



# 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, May 13, 2019

8:00 PM

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

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#### Regular Meeting

**Invocation: Ms. Ella Yazdanie of the Baha'is of the Town of 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:

[19-1267](#) Approval of the Regular Council Meeting Minutes of April 8, 2019 and the Work Session Minutes of February 11, 2019.

*It was moved to approve the Regular Council Meeting Minutes of April 8, 2019 and the Work Session Minutes of February 11, 2019 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 Noble, Council Member Sienicki, Council Member Springsteen and Mayor DiRocco

#### 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 345 and Troop 1978 introduced themselves to Council, they are working on their Citizenship in the Community Merit Badge.*

#### 4. Reports/Presentations

[19-1264](#) Proclamation for Bicycle Awareness Month

*Councilmember Bloch presented a Proclamation for Bicycle Awareness Month.*

[19-1265](#) Proclamation for Infrastructure Week

*Councilmember Noble presented a Proclamation for Infrastructure Week.*

[19-1219](#) Historic Vienna Inc. 2018 Annual Report Presentation

*Ms. Anne Stuntz, President of Historic Vienna Inc. presented the Annual Report for*

*Historic Vienna Inc. Ms. Gloria Runyon, Sylvia Taylor and Jon Vrana were also present. Jon Vrana provided information on an upcoming archaeological survey of the area surrounding the Freeman Store.*

#### A. Report and Inquiries of Council Members

*Councilmember Bloch reported that Council received an email from a resident who lived on 110 Yeonas and was curious who repairs the street in front of his house, which he eluded to was damaged during construction. Mr. Mike Gallagher stated that they are going to look into that to see if that is still under a right of way permit bond and determine if it looks like it was damage from the contractor. If it does they will follow up and if it does not look like it is associated with construction they will put it on a maintenance list.*

*Councilmember Noble asked Ms. Petkac if WaWa has conveyed to the town what their intended hours of operation are going to be. Ms. Petkac stated they did not. Councilmember Noble asked that she ask them as it is a concern.*

*Councilmember Noble also asked the Town Clerk, Town Manager and the Mayor that if Council has a follow-up meeting on a particular application where they are expecting a potential vote or certainly questions they have for an applicant, it would be extraordinary helpful for the public and Council members to have the minutes from the prior meeting.*

*Councilmember Springsteen stated that he would like to see the residents and developer of 380 Maple come together and try to come up with a good compromise that everyone is happy. Development is going to happen in town and there is concerns, but he thinks if they can communicate and come together to try and come up with something that makes people reasonably happy.*

#### B. Report of the Town Manager

*No report*

#### C. Report of the Mayor

*Mayor DiRocco congratulated Councilmember Springsteen, Nisha Patel and Steve Potter for winning the election last Tuesday for a two-year term on Council, she looks forward to working with them.*

*Mayor DiRocco also thanked Ms. Leslie Herman and the Parks & Rec staff for achieving LEED Gold certification for the Community Center building. This is the town's first LEED Gold building and it really represents a commitment to environmental sustainability in the town.*

*Mayor DiRocco reported that on May 14th she is hosting Mayor @ Your Service and Ms. Eileen Elsworth, President of the Community Foundation for Northern Virginia and will be talking about the Opportunity Index for Northern Virginia which is basically data resource on the regions economy, health, civic life and educational outcomes.*

#### 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, May 13, 2019, the Town Council met for discussion or consideration of personnel matters, specifically the interviewing of individuals for consideration of appointment and/or re-appointment to Town Boards and 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 later this date, Monday, May 13, 2019 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.*

**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

## 5. Public Hearings

### [19-1261](#)

Continuation of public hearing on rezoning of 374-380 Maple Avenue W from C-1 Local Commercial zone and RS-16 Single-Family Detached Residential zone to Maple Avenue Commercial (MAC) zone for 380 Maple, a mixed-use building with ground floor retail and multifamily residential condominium units.

AND

Consideration of a request for a related modification of requirement.

