Town of Vienna

Meeting Minutes
Town Council Meeting

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

Monday, November 18, 2024 | **7:30 PM** | **Charles Robinson Jr. Town Hall, 127 Center St. South**

Invocation: John Russo, Chairperson of the Baha'i Community of the Town of Vienna

Mayor Colbert called on John Russo, Chairperson of the Baha'i Community 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. 24-4749 Acceptance of the Regular Meeting Minutes of October 28, 2024, and the Work Session Minutes of October 21, 2024

The Regular Meeting Minutes of October 28, 2024, and the Work Session Minutes of October 21, 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)

Out of Agenda Order

Mayor Colbert brought attention to confusion with the order of the agenda and opened the floor to the public.

Debora Gwyn, 204 Prescott Circle, SE
I was found in violation related to Zoning and Compliance. I had signs in my yard – things that I am very passionate about. I've had them up for quite some time. Knowing that I'm in violation, I'd like to ask Council directly if they would consider either meeting with me when we have time to discuss or I could put my thoughts in writing. As far as these specific orders, 18-424 and 18-425 have to do with signs and flags in yards where they present restrictions on the number of signs, size of sign, etc. My purpose for being here tonight is to ask Council what is really at stake here? For me, it's an infringement on freedom of speech. I don't mean for this to sound ugly or harsh, please don't misconstrue what I'm saying. I want every resident in Vienna to have the freedom of speech to display what he or she are passionate about. I think it's important to have that right. I'm a tax payer, we own our home and we pay our taxes to live here. We don't have an HOA. I think it is important for

Council to make a decision to really look at codes that infringe on our freedom of speech. Our country is in turmoil and I think it is important for every American citizen to stand for their family, their belief in God, freedom of speech, constitutional right, humanity and truth. My intent for anything displayed in my yard is only to generate conversation and awareness. However, at this point in time, I do think it is time to look at what's important. To my neighbors, I thank you for your patience. I have had these up for quite some time and I understand that for some they just want to see them go away – or maybe they have a difference of opinion. I can promise you that any resident that has anything in their yard that's not breaking the law as far as inappropriate language or images, I will stand before Council in support of you and freedom of speech. I ask that you please continue to speak with me about this. I'm very passionate. Thank you for your time and I hope we can change this.

4. Reports/Presentations

A. 24-4741 2024 Halloween Parade Awards

Mayor Colbert and Vienna Business Association Executive Director Peggy James presented the award ribbons for the 78th annual Halloween parade event.

A. Report and Inquiries of Council Members

Council Member Allen commented that on the amount of debris and trash throughout the Downtown area. She reminded residents that keeping the Town clean is a community effort and urged assistance to Town employees in this endeavor.

Council Member Springsteen reminded residents of the Turkey Trot scheduled for November 24, 2024 beginning at 8:00 AM.

Council Member Baldwin thanked Public Works Staff for walking the Park St. sidewalk project route with him. Every effort will be made to save trees along the project route.
The James Madison High School football team are congratulated for their winning season as they move into the playoffs this week.

Council Member Ramakis highlighted efforts toward a successful Veterans Day celebration. She thanked the American Legion Post 180 and all those involved.

B. Report of the Town Manager

Town Manager Payton recognized Marion Serfass, Director of Finance, who will be retiring December 20, 2024. He thanked her for service to the Town.

C. Report of the Mayor

Mayor Colbert thanked Director Serfass for her dedication to the Town. She also reminded resident of the Church Street Stroll scheduled for December 2, 2024.

D. Proposals for Additional Items to the Agenda

Mayor Colbert recognized local boy scouts in the audience.

E. Closed Session Report

A. 24-4753 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 November 18, 2024 prior to the Regular Town Council Meeting 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 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.

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

It was moved that William Comerford, Jr. be appointed to the Town Business Liaison Committee for a two-year term. Said term to be effective from November 19, 2024 and expire November 19, 2026.

It was moved that Roxanne Paul be appointed to the Conservation and Sustainability Commission to fill the unexpired term of William Comerford, Jr. Said term to be effective from November 19, 2024 and expire June 17, 2026.

It was moved that Sarah Couchman be appointed to the Board of Architectural Review for a two-year term. Said term to be effective from November 19, 2024 and expire November 19, 2026.

It was moved that Bess Thomas be appointed to the Transportation Safety Commission for a two-year term. Said term to be effective from November 19, 2024 and expire November 19, 2026.

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

5. Public Hearings

A. 24-4744 Public Hearing to Change Meals Tax Collection for Town-Sponsored Special Events

Mayor Colbert called the first Public Hearing to order at 8:20 PM. All Council Members were present via roll call.
Marion Serfass, Director, Finance presented the Item for consideration.

Many special events are hosted by local charitable organizations, such as ViVa! Vienna! and Oktoberfest and sponsored by the Town. These events feature food trucks, which under the Town Code, Chapter 6, Finance and Taxation, Article 4, Meals Tax, meet the definition to charge, report and remit meals taxes to the Town

based on a percentage of gross receipts.

It is difficult for the Town to enforce collection and payment of a percent of receipts after the event for food trucks that are not already meals tax payers, that is, don't have a brick-and-mortar location in Town. Instead of a collection process after the event that frustrates the outside organizations and Town staff, the Town is proposing a minor amendment to the code to allow food trucks at Town-sponsored special events only to pay an up-front flat tax. This has been discussed with the Parks and Recreation Department and the outside organizers, and all agree this method would be a welcome change.

Mayor Colbert opened the floor for comments from Council.

Council Member Allen requested further elaboration to which Lily Widman, Special Events Coordinator, referenced Section 1: The Town Code, Chapter 6, Finance and Taxation, Article 4, Meals Tax, Section 6- 35, Exemptions; limits on application amended to add the following provision and then read as follows: Sec. 6-35. Exemptions; limits on application. Food vendors at Town-sponsored special events will pay a flat tax per event in lieu of the gross receipts meals tax accessed per this Article as follows: - 10 x10 foot space: $25 per half day or $50 per full day - 10 x 20 foot space: $50 per half day or $75 per full day as new Code language. Events such as Taste of Vienna: Last Saturday in April; Viva Vienna: Memorial Day Weekend; Juneteenth – Saturday before Juneteenth; Oktoberfest – First Saturday in October; All Town of Vienna Parks and Recreation events – Chillin' on Church, Big Screen on the Green, Independence Day Celebration, Wellness Expo, Multicultural Festival, etc. will be affected. The Town will likely lose a little money but it will be much more convenient.

