



Town of Vienna

Meeting Minutes

Town Council Meeting

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

Monday, September 25, 2023

8:00 PM

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

Invocation: Reverend Kim, Wesley United Methodist Church

Mayor Colbert called on Reverend Kim, Wesley United Methodist Church Vienna to provide the evening's invocation.

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

Present: 6 - Council Member Chuck Anderson, Council Member Ray Brill Jr., Council Member Nisha Patel, Council Member Steve Potter, Council Member Ed Somers and Mayor Linda Colbert

Absent: 1 - Council Member Howard J. Springsteen

1. Roll Call

2. Acceptance of the Minutes:

- A. [23-3993](#) Acceptance of the Regular Council Meeting Minutes of August 28, 2023, September 11, 2023 and the Conference Session Minutes of September 11, 2023.

The Regular Council Meeting Minutes of August 28, 2023, September 11, 2023 and the Conference Session Minutes of September 11, 2023 were approved as presented.

A motion was made that the Minutes be approved. The motion carried by the following vote:

Aye: 6 - Council Member Anderson, Council Member Brill, Council Member Patel, Council Member Potter, Council Member Somers and Mayor Colbert

Absent: 1 - Council Member Springsteen

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)

*Mayor Colbert called for comments from the public.
Edna Trimm, 608 Tazewell Rd., NW*

"I would like to talk about residency in Vienna. I'm 81 years old and have experienced changes like everyone else, but the changes seem to affect me a little more because I'm 81 years old. I know you folks serve the people of the Town of Vienna. I'm sure you are quite well aware that the greatest number of people in Vienna are between the ages of 45-65 years, with no children living at home. This is like myself only I'm a few years older.

The first change is in the business department. Last time I paid my water bill, I provided a check and the clerk took my check and put it in the computer. She gave me back a picture of my bill and my check. I thought, that's great, because now our computers give us a complete reporting instead of just stamping my bill as paid. The department has been very helpful to me when I call and ask for a copy of my real

estate taxes for my income taxes. They are really very helpful. Secondly, a big change for us on Tazewell was the new sidewalk, new curb, and finally last week they paved our street. Before they did that I didn't want it, and most of my neighbors didn't want it. But we're changing. We're accepting this now because those concrete curbs and sidewalks are there. I notice on the agenda an item to pay a contractor almost \$230,000 for one street, so I would imagine you are going to be voting again next month to pay that much for a new street, and it will probably be Tazewell. I noticed when the contractors were working on my street that there are a lot of different nationalities of people who are actually doing the work. Now I don't think they make the amount of money that the owner of the company makes but it was really good insight for me to see that international people were helping to make the sidewalks, the curbs and were resurfacing. So there are people from all over the world in the Town of Vienna. It's getting more and more difficult for me to work with computers, especially when I want to register for classes at the community center. You have to go through eight steps to make an account, then once you have an account, there are four more steps to make a reservation. For us in our eighties that's a very difficult task. I will ask for help from people in the community center but I know there are many others who don't ask for help so don't participate in the community. So I would like to ask if there could be some class to teach people how to use the computer to register for activities."

Dr. Maryam Dadkhah, 609 Alma St., SE

"I'm here to thank you for your efforts to listen to my talk about native plants; they can be a help to our environment while they are aesthetically pleasing. Native plants establish quickly and are naturally hardy and healthy. They have evolved over thousands of years, learning to thrive in particular areas. They grow in harmony with the environment, the soil, the water supply, rain and weather throughout all seasons and other native companions. Nature created wildlife habitats to have in your yards. An entire ecosystem relies on native plants, which are being excluded in agricultural and urban areas. It is in our suburban areas in Northern Virginia, right here in Vienna, that we have personal control of our properties and can use them to reverse the decline of pollinators – fireflies, turtles, etc. Studies show more than 70 species of pollinators currently listed as endangered or threatened and more than 75% decline in flying insects. Needless to say, more than 30% of our daily food and beverage consumption relies on pollinators, including bananas, coffee and chocolate. Native plants help the environment. They require much less water, fertilizer and pesticide according to the Town of Vienna Water Quality 2023 Report, page 5. In fact, they can prevent water runoff and improve our air quality. Native plants can help to decrease pollution because they eliminate a need for mowers and other equipment. There is an environmental cost to keep our traditional lawn. Running a commercial lawn mower for one hour releases as much greenhouse gas as driving a car about 300 miles; a commercial leaf blower, about 1100 miles. Native plants have the ability to pull and store excess carbon. They have deeper roots compared to turf grass and non-native plants. Native plants are low in maintenance. The lawn care of native plants can be dramatically less costly than turf grass, as well as take less time. The EPA cited a study of larger properties that estimated that over a 20-year period the collated cost of maintaining a prairie or a wet land totaled \$3000 per acre while it was \$20,000 for the non-native turf grass. Native plants add splendor to your landscape. A native garden can be a sculpted formal space designed with harmony, unity and interest. Native plants provide a wealth of color, texture, height, etc. resulting in a stunning display over multiple seasons. I enjoy native plants in multiple colors over nine months of the year. I would like to invite Council Members to be a part of the town resident's

efforts to support our endangered wild life and join our ongoing effort to learn more about what we are doing and why we are doing it."

