Springsteen and Councilmember Sienicki for being table leaders. She also thanked Council for supporting it as well as Leslie Herman and her whole staff for all the help they provided, it was a wonderful event.*

*Councilmember Colbert also reported that she has heard a lot of positive comments on the flashing yield that was added at the roundabout.*

*Councilmember Noble asked if there were any additional updates on the Community Center resolution status. Mr. Payton stated that they do not have an update at this moment, they are still working with the owner of Keller on wrapping this up. They hope to have an update very soon. Mr. Briglia stated that there is a minor update, they worked through some of the punch list items which have either been finished or in the process of finishing then they agreed on what they don't agree on, which is good news. They have been trying to set up a meeting with the Town Manager, the owner of the company and the two attorney's which is going to be a very formal meeting. They should have a meeting set up within the next couple weeks.*

*Councilmember Sienicki thanked the town crews that have been working on the roads and clearing leaves. It has been an enormous undertaking and they have been working very hard. She thanked the Director of Public Works, Michael Gallagher for orchestrating all of the things going on.*

#### B. Report of the Town Manager

*Mr. Payton reported that the Holiday Stroll will be happening on November 26th and asked Ms. Leslie Herman to provide some information to the public.*

#### C. Report of the Mayor

*Mayor DiRocco wished everyone a wonderful Thanksgiving and in the spirit of gratitude she thanked the Town Council, the Town Manager, the Town Attorney, the Town Clerk and all the town staff for their hard work and dedication to our community this year, we appreciate all their efforts.*

*Mayor DiRocco reminded everyone that Saturday November 24th is Small Business Saturday and asked everyone to go visit the small shops that are here in town and do some holiday shopping. There will be some promotions going on during the Church Street Stroll. It is a great time to get some shopping in and visit local businesses. There is also a holiday decoration contest going on so you will see some of the local businesses decorating for the contest.*

#### 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, November 19, 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 later this date, Monday, November 19, 2018 at the conclusion of the Regular Council Meeting, in accordance with Virginia Code Section 2.2-3711.A.(3) for discussion or consideration of the acquisition of real property for a public purpose.*

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

*It was moved to recommend Jonathan Rak to the Fairfax County Circuit Court for appointment to the Board of Zoning Appeals.*

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

**A motion was made by Council Member Tara Bloch, seconded by Council Member Pasha Majdi, that this was approved. The motion carried by the following vote:**

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

## 5. Public Hearings

- A. [18-1070](#) Public hearing on proposed changes to the Community Enhancement Commission code provisions

Attachments: [Working 11-7-2018 Final CSC Code with changes highlighted - \(With Markup\)](#)  
[Working 11-7-2018 Final CSC Code with changes \(No Markup\)](#)

*Mayor DiRocco called the Public Hearing to order at 9:19 p.m. The Town Clerk called the roll and all members of Council were present.*

*Ms. Leslie Herman, Director of Parks and Recreation, explained to Council that this is a Public Hearing on the proposed changes to the Community Enhancement Commission Code provisions. The Commission is requesting to change its name to Conservation and Sustainability Commission. This name change and other possible amendments are more in line with the Commissions goal to promote a culture of conservation and support Town Council's goals of an environmentally sustainable community.*

*Councilmember Springsteen asked if there were enough members on the Commission because if they wanted more students this would be the time to increase them.*

*Mayor DiRocco stated that by changing the name to Conservation and Sustainability Commission it is certainly in line with what they are doing and looking at within our community. All of the changes make a lot of sense and are probably a little late in coming.*

*Ms. Bobbie Monacella, 408 Colin Ln, NW attended the meeting because she read about the energy use inventory in the town newsletter and she is very enthusiastic about the town's effort to become more energy efficient and appreciates that they have done study and made the information accessible. She supports the Council's decision to rename the Community Enhancement Commission to the Conservation and Sustainability Commission and she supports the goal of creating a culture of sustainability within the town government and creating an energy and environment plan for the town. She thinks having a plan and creating this culture of sustainability in Vienna is a great step which all of our citizens can be proud of. She thinks Vienna does a great job in the area of sustainability already and thinks citizens look to our town government to lead the way. She thinks the suggestions in the article like changing the town facilities to LED light bulbs, turning off ball field lights, weatherizing town buildings and phasing in more efficient vehicles are kind of a no brainer, since it seems like they will save a lot of money. The article said that reducing energy use and gas consumption by 10% would save the town a total of \$28,000 under the current budget so it makes clear sense. Mainly she supports the changes and is looking forward to hear more about the commission and their new goals.*