Council Member Allen questioned if the brick and mortar restaurants will be required to collect the regular meals tax during these events and was told that they would.

In response to Council Member Baldwin Director Serfass indicated that the tax amounts were determined through consultation with the Department of Parks and Recreation Staff, who work with these vendors. The figure was determined to be a reasonable amount that could be borne around the meals tax.

Council member Ramakis requested additional information on how these figures were determined. Lily Widman indicated that an average of the 3% meals tax taken by all the event members and selected the lowest average of the various vendors. Generally, each event draws a mix of food vendors (single item to full meal), so the lowest single food item determined the figure.

Council Member Brill reminded Council that Viva Vienna is unique and cannot be compared to some of the other events for attendance. Director Serfass stressed that the goal of this effort was to make it simple for all involved.

Council Member Anderson noted that there is an efficiency to implementing this as it eliminates time spent by Staff tracking vendors who do not pay.

With no further comments from Council, Mayor Colbert opened the floor for comment from the public.

Penny Oszak, 221 Nutley St. NW

I am confused by this proposal because presenters stated that this involves food trucks, but the written material states food vendors. Because it is hard to manage, we want to make it easy. This seems to be a money loser. I think we need to look at this closer – how many people attend, what do we collect, if not collecting, then why are the trucks allowed to return? There's better ways to manage an inefficient process than to take a flat rate that is unfair to people with a brick and mortar store in the Town.

Peggy James, 2752 Stonehollow Dr.
I am the current Director of the Vienna Business Association and one of the planners for Octoberfest, which brings in around 35,000-40,000 people. I am very much in favor of this plan because we spend a lot of time tracking down money. This proposal would allow collection of the tax up front. It would save a lot of time and headache tracking down money after the fact.

Gunner Spafford, 9733 Sunrise Rd.
I am the Chairman of Viva Vienna, which brings around 60,000 people into Vienna. Last year we raised $250,000. I am in favor of the proposal. Brick and mortar stores are far different from anything coming into Town. This is an opportunity to level the playing field. A flat tax collected prior to the event is great. I don't want to see organizers becoming finance people who are required to collect money. We cannot be tax collectors. This way taxing [based on the size of the booth] is fair.

Don Kyllo, 114 Elmar Dr., SE
I am owner of Hawk and Griffin. To put this into perspective, we had a fish and chips event for Octoberfest. We paid $141 in meals tax. We are a business in Town that's here every day. We do things for the community; we have people come in every day asking us to support them through gift cards, donations, etc. The way we see this is that there are a lot of food trucks that come in for various events, yet I don't believe we have ever been asked, as a restaurant, to [have a booth] at these events. Yet we pay $141 in meals tax, while a food truck comes in and pays only $25-$50 just because it makes it easier to collect. Maybe someone needs to work harder, because we work hard every single day.

Cameron Medwedeff, 309 Windover Ave.
I think if the Town is asking to raise taxes than we probably shouldn't be losing money in any other area. As the restaurants have said, it doesn't seem to be fair to charge such a low fee. I think it makes sense, if the Town is wasting time to track down delinquent payments, to charge a flat fee, but maybe that fee should be higher than proposed.

With no further comments from the public, Mayor Colbert called for a motion to close the public hearing at 8:36 PM.

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

Mayor Colbert opened the floor for further discussion by Council. The following is a representative summary of the comments.

- *Business suffer when these special events are held;*
- *A flat tax serves as a type of favoritism to those vendors who come in for the event;*
- *Staff streamlined the process to make it easier;*
- *Problem is vendors not paying meals taxes following event; This proposal*

assures payment;
- *Suggest deferral to Staff who have done the research;*
- *Suggest language that includes local restaurants as event food vendor participants;*
- *Must be careful about disincentivizing local restaurants who might want to serve as a vendor.*

Director Serfass recommended that, given the content of the discussion, it would be appropriate to remove the document from consideration until edits can be made.

Town Attorney Briglia suggested that editing E, 6-35 by adding language "including Town licensed food vendors at Town sponsored…" would level the playing field and not require readvertizement.
An inquiry was made regarding whether Council Members who are also members of Rotary would recuse themselves from voting on this item. Attorney Briglia indicated that this issue involves more than just Rotary and that membership in an organization that is not a food vendor is not enough. The ordinance affects the general public. The fact that someone is a member of an organization that is also part of the Town is not a conflict of interest.

With no additional comments from Council, Mayor Colbert called for a motion on the Item.

It was moved to approve the proposed change to Chapter 6, Finance and Taxation, Article 4, Meals Tax, Section 6-35, Exemption; limits on application to add a provision to charge a flat meals tax in lieu of a percentage meals tax for Town-sponsored special events as presented above to include Town licensed food vendors.

And it was further moved to direct the Town Clerk to advertise a Notice of Intent to Adopt for December 9, 2024.

Motion, Council Member Anderson; second Council Member Springsteen. Motion carried in a 6-1 vote.

Mayor Colbert called for a recess at 8:50 PM. Meeting reconvened at 8:55 PM.

A motion was made by Anderson, seconded by Springsteen, 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

B. 24-4743 Public Hearing to Approve a 10-Year Temporary Increase to Meals Taxes to Fund Aquatics Center

Mayor Colbert opened the second Public Hearing at 8:55 PM. All Council were present.
Marion Serfass presented a brief history and overview, stressing that the goal is to clarify information - where the project stands now and how the Town arrived to this point. No matter what the outcome tonight, this project is still in the future.

Results of Town-wide surveys and citizen engagement efforts, including the Parks Master Plan survey conducted in 2024, indicated a strong desire for an aquatics and

fitness center in Town on the former Faith Baptist Church property, now known as the Annex property. Parks and Recreation contracted with Kimmel Bogrette and its subcontractors to perform a long-range usage study for the Annex property, and they provided a long-range plan including fitness and aquatics with estimated operating and construction costs. This was discussed with Council several times including most recently on October 7, 2024.

The Town of Vienna borrows money for capital projects such as this by using bond funding, and 100% of the repayment of bonds is financed with meals tax receipts. At the current 3% meals tax rate, the debt service load could not accommodate an aquatics and fitness center until 2038/2040 at the earliest. Increasing the meals taxes to 4% for a 10-year period would enable the Town to design and construct the aquatics and fitness facility in 2026/2028 with a projected opening no later than 2030, 10 years earlier.

Tax increases require both a public hearing to receive input from the public and a supermajority vote (5-2, or supermajority of the members present) to pass.