*Mayor DiRocco called the Public Hearing to order at 8:32 p.m. The Town Clerk called the roll and all members of Council were present.*

*Mayor DiRocco asked if there was anyone in the audience that would like to speak on this item that had not previously spoken.*

*Mr. John Amer, 213 Glen Ave SW, is not in favor of this project because of the high density.*

*Ms. Nancy Logan, 410 Millwood Ct. SW, is not in favor of this project because of the density and height.*

*Mr. Michael Stenner, 318 Johnson St. SW, is not fundamentally opposed to this project, however, he is concerned about some of the safety implications.*

*Mr. Daniel Lebbin, 246 Hillside Circle SW, is concerned about thru traffic on Wade Hampton and Glen.*

*Ms. Leslie Norman, 2604 Pine Knot Dr., is not in favor of this project because of the dense population that it brings.*

*Mr. Greg Monday, 209 Owaissa Ct. SE, is in favor of this project. He thinks it has been well thought out and is a good opportunity for people that want to downsize in Vienna.*

*Mr. JC Moran, 204 Paris Ct. SW, is opposed to this project.*

*Mr. Gallegos, 130 Wade Hampton Dr. SW, is not in support of this project due to traffic and safety of residents.*

*Ms. Michelle McGrath, 207 Glen Ave, is opposed to this project. It does not meet the MAC requirements that promote small town character. Traffic is also a concern.*

*Ms. Heather Gunraj, 203 Glen Ave, she expressed her continued concern about the size and density of the project. She does not support this project.*

*Mr. John Runyon, 315 Courthouse Rd. SW, does not support this project.*

*Ms. Peggy James, 2752 Stonehollow Dr., supports this project.*

*Ms. Christina Rice, 412 Glyndon St. NE, supports this project as it will help retirees who are looking to downsize but remain in the Town of Vienna. It will also help businesses stay in the town.*

*Mr. Peter Hartogs, 406 Mill St. SE, supports this project. The town needs a facelift and this project will help people to stay here in Vienna.*

*Ms. Chris Desmarais, 408 Roland St. SW, she loves the look of this project but feels it needs to be scaled back a little. She is also concerned about safety.*

*Mr. William Huleatt, 413 Roland St., is concerned about safety with cut through traffic as well as density.*

*Mr. Charlie Moss, 904 Glyndon, does not support this project.*

*Ms. Allison Walisko, 314 Albrecht Circle SW, read a statement from MaryEllen Larkins of 317 Church St. NE. She does not support this project.*

*Ms. Kavita Naimpally, 402 Mill St. SE, supports this project and urges Council to support it.*

*Mr. John Eggers, 130 Wade Hampton Dr. SW, has concerns about incompatibility with the neighborhood with the abrupt transition as well as the safety with more traffic.*

*Mr. Jason Adams, 348 Church St. NE, he supports the MAC development and re-facing of Vienna. He encourages Dennis to make sure this development is safe for everyone involved.*

*Ms. Bridget Rainero, 365 Holmes Dr. NW, is concerned that they are moving into an era of re-development that is not attractive to investment and on going business.*

*Ms. Julie Morton, 612 Center St. So, she is thrilled to see this kind of development going on in this community. She would love to see a plan for traffic calming*

*measures, not only on this street but on their street. This project should be approved for numerous reasons especially when it meets the MAC guidelines.*

*Mr. Dennis Lynch, 420 Ayr Hill Ave. NE, supports this project, it will bring many benefits to the town.*

*Ms. Ann Costlow, 214 Glen Ave SW, there does need to be a new building and improvements to the property and feels it will benefit but would like their concerns addressed first, traffic, safety etc.*

*Ms. Cathy Hardman, 524 Lewis St., does not support this project.*

*Mr. John Pott, 134 Wade Hampton Dr., asked if it was clear from his letter sent today that the town has not filed the required notice to Fairfax County with regards to 380 rezoning, with 380 being within .05 mile of the Fairfax County boundary. The County has no filing with respect to 380.*

*Mayor DiRocco stated they will answer the questions once they finish listening to all the speakers.*

*Ms. Cindy Miley, 204 Paris Ct. SW, it is important to revitalize Maple Avenue Corridor and encourage economic development but it can't come at the expense of their existing single family neighborhoods. She asks that they vote no on this proposal.*

*Mr. Alex Gallegos, 130 Wade Hampton Dr., this is not about anti growth or anti development, it's about responsible development. He does not like the lack of transition between his home and the proposal. He thinks they can find a win win.*

*Mr. Joe Daly, 412 Roland St. SW, is not in support of this project.*

*Mr. Jay Creswell, 404 Millwood Ct. SW, he thinks the town should table this matter until the new Council members have the opportunity to come aboard and affect the decision making. He thinks they can continue to work with Dennis and come up with a solution.*

