



# 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, September 16, 2019

8:00 PM

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

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#### Regular Meeting

**Invocation: Kian Huang of the Vienna Baha'i Community**

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

#### 1. Roll Call

**Present:** 7 - Council Member Linda Colbert, Council Member Pasha Majdi, Council Member Douglas Noble, Council Member Nisha Patel, Council Member Steve Potter, Council Member Howard J. Springsteen and Mayor Laurie DiRocco

#### 2. Approval of the Minutes:

##### 2. Approval of the Minutes:

**Aye:** 7 - Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Patel, Council Member Potter, Council Member Springsteen and Mayor DiRocco

- A. [19-1424](#) Approval of the Regular Council Meeting Minutes of July 15 2019 and August 19, 2019, the Work Session Minutes of April 3, 2019, April 22, 2019 and August 19, 2019.

*It was moved to approve the Regular Council Meeting Minutes of July 15 2019, August 19, 2019, the Work Session Minutes of April 3, 2019, April 22, 2019 and the August 19, 2019 as amended.*

**A motion was made by Council Member Majdi, seconded by Council Member Colbert, that the Minutes be approved. The motion carried by the following vote:**

**Aye:** 7 - Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Patel, Council Member Potter, Council Member Springsteen and Mayor DiRocco

#### 3. Receipt of petitions and communications from the Public that are not on the Agenda. (Limited to 5 minutes per issue and no formal action can be taken this evening)

*Ms. Gail Rubin, 208 Ross Drive addressed Council regarding an issue she has had with her water bill and people she has been dealing with.*

*Local Boy Scouts from Troop 1143 introduced himself to Council. He is working on Community Merit Badges to get his Eagle Scout rank.*

#### 4. Reports/Presentations

- A. [19-1433](#) Recognition of James Madison High School Sports Teams

*Mayor DiRocco recognized the 2018-19 State Champions and State Runners-up from James Madison High School sports teams and presented each team with a plaque. The teams recognized were the Varsity Girls Swim & Dive team, Varsity Boys Lacrosse, Varsity Girls Lacrosse and Varsity Boys Soccer.*

**B. [19-1434](#) Recognition of Chief John Morrison as 2019 Chief of the Year**

*Mayor DiRocco recognized Vienna Fire Chief John Morrison as Volunteer Fire Chief of the year for 2019.*

**C. [19-1423](#) Proclamation for Vienna Teen Center 20th Anniversary**

*Councilmember Springsteen presented the Proclamation recognizing the 20th Anniversary of the Vienna Teen Center.*

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

*Councilmember Noble reported that he has noticed there has been an increase in property and vehicle crimes and asked Chief Morris to provide and update.*

**B. Report of the Town Manager**

*Mr. Payton asked the Director of Finance to come forward and address the incident that the resident brought forward regarding a matter that he is aware of. He stated that they strive for professionalism and compassion with an even amount of energy in the town as staff, they don't always get it 100% right but that is their goal. As Town Manager whenever they don't hit that goal he addresses it with staff. He asked the Finance Director to come forward so there is clarification for residents who may hear about water being turned off. He asked her to explain the process.*

**C. Report of the Mayor**

*Mayor DiRocco thanked the members of the American Legion Post 180 and the town's Parks & Recreation Department for hosting the September 11th commemoration on the lawn of the Freeman Store. It was a reminder to never forget the many men and women that died that day and our countries continued war on terrorism and efforts for peace.*

*Mayor DiRocco also thanked the Vienna Public Arts Committee and the James Madison High School arts students for their work along Church St. The art students painted some of the storm drains along the street reminding people of what goes down the drain and what doesn't go down the drain is imbedded in their art work.*

**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 on Wednesday, September 4, 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 Monday, September 23, 2019 at 6:45 p.m. in accordance with Virginia Code Section 2.2-3711.A. (1), for discussion or consideration of personnel matters, specifically Town Board and Commission openings.*

*Motion: Councilmember Colbert*

*Second: Councilmember Springsteen*

*Carried unanimously*

*It was moved that Bob Leggett be re-appointed to the Town /Business Liaison Committee for a two-year term. Said term shall be retroactively effective from August 22, 2019 through August 22, 2021.*