Leslie Herman, Director, Parks and Recreation, presented additional information regarding the Annex property use. The idea of a community swimming pool was first brought forth in 1969 as cited in the Northern VA Sun, Nov. 4, 1969. In 2011, the Vienna Community Center Expansion & Renovation Feasibility Study identified a community need for a pool and fitness facility. Again in 2014 the Vienna Connection (Jan. 21, 2014, This is the Town's Building – Vienna Community Center will receive addition, renovation) residents spoke in favor of a swimming pool and fitness center. "A task force of citizens and user groups, plus open houses and a town-wide survey asked residents what they wanted in their revamped community center. Some 97 percent requested a swimming pool, a new gym and a fitness center." Finally, the 2023 Annex Long Term Use Study concluded that the Town is lacking aquatics facilities, fitness facilities and sufficient meeting and gathering space to meet the demand. Of the 898 responses to the Annex Long Term Use Questionnaire, 22% identified a pool and aquatics center as the most desired use.

Director Serfass concluded the presentation with a review of how the Town funds operations providing a look at where the aquatics center might fit into the capital projects expenditures through 2038. A summary of how the Town would pay for the Center and what a meals tax increase might look like concluded the presentation.

Town Manager Payton thanked Directors Serfass and Herman for the information. He further summarized that this project will consist of three components; construction, operations and maintenance. The meals tax would be contained within the construction component. This will not be a break-even proposition and there will be some type of deficit on the general fund operations side. Since 2011, when Town Manager Payton first arrived, the tax rate has not been raised. If fact, it has been lowered several times, and Town Manager Payton stated that he would never recommend a project to Council that going forward would create a need to raise taxes. A plan is in place that would, over the next four to five years, prepare the general fund to handle the extra burden of this cost. On the operating side, with a five-year approach, the Town is confident that the general fund budget can be built to handle this without raising the tax rate. The third piece, maintenance, will be addressed in the CIP, through adding $100,000 to the CIP on an annual basis. So the Town is confident that at least from a fiscal standpoint, this project can be done and does not fall outside of the Town's reach.

Mayor Colbert thanked Town Manager Payton for the information and opened the floor for comment from the public.

Jen Morrow, 110 Church St., N
Thank you for all your work on behalf of businesses and residents. I am speaking on behalf of the Town Business Liaison Committee. As we went around the community and connected with restaurant owners, they collectively communicated that this increase in meals tax will have a negative consequence on their business, including their staff (many of whom rely on tips as part of a living wage). Many of these restaurants operate on very small margins and this tax would not help [the situation]. While we are aware that this is a pass through, the restaurants bear the burden of collecting the tax. Additionally, perception is everything, and with the ever-rising cost of supplies and labor, it is just one more thing that increases the customers total cost for their meal. We would also like to note that this applies to catering businesses, which are being taxed simply by being located in the Town of Vienna. I will add that the difference on the bill for a catering event is much higher than the cup of coffee exampled. The TBLC recently participated in a Forum hosted by the Department of Parks and Recreation to discuss their Master Plan. It sounded like the last opportunity to separate the Annex property from the strategic vision the Town is building. As we connected with other businesses around the community, we struggled to see how using meals tax dollars to build a swimming pool would help businesses in the Town of Vienna. This seems like a large capital investment to NOT have benefits for these businesses and possibly only benefit a small portion of the residents. Other businesses have suggested that this project will contribute to traffic in the area. If the meals tax is intended to fund capital projects with the greatest need, we fail to see how a swimming pool qualifies, particularly based on our review of the data from Parks and Recreation (quoting percentages rather than actual numbers of respondents). Which capital projects will be delayed? Parks maintenance? Enhancements to the retail district? Expanded walking trails? Traffic calming measures? These are just a few examples. We selected these comments from business owners because we believe this is at the heart of why we exist as a committee, and we feel very reactive to the proposed meals tax increase. We want to encourage Council to continue to engage the community in making this decision. We also want the opportunity to have the public comment period open longer because based upon feedback from local businesses, we felt rushed and undervalued by this process. Thank you.

John O'Keefe, 106 Melody Lane, SE
There really are two issues that are inextricably intertwined; 1) whether we should build a swimming pool, and 2) what is the highest and best use for this property. When I read the Vienna Voice this month, I thought we were really getting in over our heads on this. While there have been a number of surveys done, I don't believe the ones that have been done are quite as conclusive on the point that the people have spoken. We have just come through an election, which has taught us that public opinion polls have limits. I also think that some of the polling is based on an incomplete understanding of what the project would be and what it would not be. I don't think that the Parks and Recreation Master Plan survey results show quite the same level of enthusiasm [as the initial annex use study]. A couple of key points from the consultants that the Town hired; Ballard and King reported that there is insufficient demand in the Town population to support the project. Only if you expand the service area into the County and only if you attach a fitness center to the project does it begin to become viable. Other things that the consultants have told us about demand indicate that it will never be self-sustaining; there will always be a deficit. There are various options in the report but one shows a deficit as high as

$650,000 in year five. The best projection shows that only 10% of the Town population would use the facility and half of those would use it less than two times each month. Also, per the Consultants, the generated revenue are dollars being spent with other providers in the area currently. This is an important point. Why is the Town trying to compete with businesses in and around their own community, such as commercial fitness centers? To me that is the opposite of economic development. I also will add that we're getting ahead of ourselves in deciding that this particular piece of property is the right place to put a swimming pool. All you need to do is look at where the County placed its recreation centers. You'll see that in the middle of a pedestrian/commercial area is not where they are usually located. They are destination facilities. I think it would be a travesty to use this very special property for this use.

Chris Hogann, 226 Glen Ave., SW
I've lived in Vienna for about thirty years. I'm a Ph.D. economist to a Fortune 500 Company. I've read a lot of studies on demand and I can tell you as an economist, demand is a nebulas concept. So, when you're talking about the capital costs, I can assure you that if you take the expected losses for this facility, appropriately calculated, and roll them up into a single dollar amount you are really only looking at half the costs. You had a warning about this from the 2014 Council. Operating costs are clearly an afterthought because you let a little $20,000 study reveal a 15% operating deficit. The closer I looked at it as an economist the less I liked what you did, to the point where it looks like you are stacking bodies in the facility like cord wood; the demand just didn't seem realistic to me. So I [decided to look for benchmarks]. Fairfax County budgets $40,000+ for a similar sized pool, and the operating deficit is 65%/year. I looked at others and they are much the same. So my warning to you is that you are looking at a nice little operating loss. The fundamental reason behind this loss is [the same reason that the 2014 Town Council turned down the pool] that the Town has an inefficiently small scale of operation and it will kill you financially. The Town of Vienna is the Mom and Pop shop, while Fairfax County is the Walmart, and you are planning to move right next to them. You only need two numbers to understand. You expect your facility to cost $2.2M while the Fairfax facility is three times the size and it cost $3M. Your cost per subscriber is going to be twice what Fairfax's cost is. But it gets worse because the Town's proposal did not study competition. You can't price your services above the Fairfax rate because you are offering the exact same service. You will take an economic beating on this and that's what Council was trying to tell you in 2014. In the end you have to trust that Council will make a sound value judgement, but you can't do this if half of the costs are missing. This is just a warning from a guy who has done this for a very long time.

