



# Town of Vienna

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

## Meeting Minutes Town Council Meeting

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Monday, April 26, 2021

8:00 PM

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

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### 1. Resolution

- A. [21-2242](#) Resolution for Continuity of Government

*Mayor Linda Colbert read into the record the Continuity of Government. The Resolution was approved through voice vote.*

### 2. Invocation: Reverend Matthew Sergent, Andrew Chapel, United Methodist Church

*Mayor Colbert recognized Reverend Mathew Sergent, Andrew Chapel, United Methodist Church who provided the evening's invocation.*

### 3. Pledge of Allegiance to the Flag of the United States of America

**Present:** 7 - Council Member Chuck Anderson, Council Member Ray Brill Jr., Council Member Nisha Patel, Council Member Steve Potter, Council Member Ed Somers, Council Member Howard J. Springsteen and Mayor Linda Colbert

### 4. Roll Call

*Council: Council Member Chuck Anderson; Council Member Ray Brill Jr., Council Member Nisha Patel (via ZOOM); Council Member Steve Potter (via ZOOM), Council Member Ed Somers; Council Member Howard J. Springsteen and Mayor Linda Colbert.*  
*Staff: Mercury Peyton, Town Manager; Mike Gallagher, Director of Public Works; Shelley Kozlowski, Assistant Town Clerk; Steve Briglia, Town Attorney (via ZOOM); Marion Serfass, Director, Finance; Cindy Petkac Director Planning and Zoning (via ZOOM), Tony Mull, Director, IT.*

### 5. Approval of the Minutes:

- A. [21-2241](#) Acceptance of the Regular Council Meeting Minutes of April 12, 2021

*The Regular Council Meeting minutes of April 12, 2021 were approved by voice vote.*

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

**Aye:** 7 - Council Member Anderson, Council Member Brill, Council Member Patel, Council Member Potter, Council Member Somers, Council Member Springsteen and Mayor Colbert

### 6. 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)

*There were no petitions or communications from the public.*

## 7. Reports/Presentations

A. [21-2225](#) Financial Report on First Three Quarters of Fiscal 20-2021

*Mayor Colbert recognized Marion Serfass, Director, Finance to provide the financial report on first three quarters of Fiscal 20-2021. With a projected surplus for fiscal 2020-21 of \$293,700, staff recommends future approval of one quarter salary increase to staff of 3%. This has an approximate cost of \$112,000, and still allows the Town to add to its rainy day funds. She indicated that of the \$2.8M CARES funding received in 2020, slightly over \$1M has been expended. The remaining \$1.8M will be expended in 2021. With parameters as yet unclear, the American Rescue Plan federal funding has not yet been built in to the budget, but will make an effort to recapture any current expenditures that will qualify.*

B. [21-2243](#) 2021 Arbor Day Proclamation

*Council Member Springsteen read aloud the Arbor Day proclamation. A tree planting is scheduled for 5:00 PM, April 30, 2021 at Southside Park.*

## 8. Closed Session

*It was moved that the members of the Vienna Town Council be polled to affirm that a Closed Session was held on April 26, 2021 virtually, via ZOOM, and in-person, in accordance with Virginia Code, Section 2.2-3711.A.(1), and the Town of Vienna's Continuity of Government ordinance, for discussion or consideration of personnel matters, specifically the interviewing of individuals for consideration of appointments 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, May 17, 2021 at 7:00 PM in accordance with Virginia Code, Section 2.2-3711.A.(1), and the Town of Vienna's Continuity of Government ordinance, 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 Springsteen. Motion carried unanimously.*

### 8. Closed Session

**Aye:** 7 - Council Member Anderson, Council Member Brill, Council Member Patel, Council Member Potter, Council Member Somers, Council Member Springsteen and Mayor Colbert

## 9. Public Hearings

A. [21-2220](#) Public hearing on the FY 2021-22 proposed real estate tax rate

*Mayor Colbert called for roll. All Council were present.*

*Marion Serfass, Director of Finance provided background for discussion. Each year, as the Town's budget for the following year is developed, a proposed real estate tax rate is recommended by the Town Manager and reviewed by Council during budget conference sessions. This public hearing is being held to give Vienna residents an opportunity to provide public comment on the proposed real estate tax rate of*

*\$0.2250 per \$100 of assessed value for fiscal year 2021-22.*

*With no public comments, Mayor Colbert called for a motion.*

*A motion was made to close the public hearing. Motion, Council Member Springsteen; second Council Member Patel. Vote carried unanimously.*

