



# Town of Vienna

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

## Meeting Minutes - Final Town Council Meeting

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Monday, July 8, 2024

7:30 PM

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

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### Invocation: Reverend Brenda Burns, Vienna Assembly of God

*Mayor Colbert called on Brenda Burns, Pastor, Vienna Assembly of God, to provide the evening's invocation.*

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

#### 1. Roll Call

#### 2. Acceptance of the Minutes:

- A. [24-4546](#) Acceptance of the Regular Council Meeting Minutes of June 3, 2024

*Regular Council Meeting minutes of June 3, 2024 were approved as presented.*

**The motion carried by a unanimous vote.**

#### 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)

*David Wallace, 330 Center St. N.*

*Honorable Mayor and Town Council, my name is David Wallace, Post Commander, Dyer-Wallace American Legion Post 180. I come before you this evening to address a significant concern regarding the tradition of flying the U.S. flag from Maple Avenue during patriot observances. This year we were unable to perform the tradition on Memorial Day, Flag Day and the 4th of July due to upgrades in the flower beds where our flag holders are in place. On behalf of the 825 Legion family members I am here to take proactive steps to assure this does not happen again, to include this year's last patriot observance, Veterans Day. For historical background, Marie Kisner, a dedicated public service officer for the Town of Vienna, documented the origins of this tradition in her book, Vienna Stories, 1950-2000. She recounted how this enduring tradition began after the November 24, 1965 March on Washington for peace in Viet Nam. To counteract the massive protest march Vienna's American Legion Post 180 put up U.S. flags along Maple Avenue. Mayor Joe Martinelli personally planted a flag in front of the Hawthorne pharmacy at the corner of Maple Avenue and Center Street. Since then Post 180 has lined Maple Avenue with flags for patriotic observances. Mayor Martinelli described Vienna's flag display as a continued symbol to our armed forces, our country and the world that the citizens of Vienna, Virginia are proud and grateful to our fellow Americans who are fighting and dying for our freedom. As the newly elected Post Commander, one of my top priorities is to continue this cherished tradition within the Town of Vienna Post 180, which is the oldest service organization in the area. The flags symbolize one of four pillars of the American Legion; Americanism. This issue is deeply personal to me as*

*a veteran who spent over twenty years defending our country. The sight of our flag flying proudly is a source of immense pride, whether on Navy vessels I was assigned to, outside my home, or when displayed along Maple Avenue. On Memorial Day I mentioned to many of you an alternative approach to ensure this tradition continues. The current flower bed approach can be daunting and how many more times can this problem happen. Instead we could align with Town's across the Commonwealth by flying flags high on Maple Avenue on the light poles so they are properly illuminated according to the US Flag Code. We at Post 180 are willing to work with the Town of Vienna to provide the hardware and the flags on a continual basis necessary to ensure the tradition continues. I hope this request is given serious consideration and approval. We must preserve this Town of Vienna tradition and ensure that our flag continues to wave proudly during all our patriotic observances. Thank you for your time.*

*Dr. Maryam Dadkhah, 609 Alma St., SE.*

*Heat waves, coastal flooding, wild fires, drought – it's like an apocalypse and the list continues. We all feel and hear the news of what is happening in our world and it is concerning. Some of us ignore it and others like to take action and leave the earth a better place for the next generation. Changing policies are hard and time consuming. Some of us found that one of the fastest and most rewarding solutions is in our yards. That is why I invite every member of the Council and Zoning staff to come visit my yard. My hard work has paid off. According to Maryland's Bird app, I have over one hundred birds and counting. I also have a tenant - an Eastern Bluebird and his family in one of my bird houses. We need to find ways for nature to thrive in the human dominated landscape. In the past conservationists worked exclusively where the people weren't. Now we need to save nature where people are. According to the US Department of Forest Services, native plants and life lawns need no fertilizer, pesticides, mowing or fuel. They provide wild life with food and shelter, they slow down storm runoff and prevent flooding while providing nine months of aesthetic and scenic value. These native plant people do things differently - some of us hire landscape designers, some hire park authority meadow experts, some let the grass grow hoping to get more native. Native plants come in different classes and sizes. They can be short as ground covers or tall as 100 foot trees. Some of the flowers and grasses can get as tall as 12 feet. Unfortunately, the Town of Vienna lawn code is not clear as to what is permissible and what is not. Even an anonymous complaint can trigger a citation for someone with native plants in their yard. Here is my question – in 2024, do we want to ignore a biodiversity crisis and global warming to focus on an aesthetic ruling set in 1800 Europe; or do we want to catch up with the rest of the world and change our zoning code to embrace new scientific trends recommended in the text sent to each of the Council Members? Thank you for your time.*

