



Town of Vienna

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

Meeting Minutes Town Council Meeting

Monday, November 4, 2019

8:00 PM

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

Regular Meeting

Invocation: Father Matthew Hillyard, OSFS, Our Lady of Good Council

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:

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

[19-1489](#)

Approval of the Work Session Minutes of June 10, 2019 and the Regular Council Meeting Minutes of October 21, 2019.

It was moved to approve the Work Session minutes of June 10, 2019 and the Regular Council meeting minutes of October 21, 2019 as submitted.

A motion was made by Council Member Noble, seconded by Council Member Springsteen, 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)

There were no petitions and or communications from the public.

4. Reports/Presentations

A. [19-1471](#) 2019 Halloween Parade Awards

Lily Widman, Special Events Coordinator, Department of Parks and Recreation, presented first place awards in six parade categories. Best in Parade was awarded to Cuppett Art Center.

A. Report and Inquiries of Council Members

Councilmember Patel expressed appreciation to the 380 Maple Avenue developers for meeting with and updating the neighborhood citizens. She is hopeful this will set a precedent for open communication between the commercial sector and the community.

Councilmember Noble reminded everyone to vote in the state election tomorrow, November 5, 2019; noted the November 7, 2019 work session on the Multimodal Transportation Study; recognized the accomplishments of the Madison High School band in receipt of the first place award at the state competition; and finally expressed sympathy to the families of those students involved in the Sunday traffic accident on Stuart Mill Rd.

Councilmember Springsteen reminded everyone of the 19th annual Turkey Trot slated for November 24, 2019.

Councilmember Potter recognized the Vienna Arts Society for the successful bench auction.

Councilmember Noble wished to publicly refute the contents of the Tyson's Reporter news item stating the possible relocation of the Vienna police station to Beulah Rd. The station is in the throes of rebuild and will remain, when complete, at its current site.

B. Report of the Town Manager

Town Manager Mercury Payton reminded the council of the upcoming closed session prior to the scheduled work session on Thursday November 8, 2019. He further reported on information regarding implementation of a consent agenda. With plans to reach out to other jurisdiction for advice, he would like to bring the matter forward as an agenda item at the December 4th town council meeting. Councilmember Majdi suggested that the November 18, 2019 work session would provide a platform for discussion of this item.

C. Report of the Mayor

Mayor DiRocco called on Mike Gallagher, Director of Public Works, to provide an update on the town recycling program. Director Gallagher described a new Fairfax County glass recycling program that will allow for the proper recycling of household glass items. These items should be separated from household recycling and disposed of in the purple dumpster located at Mill St., NE. Councilmember Colbert thanked Director Gallagher for the recent article in the Vienna Voice.

Mayor DiRocco thanked the Vienna Arts Society for their efforts and ultimate success related to the paint the bench project. She further noted that a few of the benched will remain as part of the Vienna landscape.

D. Proposals for Additional Items to the Agenda

Town Attorney Briglia requested the addition of agenda item 6H; authorization of the Town Manager to negotiate or take steps to acquire property that was discussed as a potential purchase by the town.

Councilmember Noble presented a motion to add agenda item 6H for the consideration of guidance and purchase of real property in the Town of Vienna. Councilmember Springsteen seconded. The motion was approved by voice vote.

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 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 later this date, Monday, November 4, 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.

Motion: Councilmember Colbert

Seconded: Councilmember Patel

Carried Unanimously

It was moved to reappoint Paul Layer to the Board of Architectural Review for a two year term. Said term shall be retroactively effective from October 3, 2019 - October 3, 2021.

It was further moved that Sara Foote be appointed to the Pedestrian Advisory Committee for a two year term. Said term shall be effective from November 5, 2019 - November 5, 2021.

Motion: Councilmember Colbert

Second: Councilmember Potter

Carried Unanimously

5. Public Hearings

A. [19-1487](#) Public Hearing on the Town's 2020 Legislative Agenda

Mayor DiRocco called the first public hearing to order at 8:45pm. Town Clerk, Melanie Clark, called the roll and all members of Council were present.

Mayor DiRocco asked Town Attorney, Steve Briglia to open the discussion of the proposed 2020 legislative agenda.

Town Attorney Briglia met in a work session with Senator Chap Peterson and Delegate Mark Kean to develop a legislative agenda for General Assembly submission. The purpose of the public hearing this evening is to solicit public input on the 14 items that the Town Council feels will be a good legislative program for submission. It is hoped that one or more of these items may result in a bill that moves out of committee, is passed through Congress and receives signature.