*A motion was made to approve the fiscal year 2021-22 proposed real estate tax rate at \$0.2225 per \$100 of assessed value (a decrease of \$0.0025), and bank net capital rate, residential utility tax rate, and commercial utility tax rate as presented. It was further moved that the Town Clerk be directed to advertise a Notice of Intent to Adopt at the May 17, 2021 Council meeting.*

*Motion, Council Member Springsteen; second Council Member Anderson. Motion carried unanimously.*

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

**Aye:** 7 - Council Member Anderson, Council Member Brill, Council Member Patel, Council Member Potter, Council Member Somers, Council Member Springsteen and Mayor Colbert

**B. [21-2222](#)**

**Public Hearing to receive input on the Maud Robinson Sidewalk Project**

*Mayor Colbert directed Town Clerk, Melanie Clark, to call roll. With all Council present, Mayor Colbert recognized Mike Gallagher to present the Item for discussion.*

*Former Council Member Maud Robinson, who passed away in March of 2019 just shy of her 97th birthday, left the bulk of her estate to the Town of Vienna for the specific purpose of building sidewalks, over a five-year period, in areas where they aren't already planned or likely to be funded through grants or new construction. The use of questionnaires and open house meetings allowed staff to collect feedback from citizens leading to the recommendation that Council approve sidewalks on the following streets:*

- *Even side of Alma Street SE from Delano Drive SE to Follin Lane SE*
- *Odd side of Birch Street SW from Battle Street SW to Plum Street SW*
- *Even side of Blackstone Terrace NW from Lawyers Road NW to Holmes Drive NW*
- *Odd side of Charles Street SE from Locust Street SE to Branch Road SE*
- *Both sides of Cherry Circle SW from Cul-de-sac to Cottage St SW*
- *West side of Elmar Drive SE/SW from Park Street SE to Desale Street SW*
- *Odd side of Oak Street SW from Center Street S to Birch Street SW*
- *Both sides of Symphony Circle SW from Cul-de-sac to Melody Lane SW*
- *Odd side of Timber Lane SW from Tapawingo Road SW to Harmony Drive SW*

*Mayor Colbert recognized the first public speaker, Angela Sorrell, 805 Plum St., SW As Pedestrian Advisory Committee (PAC) Chairman and member of the Transportation Safety Commission (TSC) she was asked by the Town Council and the PAC to partner with the Department of Public Works and attend the citizen meetings where a mixture of support and nonsupport was expressed. Tonight her comments express the thoughts of residents who do not live on streets identified for sidewalks. These residents overwhelmingly support sidewalks for a variety of reasons and their opinion must be taken into consideration. There are numerous instances where residents have come before the TSC pleading for traffic calming measures to increase*

*pedestrian safety. The financial gift from the Robinson Estate will go a long way toward accomplishing that goal. It is true that trees may be sacrificed for the sake of these sidewalks, but no tree is worth a pedestrian's life.*

*Terry Ward, 309 Charles St., SE. began his remarks by applauding the effort to add sidewalks within the Town. However, because of a very large tree that sits on the corner and overhangs his home he is concerned that a sidewalk may negatively affect the health of this tree. Adding a sidewalk would also drastically reduce the size of his lawn and limit driveway parking, both which would reduce his property values.*

*Charles street is narrow and cars park on both sides which has the effect of reducing cut through traffic. This in turn reduces the immediate safety need for a sidewalk. Finally, all these concerns were sent via letter to the Town in March 2021. No response was received.*

*Emily Korff, 311 Charles St., SE noted that this issue has unfortunately pitted neighbor against neighbor. It is her belief that this should never have become an issue for the neighborhood; professionals have compiled these recommendations and Council should be urged to listen to the experts and move forward with the project before them. Charles street is a small street. There is a sidewalk that ends with no ADA access yet the opposite side has ADA access but no sidewalk. It makes sense to connect the ADA access to the sidewalk. Speaking as a former Thoreau Middle School and Louise Archer Elementary School PTA President she has concerns about children who walk to these schools. Middle school children often walk to school in the dark; lack of a sidewalk forcing them to walk in the street, a significant safety issue. Sidewalks would resolve this problem. Council is encouraged to take this gift and use it for the greater good.*

