



Town of Vienna

Meeting Minutes Town Council Meeting

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

Monday, January 24, 2022

8:00 PM

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

Invocation: Reverend Johnny Kurcina, Christ Church Vienna

Mayor Colbert recognized Reverend Johnny Kurcina, Christ Church Vienna, to provide the evening's invocation

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

1. Roll Call

Council Member Chuck Anderson; Council Member Ray Brill Jr; Council Member Steve Potter (Remote); Council Member Ed Somers; Council Member Howard Springsteen and Mayor Linda Colbert.

Council Member Steve Potter joined the meeting remotely from his residence.

Present: 6 - Council Member Chuck Anderson, Council Member Ray Brill Jr., Council Member Steve Potter, Council Member Ed Somers, Council Member Howard J. Springsteen and Mayor Linda Colbert

Absent: 1 - Council Member Nisha Patel

2. Approval of the Minutes:

A. 21-2831 Acceptance of the Regular Council Meeting Minutes of December 6, 2021 and the Conference Session Minutes of September 1, 2021, September 20, 2021, December 13, 2021 and January 10, 2022

The Regular Council Meeting Minutes of December 6, 2021 and the Conference Session Minutes of September 1, 2021; September 20, 2021; December 13, 2021 and January 10, 2022 were approved with corrections.

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

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)

Mayor Colbert called for comments from the Public.

Mr. Matthew Difiose, 207 Owaissa Ct., SE, remarked that, while he is aware Council meetings are no longer available through ZOOM, he requests resumption of this practice for Town Council and Planning & Zoning meetings. It is his belief that this medium encourages greater participation from the Public. Alternatively, written

comment through the website is available, however he was unable to locate the Public Comment section. In general, it is his opinion that the website is not helpful and of limited use as much of the information is out dated.

4. Reports/Presentations

A. [21-2793](#)

Presentation by Vienna Public Art Commission

Mayor Colbert welcomed Michael Cheskla, 317 Cabon Rd., Chairman, Vienna Public Arts Commission to present a funding stream request. Having received \$4500 from the Town in fiscal year 2021, the VPAC sought and received matching funds from the Virginia Commission of the Arts Program. A dedicated funding stream from the Town would allow VPAC to qualify for the aforementioned grant every year, as well as others. Given the uncertainty of grants, dedicated Town funds would allow the VPAC to rely on a continual cash flow. Public art throughout the Town has been well received and plans are in place for additional works. The VPAC thanks both the Town as well as its residents for past and future support. An investment in Public Art is a good investment.

Mayor Colbert thanked Mr. Cheskla for his comments and applauded the Commission for their good work. She recognized their contribution to the library mural slated for completion by the Liberty Amendments celebration, noting also that the Christmas ornament sale success has generated \$3500 for continued VPAC work.

A. Report and Inquiries of Council Members

Mayor Colbert called for reports from Council.

Council Member Springsteen opened his remarks by thanking Mr. Difiore for his insightful comments. He further noted that with construction at 380 and beginning at 440 it would be advisable to get ahead of potential parking issues; i.e. parking restrictions on Roland as well as working with Chris Bell, Project Manager, to provide off site parking and shuttle service for workers. He also inquired regarding the storm drainage system at the Courthouse project. Town Manager Payton agreed to add a discussion of this item to a future conference session. He will circulate an email to Council.

Council Member Potter noted that construction on the project at the Tequila Grande site will begin in May of 2022. He is working with Staff to identify plans for traffic control and construction worker parking. Referencing the issues resulting from the project at 380, he urged the need for timely attention to the issue. He requested time on a future agenda for Council to review and comment on the parking plans for this site.

Council Member Brill remarked how fortunate he feels to live in the Town of Vienna. Further, he noted with sadness the recent attacks on Police Departments and applauded the positive rapport between the Vienna Police Department and the Town as well as the Vienna Fire Department and the Town.

Council Member Somers commented that he continues to see temporary signs and flags at both new and existing businesses. As this is a violation of Town Code, he lamented money wasted by businesses who will be required to remove them. He requested that Staff assist Council with outreach to businesses when there is failure to comply with Code. Mayor Colbert noted that Planning and Zoning staff are addressing this issue.

B. Report of the Town Manager

Mayor Colbert recognized Town Manager Payton who thanked the Departments of Public Works and Parks & Recreation for their excellent effort with snow removal.

