



Town of Vienna

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

Meeting Minutes - Draft Town Council Meeting

Monday, December 9, 2024

7:30 PM

Charles Robinson Jr. Town Hall, 127 Center
St. South

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

1. Roll Call

2. Acceptance of the Minutes:

- A. [24-4787](#) Acceptance of the Regular Council Meeting Minutes of November 18, 2024
The Regular Meeting Minutes of November 18, 2024 were approved as submitted.
- A. 24-4787 Acceptance of the Regular Council Meeting Minutes of November 18, 2024

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

4. 7:45 p.m. - 8:00 p.m. - Reports/Presentations

- A. [24-4779](#) Presentation of the 2024 Annual Comprehensive Financial Report (ACFR)

Mayor Colbert called on Steven Barlow, Deputy Director, Finance to present the Item. He introduced Mike McLearn, Managing Director, Robinson, Farmer, Cox and Associates to provide a summary of the report.

The Comprehensive Financial audit of Town books and records is required by both the Vienna Town Code, Chapter 6, Section 1 as well as the State of Virginia Code Section 15.2-2511. The report for the fiscal year ending June 30, 2024 indicated the Town ended the fiscal year in financially stable condition.

A. Report and Inquiries of Council Members

Mayor Colbert opened the floor for Council comments.

Council Member Allen noted the informative nature of the NEVCA organization. She also thanked Brian Chompakire, retiring Sun Gazette news reporter, for his assistance with valuable information regarding the community.

Council Member Anderson reported on the continuing threat of a casino in Fairfax County. The Tysons casino referendum bill was held over to the 2025 session of the Virginia General Assembly and will most certainly be reintroduced in January. He thanked Mayor Colbert for her advocacy on behalf of the Town.

Council Member Baldwin noted that the James Madison High School football team remains undefeated and will play for the state title Saturday, December 14, 2024 in Harrisonburg, Virginia.

Council Member Brill sent thoughts and prayers to Council Member Ramakis. He thanked the department of Public Works for the excellent effort in paving the Glyndon Park pathway. The visit from Santa Claus on Saturday drew over 300 residents. Council Member Brill also took note of the Syrian regime change and the global effect of this world event. Finally, he thanked Marion Serfass and her Staff for their work on behalf of the Town.

B. Report of the Town Manager

Town Manager Payton introduced David Levy, Director, Planning and Zoning who provided advance notice of an upcoming agenda item, redevelopment of a dwelling in historic Windover Heights.

Congratulations were extended to Steven Barlow, Deputy Director, Finance who has been selected to replace Marion Serfass as Finance Director, effective December 23, 2024.

C. Report of the Mayor

Mayor Colbert urged support for the James Madison High School football team in their title run.

The Town holiday party will be held Friday, December 13, 2024 from 4:00 PM-6:00 PM.

The Vienna Volunteer Fire Department pancake breakfast will be held Saturday, December 14, 2024.

D. Proposals for Additional Items to the Agenda

E. Closed Session Report

Mayor Colbert called on Council Member Baldwin to provide the report.

It was moved that the members of the Vienna Town Council be polled to affirm that a Closed Session was held on December 9, 2024 at 6:15 PM in accordance with Virginia Code, Section 2.2-3711, (1), for discussion or consideration of personnel matters, specifically the interviewing of individuals for consideration of appointment and/or reappointment 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 January 6, 2025 at 6:30 PM in accordance with Virginia Code, Section 2.2-3711, (1) for discussion or consideration of personnel matters, specifically the interviewing of individuals for consideration of appointment and/or reappointment to Town Boards and Commissions.

Motion, Council Member Baldwin; second, Council Member Anderson. Motion carried unanimously.

It was moved that Midge Biles be reappointed to the Vienna Public Arts Committee

for a two-year term. Said term to be retroactively effective from October 1, 2024 and expire October 1, 2026.

Motion, Council Member Baldwin; second, Council Member Springsteen. Motion carried unanimously.

E. Closed Session Report

5. 8:00 p.m. - 8:10 p.m. - Consent Agenda

Mayor Colbert called for a motion on the Consent Agenda.

It was moved to approve the Consent Agenda, Items A and B.

Motion, Council Member Springsteen; second, Council Member Baldwin. Motion carried unanimously.

5. 8:00 p.m. - 8:10 p.m. - Consent Agenda

A. [24-4697](#)

Request for approval to award construction of ARPA funded brick pattern asphalt stamped crosswalk at two intersections located on Maple Ave at East Street and Lawyers/Courthouse Roads.

"I move to approve spending not to exceed \$739,100 with Sagres Construction Corporation for the construction of two crosswalks on Maple Ave at the intersections of East Street and Lawyers/Courthouse as described in the report."

Or

Other action deemed necessary by Council.

B. [24-4786](#)

Appointment of Treasurer

"I move to appoint Steven L. Barlow as Town Treasurer for the remainder of fiscal year 2024-25, effective Dec. 23, 2024, "

Or

Other action deemed necessary by Council.

6. 8:10 p.m. - 9:10 p.m. - Regular Business

A. [24-4780](#)

8:10 p.m. - 8:40 p.m. - Intent to Adopt Change to Meals Tax Collection Method for Certain Town-Sponsored Events.

Mayor Colbert called on Marion Serfass, Director, Finance to present the Item for consideration.

In response to Council, Lily Widman, Parks and Recreation, confirmed that Taste of Vienna is included as part of this proposal.

A motion was made to adopt the changes to the Vienna Town Code, Chapter 6, Finance and Taxation, Article 4, Meals Tax as presented. And it was further moved that the Town Clerk advertise the Notice of Adoption.

Motion, Council Member Springsteen; second, Council Member Baldwin.