*Todd Dunbar, 307 Charles St., SE stated that he shares the Sycamore tree with Terry Ward who spoke earlier. He is opposed to the sidewalk because it will dramatically reduce the size of his front yard. He questioned moving forward with this project when the data demonstrate that the majority of the residents on their street are in opposition (60% no, 40% yes). He suggested that the sidewalk would be better suited to Locust and Branch which both have far greater traffic and connect to the supermarket, the dog park, and the W&OD Trail. If that is not a viable option, why not find those streets where residents want sidewalks rather than those who do not.*

*Scott Holmes, 205 Charles St., SE expressed his support for the sidewalk project, pointing out that Charles St. is very close to a commercial area. Having lived at his address for 20 years he has the unique perspective of having lived without a sidewalk and now with a partial sidewalk. There is a feeling of safety when walking on a sidewalk versus walking in the street. Walking down Charles toward Branch pedestrians are forced to walk in the street where there is no sidewalk. ADA accessibility is available at Charles and Branch but yet there is no sidewalk. He would urge Council to continue the Master Plan and complete the sidewalks. He acknowledged that there are Charles St. residents with concerns about the project; having had experience with Council, he is confident that they will come to a reasonable decision. Residents will come and go, but the Town will remain, so Council must think long term.*

*Charles Hager, 510 Alma St., SE stated his opposition to the sidewalk proposed for his side of the street due to safety issues. There is a continual flow of cut through traffic at the curve off of Charles onto Delano. The proposed sidewalk will stop right at the curve which leads to Westwood Park forcing walkers and bicyclists*

back onto the street. It would appear more appropriate to locate the sidewalk on the opposite side of the street where it could run from Follin straight to Westwood Park, a popular destination for the neighborhood children. Additionally, the even side of the street carries the burden of public utilities, and is scheduled for power line undergrounding. A sidewalk doesn't appear to be the most practical addition at this time or on this side of the street.

Michael Purduke, 509 Birch St., SW stressed that as someone who walks the neighborhood, he appreciates the value of the sidewalk project. Sidewalks are especially important where there is a great deal of through traffic. While traffic calming devices are helpful, sidewalks provide the safest option, especially at crosswalks.

He previously emailed the Town in an attempt to understand the rationale for side of street selection. As with Birch Street, although the odd side was identified for sidewalk, the even side has sidewalk in place at either end. Placement on this side would create a fully connected network. He urged a closer look at the selected side of the identified streets, to assure the best use of the project funds.

David Dargetis, 107 Oak St., SW, stated his appreciation for the work of Council and recognized the generous gift from Maude Robinson. While sidewalks are laudable, they are not needed nor wanted on every street. The Town survey demonstrated that the majority of resident respondents (55.7%) do not want sidewalks. Oak is a narrow street without sidewalks. Many children live on this street and yet many of these households do not support this initiative. Mr. Dargetis does not believe the sidewalk selection process has been fair or communicative. Letters were sent to Council and attempts were made to contact Director Gallagher, all to no avail. While it is understood that expert opinions have been received, residents should also be allowed to have a say. He would gladly volunteer his time to provide assistance to Staff. Having moved to his current home because of the proximity to Vienna Elementary School, he was aware of the lack of sidewalks. He was told there was no guarantee that a sidewalk would NOT be installed, but his street would be considered a low priority street. While he understands that the gift was made with good intention, as a taxpayer, if a sidewalk is not wanted on his street, he would respectfully ask that his opinion be taken into consideration. Further, he stressed that he does not support moving the sidewalk to the opposite side of the street; he is opposed to any sidewalk on Oak Street.

Dale Griffiths, 109 Oak St., SW, pointed out that he could not be more in disagreement with Director Gallagher. Director Gallagher ignored their resident survey which indicated 72% of Oak Street was opposed to sidewalk installation. Identifying numerous misconceptions and errors in the materials submitted by the Department of Public Works, he lamented the difficulty in gathering any information from DPW when requested. This data presented is a total misrepresentation of the resident's true feelings. As a resident of Vienna since 1987 he has "never seen anything shoved down the throats of the Town" more so than this project. While the gift from Maude Robinson was very generous, he believes that, having known her, she would be very disappointed in this process. If the Town wishes to take a step back and have a discussion about the project, that would be good. Having earlier volunteered to help with the process in any way possible he never received a response. "If the Town wishes to have a discussion, good, but don't shove it down our throats".

Mayor Colbert reminded speakers to be respectful of all attendees.

