



Town of Vienna

Meeting Minutes

Town Council Meeting

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

Monday, November 13, 2023

7:00 PM

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

Invocation: Councilmember Ray Brill

Mayor Colbert called on Council Member Ray Brill to provide the evening's invocation.

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

1. Roll Call

Councilmember Potter and Councilmember Anderson attended via zoom.

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

2. Acceptance of the Minutes:

A. [23-4087](#) Acceptance of the Regular Council Meeting Minutes of October 23 2023

The Regular Council Meeting minutes of October 23, 2023 were approved as presented.

A. 23-4087 Acceptance of the Regular Council Meeting Minutes of October 23 2023

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

Absent: 1 - Council Member Patel

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)

4. Reports/Presentations

A. [23-4069](#) 2023 Halloween Parade Awards

Mayor Colbert called on Lily Widman, Special Events Coordinator, to present the awards for the Halloween parade 2023.

Mayor Colbert recognized attendance of Walter Alcorn, Board of Supervisors Representative

B. [23-4016](#) Patrick Henry Library Garage Design Review

Mayor Colbert called on Maryam Mastamandi, Project Manager, to present the design for consideration by Council.

Comments by Council included the following:

- *Front view of library and garage includes color changes to the top support structures resulting in a heavy appearance that detracts from the actual building; Beams can be painted any color client selects;*
- *Concerned that front setback has been reduced resulting in smaller sidewalk; Concern this may impact future changes in street (bike lanes, etc.); Urge maximizing sidewalk wherever possible;*
- *Design departs from surrounding buildings; Intent is to create design with an eye to the future while honoring the traditional through materials choice and roof line;*
- *Garage staircase tower enclosure reflects a reduction in glass and increase in brick; prefer more glass; Change was made in effort to reduce costs; Less glass will reduce heat in stairwell during summer months as well;*
- *Name of library will appear on Maple Avenue and also on Center St.;*
- *Concern that garage stairwell tower roof be consistent with wind flow; Designers will address this issue.*

David Levy, Director, Planning and Zoning, reminded Council that as this is the end of the design phase of the project, Marion Serfass, Director, Finance, will meet with Fairfax County officials on December 4, 2023. The purpose of the meeting will allow the Town of Vienna to opt out of the agreement with a return of 50% of the design costs.

C. [23-4086](#)

Presentation of PFAS Overview and Current Activities

Mayor Colbert called on Christine Horner, Acting Director, Public Works who introduced Jamie Hedges, General Manager, Fairfax Water. Ms. Hedges provided an explanation and overview of current activities regarding Poly- and Perfluoroalkyl Substances (PFAS). PFAS are a group of more than 6,000 man-made chemicals that have been manufactured and used in home consumer products. The EPA has already imposed regulations and it is expected that further PFAS regulations will be enacted before the end of this year (2023).

Fairfax Water and the Town of Vienna continue to follow the guidance provided by the Environmental Protection Agency and Virginia Department of Health Office of Drinking Water. Fairfax Water is in the process of evaluating treatment processes that will ensure that our water will meet the proposed standards if they are approved. Fairfax Water is also working with the Virginia Department of Environmental Quality and other agencies to identify possible sources of PFAS in the watershed.

D. [23-4067](#)

Proclamation for Small Business Saturday

Mayor Colbert read into the record a proclamation declaring, November 25, 2023 as Small Business Saturday.

A. Report and Inquiries of Council Members

Council Member Patel remarked on the outstanding facilities available at the North South Recreation Center. She encouraged Council to envision a similar facility for the Annex property development.

Council Member Springsteen noted that the fresh cut holiday tree arrived today for placement on the lawn of the Freeman Store.

Council Member Somers wished to acknowledge and thank all the Council Members

who dressed in costume for the Halloween Parade.