Laura Bligh, 226 Glen Ave., SW
Rather than building an indoor aquatics center, I would prefer to see the Town put in an outdoor pool; a fun, kid oriented pool, and look into the logistics and costs of an inflatable dome roof, a bubble, to allow the pool to be enclosed in the colder months of the year. We know the outdoor pool is an unmet need because all of the outdoor swim clubs have a multi-year waiting list. All these private outdoor swim clubs were built about fifty years ago and there won't be any new ones built because there is nowhere left to put one except on Town owned land. New families who move here may never get off the waiting list for a membership unless a new pool is built. There are indoor pools already at the County recreational facilities and at some of the larger gyms, so why build another? Thank you

Aaron Georgelas, 213 McHenry St., SE

I've been before Council before as a Consultant for the MAC project and have also been a consultant for both Fairfax County and Arlington County. What's unique about this project is the vicinity of where you are locating it. I've been a developer for twenty years and lived in the Town of Vienna for those twenty years. I have significant investments in gyms in Tyson's. The demand models we are hearing people talk about aren't realistic. Vicinity is everything. People don't want to drive to a gym. They don't want to drive to Tyson's or Oak Marr. We have that situation with the James Madison High School crew team. Last year we trained at a gym in Tyson' and the commute was killing these kids. I've worked in gyms for years. Vicinity is everything. Convenience to your market makes your workout viable. As a community I ask what's missing, what can we provide as a capital improvement that would benefit the Town, and this seems to be the top of the list. The gym at James Madison High School is oversubscribed all the time.

Student Currin, 203 McHenry St., SE
I'm here to speak on the proposed Center. As an 18-year-old attending James Madison High School I'd like to speak about how this proposal will positively impact my future. I've grown up in Vienna and as I look ahead to raising a family here I want to make sure that my kids have access to the same opportunities that I've had, to stay healthy, active and engaged in the community. This center would be an invaluable resource for my children and for future generations. Imagine a space where future generations could take swim classes with their friends, where they would have access, not just to a gym but a full range of wellness options. This center isn't just about physical fitness, it's about creating a community space where families can come together and live healthier, more active lives. With it's inclusive design, this facility will provide a safe welcoming environment for all ages. It's a place where kids can grow up learning the importance of exercise in a healthy way and forming habits that will last a life time. It's convenience in the heart of Vienna is invaluable. This is about building a community where our children can thrive, stay active and feel connected to the people around them. For me that's something worth supporting. I actually think this center will help make Vienna an even better place to live, not just for today, but for our families in the future.

Logan Georgelas, 213 McHenry St., SE
Hello all, my name is Logan and I am a sophomore at James Madison High School. I believe the development of the Annex will be very beneficial to the health of the youth in Vienna. As of right now I know firsthand how my friends and I often struggle to find a gym that is open and within walking distance. For example, the high school is within walking distance but the weight room is often overcrowded with sports teams. On the other hand, the Oak Marr rec center has decent facilities but it's not walkable for us. The Annex would solve these problems with facilities open to the youth in the middle of Vienna and right off the W&OD Trail. Along with the gym, the Annex as a whole will allow new space for our community to socialize while being active. The development of the Annex will be a step forward in the health and recreation for the Town of Vienna. I want to leave you with a question, how much is the health of your community worth?

Melanie Dorn, 103 Harmony Dr., SW
Madam Mayor, my question is how do we define pool? In the Parks Master Plan and survey, the results indicated that 22% of the respondents wanted a swimming pool. A pool can mean many things. An indoor pool and an outdoor pool are two very different things. An indoor pool and fitness center has been sited as the top resident preference for the Annex property. We have yet to see the specific results of that study. What do you mean by pool? I also read in the Vienna Voice that another

reason to build a pool is due to the long waiting lists at our private community pools. I just don't believe that building a small pool will take care of the waiting list problem for outdoor pools. A mother with her children will not choose to sit at an indoor pool on a bright sunny day. I think we don't have enough information to make this decision. We can't agree to a tax increase without thoughtful research specific to the Annex.

Bill Dorn, 103 Harmony Dr., SW
I don't believe the Town should take on the additional burden without considering exactly what the Annex will be and what will actually fit on that property. I know there are actual limits to what will fit. Looking at the bonds held by the Town now – the last two bond sales were substantially higher than we've ever had. I also know we are able to service the debt on those bonds, because things are going well. But one thing that troubles me is that there is a substantial question regarding regional employment over the next few years. Governor Youngkin is projecting up to a 300,000 job loss from broad cuts in federal jobs and contracting. Obviously, the Town and the region, depend on that employment. While the 300,000 projection is extreme, even if half that is jobs or reduced positions, we must expect fewer people to be paying the meals tax. With the distinct possibility of federal tariffs implemented across the board on imports, along with these possible job cuts, there may be a manufacturing inflation imposed on all of us, which has the potential to put us back into a recession. With these thoughts and knowing that the Town is healthy and fiscally sound and responsible, just keep in mind that a 1% meals tax may not even be a drop in the bucket of what is needed to pay down, maintain and staff this proposed facility. One additional thing, I believe there are currently staffing issues at some of the other recreational centers that could very well affect us.

Penny Oszak, 221 Nutley St., NW
I'm a little disappointed that it appears a decision has already been made that we will have an aquatics facility. I don't believe that was ever decided and yet now we're trying to figure out how to pay for something that we haven't even said we want. I understand that there has been a lot of outreach and people responded when asked what Vienna was lacking – a pool. I think we need to discuss in more detail about the finances. The fact that we didn't take into account other recreactional centers within the area is disappointing. We should have that information. After I saw the information tonight, I thought that maybe I'm not really in favor of the pool. It doesn't make sense from a financial perspective.