*Cathy Hardman, 524 Lewis St., NW, indicated that she has been a member of the Pedestrian Advisory Committee for seven years and worked with Angela Sorrell on this project. Having heard comments from the last two speakers at one of the earlier open meetings, she drove Oak Street and discovered how small, close and cluttered it is. When sidewalks were installed on the 400 block of Lewis, the owner of a 100-year-old home lost a considerable amount of lawn space, yet the owner did not object because the sidewalk was for the good of Vienna and its residents. This resident has no regrets, nor do any of the other residents of that block. Ms Hardman stated that having spoken with a resident on Oak St. it was her understanding that the majority of her neighbors want a sidewalk. Vienna is currently growing at approximately 100 new homes per year. With this level of growth, it is imperative to have sidewalks, especially those that lead to schools. "We must learn to communicate and to compromise, understanding that this is for the good of the Town now and in the future".*

*Robert Eachus, 702 Marshall Rd., SW, has lived here and walked to school for seven years. As a middle schooler he is able to walk to school on a sidewalk. Sidewalks are a positive for society because they prevent young kids walking in the street, a practice that could cause an accident. Sidewalks will help keep everyone safe in Vienna.*

*Beth Eachus, 702 Marshall Rd., SW, strongly supports a network of sidewalks in Vienna. It is critical to provide a means for children to safely walk to school or the bus stop. Further, sidewalks will provide a safe means to get to parks, swimming pools, local businesses, restaurants, etc. It is possible that, in some cases, Town leaders have given too much control to residents adjoining these proposed sidewalks. While it is evident Town leaders care about the citizens, this is public land under consideration and the sidewalks will benefit all Town citizens. Having served on the Transportation and Safety Commission for nearly seven years, Ms. Eachus pointed out that, of the 100 plus petitions that have come before them, not one failed to mention pedestrian safety, and the greatest factor in providing that safety can be found in sidewalks. She concluded her remarks urging Council to vote in support of the proposed sidewalks.*

*James Waters, 110 Elmar Dr., SE, has submitted a petition requesting that the Town consider placing the proposed sidewalk on the East, rather than the West, side of Elmar Drive. If this cannot be done, the petitioner's request no sidewalk installation. Mr. Waters stressed his disagreement with Director Gallagher on two fronts. First, he is concerned about questionnaire validity, given the discrepancy between the published results from DPW and those of his personal petition. The official results for Elmar Drive indicate ten residents in support and seven against, while his results reveal five residents in support and 23 against. Further and most egregious, the Town questionnaire results erroneously indicate his personal agreement. The second issue of contention is the overall feasibility of the project as presented. Consideration should be given to the opposite side of the street. A sidewalk on that side would offer walkers of all ages a network with no break from DeSale to Park. Additionally, grading issues on his side would prove to be a complication.*

*Paul Leighton, 502 Alma St., SE spoke in favor of sidewalks in general. He did, however, note that no mention has been made regarding the width of the sidewalk. This information would be valuable for all involved. Additionally, he questioned how the decision was made regarding which side of the street would receive the sidewalk. Staff informed him the decision was made based on opinions of attendees at the public meetings, rather than scientific or financial considerations. Aside from*

trees, utility poles and fire hydrants, he explained that children and adults wishing to access Wildwood Park would be required to cross an intersection should the sidewalk be installed on the even side of the street. Regardless of which side of the street is selected, a rendering or mock up would be welcomed.

Mayor Colbert recognized speakers on ZOOM.

Julie Chapin, 103 Harmony Dr., SE, wished to lend her support for a bike able/walkable Vienna. While her street is not on the current list, it was identified on an earlier list. With an existing sidewalk on the opposite side of the street and four to five large mature trees that would be impacted, she questions what criteria is being used to make these decisions. In 2017 she wrote to the Transportation Safety Commission regarding a document that called for sidewalks on both sides of streets throughout Town. This doesn't appear to be the best strategy, and may be the cause of the divisiveness, without traffic studies that provide data to determine if sidewalks are even needed in certain areas. Any impervious surface will impact the street; consequently, any plan to install sidewalks throughout Town without consideration for the future impact on the environment seems foolish. Removing trees to accommodate these sidewalks not only negatively affects the tree canopy and aesthetics of a neighborhood, it encourages speeding due to improved site lines, creating a greater safety hazard.