4. Reports/Presentations

A. [23-3975](#)

Pickleball Schedule Policy Review, June 1 - August 31, 2023

Mayor Colbert called on Leslie Herman, Director, Parks and Recreation to present the Item.

Council discussion included the following comments:

- ☐ *There was no mention in the review of how those residents who tried but were unable to book a time, were tracked; Can't make statement that demand does not exceed supply because data is incomplete; Decisions reached are based on data collected from 52 responses, cannot assure the sample consisted of residents only; Must be sensitive to all residents, not just the avid pickleball players;*
- ☐ *Only way to track residents who are unable to book a time slot is through resident complaint; Data revealed availability during large blocks of time;*
- ☐ *Question why there was no tracking of resident versus nonresident players; Residents may bike or walk thus reducing parking issues;*
- ☐ *Pickleball Club is a special interest group – not all members are residents of Vienna, so cannot make statement that every player at any particular time is a resident; Reservation can be made by resident but players may be nonresident; Should not use data to determine the reservation system that was garnered from a special interest group;*
- ☐ *Differing opinion on issue of allowing one-hour time blocks;*
 - *One opinion is that it provides another option for residents while another is that there doesn't appear to be a compelling reason to change;*
 - *Council passed motion on January 30, 2023 directing Staff to set time blocks with the goal of reducing crowds; Two-hour time blocks were set not only to reduce crowds but also to appease the nearby residents;*
 - *One-hour time blocks would increase traffic during the time overlap when players are coming and going;*
 - *If nets must be set up, a one-hour time block would be cut to forty-five minutes;*
 - *Staff agreed to research the possibility of including one-hour time slots into the schedule throughout the busiest times;*
- ☐ *On a per capita basis, Vienna has an abundance of pickleball facilities (Fairfax County Park Authority); As a relatively new sport, cannot predict the longevity of its popularity; Must balance the resources of Parks and Recreation between all various demands;*
- ☐ *Neighborhood feedback indicated that locking nets has helped, however there has been an increase in the number of vehicles parked in the cul-de-sac and on Glyndon during the morning hours; This is public parking, technically anyone can park there; Urge players to be more proactive, share with new players the recommendation to park in the upper overflow lot; "No parking" signs have been placed along one side of Glyndon as have signs urging use of the upper overflow lot; There is currently no signage at the cul-de-sac regarding recommended parking location; Urge signage wherever possible;*
- ☐ *Must remember that models for tennis and pickleball are not the same, rules of the games are very different; the two sports are different socially as tennis is quite genteel while pickleball is all about having fun and making friends;*
- ☐ *Cannot support request to cease reporting to Council unless there are complaints; Noise is a top priority for Council so it is critical to stay on top of any issues; Reports may take the form of an email, but should be submitted on a regular basis;*

- ☐ Suggest expanding current information on website to include list of all available courts and time blocks.

Action Items:

Staff agreed to research the possibility of including one-hour time slots into the schedule throughout the busiest times.

Staff agreed to research ways to make the pickleball segment of the website more user friendly.

A. Report and Inquiries of Council Members

Council Member Patel reminded all of the up Octoberfest celebration, October 7, 2023 from 11:00 AM to 7:00 PM.

Council Member Potter noted receipt of an update on the Vienna Connect incident portal. Tony Mull, Director, Information Technology, reported on the effort. The Vienna Connect incident reporting system went live in July, 2023 to provide residents a vehicle for reporting to the Town nonemergency incidents (potholes, tree down, street light issues, dead animals, etc.). Since that time 120 incidents have been reported with 90% closed out within a few days. Council urged additional media on this service.

Council Member Brill shared that deputy town clerk Shelly Kozlowski will be leaving to pursue other opportunities. He also noted that Friday, September 29, 2023 is the James Madison High School Homecoming celebration.

Council Member Anderson reported on the James Madison High School reception honoring the six teams and one individual who were part of their respective state championships. Three teams and one individual earned the state championship honor.

B. Report of the Town Manager

Town Manager Payton noted that the television feed is scheduled for immediate repair. He also pointed out that there was no consensus reached in the earlier discussion of one-hour time blocks for pickleball play. It was reiterated that a previous Council motion gave Parks and Recreation Staff the authority to make this determination.

