



Town of Vienna

Meeting Minutes

Town Council Meeting

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

Monday, June 3, 2024

7:30 PM

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

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

Mayor Colbert called on Noah Yazdani 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 Brinkman, Jessica Ramakis, Howard J. Springsteen and Linda Colbert

2. Acceptance of the Minutes:

- A. [24-4472](#) Acceptance of the Conference Session Minutes of May 13, 2024 and the Regular Meeting Minutes of May 20, 2024.

The Work Session Minutes of May 13, 2024 and the Regular Meeting Minutes of May 20, 2024 were accepted and presented.

3. Receipt of petitions and communication from the Public that are not on the Agenda. (Limited to 3 minutes per issue and no formal action can be taken this evening)

Mayor Colbert opened the floor for comment from the public.

Dr. Maryam Dadkhah, 609 Alma St. SE

Madam Mayor and Honorable Council Members. Guess which one is the real weed. This nonnative cool season grass is native to Europe and was introduced to the United States in the 1800's. It can invade a variety of habitats including fields, forest margins, beaches, railroad track, etc. It covers over 40 million acres of land in America and consumes nearly 3 trillion gallons of water, 800 million gallons of gasoline, 3 million tons of nitrogen based fertilizer and over 70 million pounds of pesticide per year. In addition, [care of the] suburban yard hastens the process of plant and pollinator extinction by reducing the available habitat for native plants and wild life – a global threat. Meanwhile exotic plants tend to outcompete native species because exotic predators, animals and diseases tend to not exist in the foreign land. I am talking about lawn, or more specifically turf grass. We can transform our lawn into frontiers of biodiversity by diversifying the face of lawn and allowing things to be a little wild, not wanting to forego lawn care entirely; there are regulations in the Town of Vienna and other places. That is why I would like to suggest that Council Members look into the benefit of these naturalized landscaping options and consider changing regulations in the Town of Vienna. We can protect water quality and quantity, increase carbon dioxide absorption, enhance wildlife habitat and improve aesthetics and quality of life year round. Local native plants are also adaptable to local temperatures and rainfall fluctuations so they don't

need to be watered. My suggestion is that the definition of weed needs to be changed. Also I would like to suggest [inviting an expert presentation on wildlife and their value]. I would further like to share EPA cases that have challenged these requirements and have won. So please, don't hesitate to share your input with me. I will send additional information on natural landscaping.

Avril Garland, 917 Hillcrest Drive

Thank you, Maryam, for your comments. I am showing you a plant purchased at the Town of Vienna plant sale. I'm afraid to plant it – it is a wild iris. I had some in my yard but Zoning came by and informed me that it was a grass and had to be maintained at 6 inches. I was planning a woodland garden of a variety of wild iris.

I received this trash violation a few weeks ago. I was told I had trash, garbage and refuse in my yard and unmaintained landscape. I just want to tell you about the trash. [I've brought a branch to show you what I use to cover] the dogwood so it will not be eaten by the deer. Zoning enforcement gave me very helpful information- they said to fill my yard with color. So I have a variety of things to cover and protect my plants. My entire front yard is a big mess of barricades against the deer. I wish Zoning enforcement would give the Town of Vienna ten business days to get rid of the deer – to do some kind of culling program. It's difficult to take out the weeds because the cages must be lifted to do so. I've been working practically nonstop for two weeks to get my yard in order. So I'm just asking you to please take care of the deer situation.

4. Reports/Presentations

A. [24-4476](#)

7:45 p.m. - 8:15 p.m. - Overview of Dominion Energy's Clark-Idylwood Electric Transmission and Conductor Project along the W&OD Trail.

Mayor Colbert called on Brad Baer, Director, Public Works to introduce representatives from Dominion Power.

Comments from Council are summarized as follows:

- Long term weather patterns will be taken into consideration when time to close W&OD Trail. Time line has a second week built in to accommodate potential weather issues;
- Equipment will be kept off the Town Green; NOVA Parks has strict rules regarding equipment storage;
- W&OD Trail will be open over the weekends, closed for two weeks in the October/November timeframe;
- Northside Park access will not be impacted;
- Process will not incorporate carbon fiber but will be a step toward a higher capacity system;
- Survey crews are currently assessing tree trimming needs and will evaluate for danger trees; Town concerned about tree preservation;
- Suggested detour avoids Center St. due to noncontiguous sidewalk; Still assessing alternatives to detour route;
- Major concern over increased capacity of lines is noise.

With no additional questions from Council, Mayor Colbert thanked the representatives for their presentation.

A. Report and Inquiries of Council Members

Council Member Anderson noted the evolution of the retaining wall along Lawyers Road, as part of the Robinson Trust Sidewalk Project. He suggested that it is time to consider a memorial marker recognizing the contributions of Mr. and Mrs. Robinson to the Town.

Council member Brill asked Council to reflect on the 80th anniversary of D-Day, June 6, 2024 and thanked all those who served.