Anna Benson, 349 Church St., NE, reminded Council that Ms. Robinson had no children; the Town were her children. She left a generous bequest because for her sidewalks were necessary for the safety for all residents. If residents walk alone or with a dog, if they push a stroller or are confined to a wheelchair, or if small children ride bicycles then they know how important sidewalks are and how dangerous it is to do these things on the street. Noting that she walks multiple times every day, she has never met anyone who prefers to walk in the street. The Town should focus on the streets that pose the greatest risk. If no one on a selected street wants a sidewalk, then honor their request and move on; there are plenty of streets without sidewalks. Given the deadline the Town faces regarding expending the funds, the Town needs to act with a sense of urgency and do everything possible to quickly move forward to honor Ms. Robinson's wishes. Failure to do so would be a major disappointment to Ms. Robinson's last wishes and would also squander this generous gift that would benefit all residents. Finally, with reference to Glendon St., SE, the sidewalk is interrupted mid street forcing residents out into the narrow street, a very dangerous situation.

Avril Garland, 917 Hillcrest Dr., expressed agreement with Ms. Chapin that the proposal must be considered on a street by street basis. Consideration must be given to pedestrian safety; her children walk to school in the dark and are forced into the street, due to lack of a sidewalk. A wheelchair bound neighbor is similarly forced to navigate in the street. She does acknowledge that sidewalk installation has a down side re: cars forced to park in the street; more impervious surface and the resultant stormwater runoff; potential loss of tree canopy.

Julie Hays, 304 Branch Rd., noted that as a ten-year resident and member of the Pedestrian Advisory Committee, she is in favor of moving forward with this proposal. The Comprehensive Plan and the Pedestrian Master Plan both have goals related to completing a walkable sidewalk network. It is Council's job to execute those goals. Specifically, with reference to selected streets, completing a sidewalk to connect Locust and Branch makes sense. However, the process, two years in, does appear to have pitted neighbor against neighbor. Going forward, looking at the Town goals

and executing those goals will serve the greater good. This is not private property under discussion, but rather public property for a public use. DPW implemented a sidewalk rating system and assessed over 50 sidewalks in order to prioritize the streets for this proposal. While deferring to the experts, Ms. Hays expressed hope that Council will reconsider those streets tabled from the list; DeSale St, Melody Lane, Tazwell Rd, DeLano Dr, and Orrin St. While feedback is important, so is compromise. As an example, she pointed out that even though she walks Charles St every day, she was not asked to provide feedback. She stressed the need for the Town to be more transparent; the website is nice but it would be helpful if all streets under consideration were posted and feedback was allowed. This would help cut down on misinformation and rumor. In summary, she is in favor of following the Pedestrian Master Plan and building sidewalks and buffers as wide as possible. She strongly opposes the notion of property owners adjacent to proposed right of way veto power over the common good. She urges Council to think about what is in the Plan; if residents oppose the Plan then let them attend meetings where Plans are revised and updated.

Brian Land, 504 Ridge Rd., SW, stated that as a thirty-year resident and member of the Pedestrian Advisory Committee, he is in full support of all the proposed sites and urges Council to vote in favor. Sidewalks benefit the entire Town, increase pedestrian safety by separation from vehicle traffic and help improve the health and fitness of residents. Studies have shown that those who live in neighborhoods with sidewalks are more likely to be physically active with an improved quality of life and have a greater sense of community due to increased neighbor to neighbor interaction. As an example, he states that he lives on a street with sidewalk on one side. It is that side where the children play and virtually all neighborhood interaction takes place. As all residents in the community benefit from a sidewalk, he urges solicitation of feedback from all Town residents rather than only those directly affected. The current process that gathers feedback from only the effected residents implies that they have a level of control over the Town's right of way where they live. The right of way is public; it exists for everyone. Finally, he suggests that it's time to move away from the "my street" mentality and think of each street as "our street". He requests Council to move forward with all the proposed sidewalk projects on "our streets", and support the health and well-being of all residents.

David Patariu, 205 Niblick Dr., SE, stated that he lives on a cut through street and increased cut through traffic has made it dangerous for the neighborhood children. Many of the neighborhood streets do not have curb and gutter, but they still need sidewalks. Referencing the Town letter, verbiage indicates that the funding is to only be used on streets with existing curb & gutter, no sidewalk on either side, and not listed in the CIP for future funding. However, the Robinson Trust document does not include these restrictions. Questioning what portion of this bequest will actually be spent, he called for greater transparency that would include cost estimates, etc. Finally, he stressed that there is a need for development of an overall plan for safer streets, especially with Maple Avenue near of at its capacity.