Liz DiFransisco, 434 Knoll St., NW
I sent a message this week seeking the results of the Parks and Recreation statistical survey. The reply from Karen Thayer, Director of Public Information, indicated that she did not have the results to share. If the Town can't provide the results for the survey, how do you know that we want a fitness center? Will the data be published? Do you know what the results say? The residents don't. You heard from residents tonight who are saying that it is lot of money to pay for something that may or may not be wanted by the Town. I believe you are jumping the gun to try to get the meals tax started and I believe you should not make a decision this evening. I would love to get the data from the survey including the written responses, which need to be published.

Cindy Nelson, 2844 Maple Ln.
I'm a little confused by the presentation tonight, and would like further explanation regarding the temporary measure for the tax. When will the tax return to a permanent tax? I have similar concerns as the others. I believe you need much more

time before "jumping into the pool". I'm a little concerned with the expenditures. I believe there needs to be a comparison of other swimming pools in the area, as well as counties. I'd like to see the expenditures. I think we are being extremely conservative here, I think the numbers are a lot higher. I'm an accountant and these numbers seem really off to me. A suggestion would be to bring in a consultant from outside the County to see if these numbers are justified before we jump in. I also agree with the others about how the meals tax will affect the area. We are already at a breaking point. We had a minimum wage increase to $15/hr. Restaurant owners have it really hard. We went to Subway the other day and for three people the bill was $41. That is a lot of money. And then you are asking to increase this even more. Lastly, I feel like this is a double tax in the sense that not only would someone outside of Vienna have to pay a tax to fund the pool, but if we were to come here to actually use the pool, there would also be the 25% increase to use the pool.

Mike Mittel, 1007 Westwood Dr., NE
I have lived here for 25 and a-half years. Our entire family is very active athletically. We have been engaged in community activities for a long time – particularly athletics. I'll start by saying that I don't support the meals tax, or any tax increase, to build the proposed center. First is financial. The ten year 1% meals tax increase will not cover the cost of the building. We plan about $1M - $1.2M at the current volume based on the 2023 financial report from the Town, to collect $3.4M at the 3%, which comes out to $114M in sales. We would need to have $210M-$260MM in sales to pay for this building. I know we have debt retiring that we can tap into that the 3% is paying for now. Still, it's going to need to come from somewhere. Debt funds will need to come from property tax, current meals taxes, or transfers. We already pay way too much for water and sewer, but I think those transfers are pretty locked in. The center is estimated to run at a loss – the numbers are higher than they were when first presented on September 30, 2024. Adding all these costs, you will have to pull from other things and defer other projects. I read the CIP Update. The parks bridge inspections pushed to 2028, Glyndon playground pushed to 2030, etc. You'll be directly competing with Town businesses. My gym in Vienna, Crossfit, Evolution Health & Fitness, etc. – there are plenty of walkable fitness centers right here in Town. We have two beautiful County facilities that offer everything for all ages, although it is true that from 4:30 PM until 7:00 PM this time of year, swim teams are using the space. Lastly, the Town should look again at lower cost ideas. We had several at the Town Hall and it is fiscally a wise thing to do right now.

Sara Goode, 420 Center St., S
I'm from Vienna. I went to WolfTrap Elementary and I've played hundreds of softball games on Caffi field. There are two points I'd like to make. In a previous meeting, someone in the restaurant industry asked the question "What does a pool do for me as a restaurant? If the meals tax is added to the check, what does the restaurant get out of it?" The question was disappointing to me. The singular, what about me point of view is very disheartening. Throughout the pandemic communities throughout the area went out of their way to show their support to small businesses in the community, ordering take out to help businesses stay viable. People did that because they recognized that a community is a symbiotic relationship where we benefit from one another. Having restaurants in our community adds to the fabric of our culture and community resources such as the Town Green, Walking Trails, and hopefully, a community pool, also add to the fabric of which we live. So I would encourage that portion of the community not to view this as a transactional conversation. Perhaps rather than asking what this project can do for you, you might ask how you can get involved in the project. Just a thought.
My second point is that the aquatics center will be additional multiuse space. It is a

fantastic opportunity to expand Vienna's multi recreational inclusion. I have a special needs son and there are many resources in the community that will not benefit our family. We won't be playing pickle ball anytime soon and youth sports are probably not in our future. But that doesn't mean that we don't want to be active and we don't want to play. I'm a Mom who does want to be in the indoor pool to watch my kids. Swimming is one of those equalizing activities that is acceptable to all ages and abilities. Making a pool available for aquatic therapy is one more potential revenue source for this proposed facility. Oak Marr and one other in the area currently use this model and families from all over Northern Virginia visit these pools for that very specific purpose. I speak from experience. Just food for thought for those who were wondering if the pool would draw anyone from outside of Vienna. Residents of all ages and abilities deserve to benefit from this project. We arguably live closest to the Annex property out of all the people in this room tonight. I wholeheartedly support it and the tax measure it would take to make it happen.

Tom Kyllo, 114 Elmar Dr., SE
I'm speaking with two hats, I was an architect for 32 years before I threw that away and became a restaurateur. I can tell you that in my experience the restaurant industry has the slimmest profit margins of any business I've been involved with. Rising food costs, labor cost, rent increases, all have erased almost any restaurant profits and many have been forced to raise prices. I think telling everyone that they can get a new aquatics center for just a penny on the dollar is not a great argument. A thought about the penny. You go to a restaurant today and you will be charged 6% sales tax, 3% Vienna tax, and many restaurants (in order to stay open) are passing through the 3% credit card fee, plus an average 20% tip. That's now $.32 on top of every dollar you spend at the restaurant. So where is the breaking point? It's not the penny. People act with their principles and how many will reduce their restaurant visits based on principle? For more taxes? We're lucky, we have people who come from all over to watch soccer, visit friends, but the small restaurants don't have that luxury, and losing one or two customers each day will put them out of business. Telling residents that when the meals tax was raised to fund the Town Green it actually generated more revenue is a false equivalent. From 2000 until 2007, we were granted a major economic boom but what followed were two years of the great recession. And what do the restaurants get out of the Town Green? We get a whole lot of food trucks that take business away from us. We approach it from a different perspective. We're grateful for people coming to our restaurant. I'm in awe every time someone walks into my restaurant. I am enormously grateful. We support as many local events, etc. as we can, however, many restaurant owners worry that if they don't contribute they will be branded as not being community minded. It's extra pressure for restaurant owners who work seven days each week as I do. I hear the anger over the increase. The customers say they will just stay home rather than come to Vienna. So consider this, slow the process, consider going out to the local media with a marketing effort that says we love our restaurants and we want to keep it more affordable for people to come to Vienna. I believe this will generate a better revenue stream and will make nearly as much money as if you raise the meals tax.