A brief discussion was held regarding loss of revenue resulting from this action especially when residents are having difficulty paying their water and sewer bill. Director Serfass assured that this change will have no impact on water and sewer

rates. The total loss realized from utilizing a flat tax is estimated at around \$1,000. It was further noted that this should not be seen as a tax break but rather as a means to collect upfront those taxes that have been lost when collecting after the fact.

Mayor Colbert called for a vote on the motion on the floor.
Motion carried in a 5-1 vote.

"I move to adopt the changes to the Vienna Town Code, Chapter 6, Finance and Taxation, Article 4, Meals Tax as presented"

And

"I further move the Town Clerk to advertise the Notice of Adoption,"

Or

Other action deemed necessary by Council.

B. [24-4782](#)

8:40 p.m. - 8:55 p.m. - Intent to Adopt - Zoning Amendments to Allow Accessory Living Units, With Regulations

Mayor Colbert recognized David Levy, Director, Planning and Zoning to provide information on the Item for consideration.

In response to an inquiry regarding additional suggestions from residents, Director Levy noted that, while the comments have value, they do not present a fatal flaw in the language. Additional changes cannot be made at this point without readvertising. The decision has been made to move forward with the amendments as presented.

Council discussed the provision on page 3-9, Article 14 E. "The property owner shall make provisions to allow inspections of both the principal residence and the accessory unit during reasonable hours" questioning whether access to the principal residence was necessary and/or legal. Town Attorney Briglia indicated that the language was taken from Fairfax County.

A motion was made to adopt the draft amendments to Chapter 18 of the Town Code that are indicated in Attachment 1, to allow Accessory Living Units to be established in Vienna with regulations, with an effective date of Dec. 30, 2024, and direct the Town Clerk to advertise the Notice of Adoption.

Motion, Council Member Baldwin; second, Council Member Springsteen.

A contradiction was brought forth regarding Division 2 Section 18-403 Item 3 that states, "Accessory structures shall be located only in the rear yard". Director Levy clarified that accessory structures do not include Accessory Living Units.

Further discussion of language to allow inspections of the principal living unit brought forth questions as to why agents of the government should be permitted to inspect one's home. The problem stems from use of the word "may" in language found in Division 3, Section 18-306.5, paragraph 6 "An ALU must have areas for living, sleeping, eating, preparing food, and sanitation (i.e., bathroom). Such areas "may" be established as distinct from those of the principal residence".

An amendment to the motion was offered as follows:

A motion was made to amend the language of Division 3, Section 18-306.5,

paragraph 6 to read "such areas must be established as distinct from those of the principal residence" and delete reference to "principal residence" in language of Division 3, Section 18-306.5, paragraph 14E. This shall read "The property owner shall make provisions to allow inspections of the accessory living unit during reasonable hours (e.g., between 8:00 AM and 5:00 PM) upon prior notice".

Motion, Council Member Baldwin; second, Council Member Allen.

Further discussion included the desire to make ALU additions as available as possible. Town Attorney Briglia reminded Council that it is a policy decision whether to have distinct areas in this provision.

Mayor Colbert called for a vote on the amendment.

Motion failed in a 3-3 vote.

Mayor Colbert called for a vote on the original motion.

Motion carried unanimously.

"I move to adopt the draft amendments to Chapter 18 of the Town Code that are indicated in Attachment 1, to allow Accessory Living Units to be established in Vienna with regulations, with an effective date of Dec. 30, 2024, and direct the Town Clerk to advertise the Notice of Adoption."

Or

Other action deemed necessary by Council.

C. [24-4783](#)

8:55 p.m. - 9:10 p.m. - Amendment to Town Code Chapter 6, Section 6-33 Levy, to Increase the Meals Tax Rate from 3% to 4% For a Period of 10 Years

Mayor Colbert thanked Staff for the work on this Item. The amendment up for consideration is the forerunner to building an aquatics center in Vienna. The feedback received from residents coupled with additional questions from Council suggest that there remains significant concern regarding the project. As such, Mayor Colbert proposed that Council defer the vote on Item 24-4783 Amendment to Town Code Chapter 6, Section 6-33 Levy, to Increase the Meals Tax Rate from 3% to 4% For a Period of 10 Years until the Town Council meeting of January 27, 2025. Prior to that time, a Work Session will be held on January 21, 2025 to address additional questions by Council.

Town Manager Payton requested that Council questions be developed as a majority. Opportunities for submission of these inquiries will be the work session following this meeting, and work sessions on both December 16, 2024 and January 21, 2025.

Council agreed that questions remain regarding the viability of maintaining this facility, were it to be built.

A motion was made to defer Item 24-4783 Amendment to Town Code Chapter 6, Section 6-33 Levy, to Increase the Meals Tax Rate from 3% to 4% For a Period of 10 Years to January 27, 2025.

Motion, Council Member Springsteen; second, Council member Brill.

Further discussion provided comparative statistics to Fairfax County facilities (9 in total). It was stressed that Council has a fiduciary responsibility to assure that the numbers presented for this project are as real as possible.

Town Manager Payton noted that the authors of the study, Kimmel Bogrette Architecture, will be available to discuss findings at the work session of January 21, 2025.

*Mayor Colbert called for a vote of the motion on the floor.
Motion carried unanimously.*

"I move to approve the proposed language to increase the tax rate on Town meals taxes as defined in Chapter 6, Article 4, Section 6-33 of the Town of Vienna Town Code to a rate of four percent for the time period July 1, 2025, to June 30, 2035." "

And

"I further move to direct the Town Clerk to advertise a notice of intent to adopt for January 6, 2025. "

**Or
Other action deemed necessary by Council.**

7. Meeting Adjournment

Mayor Colbert adjourned the meeting at 8:45 PM.

This matter was approved

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.

5. 8:00 p.m. - 8:10 p.m. - Consent Agenda

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