Mary McCullough, 1120 Ware St., reminded Council that she was one of the original drafters of the Town's Pedestrian Master Plan, former Chair of the Pedestrian Advisory Committee and former member of the Transportation Safety Commission. Sidewalks are often where children take their first outdoor steps, they provide a traffic buffer and comfort for Town residents. A street without sidewalks impedes those with limited mobility to get out of their homes, a detriment to their health. She expressed full support for Council to move forward with these recommendations as

well as Staff to identify and designate construction projects for sidewalks around Town before Maude's generous gift expires. When the Pedestrian Master Plan was in draft the writers could not envision the incredible gift that was forthcoming. Both the Pedestrian Master Plan and the Comprehensive Plan serve the larger good and provide a vision that looks beyond today and envisions what will come in the next 10-15 years. It is important to gather and acknowledge the opinions and concerns of those who live on the streets where proposed sidewalks are to be constructed. Their opinion matters; their position is very important and personal to them, but this should not overshadow the benefit that building these sidewalks will have. A sidewalk, first and foremost provides a public good and mostly, provides safety. It also creates community and is economically advantageous. The sidewalks Maude envisioned already have curb and gutter and these curb and gutter provide environmental benefits. As a Town of 4.4 square miles many prefer to travel by bicycle. Yet there are still too many areas in the Town where it is too dangerous to do so. The Town leaders should seriously consider the opinion of all residents that live on these streets but realize that the bigger picture is about the safety, security, connectivity and sustainability of the entire Town going forward into the future.

James Haughom, 313 Charles St. SE, spoke in opposition to the installation of a sidewalk. Stating that he purchased his home in 1998, his children were raised on Charles street. They walked to the bus stop and road their bicycles in the street; he simply taught them how to be aware. Addition of a sidewalk will force additional street parking and reduce the size of the front yard.

Robert Witzleb, 911 Symphony Circle expressed his support for sidewalks, but at the same time stated that the approach to this project needs to be objective rather than subjective. He suggested that the entire issue be tabled until there is a more transparent strategy that is informed by objective data and the risk/reward of sidewalks. Applauding the generosity of the Robinson gift, he urged that the location decision should be risk informed with a transparent strategy.

Jason and Rebecca Zara, 540 Alma St., SE, opened their remarks by stating support of the project but questioned how the decision was made to place the sidewalk on the even side of the street. Emphasizing that this side of the street already shoulders the burden of the public utilities, it would seem prudent to consider sidewalk placement on the odd side. Further, should the odd side be selected, a sidewalk would connect straight from Follin to Wildwood Park.

Jane Andres, 305 Locust St., SE, stated that both she and her husband are daily walkers. As such, they are strong supporters of sidewalks. Unfortunately, some of the most heavily trafficked streets were not considered for sidewalks (Cabin, Branch, Glendon, East St.). She urged DPW to reexamine the selected streets in favor of those with more traffic and greater hazard.

Chris Wright, 410 Berry St., also spoke in favor of a broad sidewalk network throughout Vienna and wished to lend support for consideration of Berry St. As a 17-year resident he pointed out that out of Town friends often comment about the lack of sidewalks. Unfortunately, the issue has become contentious. It is within the Council's authority to make decisions for the greater good of the community. None of the arguments against sidewalks address the emotional devastation that would result from injury to a child or other resident due to lack of a safe place to walk (sidewalk).

Le Huy, 907 Symphony Circle, SW, indicated that within his cul-de-sac there are 13

children age four to thirteen, six children with an age range of 16 to 20. Placing a sidewalk would force cars to park in the street, effectively creating a safety hazard. It is difficult to see the benefit of a sidewalk where there is so little traffic.

Kimberly Maher, 906 Timber Lane, SW, expressed her appreciation for the work involved with this project. Emphasizing her support for the proposed sidewalk on Timber Lane, she noted that her street has served as a cut through to Vienna Woods swim club. The excessive traffic caused her to contact the Town seeking some level of traffic calming. Plum, Cottage and Harmony already have sidewalks, so this addition will provide a connection and address this ongoing pedestrian safety issue.

Kathy Bateman, 608 Blackstone Terrace, NW, indicated that a sidewalk is planned for her side of the street. Voicing support for the project, she identified the narrowness of the street, the cars parked along the street, lack of traffic calming devices and the cut through traffic as immediate safety issues. She also commended Staff for selecting the even side of the street, despite the utilities, as it saves the mature trees on the opposite side and preserves the aesthetics of the neighborhood.

With no additional speakers, the Mayor called for a motion. A motion was made to close the public hearing. Motion, Council Member Somers; second Council Member Springsteen.