*It was further moved that Michael Cheselka be re-appointed to the Board of Architectural Review for a two-year term. Said term shall be retroactively effective from July 31, 2019 through July 31, 2021.*

**Item approved as shown above.**

**Aye:** 7 - Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Patel, Council Member Potter, Council Member Springsteen and Mayor DiRocco

## **5. Public Hearings**

### **A. [19-1419](#)**

#### **Public Hearing on Proposed Amendments to Town Code Chapter 1, Section 1-9.1, Fee Charged for Passing Bad Checks to Town**

*Mayor DiRocco called the Public Hearing to order at 8:58 p.m. The Town Clerk called the roll and all members of Council were present.*

*Ms. Marion Serfass, Director of Finance explained that they have reviewed the State Code for the amount allowable for returned checks, the town's code says \$20. Most localities as shown in the attachment, charge more, anywhere from \$20 - \$50. They would like to change the code to say they allow up to \$50 but intend to charge \$25. It is not a giant issue for them but real estate does allow \$25 and wanted to bring it all in together.*

*They get about 50-75 bad checks per year, mostly in water & sewer, less than 5 per year in real estate, business licenses or meals taxes. Because this fee is affecting an item that is a tax they were advised they needed to hold a public hearing because tax items require a public hearing.*

*Councilmember Colbert asked why the wording was up to \$50 and not just \$25. Ms. Serfass stated that it was to allow them flexibility if they wanted to raise it in the future and they wouldn't have to have another public hearing. State Code allows up to \$50.*

*Councilmember Noble asked if the language in the new clause "in bad faith" was also in within the state code and how do you determine "bad faith." Ms. Serfass stated if someone comes in and explains they have had problems with that account, they have closed it etc, that is not in bad faith but if someone doesn't want to pay and does a stop payment you can generally tell. Councilmember Noble was curious*

*if there was a legal threshold or not. Mr. Briglia stated Ms. Serfass's explanation was right on.*

*No one from the public came forward to speak on this item.*

*It was moved to close the public hearing at 9:00 p.m.*

*Motion: Councilmember Noble*

*Second: Councilmember Majdi*

*Carried unanimously*

*It was further moved to approve changes to Chapter 1, Section 1-9.1, Fee Charged for Passing Bad Checks to Town as presented and direct the Town Clerk to advertise a Notice of Intent to Adopt these changes.*

*Motion: Councilmember Springsteen*

*Second: Councilmember Noble*

*Carried unanimously*

**Item approved as shown above.**

**Aye:** 7 - Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Patel, Council Member Potter, Council Member Springsteen and Mayor DiRocco

## 6. Regular Business

- A. [19-1418](#) Amend Town Code Chapter 6, Article 8, Section 6-74.1, Small Purchase Procedures

*It was moved to amend Chapter 6, Article 8, Section 6-74.1, Small Purchase Procedures as proposed. It was further moved to direct the Town Clerk to advertise an intent to adopt these changes at the September 30, 2019 Council meeting.*

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

**Aye:** 7 - Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Patel, Council Member Potter, Council Member Springsteen and Mayor DiRocco

- B. [19-1421](#) Award Capital Lease Contract (IFB 20-09) for Financing of FY 19-20 Vehicle and Equipment Replacement Program

*It was moved to award Capital Lease Equipment Purchase Contract IFB 20-09 to Sandy Spring Bank at an interest rate of 1.904%.*

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

**Aye:** 7 - Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Patel, Council Member Potter, Council Member Springsteen and Mayor DiRocco

- C. [19-1432](#) Request to set a public hearing on November 4, 2019, to extend temporary suspension of the Maple Avenue Commercial (MAC) Zone, set to expire on November 15, 2019, to June 30, 2020 and refer the matter to the Planning Commission for consideration.