Gunner Spafford, 9723 Sunrise Rd.
I grew up in a small town with an outdoor pool and I was a lifeguard at that pool. I really enjoyed those summers. I actually now own a pool. I've had many people over to share my pool and I think about the fact that every year we seem to use the pool less and less. So when I was part of the process and worked with Lily and Leslie I had a hard time with the basis of what all this is about. The 40-minute survey was based off a lot of things that have come together. I know it costs more to

run a pool than what is in the projections because I've done it and I'm doing it now. I want to offer up a new idea. I work for Toys for Tots, an amazing organization that has fundraisers to provide toys to kids who are in need. One of my favorite programs for raising money is a round-up campaign. It's completely random, it's simply rounding up the check to the next dollar. I think you should start collecting money now and spread it across all businesses. There are just better ways to accomplish your goal than relying on one business sector to collect all the money. I'm still not certain this is the best use of this space. I would like to see something unique.

Roxanne Paul, 1104 Trowbridge Ln., SW
At the first public hearing I expressed my enthusiasm for an aquatics/fitness center right here in Vienna. After driving to Oak Marr for 15 years it would thrill me to have something right here in Town. As already stated, the convenience factor is great. But I actually now have another point of view, an alternate use for this land to suggest. So many have expressed concern about the cost, and at the first meeting, I did express my concern about a pool with only four lanes. I worry about spending all that money for something that might not be big enough. As a senior who has lived here over 40 years, in a few years I plan to downsize. I'd love to stay in Town, but I'd rather not live in an apartment. One thing they have in Falls Church that might be a consideration for this land are railroad cottages - small two bedroom houses, higher density, walkable. As much as I would love an aquatics facility, I believe most people are against it. This is just another consideration.

Leah Giovanniello, 317 Broadleaf Dr., NE
I'm glad that I'm following an economist because I too have that concern about what's going to happen in the coming year or two with the change in administration and the determination to reduce the number of federal workers. I don't believe people have a clear understanding of how much our local economy depends on federal government employment and how we will be affected. I don't know the extent that it will be but I think it will hurt us. I believe it's inadvisable to move forward with a project that's going to cost as much money as this and may end up requiring an increase in taxes. We may even see property values fall in the years ahead. I know we move in cycles so I'm only looking in the next couple of years, but I think it's a possibility that needs to be taken into account now.

Jean Dempsey, 606 Plum St. SW
I've been a resident of Vienna for over 36 years. A lot of this discussion reminds me of when we were going to do the Town Green. Many said it wasn't necessary, we couldn't afford it. The Town Green is currently vibrant. The proposal was a temporary meals tax and now we use the Town Green for all our community events. There was a comment earlier about food trucks in the Town Green, yet anytime I go to an event there I go to a restaurant before to support [our Town businesses]. The biggest complaint about the Community Center was that we spent all this money and yet didn't include a swimming pool. So now there is a way to do this with the meals tax. I think people forget that this is the same discussion that was held regarding the Town Green.

Doug Francis, 413 Macathur Ave., NE
One thing I recall about the Town Green project was that the one cent tax was dedicated to that specific project. I must agree that the Town Green is one of the best things the Town has ever done. The proposal as written, presents the idea of an increase in the meals tax, but it does not mention anything specific to the project. I think it is important that it [include language] and that is for this very specific

project, it goes into a lockbox and isn't used to fund anything else, it sunsets and then immediately the meals tax returns to 3%.

Cathy Isaac, 111 Elm St., SW
If I'm looking at Madam Mayor, I'm looking at the parking lot of the Annex, that's my view. We've been very engaged in all the meetings and believe the process has been very transparent. My family moved here in 1961. I grew up playing Vienna softball. I played for Mr. Caffi and I was there the night we turned on the lights for the first time at the new softball field. Needless to say, I've seen Parks and Recreation mature and improve. I think our sports, our youth and the young families that will be moving here into these new homes will be a draw. I think that is a backbone. Vienna is having a moment. People want to be here. As for me, a one percent increase in meals tax is not going to make me drive across the Fairfax County line. I have faith that others here will support our community. I don't want to diminish the concerns of the restaurant owners, but I believe our community will come together and support this. The location is perfect, based on where the other youth sports are located. I believe it will draw people in and will be a very positive thing for our Town. I would appreciate seeing more of the finance plan. At prior meetings, there was mention of partnerships, fundraising, etc. This would be worth vetting out a little more. I have complete faith in my Town. I have complete faith we will support our local businesses and I believe that the young families attracted to move here will use the facility and it will be a success. Thank you for the time and effort you put forth for our Town.

Mary Flynn, 208 Battle Ct., SE
I've been here since 1976. I oppose this 1% tax because I don't believe we should be paying for an aquatics center. The Town of Vienna has an aquatics center that we paid for through Fairfax County – Oak Marr. It is exactly 3.6 miles from the Annex site. I believe it is too close to build a duplicate facility. Oak Marr is fully staffed; it has 20 lanes with three of those always open for leisure swimming. So my suggestion is that you look to Fairfax County for information on how many Vienna residents already use Oak Marr. People vote with their feet, we had a survey, 22% of the respondents said they would like a pool, but that's not a very large number of the Vienna population.

Michael Amoure, 601 Roberts Dr, NW and 107 Church St.
I'm not actually against the project but I'm opposed to how fast this has moved and whether this is the best use for the property. I don't feel that enough has been investigated. I know there was a survey, but that [showed only a few hundred people in favor of a swimming pool]. I've read through the report and there appears to be a lot of assumptions that are not reasonable to me. I believe we are moving too fast. We need to slow down and look deeper into this. Regarding the 1% tax, the more I think about it, I believe it is the tax of least resistance. It only affects a few people. I hate to hear "well, it's only 1%". Anyone who says that has never operated a small business. When I look at my costs and revenues and I find I need to raise my prices, I think maybe my customers will accept 5%, and now there is another 1% I need to add on top of that. These are real numbers. When I raise my prices, I hear from customers. It is a burden on restaurants in this Town. Yes, it is a pass-through, but we are the gatekeepers of that pass-through. My customers don't care, they just see the final bill. We need to seek other ways to pay for what is put there.

Mike Jreige, 362 Park St., NE
I've come to speak in support of the fitness center and swimming pool, but I want to

point out that all the speakers have made a strong case both ways. It's good that you look at both sides. My perspective goes back to when the Town of Vienna was building the Community Center and all the anticipation around [that effort]. Back then I was involved with a youth organization and my three boys played every youth sport available. At that time, the general feeling was very strong in support of the pool and fitness facility as part of the community center. We got the basketball court but not the pool and fitness center. There was great disappointment but understanding. We live in Vienna with limited land space. When I heard about this plan, I thought it was a chance to finish the community center.