Mayor DiRocco recognized Julie Hayes, 304 Branch Rd., Vienna, VA for public comment. Ms. Hayes, speaking as both a resident and a member of the Pedestrian Advisory Committee, expressed her support of the proposed agenda, with particular support for items one and nine (sidewalks and replacing tree canopies). She further

proposed an additional item as follows:

The Town of Vienna requests adding a requirement for new single family housing development to install sidewalks in front of the property regardless of whether a sidewalk exists on either adjoining side of the property. Currently there exists no requirement for developers to add sidewalks if none exist on either side of the new home, nor are they required to put money into escrow for a future sidewalk. This results in a missed opportunity for pedestrian connections and runs counter to the Town's Comprehensive Plan and the Pedestrian Master Plan Vision and Goals to increase the sidewalk network throughout Vienna. Over the last ten years there has been a surge in the desire for increased pedestrian safety and access. This would be an easy win for Vienna; it would make it easier for Town Council to identify funding sources to fill in any gaps that would occur instead of having to find funding for entire street blocks. If this requirement had been in effect five plus years ago on Kingsley, for example, there would be an almost complete sidewalk running down that street that the town would not have had to fund. It is understood from the Town Attorney that this request will need to be made to the General Assembly; the next step would be to add it to the proposed legislative agenda. "Therefore, I respectfully ask you to add this request to the town's 2020 legislative agenda".

Attorney Briglia noted that, based upon the Town's legislative agenda in the past, the General Assembly has twice adopted amendments to State code to give enabling legislation authority to Towns and other jurisdictions. The first was a request to have legislative authority to require developers, redevelopers, to install sidewalks, on infill development. At the time it was required in a new subdivision, but it was not clear if this applied to single lot development. The Town requested this specific authority which was granted in 2006 and immediately adopted, as reflected in Code Section Chapter 17-67.2. In 2014 an additional request was submitted that would allow the Town, in cases where a property did not have sufficient right-of-way in a single lot redevelopment, to require the dedication of sufficient right-of-way for curb, gutter and sidewalk. The request was granted and language was added to the Town code. The limitation however on both of those sections is whether sidewalk already exists on either side of the infill development. Mr. Briglia further indicated that in 2006 the town asked for broader authority and the General Assembly limited it to "if there was an existing sidewalk. The Town was able to show by example how it could extend sidewalks. He stressed that it was unlikely anyone anticipated the escalation of teardowns in recent years, not only in Vienna but across Northern Virginia. While new builds must be up to modern standards, there has been no requirement, or only somewhat of a requirement, that they be brought up to the modern subdivision standard of which they exist. He concluded that he could draft enabling legislation that would amend the state code section 15.22242 subsection 9. He would propose amendments that it could be in any redevelopment regardless of whether there is existing sidewalk on either side. He noted that this problem has been going on for some time with approximately 100 new redevelopments each year. Councilmember Springsteen agreed that it would be worth trying to get this item passed. Attorney Briglia reflected in 2014 the Town requested, and was granted, more authority for dedication of right-of-way. It was awarded, not only for sidewalks, but for curb, gutter, and sidewalks.

Mayor DiRocco observed that this item would be a positive addition to the proposed agenda and regards it a means for providing localities more options. Councilmember Noble requests that the public hearing be finished before moving on to additional discussion of amendments to the legislative agenda.

Mayor DiRocco recognized Mr. Brian Land, 504 Ridge Rd, SW. As a member of the new Pedestrian Advisory Committee and a Vienna resident since 1990, he noted that the sidewalk situation has improved considerably, but still has a long way to go. He noted that in the last few years four older homes near his have been raised and none have sidewalks. This proposal, offers a great opportunity going forward. He wishes to add his support.

Town Manager Payton, on behalf Monica Backmon, Executive Director of the Northern Virginia Transportation Authority, presented two requests for Council consideration. The first references Item 6 of the proposed agenda which states that Northern Virginia should have one vote as a voting member of the Northern Virginia Transportation Authority. Ms. Backmon is requesting that this item be removed from the proposed agenda. From a staff standpoint Mr. Payton expressed concern should Fairfax County not support what Vienna sends to NVT. To date they have supported all initiatives to NVT, but there is no guarantee they always will. Critically, he stressed that he is simply conveying the request by Ms. Backmon to remove this item from the proposed legislative agenda.