*Avril Garland, 917 Hillcrest Dr.*

*I'd like to begin with a recent Facebook post that stated "I'd like to put a native plant woodland garden in my backyard. Will the Town of Vienna come after me?" I thought that was shocking. Traditionally, Town's come together against other Town's. Now this lady is afraid that her own Town will come after her. So we discussed in the post about [the best location for the garden]. Not in the front yard; it's best in the back as long as the neighbors don't complain. If the neighbors complain you have a problem. As Maryam stated, it's a bit ambiguous. I have plants that I am reluctant to put in the ground. So it's a matter of individual liberty. Homeowners should be allowed to plant whatever they wish, whether ornamentals*

or other, provided they are not invasive or harmful to others. As a model for this we have Stamford, Connecticut, a town of 135,000. They have worked out all these issues. Residents are allowed to have managed meadows provided [a plan for the meadow] is approved by a state professional. It's a pretty good plan. As for meadows, the Town of Vienna is fine with small plantings that are neat and edged; but if you want to convert an entire front yard to a native meadow, you run into a problem. It's a pity, because as Maryam stated, meadows provide great benefits. If you don't want trees, a meadow will provide basically the same benefits. Their long roots will filter the water and the pollutants, they absorb much of the storm water and they provide biodiversity. So it's a nice alternative to trees. I forwarded the information from Stamford Connecticut to Council. Maybe there is something we can learn from it. Thank you.

#### 4. Reports/Presentations

- A. [24-4289](#) 7:45 p.m. - 8:00 p.m. Proclamation for National Parks & Recreation Month

*Mayor Colbert read into the record a proclamation naming July 2024 as National Parks and Recreation month in the Town of Vienna, Virginia.*

- B. [24-4508](#) 8:00 p.m. - 8:15 p.m. Presentation from Fire Chief John Morrisson regarding Emergency Vehicle Preemption (EVP) system that has been installed.

*Mayor Colbert called on Fire Chief John Morrisson to present information on the Emergency Vehicle Preemption (EVP) project. Since 2020, the Town of Vienna has received and installed a total of 15 EVP systems along Maple Avenue. These systems allow specific emergency vehicles to turn traffic lights green, improving response time and safety. In response to Council, Chief Morrison stated that the EVP is fully integrated into the Smart Traffic Management Program. Chief Morrison thanked Council for their assistance in obtaining funding for this effort.*

##### A. Report and Inquiries of Council Members

*Council Member Baldwin thanked the Liberty Amendments Committee and Town employees who made it possible to attend the Public Reading of foundational documents of American democracy this past weekend. He further thanked Council Member Anderson for his role in this successful observation.*

*Council Member Springsteen noted the success of Chillin on Church, which continues through September.*

*Council Member Anderson expressed appreciation for the kind words of fellow Council Members. He further noted that Liberty Amendments Month has quickly become an important tradition for the Town. Conversations have already begun regarding opportunities to make the 2025 celebration even more memorable. Council Member Anderson also urged his fellow Council Members to seriously consider the offer made by the American Legion Post 180. Lastly, he expressed interest in further investigation into landscaping requirements in the Code.*

*Council Member Brill thanked everyone involved in Liberty Amendments month as well as Parks and Recreation Staff and the Police department for a successful 4th of July celebration. He also reminded Council of the four priorities established for the 2024 Town Council year. Of these the tree ordinance has been completed. He requested that Town Manager Payton review the three remaining priorities as well as remaining suggestions on the Master list. Council is challenged to select one*

*additional priority from that list.*

*Lastly Council Member Brill stated that he travels through the intersection of East and Park on a regular basis. It is his belief that the newly added stop signs and flashing red lights are more effective than a roundabout would be in keeping pedestrians safe. The current design requires cars to come to a full stop while a roundabout would not.*

#### B. Report of the Town Manager

*Town Manager Payton extended his appreciation to all Town employees who are and will be working outside in the extreme temperatures to keep the Town safe and running smoothly.*

#### C. Report of the Mayor

*Mayor Colbert congratulated the 15 people who became naturalized citizens during the ceremony held on July 2, 2024 as part of Liberty Amendments Month.*

*She also thanked those who attended Big Screen on the Green despite the high temperatures.*

*Liberty Amendments month continues this week with the Empowering Women Panel Discussion scheduled for July 10, 2024 in the Community Center. Events conclude on Friday July 12, 2024 with the Multicultural Festival to be held on the Town Green.*

#### D. Proposals for Additional Items to the Agenda

#### E. 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 July 8, 2024 at 6:30 PM in accordance with Virginia Code, Section 2.2-3711, (1), for discussion or consideration of personnel matters, specifically the interviewing of individuals for consideration of appointment and/or reappointment to Town Boards and Commissions.*