C. Report of the Mayor

Mayor Colbert reported on her work as committee member of the Public Planning Advisory Committee (Northern Virginia Transportation Authority). She noted the continued success of the Christmas ornament sales, thanked Melanie Clark and Shelley Kozlowski for the Christmas reception and announced winners of the Light of Vienna contest. Though originally postponed due to weather, the Martin Luther King celebration was a success. Mayor Colbert further thanked residents for their communication regarding the closure of the Personics Health Care COVID testing site as of January 31, 2022. Finally, she reported on testimony to the VA Senate Local Government Committee supporting allowing jurisdictions to return to a May election calendar. The bill did not pass out of committee, but will continue to be addressed.

D. Proposals for Additional Items to the Agenda

There were no additions to the Agenda.

E. Closed Session

Mayor Colbert called on Council Member Somers for his report.

It was moved that the members of the Vienna Town Council be polled to affirm that a Closed Session was held on January 24, 2022 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. 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 February 7, 2022 at 7:00 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 Somers; second, Council Member Springsteen. Motion carried unanimously.

It was moved that Beth Eachus be reappointed to the Transportation Safety Commission for a two-year term. Said term shall commence on January 10, 2022 and terminate January 10, 2024.

It was moved that Jennifer Morrow be appointed to the Town Business Liaison Committee for a two-year term. Said term shall commence on January 25, 2022 and terminate on January 24, 2024.

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

5. Public Hearings

Mayor Colbert called the Public Hearing to order at 8:30 PM. All Council were reported present with the exception of Council Member Patel.

A. 21-2826

Public Hearing on Consideration of Zoning Ordinance Text Amendments for Sections 18-15 and 18-168, Related to Lot Coverage and Porch Projections into the Front Yard

Following presentation of the Item by Mike D'Orazio, Acting Director, Planning and Zoning and Kelly O'Brien, Acting Deputy Director Planning and Zoning, Mayor Colbert opened the floor to public comment.

Matthew Difioore , 207 Owaissa Ct, SE. provided his support for Option 5b. He did stress however, that there were too many options under consideration. Wording in the proposed ordinance was also a concern, i.e. is porch coverage separate from deck coverage?

Amir Motlagh, 201 Berry St. noted that he has lived in Vienna for 40 years and this is the first time he had felt compelled to speak before Council. Expressing disappointment in the Planning Commission Public Hearings, he was left with the impression that a decision had already been made. There was no discussion of the pros and cons, only subjective opinions. While this is acceptable, it is imperative to fall back on objective facts when deciding on what is best for the Town. One Commissioner continually asked "what's the problem?" as if to question why time was spent on this issue. In the 1950's lots throughout Vienna were much larger than today. The idea of 25% lot coverage was most likely selected, not to limit, but simply because it was more than enough. Houses were smaller and one car was the norm. Today homes are much larger, residents typically have more than one car and outdoor space is expected. He is asking consideration of Options 2 or 3 noting that residents overwhelmingly supported these two Options. Option 5b was not presented to the Public so would recommend that any vote be postponed until public input can be received with fewer options under consideration (Options 2, 3, and 5b).

There is a way to alleviate concerns over Options two and three. Provide a specific maximum structure percent (such as 20%) and request environmental considerations. Allow residents the tools to exercise their property rights.

Nick Vadala, 507 Stephen Circle, remarked that he has wanted an addition since 1979 but lives on a compromised circle where lots are 10,000 -12,000 sq. ft. With 26% lot coverage he has been unable to build the desired addition. Fairfax County allows for 30% lot coverage; why are we not conforming to the County? The Zoning Staff informed that he could apply for a variance but the cost (\$100 in 1979, \$1000 in 2022) has been prohibitive. It's a great deal if money to pay for a "no" response. Why not simply conform to the County at 30%?

Mayor Colbert noted receipt of numerous emails and summarized the content as follows:

- *Don't change lot coverage due to resultant water issues;*
- *If change, Option 5 is best but only if storm water practices are applied;*
- *Do increase lot coverage; will create additional tax revenue; will align with other Towns that have done so;*
- *35% coverage would allow for maximizing lot coverage;*
- *Favor porches;*
- *Conservation and Sustainability Commission advise 25% lot plus 5% deck coverage should remain; issues of concern are storm water management, tree loss*

and erosion; lot size increase will exacerbate these problem; option 5b with language revision is second choice; advise Council to devise means to provide point of purchase lot coverage information – (issue in discussion with State Legislature);

- Vienna Home Builders support Option 5b and front porches, especially for older homes.