C. Report of the Mayor

Mayor Colbert remarked that it was an honor to attend the celebration reception at James Madison High School earlier today. The homecoming parade will be held today at 2:00 PM and the football game will take place at 7:00 PM. Mayor Colbert thanked the Vienna police department in advance for their efforts during homecoming activities

D. Proposals for Additional Items to the Agenda

E. Closed Session Report

A. [23-4006](#) Closed Session Report

It was moved that the members of the Vienna Town Council be polled to affirm that a Closed Session was held on September 25, 2023 in accordance with Virginia Code,

Section 2.2-3711.A.(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, October 2, 2023 at 7:15 PM in accordance with Virginia Code, Section 2.2-3711.A.(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 Somers; second, Council Member Anderson. Motion carried unanimously. Absent, Council Member Springsteen.

It was moved to reappoint Theresa Bachmann to the Windover Heights Board of Review for a two-year term. Said term shall retroactively commence September 16, 2023 and expire September 16, 2025.

It was moved to reappoint Lu Cousins to the Vienna Public Arts Commission for a two-year term. Said term shall commence October 2, 2023 and expire October 2, 2025.

It was moved to reappoint Brian Land to the Pedestrian Advisory Committee for a two-year term. Said term shall commence October 3, 2023 and expire October 3, 2025.

Motion Council Member Somers; second Council Member Potter. Motion carried unanimously. Absent, Council Member Springsteen.

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

Aye: 6 - Council Member Anderson, Council Member Brill, Council Member Patel, Council Member Potter, Council Member Somers and Mayor Colbert

Absent: 1 - Council Member Springsteen

5. Regular Business

- A. [23-3971](#) Request approval for spending \$227,475.14 with Arthur Construction Co., Inc. for construction of a Robinson Trust Sidewalk Project at Desale Street, SW, from Moore Avenue to Melody Lane.

Mayor Colbert called on Dave Donahue, Deputy Director, Public Works to present the item for consideration. He introduced Robert Crow, project manager.

A motion was made to approve the spending of \$227,475.14 with Arthur Construction Co., Inc. for construction of sidewalk improvements for the north side of Desale Street, SW, from Moore Avenue to Melody Lane as described in the report. Motion, Council Member Anderson; second, Council Member Potter.

A brief discussion was held regarding a resident's concern for two at risk trees. Mr. Crow reported that the Town arborist recommended removal of one tree due to the

closeness to the planned sidewalk. Alternative options were not appropriate. He provided the resident with contact information for the Town arborist. The trees in question will be replaced by the Town. The tree species and replant location will be determined through discussions with the resident.

Motion carried unanimously. Absent: Council Member Springsteen.

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

Aye: 6 - Council Member Anderson, Council Member Brill, Council Member Patel, Council Member Potter, Council Member Somers and Mayor Colbert

Absent: 1 - Council Member Springsteen

B. [23-3987](#)

Set a Public Hearing on Proposed Amendments to Town Code Chapters 17, 28 and 27, related to Enhancing Vienna's Tree Canopy

Mayor Colbert recognized Leslie Herman, Director, Parks and Recreation and David Levy, Director, Planning and Zoning to present the Item.

Discussion included the following:

Town Attorney Briglia was asked if everything in the Brian Land proposal was something the Town could legally act on. The document is currently under review by the Planning Commission and a recommendation to Council is forthcoming. He recommended treating some of the proposal items in the document as long term goals. Mr. Briglia stated that what is up for public consideration is the proposed amendments to Chapters 17, 18 and 27. What is adopted as replacement is subject to public input.

A motion was made to set a public hearing for Oct. 23, 2023, on the two proposed approaches to amending Chapters 17, 18 and 27 of the Town Code with respect to enhancing Vienna's tree canopy and to direct the Town Clerk and staff to advertise this public hearing as required.

Motion, Council Member Anderson; second, Council Member Potter.

Council discussion included the following comments:

- ☐ *Important for Council to look at all options, even those that are more aggressive;*
- ☐ *Including the Brian Land proposal is misleading as it implies that, in this case, Council can do things that legally they cannot;*
- ☐ *Some of the items in the Land proposal may fit best in the implementing regulations which may make the ordinance more conforming to the state code.*

Motion failed in a 3-3 vote. Absent, Council Member Springsteen.

A motion was made by Council Member Anderson, seconded by Council Member Potter, that the Action Item be Failed. The motion failed by the following vote:

Aye: 3 - Council Member Anderson, Council Member Brill and Council Member Potter

Nay: 3 - Council Member Patel, Council Member Somers and Mayor Colbert

Absent: 1 - Council Member Springsteen

6. Meeting Adjournment

Mayor Colbert called for a motion to adjourn at 9:40 PM.

Motion, Council Member Patel; second, Council Member Somers.

The meeting was adjourned

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.

DRAFT