Town of Vienna

Meeting Minutes
Town Council Meeting

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

Monday, September 23, 2024 | **7:30 PM** | **Charles Robinson Jr. Town Hall, 127 Center St. South**

Invocation: Mr. John Russo, Baha'I Community of the Town of Vienna

In the absence of Mr. John Russo, Baha'I Community of the Town of Vienna Mayor Colbert called on Council Member Ray Brill to provide the evening's invocation.

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

1. Roll Call

Present: 7 - Sandra Allen, Chuck Anderson, Roy Baldwin, Ray Brill Jr., Jessica Ramakis, Howard J. Springsteen and Linda Colbert

2. Acceptance of the Minutes:

A. 24-4680 Acceptance of the Regular Council Meeting Minutes of September 9, 2024.

The Regular Council Meeting Minutes of September 9, 2024 were approved as submitted.

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

Aye: 7 - Allen, Anderson, Baldwin, Brill, Ramakis, Springsteen and Colbert

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 opened the floor for comment from the Public.

Maryam Dadkhah, 609 Alma St. SE
I moved to our home in 2020. When we first moved there, the sight of deer in our yard was pleasing. My attempt to be more sustainable and follow conservation planting soon became a nightmare. The more I added to our yard, the more deer browsed the plants and the more devastating the damage became. Even deer resistant plants were demolished. We need 10-20 acres of forest to feed one deer for one year. I counted ten deer just in the lot behind my house this last spring. We have three choices ahead of us: 1) disregard; 2) follow nonscientific/emotional steps to deal with the issue; or 3) consider bringing in County/State Wildlife biologists who know the scientific way to deal with this conflict. One way is to eliminate habitat. Deer prefer woodland plants. This is one reason the Eastern U.S. struggles with forest regeneration. We can let the overpopulation continue as is, which means elimination of native plants and wildlife that are dependent upon them; native birds, butterflies, bees, small mammals; no plants, no pollinators, no food for humans, and the list continues. Consequently, we would end up with too many deer who would starve due to lack of habitat and the only preventers would be car crash or chronic wasting disease, neither of which is humane. We can also consider

DRAFT

fencing. That requires a code change to allow for fencing over 8 feet. We can protect our urban forest by caging the parks. This means more upfront money to install, further maintenance costs and more staff. We can move the deer elsewhere. According to scientific publications although this sounds like an easy solution it can spread disease and lead to high mortality. Fertility control cannot help, especially in three-year-old mating animals.

Brain Baker, 404 Holloway Ct., NE
For 21 years I have lived near the Town Beulah Rd. mulching lot; AKA Deer Sanctuary. Deer management within the Town is self-evident. I'm here to provide real experience as a volunteer with the Fairfax County Deer Management Program. To level set hunting (not just the Deer Management Program) is permitted throughout Fairfax County and has been for a long time. So let's talk about safety, where the facts are clear and compelling. According to the website, since Virginia began tracking hunting injuries in 1959 no bystanders have been injured by an archer hunting deer anywhere in the Commonwealth, Archery hunting is safe for hunters, non-hunters, pets and property.
I'll move on to animal cruelty. The idea that legally sourcing one's own food is somehow more cruel than buying something wrapped in cellophane at Giant seems to be at best, theoretical. As for the deer program itself, the County describes its volunteers as follows: Qualified bow hunters with superior skills, ethics, and experience are able to efficiently and discreetly hunt deer. All participants are subject to background checks. This is not some private hunt club with yahoos slinging arrows all over the place trying to bag a trophy. There are well established rules for the distance away from property boundaries. Rules for the distance archers are permitted to shoot and the position of the animal itself. Program volunteers must demonstrate annually their archery proficiency. Great care is taken to assure prowess at the range translates to the woods. The deer themselves are killing every plant and animal species in the forest that relies on the lower six feet of the understory. Every rabbit, bird, sapling, etc. is being pushed out or starved out by these deer. The last topic is how deer management can benefit those less fortunate. Since 1991 the Hunters for the Hungry charity has provided over 31 Million quarter pound servings of lean healthy meat, donated by the hunters. All deer donated and harvested in Fairfax County are first tested for disease through a County administered program. If one really and truly cares about all plants and animals, not just the cute ones, then it stands to reason that humans need to take a proactive position to fix the human caused issue of animal habitat destruction. I encourage Council to welcome the safe, ethical and highly efficient Fairfax County Deer Management Program into our green spaces as part of a holistic approach to help improve the Town, the environment, and to help those in need.