Mayor DiRocco explained that this agenda item exists as a recognition that towns are responsible for the upkeep of their own roads, unlike counties which have Virginia Department of Transportation to provide road management. It is there as acknowledgement of this responsibility. This is something that is created in the General Assembly and there is a very set program as to how the membership is laid out. NVT is concerned about tinkering with that membership and what that might mean to the monies that are coming in...and to the authority itself. To date the County has been supportive of all Town initiatives, have not opposed any, and have supported them and what the Town has been doing. Attorney Briglia suggested adding preamble language that would soften the bluntness of this request. The language will acknowledge that Vienna has a strong working relationship with the county but the town believes there should be one voting member for all the towns.

Councilmember Noble noted that this was proposed at the Virginia Municipal League as part of the transportation policy committee conversation and a Northern Virginia city jurisdiction very explicitly did not want this to occur. Consequently, it was taken out of the VML policy statement which is adopted as an addendum to this. As a result, he believes that language should exist somewhere that Vienna supports the one vote.

Town Manager Payton stated that the second request from Ms. Backmon was an addition to the proposed agenda to restore long term funding to the Authority. In the past several years allocated dollars have been diverted from NVT by the General Assembly to Metro or WAMATA. These monies need to be returned. The four counties and the cities are adding this to their agenda; Counties of Fairfax Loudoun, Prince William and Arlington, the cities of Alexandria, Falls Church, Fairfax City, Manassas, and Manassas Park.

Mayor DiRocco expressed support for the restoration of these funds as it was ear marked for Northern Virginia and projects that will help the region. She remarked that Northern Virginia represents a strong economic engine that helps fund many things in the state. Councilmember Noble, in expressing his support, pointed out that when the three state compact was required to contribute equivalent funds to the Capitol program at Metro, Virginia's approach was, because this was a Northern Virginia problem, instead of adding net new funds which hadn't previously existed, funds for Northern Virginia should be reallocated. That decision negatively affected a significant number of projects. It is his belief that this approach is necessary to

put Northern Virginia back on the original track of what was the intent of getting the money into Metro, which had long been neglected by state legislature and our executive leadership.

Councilmember Colbert also expressed support for this item given the vast number of projects that have been put on hold or await funding.

A motion was made by Councilmember Springsteen to approve the proposed 2020 Town of Vienna Legislative Agenda to include the addition of the sidewalk proposal.

Second by Councilmember Noble. Motion passed unanimously.

A motion was made 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. [19-1470](#) Public hearing to extend temporary suspension of the Maple Avenue Commercial (MAC) Zone, currently set to expire November 15, 2019, to June 30, 2020.

Mayor DiRocco called the second public hearing to order at 9:10pm. Town Clerk Clark called the roll and all members of Council were present. The Mayor recognized Cindy Petkac, Director Planning and Zoning. Ms. Petkac reiterated that this public hearing is to extend the moratorium temporarily suspending the Maple Avenue Commercial Zone set to expire on November 15, 2019 until June 30, 2020. The purpose of the extension request is to allow staff time to continue work per council directive. The initial moratorium originated September 2018. Set to expire in June, 2018, the moratorium was extended to November. In August the Council passed a motion directing staff to continue work on the MAC and design guidelines and to carry those provisions forward to other commercial zones. The work is in process but additional time is needed.

Estelle Bylyle, 200 Ceret Ct., SW, Vienna Virginia, spoke in favor of the extension, noting that Planning and Zoning has been working very hard on this issue. She attended the Council work session where overarching issues were addressed. Much work has already been completed, including the community workshop which proved very useful. Ms. Bylyle believes more time is required in order to provide adequate opportunity to get this project done right. She supports the recommendation made by the Planning Commission to extend the moratorium until June 30, 2020.

John Pott, 134 Wade Hampton Dr., Vienna, Virginia also supports the extension, suggesting that Council must move forward in a slow and thoughtful manner. In accessing options, he is in favor of engaging, and allowing leadership to, an outside economic development consulting company with national knowledge who would be able to insert real vision into the future of Vienna. As Vienna is a small community in comparison to the greater Washington area, sitting on the shoulders of the Tysons Corner mega development and serving as a major commuter route, it is faced with a unique set of overarching issues. It is critical to know what is going on in other areas of the country and how they are dealing with the changing horizon of communities. Mr. Pott further urged the inclusion of an affordable housing component. He stressed that Council must be aware that an ordinance is not the beginning and end of economic development, and that it is critical to work within the greater vision. Finally, he believes that a component lacking in prior

discussions has been a financial analysis of the ordinance. One must know whether developers are going to make money or not; an external consultant will provide that knowledge.