Council Member Springsteen recognized the excellent work on the Lawyers Road retaining wall. He also encouraged greater use of speed awareness monitors throughout the Town and requested information on the price of these.

Council Member Baldwin expressed appreciation to American Legion Dyer-Gunnell Post 180 for the morning Memorial Day Observation and to the Vienna Rotary Club afternoon Memorial Day observation.

Council Member Allen noted that May was mental health awareness month and June is Pride awareness month. Vienna is a diverse community and celebrates that diversity. She urges all residents to welcome all neighbors as equals.

B. Report of the Town Manager

C. Report of the Mayor

Mayor Colbert commented on the success of Viva Vienna. She thanked all for their hard work. She also remarked on the positive feedback regarding the Town landscaping project and the Farmers Market.

D. Proposals for Additional Items to the Agenda

E. Closed Session Report

A. [24-4480](#) 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 June 3, 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 later this evening, Monday, June 3, 2024 at the conclusion of the Regular Meeting in accordance with Virginia Code, Section 2.2-3711, a(7) for consultation with legal Counsel.

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

It was moved to reappoint Patricia Esswein to the Conservation and Sustainability Commission for a two-year term. Said term to be effective June 18, 2024 and expire

June 18, 2026.

It was moved to reappoint Michelle Kang to the Virginia Public Arts Commission for a two-year term. Said term to be effective June 17, 2024 and expire June 17, 2026.

It was moved to appoint Noah Weinberg to the Conservation and Sustainability Commission for a two-year term. Said term to be effective July 1, 2024 and expire July 1, 2026.

Motion, Council Member Ramakis; second Council Member Anderson.

A subsidiary motion was made by Council Member Allen to vote separately on each appointment. Receiving no second, the motion failed.

Mayor Colbert called for a vote on the original motion. Motion passed in a 6-1 vote.

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

Aye: 6 - Anderson, Baldwin, Brill, Ramakis, Springsteen and Colbert

Nay: 1 - Allen

5. 8:30 p.m. - 8:45 p.m.- Consent Agenda

A motion was made to approve the Consent Agenda Items A - C as presented.

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

A motion was made by Anderson, seconded by Springsteen, that the be approved on the Consent Agenda. The motion carried by the following vote:

Aye: 6 - Anderson, Baldwin, Brill, Ramakis, Springsteen and Colbert

Nay: 1 - Allen

A. [24-4451](#)

FY 2025 funding of contracts issued by other jurisdictions.

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

Aye: 6 - Anderson, Baldwin, Brill, Ramakis, Springsteen and Colbert

Nay: 1 - Allen

B. [24-4466](#)

FY 2025 funding and renewal of Town contracts

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

Aye: 6 - Anderson, Baldwin, Brill, Ramakis, Springsteen and Colbert

Nay: 1 - Allen

C. [24-4453](#)

Request award of IFB 24-22 for Crushed Stone, Gravel, Sand and Other Aggregates and Request for FY25 Spending

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

Aye: 6 - Anderson, Baldwin, Brill, Ramakis, Springsteen and Colbert

Nay: 1 - Allen

6. Regular Business

A. [24-4458](#) 8:45 p.m. - 9:00 p.m. - Appointment of Town Officials for Fiscal Year 2024-25

Mayor Colbert recognized Michelle Crabtree, Director, Human Resources to present the Item.

It was moved to re-appoint the following Town Appointed Officers for Fiscal Year 2024-25:

*Mercury T. Payton, Town Manager, pursuant to a contractual agreement;
Steven D. Briglia as Town Attorney, pursuant to a contractual agreement between the Town of Vienna and Steven D. Briglia for legal and prosecuting services;
Melanie J. Clark as Town Clerk; and Marior Serfass as Town Treasurer.*

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. [24-4457](#) 9:00 p.m. - 9:30 p.m. - Request to Update the Town Code - Chapter 23: Environmental Controls with the Updated Revised Consolidated Virginia Erosion and Stormwater Management (V-ESM) Model Ordinance

Mayor Colbert recognized Brad Baer, Director, Public Works to present the Item for consideration. He introduced Alen Chen, PE., Water Resources Engineer, Town of Vienna.

Comments by Council are summarized as follows:

- *The updated regulation or "Consolidation Bill" combining requirements for stormwater management and erosion/sediment control was not published until late February 2024; The length and technical complexity of the document requires additional time for review;*
- *Advised to retain local provisions not in conflict with mandated regulations;*
- *If not adopted by July 1, 2024 problems may arise in application of erosion/sedimentary control standards, may delay some construction/permitting;*
- *Builders allowed one year (July 1, 2024 – July 1, 2025) to utilize either old handbook or new handbook;*
- *Consolidated Bill considered an improvement; Passing this update request will not reduce the stringency of current Town regulations;*
- *Town professionals have reviewed the document prior to presentation to Council.*

It was moved to approve the revised consolidated model ordinance to replace

*Chapter 23 - Environmental Controls of the Town Code.
Motion, Council Member Baldwin; second, Council Member Springsteen.*

Additional discussion included scheduling a Work Session for further discussion of changes to the provision. It was agreed that prior to a Work Session Staff will provide a document highlighting areas where Town requirements differ from those of the state to include areas where Town policy decisions were applied to State requirements. Staff will make the document available by the end of the week.