*Mr. Mathew DiFiore, 207 Owaissa Court SE stated that he has no problem with the*

name change although he thinks that someone has to look at what is written in Chapter 27 and make sure there is internal consistency. He thinks the town's strategic plan has an environment and sustainability chapter, he believes its chapter 8, and in reading the purpose in this paragraph 1, it still looks like we are doing enhancement as well as environment and conservation. He suggests that someone go back through this entire chapter and clean it up, tighten it up, because there are things that are not consistent. For example it talks about selection of properties in section 27.1 for recognition but elsewhere in the document it talks about individuals, businesses or organizations and he thinks that should flow throughout the entire section just for consistency. It talks about student members but it is still written like there is still only one student member and there are two. The wording should be re-written so that it is logical. There are other things in there that should be tightened up before it goes final. As this is written he finds it hard to believe that conservation and sustainability is the right name for this. He also mentioned that in trying to research this he went through the minutes of the CEC and he noted that there were none posted on the website since September of 2017.

Ms. Susan Stillman, Chairman of the Community Enhancement Commission thanked Mr. DiFiore for his comments and hopes he will help them out with some of this. She thanked Council for helping them move onto a new chapter in the commissions life and she thinks this will help them with what they are trying to accomplish. It will also help them recruit folks that want to be involved in conservation and sustainability in the town, she thinks it gives a clearer message about what they are about.

Councilmember Sienciki asked Ms. Stillman if they still want the enhancement duties as well. Ms. Stillman stated yes, she doesn't know who else would do them and it is still a part of what they do.

Councilmember Bloch asked about Chapter 27.d.1 about the energy and environment plan and wonders if there should be language in there to coordinate with the Planning Commission so that that material ends up in the Comp Plan. She stated it might be nice to add to the coordination with the Planning Commission because they are the body that does the Comprehensive Plan so it might be better to spell it out so they know where it is supposed to go when it is time to do that. She would say something like "the energy environmental plan created and revised on a three year schedule in coordination with the Planning Commissions to update the town's comprehensive plans to set goal targets in creating more sustainable community."

Mayor DiRocco questioned if it should say "in coordination with the Planning Commission's updates to the comprehensive plan." Councilmember Bloch said yes.

Councilmember Sienicki stated that she thinks thats great but it is her understanding that the Community Enhancement Commission was a member of the groups that got together on the comprehensive plan so they are already, if she is not mistaken, a part of that process. Councilmember Bloch stated that she thinks it was the first year of the last time they did comprehensive plan, that the Community Enhancement Commission was part of the actual sit down in the committee for the comprehensive plan and given that the Planning Commission sort of oversees that it just might be nice to sort of spell it out so that in the future everybody knows where it goes. Councilmember Sienicki stated she was fine with that, she was just asking if we were doing double duty.

*Mr. Briglia stated that the Planning Commission is a statutory board but one of their primary mandates under the state code and throughout our code, is to come up with a comprehensive plan and make a recommendation. He thinks it is fine to have another asset for them to be able to draw on but they could reject this whole recommendation and still be within their statutory authority.*

*Not to take anything away from the Community Enhancement or Conservation and Sustainability Commission but they are an advisory board and he thinks we need to be careful on what kind of language as long as they are recommending.*

*They do have public hearings and we can provide additional input to them through another provision in the Town Code but he wants to make sure they are not making anyone think they didn't accept them and there be some problem with our comprehensive plan.*

*Mr. Briglia stated that the language Councilmember Bloch was saying was in coordination with the Planning Commission and maybe it should be to recommend updates to the town's comprehensive plan.*

*Councilmember Noble asked if conversely could we put in the elements for the Planning Commission and put in a requirement that they coordinate with the Conservation and Sustainability Commission during the development of the comp plan so there is no confusion as to what are expectation is. Mr. Briglia stated that was kind of his point. He doesn't think the statutory board has the criteria they are supposed to evaluate and under the state code it doesn't say they have to consider a recommendation. They have to have public hearings but it doesn't say they are required to consider and give weight to a locally created advisory board and that is what he is worried about. He doesn't want to mix the statutory requirements up too much, but he is sure they will consider it, we are trying to give them more information and we have a board that works with us on a weekly, monthly basis.*