Cameron Medwedeff, 309 Windover Avenue
I would like to reiterate a couple of things already said. The survey questions might need more detail because if you ask people if they want a pool they need the details of how much the purposed tax will be. The survey questions were not specific enough. Adding the tax onto the restaurant owners is not fair given the record inflation and [having just survived COVID]. I believe the restaurants are just barely surviving and they may need a little extra breathing room for the next few years. That 1% tax is a 33% increase of what is already proposed. I also believe that projected costs are low for what actuals will be. The current private swimming pools have a ten-year wait list and it will be another five years for this project to be completed so I believe we are way beyond the demand. Once this is built, the demand will be met. The document notes 426 total occupants for this projected space, how many will be staff? Is there adequate parking? I believe the dollars may already be in the budget [to fund the project]. Take a look at the police budget [which gets over a quarter of the total], there may be money there that could be allocated for this project.

Nadjee Davis, 538 Maple Ave., W
I appreciate all the hard work that has gone into this. Working for Chick-fil-a I was originally corporate and worked all over the country in all different economies. I started my role here during COVID. In 2021 what we saw in Atlanta, California, New York, etc. was a drop in profits to an all-time low, due to costs. The average restaurant went from spending approximately $100/month to recruit talent to $2000/month. So internally we built an entire pricing division and raised prices internally all over the United States. What we see today is that we were a little too aggressive in raising prices. All across my company and the industry we see transactions declining and the primary reason is due to pricing. What makes me nervous is that all year long my costs have continued to increase and profits have decreased, transactions have decreased and sales have decreased. So when you consider a 1% tax increase I think of the customer who says, I love your restaurant but it's too expensive. When you say you want to do this to build a swimming pool that not everyone wants or can use, you are putting that on the restaurants. Costs are going to continue to rise; there is a federal minimum wage increase in January, and we will continue to see these things over the course of the next ten years. So I ask you to consider this as you navigate through these challenges.

Beth Cooper, 905 Wood Dr.
I use Oak Marr three times per week but there is actually not enough room for the number of people who want to use the pool. During the day, the toddlers are in the classes and in the evening the local high schools use it for swim team practice. So the discussion that a new pool would not be used in incorrect. I would love not to commute 30 minutes to Oak Marr to use their facility.

Kate French, 808 Cottage St.

As a 40 year resident of Vienna and Oakton, I am familiar with the need for more swimming pools in the area and the cycle of hope and disappointment that accompany any discussion [on the subject]. Unfortunately, the same facts that made a swimming pool untenable in the past are still true. In 2014, Council Members determined that a pool in Vienna would be inefficiently small and could not be competitive with the recreational centers nearby. The study completed in 2024 by the Town stated that the expected number of members is based on an area without preexisting facilities nearby. The study presumes that 2500-4000 people would buy membership to the Vienna facility despite it being much smaller than other nearby facilities. Even with the optimistic financial projections the pool is expected to acquire $100,000 in debt per year. The meals tax can partially pay for the pool to be built, but how would pool operations and capital improvements be funded. The pool is never expected to break even and will cost residents hundreds of thousands of dollars. How to pay for this facility should be central to this discussion and yet the focus seems to be the meals tax. The September 2024 study states that a core value of the project is to educate the community on the cost of different project types and how each will impact taxes. I've not seen the cost of different projects, nor tax discussions besides the meals tax. I've also not seen evidence of an overwhelming demand for an indoor pool. Unfortunately, the results of the only statistically valid survey have not been made public. One part of the Kimley Horn study found that 24% of respondents want a pickle ball court and 22% want a pool. The overwhelming mandate for a pool simply is not there. Everyone I've spoken to want it to be more than actually proposed. Some want indoor/outdoor and everyone wants it to be larger than the current expected capacity. I know the Mayor said that the design could change from the current proposal, but the schedule provided is predicated on starting the project no later than January 2025. I'm afraid that in the end the legacy of this pool will be a facility that disappoints almost everyone and is a significant financial burden to Vienna residents.

With no further speakers, Mayor Colbert called for a recess at 10:30 PM. The meeting was called back into order at 10:35 PM.

A motion was made to close the public testimony while leaving written comment open until close of business November 27, 2024.
Motion, Council Member Springsteen; second, Council Member Ramakis. Motion carried unanimously.

Mayor Colbert asked for clarification from Town Attorney Briglia on adding language to motion that would limit use of the funds. Town Attorney Briglia confirmed that language in the motion is based off the modal for funding the Town Green. While the language was not specific, the Town made the promise that by policy it will always use the meals tax to fund capital improvements. Further, in outlying years, the proposed tax will not be able to fund the debt.

Mayor Colbert proposed alternate language for the motion that would change implementation of the meals tax to July 1, 2025, sun setting on July 1, 2034 in order to allow more time for restaurant owners to adjust and prepare.

Council expressed a desire to postpone the vote to allow for greater scrutiny of public comment, demand and revenue projections, operating costs and expenditures.

A motion was made to continue the Item until the meeting of December 9, 2024.
Motion, Council member Anderson; second, Council, Member Springsteen.

Additional discussion included the following points:

- *Advise larger study for such a significant investment;*
- *Question if this could be handled through a referendum; State of Virginia restricts the use of local referendum;*
- *Challenge Staff to lower the suggested percent meals tax increase to see what can be done;*
- *Without the aquatics center or increase in meals tax, no CIP projects will be adversely affected or removed;*
- *Funding the aquatics center while maintaining a 3% meals tax would necessitate removing $20M of capital expenditure from the CIP;*
- *Urge reviewing budget to determine areas where expenditures could be lowered such that no projects would be lost if funding the aquatic center (and maintaining the meals tax);*
- *Assure businesses that Council hears their voice and are working on their behalf*

Mayor Colbert called for a vote on the motion. Motion passed unanimously.

Action Items:
Town Attorney Briglia will investigate the potential for use of a referendum;
Town Manager Payton will run an exercise that reworks the CIP numbers funding the aquatics center while maintaining a 3% meals tax and see what projects fall off.

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

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

C. 24-4746 Public Hearing - Zoning Amendments to Allow Accessory Living Units, With Regulations

Mayor Colbert called the Public Hearing to order at 11:00 PM. All Council were present.

Mayor Colbert called on David Levy, Director Planning and Zoning to present the Item.