A motion was made by Councilmember Noble to extend temporary suspension of Article 13.1 - MAC Maple Avenue Commercial Zone Regulations of Chapter 18 of the Town Code to June 30, 2020. It was further moved to direct the Town Clerk to advertise a Notice of Intent to Adopt. Councilmember Springsteen provided the second. The motion carried unanimously.

A motion was made by Council Member Majdi, 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

6. Regular Business

A. [19-1467](#)

Adopt a resolution to approve Northern Virginia Transportation Authority (NVTA) applications for funding of transportation projects

It was moved to adopt an NVTA resolution to approve grant applications for the Patrick Henry Library parking garage, TransAction Project ID #199 – Vienna Metrorail Access Improvements as well as for Vienna Bikeshare Stations, TransAction ID #198 – Vienna Regional Bikesharing.

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

B. [19-1468](#)

Request to award RFP 20-02 a contract for On-Call Environmental Professional Services to Wood Environment & Infrastructure Solutions.

It was moved to award a contract for on-call environmental professional services to Wood Environment & Infrastructure Solutions.

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

C. [19-1474](#)

Request to increase spending with American Tennis Courts for pickle ball lines at Meadow Lane Park

It was moved to approve \$990 in additional spending with American Tennis Courts in order to paint pickle ball lines at Meadow Lane Park.

A motion was made by Council Member Springsteen, 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

- D. [19-1477](#) Request Council's approval of appropriation of FY2018-19 purchase order roll forwards and carryforward funds into the FY2019-20 General Fund budget

It was moved to approve a supplemental appropriation of \$54,320 from the FY2018-19 General Fund encumbrance reserve balance to FY2019-20 General Fund expenditure accounts. It was further moved to approve a supplemental appropriation of \$116,430 from the FY2018-19 General Fund carryforward reserve balance to FY2019-20 General Fund expenditure accounts

A motion was made by Council Member Patel, 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. [19-1480](#) Request to set a public hearing for issuance of bonds and notice of intent to adopt an ordinance.

It was moved set a public hearing for December 9, 2019 regarding a proposed bond ordinance authorizing issuance of general obligation bonds by the Town of Vienna in an amount up to \$35 million, in one or more series, which may be tax-exempt or taxable, for the purpose of financing, among other things, acquisition, renovation, and improvement costs related to a new Vienna police station; Town sidewalks, roads, parks, recreational facilities, stormwater facilities, parking facilities, and real property; and the Town's water and sewer system. It was further moved that the Town Clerk be authorized to advertise a Notice of Public Hearing and Notice of Intent to Adopt an Ordinance."

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

- F. [19-1486](#) Consideration of appeal of Board of Architectural Review's September 19, 2019 approval for Vienna Market, located at 245 Maple Avenue W

It was moved to approve the October 25 revised elevations for Vienna Market, located at 245 Maple Avenue W, specifically modifications to the four rear façades of townhomes parallel to Pleasant Street and the Bank of America property facing Market Square, thus modifying decisions of the Board of Architectural Review made September 19, 2019 and August 15, 2019."

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. [19-1495](#) Second Closed Session

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 4, 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 Thursday, November 7, 2019 at 7:00 p.m. 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, and Virginia Code Section 2.2-3711.A.(8), for consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel.

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

[19-1497](#)

Possible land acquisition

In accordance with the discussion and consideration of the Town Council regarding the possible acquisition of real property that occurred in Closed Session where the discussion in public would adversely affect the bargaining position of negotiating strategy of the public body it was moved to authorize the Town Manager to attempt to negotiate and/or acquire the property that was discussed in an amount not to exceed the amount specifically discussed by the Town Council. It was further moved that if successful the Town Manager will add an agenda item to Town Council's next agenda for the Town Council's formal disclosure and action on the proposed real property acquisition.

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

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

Abstain: 1 - Council Member Noble

7. Meeting Adjournment

It was moved to adjourn the meeting at 11:58pm.

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.