*Mayor DiRocco stated that the reality is, is that section of the Comprehensive Plan is going to continue to be substantial and be a factor in what we do as a town moving forward and how they coordinate with that is something that we should figure out to word that. She thinks we can kind of play with that language to make sure it adheres to what needs to be done as a Planning Commission statutory board but also make sure we get the gist of how the CEC, CSC will work directly with them to help them do that.*

*Councilmember Noble stated that at the end of the day if the Planning Commission will have an understanding that this is an expectation of where this is going and if they don't and choose not to listen to the Conservation and Sustainability Commission that may be a reason not to approve the comp plan. He thinks we have some protection here but it might be nice if we could spell it out a little more from the Planning Commission side.*

*Councilmember Bloch stated that it would be helpful if the actual language for the CSC says they have to coordinate with the Planning Commission or to recommend, so that they know who their advisory or authority is under that piece they are not just submitting it to the comp plan and that the Planning Commission is the regulatory board that deals with that.*

*Councilmember Sienicki asked if the wording is "can" or is it "shall." She thinks*

*instead of shall it should be can. Councilmember Bloch stated that is should be "shall" and that they have to coordinate with the Planning Commission in order to do the comp plan. They have to coordinate with the Planning Commission on anything that has to do with the Comprehensive Plan.*

*Mr. Briglia stated that what he was worried about is that we would get the Planning Commission making a recommendation on some kind energy and environmental plan and the Conservation and Sustainability Commission making another recommendation for the comp plan, and that's not how it is supposed to work. They should be making recommendations to the Planning Commission and the Planning Commission hears all that, including public input, and makes a recommendation to the Town Council.*

*Councilmember Bloch stated that where it says "in coordination" she thinks that is where it goes into the coordination with the Planning Commission for updates.*

*Mr. Briglia stated that it is good to put in "in coordination with the Planning Commission" otherwise you could read this as saying they are going to make recommendations and updates to the town comprehensive plan and may read as they make them directly to the Town Council and by passing the Planning Commission and that is not the process.*

*Councilmember Bloch stated that her thought was to not make a motion until they actually have the updates. She doesn't know if any of the updates are substantive that they wanted to wait for Mr. DiFiore's update language to see.*

*Mayor DiRocco stated they can add his language but they can take that as part of the feedback from the public hearing and make the changes. Mr. Briglia stated they have not advertised any particular language for adoption They advertised for a public hearing, they got public input so they can close the public hearing, you can keep it open or you can close the public hearing and direct staff to bring the revisions back to the next Council meeting, and if you like those then you can direct the Clerk to advertise an Intent to Adopt and it will come back one more time for the final reading and vote.*

*It was moved to close the Public Hearing.*

*Motion: Councilmember Noble*

*Second: Councilmember Sienicki*

*Abstain: Councilmember Majdi*

*Motion carried*

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

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

**Abstain:** 1 - Council Member Majdi

**B. [18-1080](#) Public Hearing on the 2019 Legislative Agenda**

**Attachments:** [2019 Legislative Agenda DRAFT Revised 10 31 2018](#)

*Mayor DiRocco called the Public Hearing to order at 9:42 p.m. The Town Clerk called the roll and all members of Council were present.*

*Mr. Briglia explained that on November 5, 2018 they had a Work Session along with State Senator Chap Petersen and State Delegate Mark Keam and went over a draft set of Legislative Agenda items, some were carry overs from previous years. Council received their input on a number of them and what has been advertised for this Public Hearing are some items that Council and the public may or may not think are ready for prime time or thinks we should take them to the General Assembly but they are obviously seeking the input of the public at this point on whether these should continue to be priorities in our jurisdiction. There are a number of town specific items and there is also items that affect other jurisdictions, items relating to proffer laws, funding of highway maintenance funds or items that similar jurisdictions would share in.*

*Mayor DiRocco stated that we should put out the VML Legislative Agenda so people can see what Virginia Municipal League Legislative Agenda was so they know since we are supporting their agenda as well.*

*Councilmember Noble stated that in item 4 there is a note that says they need updated numbers related to the increase in procurement expenses and the number there seems to be the old number from last year. He wanted to know if they would have a new number before they vote. Mr. Briglia stated that he had sent out an email and thinks there was one update that was received after this was produced. Ms. Serfass stated she didn't bring it with her but she had asked for a list of all the contracts that fell under that and it was about \$500,000 and David Donahue, Deputy Director of Public Works, was able to get some comparable things that we purchase and the average differential was about 30% so we are paying about 30% higher for some of these products and would be about \$150,000 for the last year. Councilmember Noble stated that it would have helpful had that had been updated before the attachment was attached to the item so the information was available for the public before the Public Hearing so they know what the impact on our community is.*