*Ms. Estelle Belisle, 200 Ceret Ct. SW, stated that the applicant has not yet provided any written proffers. Although he has made some commitments orally, at this late stage of the game they don't know if anything will be proffered. She asked when the information will be made available. She urges Council to encourage developers to submit draft proffers based on oral commitments prior to Council's public hearings. She does not support the present design of 380. Changes can and should be made to address their issues which she provided.*

*Ms. Jayme Huleatt, 413 Roland St. SW, spoke on their concerns with Wade Hampton, the narrowing and public parking. She would like Council to look at this before voting on this project.*

*Mr. Frank Biros, 200 Ceret Ct. SW, focused his remarks on the new auto turn exhibit submitted by the applicant. This is the third auto turn exhibit submitted and feels the developer still hasn't gotten it right yet. His solution is fewer condo units with less required parking and the ability to do some of their maneuvering inside the garage instead of a public street.*

Ms. Cindy Petkac stated that as indicated by several members of the public, Mr. Rice's team has provided some revisions to the concept plan. She provided a couple of slides to show what the revisions were. One of the plan sheets had a reference to 40 residential units that has been updated to 39. The lift has been replaced with an ADA ramp. There is an updated auto turn diagram. On the landscape plan, there is language now that says possible additional landscaping within the right of way on the southside of Glen. The requirement in the MAC is for a maximum 80% impervious surface or the flip is 20% required pervious surface, which would be a requirement of just under 7400 square feet. Sheet A5 lists that almost 7400 square feet is being provided in impervious surface and that includes what was originally shown in sheet A5 at about 4274 and then the addition of a proposed green roof but the applicant has indicated that after further discussion with the engineer from Public Works, that they would not be doing a green roof. They may be looking at some sort of vegetative roof system but they are meeting the requirement for increasing their maximum pervious with incentives that they addressed and discussed last time. Right now sheet A5 7368 square feet of total pervious but what they are really providing is 4274.

Councilmember Noble asked Mr. Briglia why don't they have the proffers presented like they did with the prior 3 projects. Mr. Briglia stated that Mr. Rice passed up at the beginning of the meeting, an acknowledgment of a proffer of all the design criteria that are set forth in the plans as well as an additional proffer for utility relocations. It is a little more formal but in his mind it is not in formality that they would normally expect. The MAC is kind of a different zoning ordinance. You have on sight and off sight proffers in any rezoning and in the MAC there are many design proffers that become part of the rezoning/conditional zoning. Even though the general conditions cover sheet say there is no proffers, that is not technically correct. In the MAC all the design criteria and the design concept are part of the incentives and part of a proffer. He agrees they should be a little more formal on this, especially with a MAC project. Some of that was partially addressed with what Mr. Rice passed up that would need to be put formally in the record. Councilmember Noble stated that he has a significant concern on the approach taken by the applicant and he is not sure they should consider further conversation of this project absent asking the questions they have to ask until that proffer sheet is available to the public. He thinks it is incredibly unfair on behalf of the applicant that that's the approach they took.

Mayor DiRocco stated that she thinks it's appropriate, they require it by state statute that proffers are to be in writing. It needs to be written out and she thinks that there are things that the applicant has already talked about that are proffers that can also be added to that list. She thinks they need to have that ahead of time for everyone to view.

Councilmember Springsteen asked if the town has notified the County? It is a yes or no answer. Mr. Payton stated no, not formally. Councilmember Springsteen stated that the law states the County is supposed to be notified, is that correct? Mr. Briglia stated the requirement for notification to the public, advertisement of public hearings and notification to the County of a rezoning is required if the proposed rezoning is within a half mile of another locality which they checked this afternoon and this property is within a half mile of the County line. They checked earlier to see if copies had not been sent. In the past all Town Council packets used to be sent by mail to the County but partly because we do everything electronically now it was not. His suggestion would be is to not close the public hearing and give the County notice. On the staff level they have had contact with it but he doesn't want to be