Duane Merrill, 600 Hillcrest Dr., SW
It's frequently a good thing that our governing bodies are slow to action. It's important that you take time to gather information and data, and study the problem before rushing into a decision or action. This time also allows constituents to provide our input, opinion and positions both pro and con. But if too much time passes before a definitive action is taken, sometimes it's too late to fix the problem, too late to change the current course before it leads to crisis. Vienna currently has such a problem and it's heading toward crisis. It's a problem that surrounding jurisdictions recognized 15-20 years ago – overpopulation of deer herds. These other jurisdictions have implemented sustained, effective culling programs. Programs to keep their deer population from growing beyond the territory that can sustain them. Programs that keep their deer from becoming diseased or badly

DRAFT

undernourished. Our Vienna deer have no natural predators other than disease and autos. And because our properties and parks provide open space salad bars, the herd keeps getting larger each and every year. The Vienna deer are more than just a nuisance, they are seriously harming our plants and trees, often destroying them. I submit to you that we don't need any further information, study or discussion. The deer problem is well known, studied and understood, and successfully addressed by many surrounding governmental bodies. Fairfax County is one of those jurisdictions that has a proven and successful deer management program with a very informative website. We already use a number of Fairfax County services. Piggybacking on the county deer management program would be one more shared service. The Town could offer to pay any variable cost increases resulting from our inclusion. It can't be all that much money; certainly less than starting our own program. I'm pretty certain that any incremental costs incurred now would be less than what it would cost the Town later to address the deer overpopulation problem. So I urge you to just get this done as soon as possible before the herd breeds again in the spring.

4. Reports/Presentations

A. 24-4677 7:45 p.m. - 7:55 p.m. - Conservation and Sustainability Commission Presentation of the Eco-Efficient Homes Award to Select Recipients by the Conservation and Sustainability Commission

Mayor Colbert presented the Conservation and Sustainability Commission Eco-Efficient Homes Award to the following:

- *David Peabody and Izumi Kitajima - 214 Ayr Hill Ave NE*
- *Damon and Natrisha Sanchez - 214 Ayr Hill Ave NE*
- *Maryam Dadkhah and Shawn Achziger - 609 Alma Street SW*
- *Susan Stillman - 214 Ayr Hill Ave NE*

24-4684 Proclamation for Fire Prevention Week

Council Member Springsteen read into the record a proclamation declaring October 6 – 12, 2024 as Fire Prevention Week.

A. Report and Inquiries of Council Members

Mayor Colbert opened the floor for comments from Council.

Council Member Allen acknowledged September 15- October 15, 2024 as National Hispanic Heritage Month.

Council Member Springsteen congratulated Parks and Recreation on the success of the final Chillin' on Church. He also noted that this will be the second year for the live Christmas tree on the Town Green.

Council Member Brill thanked Council Member Anderson for his September Vienna Voice article entitled "Of Bambi, Bamboo and Bittersweet" which has ignited a discussion on deer control. He challenged Council to address this issue sooner rather than later.

B. Report of the Town Manager

No report.

DRAFT

C. Report of the Mayor

Mayor Colbert reiterated earlier praise for the success of Chillin' on Church 2024. The annual Madison/Oakton High School football game (The Rotary Bowl) was also well attended.
Vienna Assembly of God celebrated 80 years of service to the community;
Friday, September 27, 2024 is the Madison High School Homecoming parade and football game/dance.
A discussion on Town deer control has been added to the Town calendar for October 7, 2024.

D. Proposals for Additional Items to the Agenda

E. Closed Session Report

A. 24-4675 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 23, 2024 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.

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 evening, Monday, September 23, 2024 at the conclusion of the Regular Meeting in accordance with Virginia Code, Section 2.2-3711, a(3; 7) for consideration of disposition of real property and negotiating strategy.

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

It was moved to reappoint Craig Burns to the Conservation and Sustainability Commission for a two-year term. Said term shall be retroactively effective from September 1, 2024 and expire September 1, 2026.