*It was further moved that the Certification Resolution be adopted in accordance with State Statutes, and that the Town Clerk is authorized to execute the Certification Resolution.*

*And it was further moved that the Closed Session be continued to Monday August 26, 2024 at 6:30 PM in accordance with Virginia Code, Section 2.2-3711, a(1) for discussion or consideration of personnel matters, specifically the interviewing of individuals for consideration of appointment and/or reappointment to Town Boards and Commissions.*

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

*It was moved to reappoint Mathew Glassman to the Planning Commission for a two-year term. Said term to be effective July 15, 2024 and expire July 15, 2026.*

*It was moved to reappoint Deepa Chakrapani to the Planning Commission for a two-year term. Said term to be effective July 15, 2024 and expire July 15, 2026.*

*It was moved to reappoint Charlie Skrunk to the Transportation Safety Commission for a two-year term. Said term to be effective July 15, 2024 and expire July 15, 2026.*

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

**A motion was made by Roy Baldwin, seconded by Chuck Anderson, that this was approved.. The motion carried by the following vote:**

## 5. 8:15 p.m.- 8:30 p.m. Consent Agenda

*A motion was made to approve the Consent Agenda, Items A – H as presented.*

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

**A motion was made by Howard J. Springsteen, seconded by Ray Brill Jr., that this was approved. The motion carried by the following vote:**

- A. [24-4449](#) Approve Two Agreements to Execute Culinary Careers Collaborative Workforce Program (MOA & MOU)
- B. [24-4479](#) Approve Town Manager Contract
- C. [24-4507](#) Approval of the payment to Tyler Technologies for the standard software maintenance agreement (SSMA) for the Vienna Police Department.
- D. [24-4521](#) FY 2025 funding of additional contracts issued by other jurisdictions.
- E. [24-4525](#) Request to Award IFB 24-12 to Sagres Construction Corporation (Primary) and A&M Concrete Corporation (Secondary) for On-Call Roadway Maintenance and request for FY25 spending
- F. [24-4534](#) Request to adopt 2025 Vienna Town Council meeting schedule for inclusion in the 2025 Town calendar.
- G. [24-4526](#) Request award of IFB 24-28 for Pavement Marking as needed to Resurface Inc. and request FY25 spending
- H. [24-4528](#) Request to Award RFP 24-16 for On-Call Environmental Professional Services to WSP USA Environment & Infrastructure, Inc., and Request for FY25 Spending

## 6. Regular Business

- A. [24-4529](#) 8:30 p.m. - 8:45 p.m. Approval request to award Construction of Robinson Trust Sidewalk Projects on the south side of Lullaby Lane, SE, from Tapawingo Road to Harmony Drive, SW, on the west side of Harmony Drive, SW, from Lullaby Lane, SE to the end of the street, and on the west side of Johnson Street, SW, from Glen Avenue to the end of the street.

*Mayor Colbert called on Brad Baer, Director, Public Works, to present the Item for*

consideration.

Residents of Johnson Street have earlier stated opposition to the sidewalk although Director Baer denied knowledge of additional correspondence with regard to the matter. He noted that Staff work with residents to address concerns. It was noted that the sidewalk will be located in the Town's right-of-way.

A motion was made to approve the spending of \$265,084.82 (\$294,834.82 – 29,750) with A&M Concrete Corporation for construction of sidewalk improvements on Lullaby Lane, SE and Harmony Drive, SW as described in the report.

Motion, Council Member Baldwin; second, Council Member Anderson. Motion passed unanimously.

A second motion was made to approve spending of \$29,750.00 with AM Corporation for construction of sidewalk improvements on Johnson St., SW as described in the report.

Discussion included the following points:

- Residents opposition continues; Location is quiet and does not warrant a sidewalk;
- Majority of residents on Johnson St. do not oppose;
- Comprehensive Plan states that all streets shall have a sidewalk.

Motion, Council Member Anderson; second, Council Member Brill. Motion carried in a 4-1 vote.

Councilmember Baldwin voting nay.

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

**B. [24-4536](#)**

8:45 p.m. - 9:00 p.m. Approval request to award Construction of Robinson Trust Sidewalk Projects on the west side of Saint Andrews Drive, NE, from Westbriar Drive to Maple Avenue and on the west side of Saint Bernard Drive, NE, from Westbriar Drive to Maple Avenue.

Mayor Colbert recognized Brad Baer, Director of Public Works, who presented the Item for consideration.

A motion was made to approve the spending of \$264,368.26 with Sagres Construction Corporation for construction of sidewalk improvement projects on Saint Andrews Drive, NE, and Saint Bernard Drive, NE, as described in the report.