Council Member Anderson indicated that it was his impression that the public comments were not yet finished and asked to keep the public hearing open. Mayor Colbert reminded all that residents have the option to email comments via the website at [sidewalks@viennava.gov](mailto:sidewalks@viennava.gov). Further, given that tonight's hearing was not a statutory hearing and that the design of the sidewalks is not yet complete, she suggested moving forward with the vote tonight but keeping the hearing open for public comment.

Attorney Briglia commented that traditionally when a public hearing is held it can be continued for receipt of written comments and generally the vote is deferred until all comments have been received. That said, as this is not a statutory public hearing, there is nothing legally that prevents Council from either voting tonight or voting after all comments have been received. Mayor Colbert questioned if a vote could be taken tonight without distinguishing which side of the street would receive the sidewalk. Staff would then be directed to work with residents to determine the best side for the sidewalk.

Director Gallagher assured that the plan is in place for the engineers to gather information for both sides of the designated streets. This will allow for flexibility in determining which side to install sidewalk.

Mayor Colbert stressed that she would like to see the vote taken tonight.

Council Member Springsteen concurred that Council must deal with the sidewalks in Town. He noted that engineering studies for his own street were voted on last November and are just now ready for contract. It would be best to approve engineering studies on the designated streets and see what plays out.

Council Member Somers raised a point of order regarding procedure; a motion was made and seconded to close the public hearing, should there be a vote prior to discussion?

*Council Member Patel explained that the vote was stopped due to a need for discussion. She stressed that before she can comfortably vote she would like a response to the question she posed to Staff a month ago. Which streets across Town are eligible for sidewalks (under the parameters of the Robinson Trust funds) that are not identified in the Master Plan? There is no master list of streets that meet the designated criteria. Once Council has an idea of how many streets qualify, it would then be possible to look at the public input and determine which streets are main arteries and which have resident support. She would like to leave the public hearing open.*

*Director Gallagher, in response to Town Manager Payton's query regarding when a list might be available, stated that the current list was drawn from an original list of about 20 streets. He pointed out that the master list is still being expanded. Mayor Colbert reiterated that the clock is ticking on expending the funds. Ms. Sorrell and she are working with Director Gallagher's team, but it is a process that requires time. Slowing down now could potentially result in a missed opportunity.*

*Town Manager Payton questioned how much time remained to expend the funds. Attorney Briglia responded that the goal of the Trust was that it be spent within five years. There are three and half years remaining.*

*Director Gallagher, in response to Town Manager Payton's question, reported that currently there are five sidewalks in design, two have been requested for construction approval tonight and two additional will be up for construction approval in the next couple of weeks. There are five that were deferred for later decision and nine under consideration tonight.*

*Council Member Potter remarked that the majority of the Public Hearing speakers were open to a sidewalk albeit on the opposite side of the street, or they expressed a concern regarding the selection process; common good was a theme throughout the evening. He indicated a disinclination to "kick the can down the road any longer"; would agree with engineering design aspect and urge approval of what is before Council now in deference to time.*

*Council Member Patel reiterated that she requested the information a month ago and was told it would be made available to her. As of tonight, she still does not have the requested information. Should a vote be taken now and the requested data, once received, revealed streets more integral to connecting networks to Main street, then funds may have been misallocated to lower priority streets. The information is critical to making the best decision and should be expedited.*

*Mayor Colbert pointed out that the current process was started quite some time ago and involved rating streets within a sidewalk rating system. Director Gallagher added that the current protocol is basically as outlined by Council Member Patel, identifying a master list of approximately 20 streets. Council Member Patel reiterated that she is requesting a list of all streets throughout the Town limits that meet the criteria.*

*Council Member Brill noted that at the outset of the process Director Gallagher provided a list of 40 streets. However, he suggested a different strategy for achieving the goal; pause for 15-30 days. During that time, conduct a review of the streets, prioritize those streets and complete a traffic study. He suggested moving forward now with Blackstone, Timber, Elmar, Alma and Cherry Circle but defer the others.*

*Without a review the most appropriate streets cannot be identified.*

*With no additional discussion Mayor Colbert reminded Council that a motion is on the floor to close the public hearing.*

*Council Member Anderson wished to clarify, before the vote, why he requested keeping the public hearing open. He reiterated that doing so would both allow for transparency and allow residents to hear others thoughts and opinions so they could better form their own. He stressed that he does not support a major rethinking of the proposed projects due to the time constraints involved. Understanding that the current vote will begin the engineering process only on the identified streets, allays his immediate concerns, but never the less he would like to keep the public hearing open for written comment and defer the vote until next Council meeting.*