*Councilmember Sienicki stated that she was inspired by a former Council Member and in speaking about non-partisan re-districting, and she knows we have already passed the Resolution for the One Virginia 2021 but she would like to go ahead and insert that into our Legislative Agenda. Taking what we already approved in the Resolution and just putting it into the document itself.*

*Councilmember Sienicki made a motion to add the following: Vienna supports re-districting reform in Virginia for State Legislative and Congressional Districts and maintains that transparent and non-partisan legislative districting is a reform essential to build more trustworthy, accountable, and healthy democracy for our state and nation to eliminate the conflict of interest that allows the General Assembly members to pick their voters and eliminating political data which would help resolve the problem of split precincts and divided jurisdictions throughout Virginia. She is making this as a motion to amend what we have to include. Councilmember Noble seconded the motion. Mayor DiRocco stated they should have an overall motion and add this.*

*It was moved to close the Public Hearing*

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



*It was moved that following receipt of input from Town staff, the Town's elected state representatives, and an opportunity for the public to provide input on the proposed legislative agenda, It was moved to approve the proposed 2019 Town of Vienna Legislative Agenda with the provisions of Solar and One Virginia 2021 verbiage included and the updated numbers for the procurement.*

*Motion: Councilmember Sienicki*

*Second: Councilmember Colbert*

*Carried Unanimously*

**Item approved as shown above.**

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

## **6. Regular Business**

- A. [18-1075](#)** Consider approval of Transportation Safety Commission-recommended bike corral along Church Street.

**Attachments:** [TSC Motion Bike Corral 072518](#)

[TSC Meeting Minutes](#)

*It was moved to table relocation of the bike corral on Church Street until such time as additional off-street parking is available Church St., adjacent properties or other alternatives are available.*

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

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

- B. [18-1077](#)** Award design contract for 441 and 443 Orchard Street NW drainage improvements

**Attachments:** [Citizen Meeting Notice - Council Design Package - 20181101](#)

[Orchard St NW project map](#)

[Orchard Street NW Drainage Improvements Project Mailing List and Map](#)

[RFP 19-01 - URBAN](#)

[17-896 - Urban Task Order](#)

*It was moved to award an on-call civil engineering contract to Urban Ltd in the amount of \$31,000 for the design of drainage improvements at 441 and 443 Orchard Street NW.*

**A motion was made by Council Member Springsteen, 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 Sienicki, Council Member Springsteen, Mayor DiRocco and Council Member Noble

- C. [18-1078](#)** 409 Beulah Road NW subdivision performance bond reduction request

**Attachments:** [409 Beulah Bond Reduction Inspected](#)

[409 Beulah LOC \(Freedom Bank\)](#)

[Memo to Director - Beulah Subdivision](#)

*It was moved to reduce the current \$39,684.17 performance bond at the 409 Beulah Road NW subdivision project to \$3,968.42.*

**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 Sienicki, Council Member Springsteen, Mayor DiRocco and Council Member Noble

**D. [18-1081](#)** Request to amend Chapter 6, Finance and Taxation, Article 8, Procurement, of the Vienna Town Code

**Attachments:** [Comparative Limits 2019](#)

[Ordinance of 11-19-18 accept changes.docx](#)

[Ordinance of 11-19-18- redline](#)

*It was moved to amend the Town Code of Vienna, Chapter 6 Finance and Taxation, Article 8, Procurement to raise the dollar amount requiring Council approval and competitive sealed bidding to \$30,000.*

*And,*

*It was further moved to direct the Town Clerk to advertise the intent to adopt said changes at the December 10, 2018 Council meeting.*

**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 Springsteen, Mayor DiRocco and Council Member Noble

**Nay:** 2 - Council Member Majdi and Council Member Sienicki

**E. Second Closed Session**

*It was moved to recess into Closed Session at 10:47 p.m.*

*Mayor DiRocco called the Regular meeting back to order at 12:35 a.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, November 19, 2018, the Town Council met for 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, December 10, 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 Town Boards or Commissions.*

**E. Closed Session**

**7. Meeting Adjournment**

*It was moved to adjourn the meeting at 12:37 a.m.*

**A motion was made by Council Member Howard J. Springsteen, seconded by Council Member Linda Colbert, that this meet be adjourned. The motion carried unanimously.**

*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.*