At present, the Town of Vienna does not permit accessory living units to be in any zone. Specifically, the Town does not allow more than one residential living unit on any lot that is zoned for single-unit, detached housing. The Town enforces this provision by not allowing a second set of cooking facilities in houses. This proposal would allow there to be ALUs on properties with the zoning of RS-10, RS-12.5 and RS-16.
In the 2024 legislative session, a bill was introduced that would require all jurisdictions to allow ALUs by right, with regulations. The bill passed in the Senate but did not pass in the House. It is anticipated that a version of this bill will be re-introduced in 2025. The 2024 bill included a "grandfathering" provision, in which local (town, city, county, etc.) ALU legislation approved before January 1, 2024, would be allowed to stand. If such a provision is included in the new bill, perhaps updated to Jan. 1, 2025, it may be advantageous for the Town to have adopted its own ALU legislation that would best reflect the Town's desired approach.

Mayor Colbert opened the floor for comment from the public.

Penny Oszak, 221 Nutley St., NW
Article 3, Section 18 of the Vienna Town Code indicates that no more than one ALU may be established on a lot. The Code definition of a lot indicates that a lot can include only single family lots. Since ALUs are specific to single family lots, I believe this should be clarified to assure it is specific to single family lots.
The bullet point that indicates "an ALU must have eating, sleeping, food preparation, etc…….such areas may be established as distinct". The key here is the word "may" rather than "must". When looking at parking requirements, it states that parking requirements for an ALU must include one parking space per sleeping quarter. So if you do not have a distinct sleeping quarter for your ALU, how can you determine your parking requirement? I also looked at the memo from Jessica Plowgian, Chairman, Planning Commission and I believe it is spot on and would encourage you to add these suggestions.

Ray Dailey, 305 E St., NE
One thing I could not understand was how this changed from three months to one year. I think a year lease is too long if we are trying to accommodate people in the academic world - public school teachers, graduate students, etc. I'd rather see this changed to three months.

Mike Mittle, 1007 Westwood Dr., NE
I understand the need for these units. It may help our elderly, etc. if managed properly. I believe these are only rentals not owned units. I like the square footage and the parking space requirement, as well as the height. I understand this is a pre-emptive action, but I would ask that the State stay out of this. This is a local zoning issue. As part of the Town's legislative outreach, I would appreciate if you would carry that message. This change would be good for a number of our residents.

Mayor Colbert called for a motion to close the public hearing at 11:40 PM. Motion, Council Member Springsteen; second, Council Member Baldwin. Motion carried unanimously.

Mayor Colbert opened the floor for additional comments by Council. Remarks are summarized in the following bullet points.

- *Planning Commission recommends a twelve month lease duration; Short term (three month) lease would accommodate those who are already entering a 30 day home lease in Vienna;*
- *Concerned about enforcement of thirty day lease; Thirty day lease enforcement not generally an issue for the Town; Involves a private contract between to two parties;*
- *Shorter lease allows latitude to terminate quickly if a problem arises;*
- *Town defines "transient occupancy" if less than thirty days"; State of Virginia statute indicates nonrenewal after twelve months automatically moves to monthly;*
- *Urge allowing for additional curb cuts if sufficient lot coverage and distance from intersection;*
- *Support Planning Commission recommendation that no day care facilities are allowed on property with an ALU.*

Director Levy noted that the Article 3 language referencing inspections indicates that all potential problems are under the responsibility of the Town or Fairfax

County. He proposes language that authorizes the Town to refer a compliance issue to Fairfax County.

A motion was made to adopt the draft amendments to Chapter 18 of the Town Code, as indicated in Attachment 1, and direct the Town Clerk to advertise the Intent to Adopt with the following additional clauses:
1) Prohibition on in-home daycare as recommended by the Planning Commission;
2) A prohibition on conversion to condominiums as recommended by the Planning Commission;
3) Staff proposed language on compliance.

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

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

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

D. 24-4745 Public hearing on the Town's 2025 Legislative Agenda

Mayor Colbert called the Public Hearing to order at 11:38 PM. All Council were present.

No public speakers were present to comment on this Item.

Council Member Springsteen made a motion to close the public hearing at 11:40 PM; Council Member Brill seconded the motion. Motion carried unanimously.

A motion was made to approve the 2025 Town of Vienna Legislative Agenda as proposed.
Motion, Council Member Baldwin; second, Council Member Springsteen.

Council Member Allen offered an amendment to remove Item 3 Paragraph 2 from the Legislative Agenda. Second, Mayor Colbert. The amendment failed in a 5-2 vote.

The original motion passed in a 6-1 vote.

Mayor Colbert announced that she is scheduled to speak to the Board of Supervisors on the Fairfax County Casino issue.

A motion was made by Baldwin, seconded by Springsteen, 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

6. Regular Business

A. 24-4619 Request approval to award construction of the ARPA funded Glyndon Street, NE, Drainage Project from Ayr Hill to Jean Place.

Mayor Colbert recognized Brad Baer, Director, Public Works to present the Items for consideration by Council.
Director Baer noted the impact on trees, indicating the potential loss of twenty

mature trees. Every effort will be made to retain as many of the twenty as possible.

A motion was made to approve the spending of $1,565,848 with Sagres Construction Corporation for the construction of the Glyndon Street, NE, drainage project from Ayr Hill to Jean Place as described in this report.
Motion, Council Member Springsteen; second Council Member Baldwin. Motion carried unanimously.

A motion was made by Springsteen, 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

B. 24-4698 Request Approval to Award Construction of the ARPA Funded Glen Avenue, SW, Sidewalk.

Director Baer indicated that approximately thirty trees will be impacted by the project. The Town will work with residents to replant.

A motion was made to approve an authorization of $1,588,256 and a purchase order to A&M Concrete Corporation for the construction of the Glen Avenue, SW, sidewalk project as described in this report with the understanding that every effort will be made by the Town and the Contractor to minimize the removal of trees wherever reasonably possible.

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

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

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

C. 24-4699 Request approval to award the construction of Drainage Improvements on Manvell Road, SE, from Park Street to Glyndon Street, SE

A motion was made to approve an authorization of $439,472 and a purchase order to US Concrete and Paving, Inc., for the construction of the Manvell Road, SE, Drainage Improvement Project as described in this report.

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

7. Meeting Adjournment

Mayor Colbert called for a motion to adjourn at 12:01 AM.
Motion Council Member Springsteen; second, Council Member Baldwin.

A motion was made by Howard J. Springsteen that this was approved.. The motion carried by the following vote:

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

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.