*presumptuous and he doesn't think the Council would be, if it says they should give formal notice and it goes to the County Executive then they should get the notice. Councilmember Springsteen stated that they need to follow the law, there is no discussion as far as he is concerned, it is the law. As he said he would like to try, over the next couple of weeks, he would like to see if they can get a mutual agreement and he thinks they probably can. Maybe cut back some of the units, the sidewalks and the turning stuff. He would like to see them try and resolve this over the next couple of weeks. Mr. Payton stated that in his eight years of being here this has not been a practice, referring to Mr. Potts questions about notifying the County and it was not an intentional inaction to not notify the County with regard to this matter. Going back to the Director, Greg Hembree, 8 years ago, that practice has never been followed. It is certainly part of the State Code but not the Town Code. He was made aware of this recently and stated that going forward it will be the practice of staff, but it was not an intentional inaction on staff in any way. He stated for the record that we do follow the law here in the Town of Vienna, we take it very seriously and this was something that was an oversight on the part of staff, going back 8 years. This is not something that happened particularly for this particular project only, if staff was aware of it, it would have been done. Councilmember Noble stated that Mr. Potts cited that the notice has to precede the Planning Commission meeting and asked Mr. Briglia to comment. Mr. Briglia stated that his recommendation is that they continue the Public Hearing and give notice to the County more than ten days of any action being taken.*

*Councilmember Noble stated the applicant submitted a number of modifications to the application, following the public hearing, specifically, with the pervious cover, and the staff report was not amended following that to indicate what the resolution of it was, it was simply presented here. He would hope that since there was sufficient time between those that staff updates or at least amend staff reports to indicate the substantial change. Just looking up on the slide this evening is not something he can respond to quickly and he would like to go through those things. There is no mention in the staff report on the changes in the on street parking spaces and a later question, he does want to understand how the street narrowing from 36 to 32 came up and was discussed. Mayor DiRocco stated that the impervious is not up to date in the staff report.*

*Mr. Dennis Rice, 412 Glyndon St. NE, stated that he received a call from Mike D'Orazio yesterday about their pervious vs. impervious and what they had originally talked about and maybe it was a misunderstanding on his part, that they would add a vegetative area on the roof to offset the lack of or the increase of pervious from approximately 13% to 20%. Mike got back to him and explained it again. He talked to Christine Horner and where the vegetative roof can be used for absorption of stormwater and treatment of the water, it does not return the water to the earth which is what the pervious area is supposed to do. It was an oversight but they have the incentive that they can use on the pervious area.*

*Mr. Rice stated that he has heard a lot about parking and parking on the street and he has to say he is totally dismayed. He and his partner were going to spend over 1.2 million dollars in adding 35 additional parking spaces and he has been nothing but beaten up and hammered on this, about how the rules and regulations were obviously flawed and they are not flawed. They are not taking any parking credits for their structured parking, there is no one else in this town under the MAC that has not done that, they are the only ones. They were willing to spend 1.2 million dollars for 35 additional spaces and they are worried about losing 2 parking spaces on the street and its 2 parking spaces on their side. The other side where they claim 7 cars*

can be parked, he is going to ask the police to look at that because 3 are illegally parked. As for the 60' tall, the highest point on their building including the parapit is 54' not 60'. Someone else said at one of the previous meetings that their building is 40% bigger than the 444 and their building is about 64,000 square feet of residential condos, not for rent, they are for sale and they have 7500 square feet of retail space, 444 has 166,000 square feet of rentable space for residents and approximately 21,000 square feet of retail. They did use the incentive, they are 55-60 spaces less than what would be required if you didn't put that 25% factor in it, they are not, they meet and exceed.

Mr. Rice stated as for safety, he has offered in front of this board, in front of Planning Commission and to the neighbors that they would help participate in fixing the curb between Wade Hampton and Roland. Mr. Pott and his neighbors will need to dedicate property and he has not heard Mr. Pott or the neighbors offer to do that dedication. They want to be part of the problem but not part of the solution. Councilmember Noble asked Mr. Rice if his offer regarding this traffic safety stuff in the proffer item that he just handed the Mayor and the Town Attorney. Mr. Rice stated no, because they have been constantly pounded on. He did turn it in to Mr. Gallagher, the dollar amounts, which he was requested to do by Public Works. Mr. Rice stated that on the lift that was brought up by a resident in a wheelchair, and they did address that area.