*With no additional discussion, Mayor Colbert called for a vote on the motion.
Motion passed in a 6-1 vote.*

**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

C. [24-4462](#)

9:30p.m. - 10:00 p.m. - Review of Conditional Use Permit Application - Annex Property 301 Center St S

Mayor Colbert called on Leslie Herman, Director of Parks and Recreation and Kelly O'Brien, Deputy Director, Planning and Zoning to present the Item for consideration.

Council comments are summarized as follows.

- Concern expressed over proposed motorcycle training exercises in the space; Abutting neighbors troubled by noise;
- Additional parking spaces offered by the presented design options would help alleviate current parking issues at Community Center;
- Property is currently zoned single family residential, this proposed action will allow best uses for property prior to long term use decision;
- Caution that short term use may set expectations; Should focus on long term; Long term use discussion already on upcoming agenda;
- Available funding for any long term use unlikely for many years; Interim use important to Town;
- Planning Commission must review all applications and make recommendation to Board of Zoning Appeals which sets conditions for permit approval;
- Consider "government use" to capture several potential application categories;
- Costs not yet available for three presented space designs;
- Newly adopted Code provisions require screening buffer.

It was moved to direct staff to submit an application for a conditional use permit for the uses outlined in Attachment 4 (Review of Conditional Use Permit Application for Annex Property at 301 Center St S submitted by Parks and Recreation Department to the Vienna Town Council June 3, 2024, pgs. 5-7) for the property located at 301 Center St S. and it was further moved direct staff to include Exhibit 3 (pg. 10) as part of the conditional use permit application.

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

An amendment was offered as follows:

Staff is directed to include sufficient visual screening and sound buffering for homes that abut the property. Additionally, motorcycle training exercises shall be excluded.

Motion, Council Member Baldwin; second Council Member Allen.

Discussion included concern that the amendment language was too vague for a clear interpretation and application of the requirements. Imposing standards is unnecessary because applications are reviewed by the Planning Commission and the Board of Zoning Appeals.

Mayor Colbert called for a vote on the amendment.

The amendment failed in a 4-3 vote.

A new amendment was offered as follows;

It was moved to direct Staff to include language that will exclude motorcycle training exercises from the approved uses.

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

Jim Morris, Police Chief, Vienna Police Department, indicated that training exercises only occur when a police officer is preparing to attend the County Motorcycle school. The preparation typically includes two hour exercises twice per week. The next applicant will be scheduled in 2025. Council expressed concern about removing the Town's ability to make this kind of decision but agreed that there must be standards.

In response to concern over removing residential in these decisions it was pointed out that the Planning Commission holds public hearings for conditional use permits and the Board of Zoning Appeals allows for public testimony.

Mayor Colbert called for a vote on the amendment. The amendment failed in a 5-2 vote.

The original motion passed in a 5-2 vote.

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

Aye: 5 - Anderson, Brill, Ramakis, Springsteen and Colbert

Nay: 2 - Allen and Baldwin

D. [24-4467](#)

10:00 p.m. - 10:30 p.m. - Request approval for spending \$237,029.95 with US Concrete and Paving, Inc. for construction of a Robinson Trust Sidewalk Project at Frederick Street, SW, from Meadow Lane to Tapawingo Road.

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

Council requested that Staff investigate the subsequent placement of mailboxes to assure no obstruction to resident use of sidewalk.

It was moved to approve the spending of \$237,029.95 with US Concrete and Paving, Inc. for construction of sidewalk improvements for the Frederick St SW (Meadow Ln to Tapawingo Rd) project as described in the report.

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

Mayor Colbert called for a break at 10:15 PM. Meeting reconvened at 10:30 PM.

Mayor Colbert made a motion to move into Closed Session. Second, Council Member Springsteen.

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

F. Second Closed Session Report

A. [24-4481](#) 10:30 p.m. - 11:30 p.m. - Second Closed Session Report

Council reconvened into open session at 11:35 PM. Mayor Colbert called on Council Member Ramakis to report as follows:

It was moved that the members of the Vienna Town Council be polled to affirm that a second Closed Session was held on June 3, 2024 at the conclusion of the Regular Meeting in accordance with Virginia Code, Section 2.2-3711, a(7) for consultation with legal Counsel.

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, July 8, 2024 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.

A motion was made by Ramakis, 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

7. Meeting Adjournment

With no further business, Mayor Colbert called for a motion to adjourn at 11:40 PM. Motion, Council Member Springsteen; second, Council Member Brill.

A motion was made by Anderson, seconded by Springsteen, that the meeting be adjourned. The motion carried by the following vote:

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.

DRAFT