B. Report of the Town Manager

Town Manager Payton called on Christine Horner, Acting Director, Public Works to provide an update on the sidewalk project workmanship issues brought forth at the October 23, 2023 Town Council Meeting. After inspection, it was determined that the sidewalks were structurally good and that they met requirements for concrete mix, base and compaction. There was no visible settlement or cracking and they meet ADA requirements for slope and design. There were however several identified nonstructural concerns affecting the appearance of the sidewalks. These cosmetic items included staining, spillover on expansion joints as well as some rough joint work. After meeting with the contractor, it was agreed that they will use greater caution and employ techniques to cover the sidewalk (using plastic, etc.). Additionally, they will clean impacted areas that will lighten the staining. Staff will work with inspectors to ensure that the work is both structurally and cosmetically improved.

The citizen who voiced concern will continue to be updated on these issues.

Town Manager Payton continued his report noting that the Town now has a holiday display policy to provide guidance for any group wishing to install a seasonal display. Questions should be directed to Leslie Herman, Director, Parks and Recreation.

C. Report of the Mayor

Mayor Colbert noted that Town Manager Payton will join she and Chief Morris for the monthly Mayor and Chief at Your Service event, to be held at the Police Station starting at 7:00 PM. The topic for discussion will be Holiday Safety. An invitation has been extended to those in Vienna's Jewish community who have reached out concerning personal safety during this turbulent time.

Mayor Colbert also reminded all of the Church Street Stroll scheduled for November 25, 2023 beginning at 6:00 PM.

D. Proposals for Additional Items to the Agenda

Council Member Springsteen noted that the vote on a proposed change to Council Meeting start times will be added to the current agenda as Item C under Regular Business.

Town Manager Payton reminded Council of the Closed Session following Agenda Item C under Regular Business.

E. Closed Session Report

It was moved that the members of the Vienna Town Council be polled to affirm that a Closed Session was not held on November 13, 2023.

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.

And it was further moved that the Closed Session be continued to later this date,

November 13, 2023 after the Regular Council Meeting, in accordance with Virginia Code, Section 2.2-3711.A.(1), in consultation with legal counsel and also by staff members or consultants, pertaining to actual or probable litigation where such consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the public body.

Motion, Council Member Somers; second Council Member Patel. Motion carried unanimously.

E. Closed Session Report

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

5. Public Hearings

A. [23-4071](#) Public Hearing on Town Noise Ordinance Sections. 10-20.1.,10-44, and 3-11.

Mayor Colbert called the Public Hearing to order at 9:00 PM. All Council were present.

Col. Jim Morris, Chief, Vienna Police Department presented the Item for discussion. He noted that noise ordinance has been a topic of discussion at work sessions over the past several months. The Town Attorney was asked to review the current ordinance and provide suggestions for rewrite. He has done so and the results are presented tonight for consideration. At the October 23, 2023 Town Council meeting, Council indicated a desire to hold a Public hearing.

Mayor Colbert thanked Chief Morris and opened the floor for Public comment.

*Jim Brooke, Brooke and Reynolds, 321 Mill St. NE
My family has owned this business in Vienna for 47 years. We are located on Mill Street. Some people with issues of noise are located directly behind our business. I had the opportunity to speak directly to one of those people (and he happens to be a very good customer of mine – we get along great), and I was able to hear his point of view. I then talked with two other Mill Street businesses regarding his issues. They indicated awareness of the problem and noted that they are doing their best to reduce the noise and keep it to a minimum. These businesses are no longer opening gates or starting any business until the 6:00 AM time (both County and Town regulation). I know they are making every effort to follow the ordinance. I believe that the customer I spoke with lives in a location that is at a disadvantage because there are no buildings directly behind him, only an open lot where Capitol Building Supply stores inventory. That lot has been purchased by a developer so there will likely be a building there in a few years to create a noise buffer.
Also, I don't believe there have been any noise violations on Mill Street in 2023, so this would indicate positive momentum. Mill Street has been here for over 100 years. Mike Wheat's grandfather had a general store at the corner of Mill and Church Streets. Many of the businesses on Mill Street have been at their location well over 50 years. We've been there 47 years. These are some of the most well established businesses in the Town of Vienna. It's the industrial zone that makes Vienna what Vienna is. It's a convenient place to live; it's a small Town; it's an important part of Vienna to protect. If we change the regulations and no longer allow these businesses to conduct their business in the early morning hours, we're making a mistake.*

David Sheets, 430 Mill St. NE

Thank you for your time this evening.