Mr. Rice also stated, the comment about looking like three different buildings, you need to read the MAC code, that's what it is suppose to look like. People are getting up here and saying stuff and they don't read the code. That was brought on by Steve Kenney on the Planning Commission, he pounded on the architect to make it look like three distinct buildings, three residential townhouses. They originally had a similar look on the front and back, then it was said the back looks too commercial, now it looks too residential. The landscaping, they have offered on the landscaping and he brought this up to the town arborist and he has not recieved a reply back yet. What kind of trees would they prefer if they planted on both sides of Glen Avenue. On safety, they have tried to work with Mr. Gallagher and he has been very good about it, trying to put the pork chop in, the no left turn lanes and all he reads about by the anonymous things out there is what a ridiculous effort this is. Everybody says they are not against the MAC and they just want them to decrease it, to what, a 7-Eleven. This building has decreased in size tremendously from the beginning, they had about 60 units with rooftops, double floors, mezzanines, second level parking below and a mezzanine level of parking. They reduced the second level below because people were complaining about the water table. Every move they have made, they have come back and said it is not really relevant. This project meets every MAC requirement there is. He stated to Councilmember Springsteen that he would like to work with them but all you hear is negative and that you haven't done anything. They have pushed the front back, they put in an 8' sidewalk vs. a 5' sidewalk, in the back they are 27.6' and they are only required to be at 15', they put the wall in, they didn't like the wall, they took the wall out, they didn't like the wall out, they put a straight wall, they wanted a serpentine, they put a serpentine, they wanted a straight, they had a bench, they didn't want a bench, its all back and forth. The sidewalk to nowhere is not his requirements, it is the Town Council's requirments through Planning Commission, it is not their sidewalk to nowhere. He has said over and over and over that they would use that money, if the town wanted to, to try and help improve the bend but Mr. Pott and his neighbors need to step forward. They have said constantly about having a list of people that would sign up to close the street and it has been 3 years and no list has ever been provided to him. They showed misrepresentation on what it would look like from the Gallegos



property looking at theirs and they can show what it looks like, they went up on top of their building and shot it and they didn't crop the trees out of it.

Mayor DiRocco stated to Mr. Rice that the things he talked about, the road improvement on Wade Hampton and extending the sidewalk on Glen and those are the types of things that need to be put on a proffer list if those are the things he is willing to do because they need those in writing. She also asked what the status was with the utility providers for undergrounding the utility lines. Mr. Rice stated that the status is still open. The Town Attorney was there along with the staff when he called Mr. Hardy about trying to get a commitment and he said he had not received any site plans and the site plans were sent back in February this year and sent back in August of last year. They also said they forwarded us a request for a work order and there has been no request and asked them to send the request again and they still haven't got it. They do not have a problem dropping the line in front of their property but it is not that simple and he thinks the Town Attorney can address some of those issues. They want to take the pole on the Tysons side and they want it to be replaced then they will drop the wire down. There is a pole at Wade Hampton and they want to take that pole down and do a double boring across Maple Avenue to replace the pole on the other side. Then they want to keep going down Maple Avenue towards 444 and replace another pole over there. It is just not dropping wires down, then they came at the end and brought up that they should just consider going all the way down to 444 and not stopping. They have a cost estimate of \$560,000 plus or minus and that is only for Dominion Energy, it does not include the cable or the telephone. Mayor DiRocco stated that is also something that needs to be written down, if that is something he is willing to do. She asked if he would have more of an idea of what that is. Mr. Rice doesn't know because they can't get return phone calls. It was very confusing on the number of poles that were supposed to go down and the number of poles that were supposed to go back up. They don't have a problem going from pole A to pole B. He doesn't feel that going across Maple Avenue is their responsibility, that is not in front of their property and neither is continuing down to 444.

Councilmember Springsteen understands his frustrations but the global stuff but what about reducing the back, is that doable at all. He thinks there has to be some compromise with everyone. He understands the frustration but are there areas they can cut back and can they give up some of the things. He is looking for things to figure out. He thinks they need a professional to sit down with them and figure something out. He has put a lot of work into this and there are some concerns with the community and they have come up with some realistic suggestions and some just aren't realistic. They need to get someone to sit down with them and work some things out. Mr. Rice stated that he and his partner do not have a problem in sitting down and they were approached on Friday about sitting down with the neighbors. They are already to do it and he found out that it was not an accurate statement. It was misconstrued on his part. If it is a reasonable, civil discussion, he has been attacked and will not be attacked again. Councilmember Springsteen stated it was just a suggestion. Mr. Rice stated if they can't be civil he will not talk to them.

