



# Town of Vienna

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

## Meeting Minutes Town Council Conference Session

Monday, October 16, 2023

7:00 PM

Vienna Police Department Community Room,  
215 Center St. South

### 1. Regular Business

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

*Staff: Mercury Peyton, Town Manager; Steve Briglia, Town Attorney; Marian Serfass, Director Finance; Jeremy Edwards, Park Maintenance Superintendent; Leslie Herman, Director, Parks and Recreation; Col. Jim Morris, Chief, Vienna Police Department*

#### A. [23-3994](#)

#### Noise Ordinance Review

*Mayor Colbert opened the Conference Session by calling on Steve Briglia, Town Attorney, to present the Item for consideration. He noted that the draft represents a reformatting of the ordinance (including an easy to reference chart) and that no information has been removed from the original ordinance.*

*Council comments included the following:*

*Commercial loading and unloading with 300 feet of residence*

- Truck loading and unloading times are 6:00 AM-11:00 PM; Historically, complaints reference morning hours;*
- Consider changing morning hours to 6:30 AM;*
- Numbers suggest no time change necessary as 2023 has had no complaints for morning noise;*
- Cannot place time restrictions on coming and going of commercial vehicles;*
- Comments from the May 18, 2022 meeting with Mill St. and Dominion Drive business owners revealed that the 6:00 AM start time was critical to business survival; Trucks need to get ahead of traffic; An 11:00 PM cut off time was generally irrelevant;*

*Lawn Care Equipment and Other Heavy Equipment*

- Suggest identifying landscapers as an example in the chart and in the written content;*
- Suggest changing start time on weekends to 7:30 AM;*
- Suggest changing time for construction/heavy equipment to 6:30 AM-10:30 PM;*
- Add language regarding the Sunday ban on commercial equipment usage;*

*Commercial vehicle parked, unattended and running*

- Suggest adding examples such as "including but not limited to idling trucks, etc." to the language "Can run no longer than 3 minutes unless traffic or*

*maintenance reasons”;*

- *Suggest adding language that shifts burden from driver to company /customer when time limit violation occurs; Language in subsection “d” addresses this as follows “Any person, firm or corporation which permits, allows or suffers any such acts set forth in subsection 10-20.1(c) may also be found guilty of maintaining a public nuisance and, upon conviction thereof, shall be punished as provided in section 10-20 of this Code.”;*
- *Truck startups and exits are not a violation;*
- *Noise generated from unloading (forklifts; palette sliding; truck backups;) generate most complaints;*

*Refrigeration unit running on truck parked*

- *Consider exemption for food trucks that require continuous refrigeration;*
- *Driver should drop trailer at site if no one available to unload, return to retrieve empty trailer;*
- *Include language that verifies certain types of vehicles must idle to regenerate engine;*
- *Refrigeration units have been modified over years to reduce noise;*
- *Suggest changing language regarding operation of internal combustion powered refrigeration equipment to read “Operation of motors and generators to power auxiliary equipment including refrigeration equipment on trucks, trailers or other vehicles when the same are parked for more than ten minutes.”*

*Loud / amplified music*

- *Suggest extending Friday/Saturday time to 11:30 PM to accommodate graduation parties; etc.;*
- *Police determine validity of complaint by assessing noise from neighboring property at farthest point from offending property; initial call merits warning and request to lower volume; second call is violation;*
- *Suggest adding time limits to chart;*

*Dog Barking, animal related noise*

- *Suggest adding time limit for barking dogs.*

*Other General Comments*

- *Always include time frame when stating days of work; Should specifically state if “never allowed”;*
- *Draft includes terminology that is unacceptable under Tanner; Vague terminology places burden of interpretation on police officer;*
- *Prior Council chose to leave Sec. 10-20.1(a) as a preamble; Suggest moving this section to better reflect preamble rather than a violation; Currently Police charge with violation of Sec. 10-20.1(c);*
- *Suggest inclusion of language regarding pickle ball noise outside of designated hours; Not a part of ordinance, but an obvious location for residents to seek information on all forms of noise issues; Suggest including link to Code information on this subject;*
- *Urge consolidation of noise statutes in one place; Consider Sec. 10-40 “Offences against the peace” as a potential location;*
- *Current code includes ten sections covering noise; Consolidation should be considered; If not consolidation, then links should be included;*

- Clarify that in Sec. 10-44.1(b) the general assembly gave authority for amplified sound over fifty feet specific to motor vehicles;
- Consider bolding times in chart;
- Decisions for this section must be based on numbers;
- Suggest Public hearing to solicit public comments on current noise ordinance; provide attachment with Council suggested revisions.

*Action: Town Manager to forward comments from May 18, 2022 meeting with business leaders along Mill Street and Dominion Drive.*

*Mayor Colbert called for a break at 8:25 PM.*

*Meeting resumed at 8:35 PM.*

**B. [23-4010](#)**

**CIP Reallocation**

*Mayor Colbert recognized Marion Serfass, Director, Finance to present the Item for consideration.*

*Prior to the discussion Mercury Payton, Town Manager informed Council of increased costs for the Patrick Henry Library project. Further information will be received on October 18, 2023. The Town holds a written agreement capping participation, so there is no financial obligation at this point, however this may impact the remainder of the discussion on funds reallocation.*

*Director Serfass explained that available funds resulted from projects moved out of the CIP into ARPA, as well as movement within the CIP. CIP money does not need to be expended at this time, but can be held for future projects. In response to Council questions it was detailed that the Glen Avenue sidewalk project was originally funded for both sides of the street. The project was moved to ARPA and the determination was made to add sidewalks on only one side of the street.*

*Mayor Colbert reiterated that while there is no requirement to allocate the available CIP funds, this may be an opportunity to consider the Church Street irrigation project. With the ongoing streetscape work it would be a timely expenditure that could save money in the long term. Without irrigation, money would need to be expended for hand watering, especially as annuals are planted in the spring. Council agreed to the expenditure of \$280,000 for the installation of irrigation along Church St. The remainder of available CIP funds will not be expended at this time. Detailed information on the irrigation project will be provided to Council.*

*With no further discussion, Mayor Colbert concluded the conference session at 9:00 PM.*