I'd like to speak about how, if you were to change things, this would affect my company and other companies along Mill Street. I don't believe some people take this issue as serious as it actually is. They believe it is a matter of an additional hour of sleep, where, in truth, it actually affects the way we run our entire business. If I had to change the time of how I conduct my business day (we open at 7:00 AM, but unload trucks from 6:00 AM – 7:00 AM and prepare for the business day) it would have a negative effect on my employees and by extension their family's financial situation. This would also effect the companies that deliver to me. We make certain that we don't begin work until 6:00 AM. Most of the time trucks set in my parking lot waiting. It's not so much how it would affect me personally, but how it would affect my employees, the people who make the deliveries. We're a small company; my family has been here since 1963. We've always tried to work with the Town of Vienna. I hope you take into consideration all who will be affected [should you approve new regulations].

Bob McCahill, 429 Center St., N

I'm here as President of the North East Vienna Citizens Association.

Our family has patronized businesses on Mill Street since we settled here in 1980. We love having this diverse collection of businesses to call on. There have been instances, however, when we have seen a need for change. Many years ago, after an organized stream cleaning day on Piney Branch Creek, I brought a large piece of plastic to Town Council to illustrate what we were finding time and time again, obviously originating from one of the building supply companies on Mill Street. This trash is fouling our stream. I asked Town Council for help, citing many corrective measures and noting that this is the cost of doing business. I remember Council Member Roger Seaman smiled and nodded in agreement. Shortly after, the Town erected the white concrete barriers which largely corrected the problem. Fast forward 25 years when the lounge on Mill Street was emitting amplified music, disturbing residents on Park Street NE. The business, acting in good faith, tried again and again to install sound deadening measures, but each time continued to have valid complaints from neighbors, until the Board of Zoning Appeals took the rare action of rescinding the lounge's CUP. Now residents adjacent to Mill Street wish to enjoy another hour of rest, similar to residents in Herndon, Falls, Church, Fairfax City, Alexandria and Arlington. Rather than the current start time of 6:00 AM. I believe this is a fair request to provide for the enjoyment of our homes during reasonable hours.

Lastly, I would ask Council, if and when allowed by the State of Virginia, to consider banning the use of high decibel [equipment] including gas powered leaf blowers, as is being done in other locations across the country.

Finally, I am pleased to see that the lighting standards are being incorporated into the Town Code; less light pollution; more night sky enjoyment.

Jenni Kiefhabek and Tom Jacoby, Wheat's Landscaping 301 Mill Street, 220 Dominion Avenue and 400 Dominion Avenue

Wheat's Landscaping recognizes that our continued operations are not only about business but also providing opportunities to our dedicated employees and making a positive impact on our communities and our clients, as we have done for the last 45 years. As I was preparing these remarks I realized that next year will be 30 years that we have been a business in Vienna – we are very proud of that. We understand the importance of being good neighbors. Good neighbors help and good neighbors listen. Good neighbors help such as when we cut lawns for free for a member of the

