



Town of Vienna

Meeting Minutes

Town Council Meeting

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

Monday, January 28, 2019

8:00 PM

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

Regular Meeting

Invocation: Reverend Corky Eddins, 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. [19-1151](#) Approval of the Regular Council Meeting Minutes of January 7, 2019 and the Work Session Minutes of December 3, 2018 and January 15, 2019.

It was moved to approve the Regular Council Meeting minutes of January 7, 2019, and January 15, 2019 as submitted.

Motion: Councilmember Springsteen

Second: Councilmember Colbert

Motion carried

Councilmember Noble was not in attendance for the January 7th Meeting.

It was moved to approve the Work Session minutes of December 3, 2018 as submitted.

Motion: Councilmember Springsteen

Second: Councilmember Colbert

Motion carried

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. [19-1150](#) Town Business Liaison Committee Report on 2018 Activities and State of Businesses in Vienna

Ms. Frederike Butler of the Town Business Liaison Commission presented the

committee's report on 2018 Activities and State of Businesses in Vienna.

B. [19-1140](#)

Presentation on 2018 National Citizen Survey Results

Ms. Lynne Coan, Marketing and Communications Manager, presented a report on the 2018 National Citizen Survey results.

C. [19-1152](#)

Resolution to Support the Ratification of the Equal Rights Amendment

Mayor DiRocco presented a Resolution supporting the Ratification of the Equal Rights Amendment.

A motion was made that the Resolution be approved. The motion carried.

A. Report and Inquiries of Council Members

Councilmember Bloch formally announced that she will be running for re-election to Council in May.

Councilmember Springsteen also announced that he too will be running for re-election.

Councilmember Springsteen asked the Public Works Director for an overview about the light by Marshall Road Elementary School. Mr. Gallagher stated that this was the Rectangular Rapid Flashing Beacon on Marshall Road that was installed with the recent improvement project. It was working for awhile and then it wasn't working and in working with the contractor on some troubleshooting it was realized that the tree canopy in that area is too thick for the solar panels to recharge the battery. They are working on a solution that would involve placing solar panels a little bit away from the signs and running underground electric to them. They are also looking at the possibility of having them hard wired. They will see what the different costs are and what is the most feasible and will hopefully be repaired soon, hopefully in about 2-3 months.

Councilmember Springsteen also asked for an after action report on the snow plowing. He would still like to see them use the technology for tracking snow plows.

Councilmember Colbert reported that the Movers and Shakers for Vienna Public Art will be hosting a concert on February 14th from 6-10 p.m. at Jammin Java.

Councilmember Colbert also asked for an update on the Marco Polo location on when it will be cleaned up and built on. Mr. Payton stated that they are making progress, there has been communication between the owner of the site and the staff. They are rather close to having what they need for a demolition permit. Ms. Petkac stated that they did receive the 2nd submission on the demo permit with the revised erosion and sediment control plan for just Marco Polo, staff is reviewing it now. Water and sewer has been capped, Washington Gas is completing their work and will provide a disconnect letter. Things are moving along, they have been moving faster in the past couple of weeks.

Councilmember Sienicki reported that there was an email sent to Council from Mr. Matt DiFiore with some questions and one of the questions was for Ms. Petkac. He asked what the status is with the proposed gas station/convenience store to be located on the corner of Park St. and Maple Avenue. Ms. Petkac stated that staff

concluded that their site plan review and approval was provided at the end of August. She does not know what the status is with the county for building permits. She will send an email out to check on that. Mayor DiRocco stated that Mr. DiFiore is also looking for a timeline. Ms. Petkac stated the town has signed off on the site plan and it is with the county right now.

Councilmember Sienicki reported that the other question Mr. DiFiore asked is about the historic property at the corner of Mill St. and Church St. after the fire and given that there was a completed condition assessment to the town for renovations to the building prior to the fire, there is a question on whether or not the town has had any changes with the proceedings for that. Mr. Briglia stated that he has not been given any updates on the damage but he thinks they are in the process of that. He does not know at this point how it will affect the renovations, it is too premature to know if there was substantial damage or just minimal.

Councilmember Noble asked for an update on the various Bey Lounge incidents. Mr. Briglia stated that they have four pending charges, one in March and three that have been consolidated to February 11th. They have retained different Counsel than they have had before. They are ready to pursue convictions on the violations.

Councilmember Majdi inquired about the weekly fines at Park Terrace for recycling protocol violations. He asked Mr. Gallagher to explain. Mr. Gallagher stated that Park Terrace condos is one of three residential condominiums that the town has a contractor collect the waste because of the volume and the use of dumpsters. Over the summer Park Terrace condos contacted Public Works and stated that they originally had recycling totes that were supplied by the contractor and they were getting over filled and was not working out for them. Public Works met with them and the contractor and as a replacement for the totes they had an 8 cubic yard dumpster placed for recycling. Recently the contractor has been letting them know that too much trash is ending up in this recycling bin and eventually they rejected it. There are two instances when the container was rejected at the facility so the town was charged approximately \$500 twice. This fee was passed onto the association. This is not a weekly fine, just the two instances that this happened. They have a meeting on February 13th with Waste Management, the President of the condo association and staff to assess what is going on and what other accommodations or arrangements can be made. Councilmember Bloch stated that she is a resident of Park Terrace and they get a number of emails per week about the recycling situation. Residents are being told and have been told what to recycle, and on the interior of the doors there is a list of what can and cannot go into the recycling. She knows the board is working really hard to try and avoid the fines.