With no further comments, Mayor Colbert called for a motion to close the Public Hearing.

A motion was made to close the public hearing and to extend public written comment until 1/31/2022 with further discussion at the 2/2/2022 Town Council Conference Session.

Motion, Council Member Potter; second Council Member Brill.

Mayor Colbert confirmed extension of written comments. She also sought clarification on the terms patio/deck and covered patio/covered deck. Acting Director D'Orazio indicated that Option 5b is written to include both patios and decks, but it is up to Council discretion whether to include patios in the additional 3% or 5% lot coverage. Currently the Code is written so that patios are included in the 25% and decks are identified as uncovered.

Council Member Anderson questioned whether the porch is included in the overall 25%. Acting Director D'Orazio clarified that in current code a porch is included in the 25% coverage. If, however, new language includes an 8-foot front porch increase, that area could be counted in either the 25% structure or the 5% deck coverage (Options 5 or 5b).

Council Member Anderson reminded Council of an October discussion regarding Council's authority to address storm water runoff in instances of land disturbance less than 2500 square feet. To date no clarification has been received. He is unwilling to vote on any proposal to lot changes until Council has clarification on this issue. His position regarding whether to allow greater lot coverage is dependent in part upon whether there can be mitigating storm water measure. The extent that permeable area or roof is increased, the resultant storm water issue must be paid for by the Town because under the Chesapeake Bay Provisions overall storm water runoff must be controlled by the Town. It is fair that if the Town allows increased area of permeability the homeowner must assist the Town with storm water management.

Mayor Colbert called for a vote on the motion to close the public hearing and allow for additional public comment period. Motion carried unanimously.

Action: Town Manager Payton stated that clarifying questions from Council and the public will be addressed. Council will be contacted tomorrow to gather any additional questions. Questions will be made public should Council choose to do so.

Action: PIO will advertise the extension of public comments.

The issue of paver use was brought forth, as no adequate response has yet been received by Council. Acting Director D'Orazio provided a history of paver use in the Town noting that storm water management system pavers are allowed. Lot coverage credits however, are not given.

Action: Mayor Colbert referred discussion to the February 2, 2022 Town Council Conference Session.

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

6. Consent Agenda

Mayor Colbert called on Leslie Herman, Director, Parks and Recreation to provide clarification of date changes for Item 8D.

Mayor Colbert recognized Catherine Hardman, Historic Vienna, to provide clarification on Item 8B. Further research on historic designation for Vienna Elementary will be conducted.

A motion was made to approve the Consent Agenda.

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

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

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

- A. [21-2765](#)** The Police Department requests approval to add \$31,271 to ECS Mid-Atlantic budget for Police Station project observation and testing services.
- B. [22-2847](#)** Recommend approval to add Louise Archer Elementary School to the Town of Vienna Historic Property Register.
- C. [21-2764](#)** Request formal approval to increase the current purchase order with Vertex Roofing Contractors, Inc. by \$12,000 for the Bowman House Roof replacement.
- D. [21-2829](#)** Set public hearing for potential name change for Wade Hampton Drive
- E. [22-2855](#)** Request to Set a Public Hearing for Feb. 7, 2022 regarding Issuance of Bonds and Notice of Intent to Adopt an Ordinance
- F. [21-2828](#)** Recommend approval to add 131 Courthouse Road, SW to the Town of Vienna Historic Property Register.
- G. [22-2856](#)** Request increase in spending with Human Circuit for FY 22

"I move to approve procurement upgrades as described for the Town of Vienna cable channel in an amount not to exceed \$60,092.22 riding VASCUP CONTRACT 7058821-10JC."

Or

Other action deemed necessary by Council.
- H. [21-2787](#)** Request approval for replacement of Town Hall elevator

7. Regular Business

A. 21-2760**Approve Funding for Patrick Henry Library Parking Garage Design**

Mayor Colbert called on Marion Serfass, Director, Finance to present the Item. Also present were Allison Terzigni, PE, Senior Section Manager, Fairfax County Government.

Action: Parking space signage location to be included in design documents.

A motion was made to approve \$663,000 in funding from the account noted above for the Patrick Henry Library redevelopment and public parking design phase.

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

Motion carried unanimously.

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

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

B. 22-2853**Adopt 2022 Capital Improvement Plan (CIP)**

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

Action: Schedule public discussion on Item 19 Southside Park Ball Field #1 and #2 Refurbishments as it includes press box and score board;

Action: Director Serfass and Director Mull will provide costs for continuation of ZOOM for the future;

A motion was made to move to approve the Capital Improvement Plan as presented.