community who fell ill and broke a hip, or recently opening our facility to a group restoring the caboose so they could use the restroom. This is what good neighborly businesses do. In addition, we have listened to what the citizens have said. So our current efforts, though evolving, include an effort to decrease our footprint to include posting notices at our facilities regarding the noise ordinance; limiting operations of our heavy equipment in the morning and not starting prior to the noise ordinance start hour, advising our crews to load equipment in the afternoon for next day's work to reduce noise generation in the morning, advising crews to back into spots in the afternoon to reduce back up noise in the morning. We are currently in process of switching out factory installed back up beep alarms for white noise alarms to be cognizant of noise, but also maintain OSHA level safety standards for our employees. We are also rolling out the costly up lift of outfitting our facilities with electric equipment and electric solutions prior to the foreseeable regulatory changes that we know we will see here in Vienna and that we are already experiencing in other towns and counties. Vienna's industrial businesses often rely on specific working hours to avoid peak traffic. So we'd like you to think about the increased operational costs, the impacts on the employees shifts, the economic consequences and how this could affect the community support, because businesses do help and support other businesses within the community. We understand that it is important to strike a balance between Vienna's residents desires and the needs of the businesses in the community and we are thankful that our choices will receive careful consideration from the Town. We would also like to know of any future changes to the noise ordinance and how this would affect public works on Mill Street. I will send the remainder of my remarks via email. Thank you.

Avril Garland, 917 Hillcrest Dr.

I am here representing Quiet, Clean NOVA. We have two [State] Delegates who have agreed to introduce a bill to the General Assembly to ban/restrict gas powered leaf blowers. Vienna is actually quite behind on this effort. The City of Alexandria is already phasing out all gas powered lawn equipment. Fairfax County began this effort in 2019. Montgomery County banned the sale of gas powered equipment, [to take effect] in one year. Use will be prohibited in two years. Consumer Reports included a comparison illustrating that electric was the clear winner. Pollution from gas powered equipment is staggering. This is very hard on the employees. The noise comparison - electric noise level for users registers at about 70 decibels, while gas runs about 90 decibels. That's very very loud. People can't dine outside, babies are awakened, the sick and elderly cannot rest, night shift workers can't sleep. Hopefully changing to a later start time such as 9:00 AM [will help].

Saida Bouzaher, 312 Locust St.

I am a teacher in Fairfax County, in Vienna actually. I live just behind Giant. The noise impacts me a lot. I know the ordinance is in effect from 6:00 AM – 11:00 PM. I would urge you to reconsider this. Several times I have called the police because [throughout the hours after 11:00 PM there is excessive noise]. Unfortunately, this happens regularly. I went to see the manager. He said he would put up signage to remind drivers to shut down their engines. I have photographed trucks running with no driver around. I implore you to do something about this. When I moved here in 2020 from Iowa, I loved Vienna. The quality of life for us has changed since that time. I'd just like you to think about that. I need my sleep and now sometimes I go to school without enough stamina to teach my students. So please consider this. Thank you.

Edward "Sonny" Cameron,

I've met some of you about a year and a half ago. I represent Capitol Building

Supply and have done so for over 30 years. They are located at 431 Mill St. and are engaged in building materials supply. This use dates back to the mid 60's before, as far as I can tell, there was even a Town noise ordinance. It was confirmed that Capitol Building Supply has been a good neighbor, not just to other Mill Street businesses, but to homeowners as well. I don't know of any formal complaints or violations. I am not here to say that the operation is perfect, but then again, no one is perfect. Capitol has a long history of efforts to comply with all legal requirements. They have a zero tolerance policy regarding the noise ordinance adherence. Loading and unloading is at issue. They have and continue to contribute hundreds of thousands of dollars to the revenue base of the Town. So far as I can tell businesses like these ought to be welcome in any Town. Fairfax County has the same time restrictions as Vienna. We believe that is a relevant factor for the Town to consider. I would ask that you balance all the issues. Take into account the long history of the businesses who have contributed to Vienna and balance that against the complainants who are newly arrived and aware of what they were buying.

Dr, Sim Sran, 428 Glyndon St., NE

I am a new resident of Vienna having just moved with my family in August, and we love it here. I am not personally impacted by the noise from Mill Street but wanted to provide a medical perspective. I am a pediatrician and new born intensive care physician at Children's National Hospital and an Assistant Professor of Pediatrics at George Washington University.