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

A motion was made by Ramakis, seconded by Baldwin, that the Action Item be Failed. The motion carried by the following vote:

Aye: 7 - Allen, Anderson, Baldwin, Brill, Ramakis, Springsteen and Colbert

5. 8:00 p.m. - 8:05 p.m. Consent Agenda

Mayor Colbert called for a motion on the Consent Agenda.

It was moved to approve the Consent Agenda, Items A-B, as presented.

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

DRAFT

carried unanimously.

This matter was approved on the Consent Agenda

A. 24-4614 Request to award a contract for the renovation of the vehicle wash facility at Northside Property Yard

A motion was made that the Action Item be approved on the Consent Agenda. The motion carried by the following vote:

Aye: 7 - Allen, Anderson, Baldwin, Brill, Ramakis, Springsteen and Colbert

B. 24-4633 Renewal of Maintenance Agreement with Tyler Technologies

A motion was made that the Action Item be approved on the Consent Agenda. The motion failed by the following vote:

Aye: 7 - Allen, Anderson, Baldwin, Brill, Ramakis, Springsteen and Colbert

6. Regular Business

A. 24-4620 8:05 p.m. - 8:35 p.m. - Request For Approval of a Lot Line Adjustment for Lot 0382 02 0046, Located At 300 Glyndon Street, NE, In the PR Parks And Recreation Zoning District.

Mayor Colbert called on David Levy, Director, Planning and Zoning to present the Item.
He introduced Kelly O'Brien, Deputy Director, Planning and Zoning who explained that the issue tonight involves two Town owned properties. Subdivided in 1891 the property line has not kept up with existing conditions.

It was moved to approve the lot line adjustment for lot 0382 02 0046, located at 300 Glyndon St NE, in the PR Parks and Recreation zoning district as presented.

Motion, Council Member Springsteen; Second, Council Member Anderson. Motion carried unanimously.

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

Aye: 7 - Allen, Anderson, Baldwin, Brill, Ramakis, Springsteen and Colbert

B. 24-4626 8:35 p.m. - 9:05 p.m. - Recommendation to the Town Council on a Final Plat for a Proposed Lot Consolidation of Two Lots into one at 841 Ninovan Road, SE, In The RS-10 Residential Single-Unit, 10,000 Sq. Ft. Zone.

Mayor Colbert once again recognized Kelly O'Brien, Deputy Director, Planning and Zoning to present the Item.
Council comments are summarized as follows:

- *Concern that consolidation will create an RS16 sized lot with RS 10 setbacks; Potentially allows for building a large home out of sync with the neighboring residences;*
- *Caution against incentivizing this type of lot consolidation; Should view this action as unique solution in this one instance.*

DRAFT

David Levy, Director, Planning and Zoning will provide information on Town lots that do not fit the zone.

A motion was made to approve the final plat and lot consolidation of lots 0384 02 213B and 0384 02 215A, located at 841 Ninovan Road, SE, in the RS-10 Residential - Single-Unit, 10,000 sq. ft. zoning district.

Motion, Council Member Ramakis; second, Council Member Baldwin. Motion carried in a 6-1 vote.

Mayor Colbert called for a break at 8:35 PM prior to moving into a second closed session. Meeting reconvened at 8:45 PM

A motion was made by Ramakis, seconded by Baldwin, that the Action Item be approved. The motion carried by the following vote:

Aye: 6 - Anderson, Baldwin, Brill, Ramakis, Springsteen and Colbert

Nay: 1 - Allen

F. Closed Session Report

A. 24-4679 9:05 p.m. - 9:35 p.m. - Second Closed Session Report

Mayor Colbert called the meeting back into session at 8:45 PM. All Council were present.

It was moved that the members of the Vienna Town Council be polled to affirm that a second Closed Session was held on September 23, 2024 following conclusion of the Regular Meeting in accordance with Virginia Code, Section 2.2-3711, a(3; 7) for consideration of disposition of real property and negotiating strategy.

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 7, 2024 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 Ramakis; second, Council Member Baldwin. Motion carried unanimously.

A motion was made by Ramakis, seconded by Baldwin, that the Action Item be approved. The motion carried by the following vote:

Aye: 7 - Allen, Anderson, Baldwin, Brill, Ramakis, Springsteen and Colbert

7. Meeting Adjournment

With no additional Items for discussion, Mayor Colbert called for adjournment at 8:50 PM.
Motion, Council Member Springsteen; second, Council Member Anderson.

DRAFT

8. Adjourn into Work Session

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