*It was moved to refer to the Planning Commission for consideration the proposed extension of temporary suspension of Article 13.1 - MAC Maple Avenue Commercial Zone Regulations of Chapter 18 of the Town Code to June 30, 2020. The suspension currently is set to expire November 15, 2019. It was further moved to set a public hearing on November 4, 2019, to receive the Planning Commission's recommendation and public input on the proposed extension of temporary suspension of Article 13.1 - MAC Maple Avenue Commercial Zone Regulations of Chapter 18 of the Town Code to June 30, 2020. The suspension currently is set to expire November 15, 2019. It was further moved to direct the Town Clerk to advertise the public hearing and a Notice of Intent to Adopt at the November 4, 2019, Town Council meeting.*

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

**Aye:** 7 - Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Patel, Council Member Potter, Council Member Springsteen and Mayor DiRocco

- D. [19-1404](#)** Resolution to include members of Council, Boards and Commissions as "Employees" of the Town for purposes of Workers' Compensation insurance coverage, replacing Resolution dated October 1, 2001.

*It was moved to approve a Resolution to include members of Council, Boards and Commissions as 'Employees' of the Town for purposes of Workers' Compensation insurance coverage, replacing Resolution dated October 1, 2001.*

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

**Aye:** 7 - Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Patel, Council Member Potter, Council Member Springsteen and Mayor DiRocco

- E. [19-1410](#)** Consider resolution to adopt 2020 Town Council meeting schedule and to include the schedule in the 2020 Town Calendar

*It was moved to adopt a resolution to set the 2020 Town Council meeting and work session schedule as presented and approve inclusion of these dates in the 2020 Town Calendar with the amendment that the meetings as shown on August 24th are moved at the times shown to August 31st.*

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

**Aye:** 6 - Council Member Majdi, Council Member Noble, Council Member Patel, Council Member Potter, Council Member Springsteen and Mayor DiRocco

**Nay:** 1 - Council Member Colbert

- F. [19-1415](#)** Request approval of MOU between the Town of Vienna and Vienna Business Association for 2019 Halloween Parade

*It was moved to authorize the mayor to execute an MOU between the Town and Vienna Business Association for the 2019 Halloween Parade.*

**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 Colbert, Council Member Majdi, Council Member Noble, Council Member Patel, Council Member Potter, Council Member Springsteen and Mayor DiRocco

**G. [19-1416](#)** Request Approval of Photography License and Use Permit for Historic Vienna, Inc.

*It was moved to authorize the mayor to execute a photography license and use permit for Historic Vienna, Inc.*

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

**Aye:** 7 - Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Patel, Council Member Potter, Council Member Springsteen and Mayor DiRocco

**H. [19-1411](#)** Request to approve Freeman Store and Museum Lease Renewal Agreement

*It was moved to authorize the mayor to execute a lease renewal agreement for the Freeman Store and Museum and Little Library with Historic Vienna, Inc.*

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

**Aye:** 7 - Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Patel, Council Member Potter, Council Member Springsteen and Mayor DiRocco

**I. [19-1381](#)** Recommend approval to add 131 Wade Hampton Drive SW to the Town of Vienna historic property register.

*It was moved that the property located at 131 Wade Hampton Drive SW be placed on the Register of Vienna Historic Structures, Sites and Places.*

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

**Aye:** 7 - Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Patel, Council Member Potter, Council Member Springsteen and Mayor DiRocco

**J. [19-1385](#)** Request additional funds for Church Street project IFB 19-08

*It was moved to approve \$1,484.39 in additional funds to pay the final invoice to Ashburn Contracting Corporation for the Church Street NE sidewalk project IFB 19-08.*

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

**Aye:** 7 - Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Patel, Council Member Potter, Council Member Springsteen and Mayor DiRocco

**K. [19-1417](#)** Approval of VDOT Revenue Sharing and Transportation Alternatives Resolutions

*It was moved to approve the VDOT Revenue Sharing application for East Street and Church Street NE mini-roundabout and Transportation Alternatives applications for sidewalks on Glyndon Street NE, Glyndon Street SE, Pleasant Street SW, and Ayr Hill Avenue/ Center Street N; Kenyon Road NE trail; and BikeShare stations, and authorize the Town Manager to execute*

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

Aye: 7 - Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Patel, Council Member Potter, Council Member Springsteen and Mayor DiRocco

## 7. Meeting Adjournment

*It was moved to adjourn the regular meeting at 10:13 p.m.*

*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.*