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

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

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

C. 22-2854**Approve Phase 1 ARPA Spending**

Marion Serfass, Director, Finance presented the Item for consideration.

A motion was made to approve the Phase 1 ARPA spending plan as presented.

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

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

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

D. 21-2686 Approve Changes to Planning and Zoning Fee Schedule, Chapter 1 Section 1-12 of the Town Code

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

A motion was made to adopt the changes to Chapter 1, Section 1-12, Schedule of Planning and Zoning Fees as presented and it was further moved to direct the Town Clerk to advertise notice of adoption.

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

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

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

E. 21-2827 Award IFB 22-03 construction contract to Franco's Liberty Bridge, Inc. for Freeman Store Pedestrian Bridge Replacement

..Body

EXPLANATION AND SUMMARY:

This project will replace the collapsed pedestrian bridge between the Freeman Store and W&OD Trail.

Virginia Department of Transportation (VDOT) recently authorized award of the project construction contract.

This project is being funded by VDOT TA Funds.

TA = Transportation Alternatives: these are federal funds.

Bids were received from two vendors for the subject IFB (attachment 2). Results of the bids are detailed on the attached bid tabulation (attachment 3).

The low bidder was Franco's Liberty Bridge, Inc., with a total bid amount of \$229,756.60 (attachment 4). The Town and VDOT have reviewed the bid submission and documentation and have determined the vendor to be responsive and responsible.

Award is recommended to be made in the amount of \$229,756.60 to:
Franco's Liberty Bridge, Inc.

6426 Aaron Lane
Clinton, MD 20735

Staff requests approval of expenditure for the contract amount (\$229,756.60) plus a 10% contingency (\$22,975.66), total = \$252,732.26.

With this bid, there is a deficit of approximately \$178,100.00 for the project. VDOT is currently evaluating an application for additional TA funds that would cover the deficit if approved. If the application is not approved the Town has available capital funds to cover the deficit. Public Works has coordinated with the Finance Department.

Departmental Recommendation: Recommend award of the construction contract.

Finance Recommendation: Recommend award of construction contract.

Purchasing Recommendation: Recommend approval

Town Attorney Recommendation: The Town has competitively bid the proposed Freeman Store bridge and the Town Council may award the contract to the lowest responsive and responsible bidder in the discretion of the Town Council.

Town Manager's Recommendation: I recommend the Town Council award the construction contract for the Freeman Store Pedestrian Bridge Replacement project to Franco's Liberty Bridge, Inc., as presented.

Cost and Financing: \$252,732.26

Account Number: Project - 518FRMN010, Account -
300-000-0000-39470-48803

Decision Needed by This date: Jan. 3, 2022

PROPOSED/SUGGESTED MOTION

It was moved to award the construction contract for the Freeman Store Pedestrian Bridge Replacement project to Franco's Liberty Bridge, Inc., in an amount not to exceed \$252,732.26 (bid + 10% contingency).

Action: Acting Director D'Orazio will provide design drawings for the project.

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

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

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

F. 22-2848 Request approval to ride District Department of Transportation (DDOT) contract for Meadow Lane Park Site Survey and Site Plan Submission with Kimley-Horn

Mayor Colbert again called on Leslie Herman, Director Parks and Recreation, to summarize the project.

A motion was made to approve the spending of \$39,500 with Kimley-Horn Associates to provide site-survey services for Meadow Lane Park and preparation of a site plan related to replacing the existing restroom building at Meadow Lane Park.

Motion, Council Member Anderson; second Council Member Somers.

Motion carried unanimously.

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

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

G. 22-2882 Proposal to Refer Medical Testing Zoning Text Amendment to Planning Commission for Review

Mayor Colbert called on Council Member Anderson, who proposed the zoning text amendment, to present the Item for consideration.

It was moved to refer the proposed draft zoning text amendment related to temporary medical testing facilities to the Planning Commission.

It was further moved to set a public hearing for Town Council on February 28, 2022 to consider a zoning text amendment related to temporary medical testing facilities under Article 5, Section 18-13 of the Town Code.

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

Motion carried unanimously.

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

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

8. Meeting Adjournment

Mayor Colbert called for a motion to adjourn.

Motion, Council Member Anderson

Meeting adjourned at 10:40 PM.

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.