Councilmember Majdi also brought up an issue that he would like to either be put on the agenda or a work session to discuss a proposal to ban all private, off the record meetings with developers with pending business before the town, specifically, this refers to re-zoning applications under the MAC but open to expanding the scope. He recommends that they ask the Town Attorney to provide a recommendation for how to write an ordinance that accomplishes increasing transparency in this regard. He recommends that they focus on amending the rezoning application process so that all applications must be initially presented through a work session at town hall, which is what they have been doing recently. He would like the work sessions recorded for which minutes are produced. The rationale for this proposal is two fold. First, to simply increase transparency and second, to protect our elected officials from unfortunate situations. He would like the town government to protect elected officials from these situations. He would like

a work session scheduled soon before the MAC moratorium expires. Councilmember Springsteen agrees that they should have this on a work session. Mr. Briglia stated this is chalk full of legal issues and will see what he can find. He worries about our authority to pass an ordinance that might be contradictory to the open meeting provisions and FOIA. There is also a 1st Amendment implication to this as well. If they want to set a date for a work session and he has reasonable notice he will provide a memo to Council. Mr. Payton stated that they can schedule a work session. Councilmember Noble would like the other Boards included in this.

B. Report of the Town Manager

Mr. Payton reported that the Council Meeting scheduled for February 4th has been cancelled due to lack of agenda items.

Mr. Payton also reported that the Mill Street Parking Garage project contract is no longer in place. The terms that were agreed upon the developer wanted to alter and the alterations to that existing contract were not in line with what the town was satisfied with. The town remains committed to public parking and is currently in discussions with other entities about that, it is a priority to the town to identify public parking.

Mr. Payton also mentioned that for the 24th year in a row, the town has received the Distinguished Budget Presentation Award by the Government Financial Officers Associations. He asked Marion Serfass, Director of Finance and Michelle Pagano-Dierk, Deputy Director of Finance to come forward. He thanked all for their hard work on the budget.

Mr. Payton also reported that we have a new Police Officer, Ryan Kulligan, and asked Chief Morris to come forward and introduce him.

C. Report of the Mayor

Mayor DiRocco thanked State Senator Chap Petersen and Delegate Mark Keam for holding a Legislative Update at Town Hall this past Saturday. They heard from citizens and provided updates on numerous bills that are going through the General Assembly. She was not able to stay for the entire time as she had to attend the Boy Scouts Pinewood Derby to give out awards.

Mayor DiRocco reported that some Council members and Town Staff went down to Richmond for Virginia Municipal League's Legislative Day. They heard from the Governor and received updates on a number of issues going through, tax reform and conformity, transportation funding and possibly a local authority for sidewalks.

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 28, 2019, the Town Council met for personnel matters, specifically, the interviewing of individuals for consideration of re-appointment to Town Boards or Commissions.

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, February 4, 2019 at 7:00 p.m., in accordance with Virginia Code Section 2.2-3711.A.(1) for purposes of discussion of personnel matters, specifically the annual performance evaluations of the Town Attorney, Town Manager and Town Clerk.

Motion: Councilmember Bloch

Second: Councilmember Springsteen

Carried Unanimously

It was moved that Carey Williams be re-appointed to the Town Business Liaison Committee for a two-year term. Said term shall be effective from January 31, 2019 through January 31, 2021.

It was further moved that Robert Holland be re-appointed to the Town Business Liaison Committee for a two-year term. Said term shall be effective from January 31, 2019 through January 31, 2021.

And it was further moved that J. Leonard Ignatowski be re-appointed to the Traffic Safety Commission for a two-year term. Said term shall be effective from January 29, 2019 through January 29, 2021.

Motion: Councilmember Bloch

Second: Councilmember Springsteen

Carried Unanimously

Item approved as shown.

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

5. Regular Business

- A.** [19-1149](#) Consideration of intent to adopt changes to the Community Enhancement Commission code provisions

It was moved to adopt amendments of the Community Enhancement Commission code provisions and to approve the name change of the Community Enhancement Commission to Conservation and Sustainability Commission. It was further moved to direct the Town Clerk to advertise a Notice of Adoption.

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

Abstain: 1 - Council Member Majdi

- B.** [318-1105](#) The Vienna Police Department requests approval to ride NJPA contract #110515 to purchase an electronic citation (e-citation) module and equipment from Brazos, a division of Tyler Technology, for a cost not to exceed \$57,020.

It was moved to authorize the police department to ride NJPA contract # 110515 to purchase an electronic citation module and equipment from Brazos, using e-summons money in an amount not to exceed \$57,020

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

C. [19-1139](#)

Old Courthouse Road NE Fairfax County agreement for construction funding

It was moved to approve the Old Courthouse Road NE Fairfax County agreement and authorize the Town Manager to execute all related documents.

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

D. [19-1147](#)

Consideration of correction for resubdivision of lots 18, 19B & 20 of Malcolm Heights Subdivision

It was moved to approve the Fairfax County Circuit Court-ordered correction of the resubdivision of Lots 18, 19B, & 20 of Malcolm Heights Subdivision as identified on the plat and final order. It was also moved to approve incorporation of the Court's ruling for creation of the odd lots and direct the Town Clerk to send a clerk's certification of this Council action to the director of planning and zoning for inclusion in the Town's zoning file for this subdivision.

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

Nay: 1 - Council Member Sienicki

6. Meeting Adjournment

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

A motion was made by Council Member Tara Bloch, seconded by Council Member Douglas Noble, 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

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.

Mayor Laurie A. DiRocco

Signed / Dated: _____

Attest: _____
Melanie J. Clark, CMC
Town Clerk