Councilmember Colbert stated that it sounds to her that certainly working with the neighbors, if they want to dedicate land and fix those corners. The safety in the area is something they heard tonight and it is definitely a concern of hers also and the sidewalks and fixing those corners. She thinks if he does meet with the neighbors maybe there can be certain topics to discuss, leaving it open to everything would be back to ground zero and that isn't fair to anyone. The trees shouldn't be something hard to deal with, just what kind of trees will grow tall and can be a buffer. She

doesn't know where they are at with the wall and she understands that some of the citizens have changed their mind and asked Mr. Rice if he is agreeable to put in whatever wall they are interested in, she doesn't think that should be a hard thing to work out. Mr. Rice stated they will do whatever the Town Council feels is in the best interest of the neighbors. Mayor DiRocco stated that looking at the drawings it looks very narrow but would defer to some of the neighbors that are in the back there and get some feedback. If he meets with the neighbors that would be a topic of discussion because it is very narrow in that area. Mr. Rice stated if you do a serpentine wall it does cut into the internal part of that particular area, there is a straight wall back there now. Mayor DiRocco asked if the infiltration wall could be serpentine if there is no additional wall or additional plantings in there. Mr. Rice stated yes. Mayor DiRocco stated that would be a good discussion if he sits down with the residents. Mr. Rice showed a few slides showing different options.

Councilmember Noble asked Mr. Briglia if there would be an opportunity for some sort of Memorandum of Understanding between the different parties because for all sides, not just the applicant but the residents who are immediately affected across Glen Avenue or adjacent on Wade Hampton. There seems to be a lot of different issues playing out here but it seems there is not a lot of definition of A or B or C between the parties and the town so everybody knows what sheet we are playing from and he would like to know what sheet we are playing from in terms of who is saying which to whom. He was wondering how something like that might work when people start throwing compromises between two parties who potentially might agree but how do you define that agreement. Mr. Briglia stated he thinks he understands what the concept is and what may be helpful is some type of facilitator that both sides feel is neutral that can listen and help get passed the issues. If people's emotions can settle in and you have the right facilitator it may be constructive.

Councilmember Noble stated that Mr. Biros conveyed his concerns about the auto turn exhibit in that it doesn't accurately represent how trucks would arrive and depart on the loading dock and that needs to be fixed. He thought the conversation last week would result in auto turn overlay that would be fixed.

Councilmember Noble also asked how it exactly will garbage trucks turn around given the length of a garbage truck, turning radius and your loading dock doors are mostly closed and garbage dumpsters at a different door. He is not sure you can get a garbage truck up to doors that are closed and back it up so he would like to see that because right now he doesn't see how you do that given the length of those vehicles which is longer than your standard diagram SU30 type vehicle. He knows they had a conversation about limiting delivery truck size and he thinks it may be a little problematic and the reason for that is separating out deliveries vs. interstate commerce and over the road vehicles for potential move in. He doesn't know how you do that from a legal construct because if someone shows up and they have an interstate moving company and they show up in the vehicles they got unless you have some sort of agreement in your leases that you only accept vehicles of X length but he doesn't know and it is something to explore.

Councilmember Noble asked Mr. Rice who would maintain the brick sidewalks and the other sidewalks, would it end up being transferred to the town as a public right of way or would he maintain it. Mr. Rice stated the town and he also understands that they are considering changing from brick to a brick lined and that would be brought up during site plan. Councilmember Noble also asked about the planting beds and that they don't have a drop down. Mr. Kylo stated they would be willing to work with public works on that. He knows there are concerns about the raised

*border around those and they can work those out. Councilmember Noble just wants to be sure there isn't a negative edge.*

*Councilmember Noble stated that he is really starting to get annoyed about the number of times he has mentioned that having sidewalk accessibility ramps pointing into the middle of the intersections is really not what we want to be doing, we want the shortest perpendicular path across intersections so if that means two ADA ramps on a corner, it means two ADA ramps on a corner. If you are talking about people that are visually impaired or in wheelchairs, why are we pointing them out into the middle of an intersections, it is a stupid idea and he has been hammering Public Works for years about this and we need to stop including in design plans and approving it.*