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

Council was assured that effort would be made to save the cherry tree as requested by a resident.

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:**

**C. [24-4530](#)**

9:00 p.m. - 9:15 p.m. Request approval to Award IFB 24-26 to Stonebridge Civil, LLC for \$591,962.50 for construction of Robinson Trust Sidewalk Projects on

Courthouse Road, SW, from Maple Avenue to Locust Street, and on Pleasant Street, NW, from Maple Avenue extending 200 feet north.

*Mayor Colbert once again recognized Brad Baer, Director, Public Works to present the Item for consideration.*

*It was moved to authorize the award of IFB #24-26 to Stonebridge Civil, LLC in the amount not to exceed \$591,962.50 for construction of sidewalk improvements on Courthouse Road, SW, and on Pleasant Street, NW, as described in the report.*

*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:**

**D. [24-4531](#)**

9:15 p.m. - 9:30 p.m. Request to Approve a Final Plat for Consolidation of Two Lots, 39 and 39A into one at 103 Saint Andrews Dr., NE, in the RS-12.5 Single-Family Detached Residential Zone.

*Mayor Colbert called on David Levy, Director, Planning and Zoning. Director Levy introduced Maggie Costello, Principal Planner, to present the Item for consideration.*

*Comments from Council addressed the following:*

- *Tree coverage reduction is a concern;*
- *Anticipated final tree coverage meets the requirements under which the application was received;*
- *Property owner has right to remove trees;*
- *Consolidation proposal requires intended tree canopy plan; Final canopy is approved when development project is approved.*

*A motion was made by Councilmember Baldwin to approve the proposed final plat for a lot consolidation of 2 lots into 1 at the property located at 103 Saint Andrews Dr., NE, for Lots 39 & 39A, in accordance with the Town Code and recommendation of the Planning Commission with the understanding that the applicant will try to reach 25% tree coverage.*

*Additional discussion included the following points:*

- *Cannot require applicant to meet new Code standards as the written standards have not yet been published;*
- *Applicant met the tree coverage requirement that was in place at the time of application.*

*Motion failed on a 1-4 vote.*

*An amended motion was made as follows:*

*It was moved to approve the proposed final plat for a lot consolidation of 2 lots into 1 at the property located at 103 Saint Andrews Dr., NE, for Lots 39 & 39A, in accordance with the Town Code and recommendation of the Planning Commission.*

*Motion, Council Member Anderson; second, Council Member Brill. Motion carried in a 4-1 vote.*

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

- E. [24-4535](#) 9:30 p.m. - 9:45 p.m. Appropriate Spending for the Town Attorney for FY 2024-25

*Mayor Colbert recognized Marion Serfass who presented the Item for consideration.*

*It was moved to approve the appropriation for legal services for fiscal year 2024-2025 totaling an amount not to exceed \$395,000 to Briglia and Hundley, PC.*

*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:**

- F. [24-4532](#) 9:45 p.m. - 10:00 p.m. Resolution of the Town of Vienna, Virginia Town Council Approving of the Town's Participation and Submission of Participation Form in the Proposed Settlement of Opioid-Related Claims

*Mayor Colbert called on Town Attorney Briglia to present the Item for consideration.*

*A motion was made to approve the proposed Resolution approving the Town's continued participation in the proposed settlement of opioid-related claims and further move to approve the Town Manager and/or the Town Attorney to execute the Town's Participation Form and the necessary documents to effectuate the Town's continued participation in the settlements.*

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

**"I move to approve the proposed Resolution approving the Town's continued participation in the proposed settlement of opioid-related claims and further move to approve the Town Manager and/or the Town Attorney to execute the Town's Participation Form and the necessary documents to effectuate the Town's continued participation in the settlements"**

**Or**

**Other action deemed necessary by Council.**

## 7. Meeting Adjournment

*With no further business before the Council, Mayor Colbert called for a motion to adjourn at 9:10 PM.*

*Motion, Council Member Baldwin; second, Council Member Brill.*

*Following a brief break Council moved into the Work Session at 9:15 PM.*

**This meeting was adjourned**

*THE TOWN OF VIENNA IS COMMITTED TO FULL COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT STANDARDS. TRANSLATION SERVICES, ASSISTANCE OR ACCOMMODATION REQUESTS FROM PERSONS WITH DISABILITIES ARE TO BE REQUESTED NOT LESS THAN 3 WORKING DAYS BEFORE THE DAY OF THE EVENT. PLEASE CALL (703) 255-6304, OR 711 VIRGINIA RELAY SERVICE FOR THE HEARING IMPAIRED.*