Often we see noise referenced as a nuisance but noise is a public health issue and it can negatively impact health. We've learned a lot since many of these noise ordinances were put into place. Sixty years ago physicians smoked in exam rooms. Children need between eight and twelve hours of sleep overnight not including naps. Even teens need ten hours of sleep. If the medical profession had its way school wouldn't begin until 9:00 AM. Obviously many other factors must be taken into account, so I believe there is a middle ground. Noise, even to children, can result in disruptive sleep. What is dangerous for children is that they may not awaken because of the noise, but if they experience noise just over 45 decibels while sleeping (45 decibels is equivalent to leaves rustling) they can have disruptive sleep, decreased quality of life. In teens it's associated with increased risk of self-harm, suicidal thoughts and suicide attempts, behavior issues associated with ADHD, increased accidents/injuries, hypertension, diabetes, depression and obesity. So this is more than just a nuisance issue, this is an issue of wellness/health. So we should adapt, within reason, based upon the information that we get, to better benefit our entire community.

Jason Goff, 436 Park St., NE

The Town Attorney conducted a thorough review of the Town's noise ordinance and a direct comparison to several other nearby towns, cities and counties. One of the areas examined was noise generation from commercial vehicles loading and unloading and how the Town of Vienna compares to these other like communities nearby. Results show that several nearby towns already have active legislation prohibiting any commercial vehicles loading/unloading before 7:00 AM (Fairfax, Falls Church, Alexandria, Arlington and Herndon). Yet the Town of Vienna has neglected to modernize their ordinance and remains at a 6:00 AM start time Monday-Saturday for commercial lading/unloading. This, despite the Town of Vienna's acknowledging and agreeing that loud noise generated from lawn equipment, chainsaws and other loud revenue generating devices, should be prohibited before 7:00 AM. Additionally several of these nearby communities relaxed their commercial loading/unloading start times to even later on all 11 OPM federal

holidays, whereas the Town of Vienna only recognizes six federal holidays. Tonight several fed up citizens of Vienna are requesting that the Town of Vienna finally modernize the commercial vehicle loading/unloading start times (forklifts and commercial trucks) to 7:00 AM in order to mirror and closely align with the start time that the vast majority of neighboring towns moved to years ago. I appreciate the Council's attention to this matter.

Micheal Carney, 322 Park St.

I back up to Mill Street. I agree with what has been said and believe you have been given the details. What I'd like to point out is that we'd like to have a partnership with the businesses. We did buy knowing that we backed to Mill Street. So I believe a partnership makes the most sense. The fact that surrounding towns have a 7:00 AM start time provides an argument for that being the equitable and good compromise.

Max Castalano, 364 Park St. NE

This issue probably impacts me more than my other neighbors. Over the course of the past two years we have found ways, through the help of the Vienna police and business compliance, to find a path to move forward. What we care about is the [impact on our children]. These businesses have come forward with an attempt to conduct business without generating excessive noise. When I hear that this is a recent issue I think of my neighbor who states that no one will listen to him. When the police begin to show up [in response to a complaint] things have improved. When some of these vehicles arrive cranking up their base [it's overwhelming]. We understand what we bought in to. We believe Vienna is lagging behind other neighboring towns. Vienna is a quiet place to raise a family, that's why we are here. Seven hours of peace each day is what we get and that's far below what is needed. We hope that the Town will get up to date on this issue.

Penny Ozak, 221 Nutley St., NW

I have a couple questions regarding this issue. [What is delineated in section C1-8], is that considered the definition of noise – those eight items?

Town Attorney Briglia – What is delineated is considered violations of the law. In Virginia there are two ways to identify a noise violation; 1) delineate the type of activity and hours and 2) decibel meters (which is difficult to enforce). The eight delineated items actually represent types of activity, or rather categories of noise activity.