*Councilmember Noble mentioned that on the loading dock aprons and the driveway access next to it, that is one linear length of driveway, 50' or 60', there is no refuge island between the ramp into the lot and the loading docks and if someone is crossing there, there is no width for somebody to stop. Mr. Rice stated it was code, 39' and they only need one of the loading areas and they would prefer to get rid of the other one. If they got rid of one then they could have an island in between. Councilmember Noble thinks they can do both. Mr. Rice stated they will look into it.*

*Councilmember Noble stated that the Transportation Impact Study makes not mention of TDM activities whatsoever and he knows he is not offering them as part of the proffer protocol but they make no mention of them in the traffic study and he thinks that would be helpful.*

*Councilmember Noble also asked about lighting and if they will be using LED fixtures for that. Mr. Rice stated yes. Councilmember Noble asked if they were using Prismatic globes to improve downlighting. Mr. Rice stated he didn't know.*

*Councilmember Noble also asked what the genesis was of the street being narrowed from 36' to 32'. Mr. Gallagher stated that when the application was first brought to them about two years ago, they said 36' wide street potentially heading into a residential area is too wide so they decided to narrow the street and that has been their practice in redevelopments and improving streets by narrowing streets.*

*Councilmember Noble asked how the fire trucks going to access the blind side of the Tysons Corner side of the building, how is fire suppression going to work on that side. Mr. Rice stated they have met with the Fire Marshall and they did not seem to have a problem.*

*Councilmember Majdi asked if they could get proffers in writing.*

*Mayor DiRocco stated that Mr. Briglia provided them a recommendation to continue the public hearing. She thinks there are things that are not in writing that they need, there are updates to some of the plans, questions that have been unanswered and things that are unreconciled and undone. She thinks it makes sense to get some of these answers and get things in writing.*

*It was moved to continue the public hearing to June 3, 2019 and direct the Town Clerk to re-advertise the continuation of the public hearing. Also direct staff to send notification of the rezoning to Fairfax County.*

*Mr. Briglia stated that although some of the proffers are shown on the plans but*

*what they have done on other projects is they have listed those out. They will sit down with the applicant and list out the proffers.*

*Mr. Rice wanted to make sure they could get a commitment to when they will have the things that they need to get back to Council by. Mayor DiRocco asked Ms. Petkac to provide all the information on when they can provide Mr. Rice with the questions that were asked. Ms. Petkac stated they will follow up immediately and try to get information to Mr. Rice as soon as possible.*

**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

Public hearing to extend the temporary suspension of the Maple Avenue Commercial (MAC) zone, currently set to expire June 27, 2019, to November 15, 2019.

*Mayor DiRocco called the Public Hearing to order at 11:09 p.m. The Town Clerk called the roll and all members of Council were present.*

*Ms. Petkac, Planning and Zoning Director, explained that this hearing was advertised and the Planning Commission held their public hearing on April 24, 2019. Six individuals spoke in favor of the moratorium. Council received a memo from Chairman Gelb outlining the discussion that the Commission held after closing the public hearing, and their recommendation was unanimous to recommend extension to the date that is proposed, November 15, 2019.*

*Mr. John Pott, Wade Hampton Dr. stated that he is very much in favor of this. He thinks it is very important for the results of the traffic study be included, the results of the economic study which seems to be very behind what it should be. He implores Council to use outside assistance to the extent possible. This is a wealthy town that can afford to pay for the best and lets use it.*

*Ms. Jayme Huleatt 413 Roland St. SW stated that she is also in favor of this extension and if this is not enough time to do it correctly she hopes they will consider extending it further. She also agrees with her neighbor John that they need the results of the studies. She also thinks they need to carefully think about everything and make the words in the MAC get us what we want. She does not think the MAC that is in place right now is doing that. She thinks this is the chance to get it correct for the citizens, the developers and the businesses. As many people have noted, things have changed, when this was written there was supposed to be office space in this building and not such a high density of residential and she thinks that is the problem they are all having with this. They just need to look at everything carefully.*

*It was moved to close the public hearing at 11:14 p.m.*

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

*It was moved to extend the temporary suspension of Article 13.1 - MAC Maple Avenue Commercial Zone Regulations of Chapter 18 of the Town Code, set to expire on June 27, 2019, to November 15, 2019 and direct the Town Clerk to advertise a Notice of Intent to Adopt.*

*Motion: Councilmember Bloch  
Second: Councilmember Springsteen  
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