*Mayor Colbert reiterated that in order to keep the process moving forward she would like to hold the vote tonight and continue the public hearing for written comment only. She called for a vote on the motion to close the public hearing. Motion carried in a four to three vote.*

*A motion was made to authorize the Town Manager to apply to the Maud Robinson Trust for design of sidewalk projects on the following streets: Alma St., SE; Birch St., SW; Blackstone Terrace, NW; Charles St., SE; Cherry Circle, SW; Elmar Dr., SE and SW; Oak St., SW; Symphony Circle, SW; and Timber Lane, SW. It was further moved to increase the funding of design services for the Robinson Trust projects under RFP- 19-01 by \$250,000.*

*Motion Council Member Somers; second Council Member Potter  
Discussion included the following:*

- *Suggest to vote street by street;*
- *Pedestrian Advisory Council instructed Council to select streets with an eye toward creating  
sidewalk networks;*
- *Question certain selected streets - don't connect to anything (Symphony Circle Cul de sac);*
- *Symphony Circle selected due to resident support. Melody Lane and DeSale deferred, but once completed will create network with Symphony Circle.*

*Motion carried in a six to one vote with Councilmember Patel abstaining.*

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

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

**Abstain:** 1 - Council Member Patel

## 10. Regular Business

- A. [21-2194](#) Installation of Broadcast Equipment at Vienna Community Center for the Cable Access Channel

*A motion was made to approve procurement upgrades as described for the Town of Vienna cable channel in an amount not to exceed \$290,760.96. In addition, it was moved that the costs for this project ride the Virginia Commonwealth University*

*contract.*

*Motion, Council Member Springsteen; second, Council Member Anderson.  
Motion carried unanimously.*

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

**Aye:** 7 - Council Member Anderson, Council Member Brill, Council Member Patel, Council Member Potter, Council Member Somers, Council Member Springsteen and Mayor Colbert

**B. [21-2223](#)**

Intent to Adopt an amendment to the Vienna Town Code (Chapter 13A, Section 13A.4 -Residential Refuse) to eliminate use of plastic bags for yard waste.

*A motion was made to approve the presented updates to the Vienna Town Code, Chapter 13A, Section 13A-4 - Residential Refuse to eliminate use of plastic bags for yard waste in order to be in compliance with Fairfax County regulations.*

*Motion, Council Member Anderson; second Council Member Brill. Motion carried unanimously.*

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

**Aye:** 7 - Council Member Anderson, Council Member Brill, Council Member Patel, Council Member Potter, Council Member Somers, Council Member Springsteen and Mayor Colbert

**C. [21-2224](#)**

Request approval for spending \$246,578.40 with Arthur Construction Co., Inc., and \$72,093.50 with US Concrete and Paving, Inc. for construction of Robinson Trust Sidewalk Projects.

*A motion was made to approve the spending of \$246,578.40 with Arthur Construction for construction of sidewalk improvements at the project locations indicated in the report, and I move to approve the spending of \$72,093.50 with US Concrete and Paving, Inc. for construction of sidewalk improvements at the project locations indicated in the report.*

*Motion, Council Member Patel; second Council Member Springsteen. Motion carried unanimously.*

*A request was made by Council Member Springsteen to send a letter of reprimand to Mr. Dale Griffiths.*

**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 Anderson, Council Member Brill, Council Member Patel, Council Member Potter, Council Member Somers, Council Member Springsteen and Mayor Colbert

**D. [21-2226](#)**

Extend deadline for federal sub-award agreement for Covid-19 Municipal Utility Relief Program

*A motion was made to move to approve an amendment to subaward 4400010276 for Municipal Utility Relief grants with Fairfax County to extend the deadline to December 31, 2021.*

*Motion, Council Member Anderson; second, Council Member Springsteen. Motion*

*carried unanimously.*

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

**Aye:** 7 - Council Member Anderson, Council Member Brill, Council Member Patel, Council Member Potter, Council Member Somers, Council Member Springsteen and Mayor Colbert

## **11. Meeting Adjournment**

*With no further business, Mayor Colbert called for a motion to adjourn. Motion Council Member Pate; second, Council Member Springsteen. Meeting adjourned at 11:15 PM.*

**A motion was made by Council Member Nisha Patel, seconded by Council Member Howard J. Springsteen, that the meeting be adjourned.. The motion carried unanimously.**

*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.*