Do police need to hear and see the activity? Often times, if the police don't come immediately they miss the actual activity.

Town Attorney Briglia – In short, yes. In Virginia to be prosecuted for citizen warrants it must be a misdemeanor committed in the presence of police. There are provisions for citizen warrants but in some jurisdictions it requires two citizen complaints (which can pit neighbor against neighbor). The good news is that Vienna has a very fast police response rate because we have more officers per square mile than surrounding towns.

The chart in the draft ordinance includes a section on dog barking. I am concerned about limiting this during day time hours. Dogs will be dogs.

David Medwedeff, 3089 Windover Ave., NW

The point I'd like to raise is that it appears everyone is characterizing commercial [activity] as making the noise. But noise is noise. As an example, I have a neighbor who hires a pro lawn service and in 15 minutes they are done and gone. My other neighbor spends the entire weekend mowing, blowing, and edging - for hours. So who is making more noise? That's all I have.

Judy Medwedeff, 309 Windover Ave., NW

I work for several landscaping companies across the United States and understand that this is an issue. Our industry cannot wait until it is all battery operation because then we don't have to buy gas, but unfortunately we are slow to catch up. Right now batteries last about an hour, but we need one that will last ten. If we need to change from the gas blower (15 minutes' work time) to a rake that requires many hours, that will exponentially increase the price of the work. Today's leaf blowers are quieter and more efficient than ever before. Modern blowers are 75% quieter and more efficient than those manufactured only a decade ago. Many manufacturers have reduced emissions by as much as 90%. Manufacturer have invested millions of dollars and years of research to develop quieter leaf blowers. These leaf blowers have been shown, when used properly, to produce no more suspended dust than a broom. [As a final thought, using our current equipment] we are in and out of a job quickly. Thank you.

With no additional speakers, Mayor Colbert called for a motion to close the public hearing at 10:05 PM.

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

Mayor Colbert opened the floor for comment from Council. The following is a summary of those comments.

- Draft of ordinance is a good step forward as it reorganized what is already in the Code;*
- Format was changed to include a chart for clarity;*
- Can't forget that there is an industrial zone in the heart of the Town that grew up around the railroad tracks;*
- Mill Street noise is generated primarily in the morning hours; Maple Avenue noise is generated primarily in the evening;*
- Sympathize with the residents but businesses have been located on Mill Street for many years;*
- Caution against chasing businesses out of Town; Problem does not appear to be large enough to make a change;*
- Should work toward use of electric leaf blowers but currently not powerful enough to do the necessary work for the Town;*
- Electric leaf blowers are currently not up to large jobs; Consider limiting hours of use for gas powered units rather than eliminating altogether;*
- Should not make a change until there is a logical solution;*
- Cannot require quadrant lawn mowing;*
- Under Code, commercial vehicles cannot idle longer than three minutes – this includes Ubers;*
- Should adjust start time for loading/unloading to mirror surrounding jurisdictions;*
- Dog barking noise was updated in the draft as the original was vague and difficult to enforce;*
- Council responded to citizen concerns and voted to tighten regulations on outdoor dining noise; Must be consistent;*
- Must adjust as new information becomes available; Now know that children need more than seven hours of sleep so should modify to allow for this;*
- Cell phone usage by young people is a greater threat than the loss of one hour of sleep due to noise;*
- Must be cautious of discouraging business in the Town;*
- Urge common sense approach;*
- Would support a change in the designated holiday hours to mirror federally*

recognized hours.

Staff was asked to investigate other jurisdiction success with a 7:00 AM start time (loading/unloading) to determine the impact on businesses and if any of businesses were lost to the towns.

With no further comments, Mayor Colbert called for a motion.

A motion was made to direct the Town Clerk to advertise an intent to adopt the proposed amendments to Town Code Sections 10-20.1, 10-44 and 3-11.

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

An amendment was offered to include all the federal holidays as established by the OPM.