#### Public Hearing regarding FY 2019-20 Proposed Real Estate Tax Rate

*Mayor DiRocco called this Public Hearing to order at 11:17 p.m. The Town Clerk called the roll and all members of Council were present.*

*Ms. Marion Serfass, Direct of Finance, explained that this is a public hearing on the proposed Real Estate Tax Rate for the fiscal year 19/20 budget. The State Code of Virginia defines when localities need to have a public hearing. In this case their equalization rate, which is the rate required to generate a levy of 101% of the previous year's tax levy is less than the proposed tax rate. The equalization rate is \$0.2232 and the proposed tax rate is \$0.2250, therefore Council needs to have a public hearing.*

*No one from the public came forward to speak*

*Councilmember Springsteen asked if the rate is the same as last year or has it increased. Ms. Serfass stated that the proposed tax rate is the same.*

*Councilmember Bloch said kudos to the staff for maintaining the tax rate or lowering it over the last few years. They have done a great job of maintaining a balanced budget, cutting things that needed to be cut and also keeping the tax rate where it has. She thanked them very much for their hard work.*

*Mayor DiRocco thanked all town staff for the budget, they all work on it and it is a fairly number of month endeavor.*

*It was moved to close the public hearing at 11:19 p.m.*

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

*It was moved to approve the Fiscal Year 2019-20 proposed real estate tax rate, bank net capital rate, residential utility tax rate, and commercial utility tax rate as presented, and it was further move that the Town Clerk has advertised the Notice of Intent to Adopt at this Council meeting May 13, 2019.*

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

**This 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

## 7. Regular Business

[19-1251](#)

## Intent to adopt the Real Estate Tax Rate for FY 2019-20

*It was moved to approve a resolution setting tax rates for the fiscal year beginning July 1, 2019 as follows:*

- \* Real Estate Tax Rate of \$0.2250 per \$100 of assessed valuation*
- \* Bank Net Capital Tax Rate of \$0.80 per \$100 of valuation*
- \* Residential Utility Tax Rate of 20% of the first \$15*
- \* Commercial Utility Tax Rate of 15% of the first \$300."*

*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 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

[19-1252](#)

## Intent to Adopt the FY 2019-20 Budget

**It was moved to adopt the \$41,153,380 FY 2019-20 proposed budget as amended by the list of proposed changes.**

**It was further moved that of the said total, \$26,725,030 be appropriated for General Fund expenditures; \$4,665,270 be appropriated for Debt Service Fund expenditures; \$9,233,080 be appropriated for Water and Sewer Fund expenditures; and \$530,000 be appropriated for Stormwater Fund expenditures.**

**It was further moved that the Town Clerk be authorized to advertise a Notice of Adoption.**

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

[19-1253](#)

## Intent to adopt FY 2019-20 Water and Sewer Rates

*It was moved to approve an ordinance setting water and sewer rates for fiscal year 2019-20, beginning July 1, 2019 as presented.*

*It was further moved that the Town Clerk be directed to advertise a Notice of Adoption.*

**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

[19-1256](#)

## Letter of Agreement with Fairfax County Regarding Sewer Debt

*It was moved to table this discussion until the Finance Director, Town Manager and Town Attorney can meet with the County to formulate a letter that better meets our needs.*

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

19-1263

Set a public hearing to grant a ten-year license for use of a right-of-way to Cox Wireless Access, LLC.

*It was moved to conduct a public hearing on June 17, 2019, on Cox Wireless Access, LLC's request for a license to use the public right-of-way and further direct the Town Clerk to advertise the notice of public hearing.*

**A motion was made by Council Member Bloch, 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

**19-1281**

**Second Closed Session**

*Mayor DiRocco called the regular meeting back in session at 12:22 p.m. 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 these dates, Monday, May 13, 2019 and Tuesday, May 14, 2019, 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, June 3, 2019 at 7:00 p.m., in accordance with Virginia Code Section 2.2-3711.A.(1), for discussion of personnel matters, specifically the interviewing of individuals for consideration of appointment and/or re-appointment to Town Boards and Commissions.*

**A motion was made by Council Member Bloch, seconded by Council Member Noble, 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

## **8. Meeting Adjournment**

*It was moved to adjourn the meeting at 12:24 a.m.*

### **8. Meeting Adjournment**

**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.*