Motion, Council Member Patel; second, Council Member Brill. Amendment accepted by Council Member Springsteen.

Town Manager Payton requested clarification of federal holiday as Vienna includes holidays that are not federally recognized. The new list will incorporate all federally recognized holidays (OPM) into the existing Vienna holiday list.

A second amendment was made to advertise an intent to adopt the proposed amendments to Town Code Sections 10-20.1, 10-44 and 3-11 with a new start time of 7:00 AM for all commercial loading/unloading.

Motion, Council Member Somers; second, Council Member Patel. Amendment failed in a 5-2 vote.

Mayor Colbert called for a vote on the original amended motion. Amended motion carried unanimously.

Mayor Colbert called for a recess at 11:00 PM. Meeting resumed at 11:12 PM.

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

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

B. [23-4065](#)

Public hearing on the Town's 2024 Legislative Agenda

Mayor Colbert called the second public hearing to order at 11:15 PM. All Council Members were present.

With no public speakers present, Mayor Colbert called for a motion to close the Public Hearing.

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

A motion was made that the Town Council submit its suggested rankings of Legislative Agenda items and that the Town Attorney tally the rankings and provide them for further discussion at the Regular Town Council Meeting of December 4, 2023.

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

A brief discussion was held regarding limiting submission to the ranked top five Items. It was deemed important to submit the entire list to allow other jurisdictions/representatives to see what the Town of Vienna regards as important for this legislative year.

The motion carried unanimously.

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

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

6. Regular Business

A. [23-4085](#) Set Public Hearing to Issue Water and Sewer Debt for Dec. 4, 2023 and Notice of Intent to Adopt an Ordinance

Mayor Colbert called on Marion Serfass, Director, Finance to present the Item for consideration.

A motion was made to schedule a Public Hearing on a Proposed Ordinance authorizing the issuance of general obligation debt or other forms of indebtedness by the Town of Vienna, Virginia, in an aggregate principal amount up to \$11,600,000, in one or more series, which may be tax-exempt or taxable, for the purpose of financing, among other things, public use vehicle replacement and improvements and water and sewer system improvements, described in the Town's capital improvement plan and vehicle replacement plan, for the Town Council meeting of December 4, 2023.

It was further moved that the Town Clerk be authorized to advertise a Notice of the Public Hearing and Notice of the Council's Intention to Adopt such Ordinance at such Meeting.

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

*Mayor Colbert called a recess into Closed Session at 11:20 PM.
Council Meeting resumed at 11:30 PM.*

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

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

B. [23-4084](#) Preserving and Enhancing Tree Canopy - Consideration of Intent to Adopt new Town code amendments to Chapters 17, 18 and 27

Mayor Colbert opened the floor for Council comments. Comments are summarized as follows:

- *Moving Item 6 (B) 23-4084 Preserving and Enhancing Tree Canopy - Consideration of Intent to Adopt new Town code amendments to Chapters 17, 18 and 27 to the December 4, 2023 agenda will allow for more time to discuss;*
- *Disappointed that this important Item was pushed to the end of tonight's agenda; Item too important to rush and yet decision cannot be delayed;*

- *Scheduling was dependent on receipt of comments from Planning Commission;*
- *Must remember that the Town Manager evaluation is also on the agenda;*
- *Incoming Council should be invited and encouraged to attend as they will be voting on the Item;*
- *Must come out of December 4, 2023 meeting with key points identified.*

A motion was made to hold a Conference Session to continue discussion of a tree canopy ordinance (Item 6B) to December 4, 2023 at 5:00 PM.

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

Item 6 C. Change Town Council Meeting start time.

A motion was made to defer discussion of the Item 6(C) until January 2024.

Council Member Patel; second, Council Member Somers.

Motion carried in a 6-1 vote.

7. Meeting Adjournment

Mayor Colbert called for a motion to adjourn at 12:00 AM.

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

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.