



Town of Vienna

Meeting Minutes

Town Council Meeting

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

Monday, April 11, 2022

8:00 PM

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

Invocation: Mercury Payton, Town Manager

Mayor Colbert called on Mercury Payton, Town Manager, to provide the evening's invocation.

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

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

1. Roll Call

Council Member Chuck Anderson; Council Member Ray Brill; Council Member Nisha Patel; Council Member Steve Potter; Council Member Ed Somers; Council Member Howard Springsteen and Mayor Linda Colbert.

2. Acceptance of the Minutes:

- A. [22-3060](#) Acceptance of the Regular Council Meeting Minutes of March 21, 2022 and the Conference Session Minutes of March 12, 2022 and March 14, 2022.

Minutes of the Regular Council Meeting Minutes of March 21, 2022 and the Conference Session Minutes of March 12, 2022, March 14, 2022 and March 28, 2022 were accepted.

A motion was made that the Minutes 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

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)

None.

4. Reports/Presentations

A. Report and Inquiries of Council Members

*Council Member Springsteen remarked on the recent Green Hedges community outreach noting resident concern for transparency. Council should encourage use of face-to-face contact rather than use of ZOOM.
He further informed Council of meeting with Town Manager Payton to set the 30 meeting Town Council calendar. A vote will be forthcoming.*

Council Member Patel reported attending the Volunteer Fire Department Bizarre on April 10, 2022. She urged Staff to explore means to better communicate these excellent Town events to the general public.

Council Member Anderson announced that the Town has been received an award from the National Association of Governmental Communicators, recognizing Vienna Liberty Amendments Month. He wished to thank Town Manager Payton for his creativity and tenacity in making this event happen.

Council Member Somers confirmed that all lithium batteries (all sizes) may now be collected at the Town quarterly recycling event. He thanked Director Gallagher for his assistance and requested promotion from the Public Information Officer. He also inquired about the existence of temporary parking permits, requesting additional information on the potential for issuance, especially during periods of site construction.

Council Member Potter provided an update on the March 15, 2022 Community Engagement, relative to parking concerns. Police Chief Morris will initiate a parking study this upcoming week to determine the percent of spaces utilized both day and night, to determine eligibility for restricted parking hours. Additional, with regard to the 444 project a meeting has been scheduled, at the encouragement of the Town Attorney, to address issues of concern (disruption of public sidewalks; parking and staging impact; etc.). Outreach to Arlington and the District of Columbia will provide insight into methods for handling code violations, etc.

Council Member Brill remarked that we in the United States have much to be thankful for and that the people of Ukraine need our prayers. It behooves us to reflect, as Council discusses local issues of concern, the magnitude of the issues facing those overseas.

B. Report of the Town Manager

Town Manager Payton reported that the Staff has begun addressing long term uses for the temporary Police Station site. A recent meeting was held with Mayor Colbert, Council Member Potter, Director Serfass, Manager Monkou, and Director Hermann to explore this issue. Resident input will be sought in the near future. A report on these ideas is projected for November.

C. Report of the Mayor

Mayor Colbert reported that the Northern Virginia Regional Commission (Vienna is a member) is collecting for Ukraine. Information is available on the Town website. She also thanked those involved in the Town wide Clean-Up on April 2. Additional dates to remember include:

Mercury-On-Deck, April 12, 2022 with the topic of the new Front Porch Ordinance; Volunteer Awards Ceremony, April 19, 2022 on the Town Green; Opening day for Vienna Little League, April 16, 2022.

D. Proposals for Additional Items to the Agenda

None

E. Closed Session

It was moved that the members of the Vienna Town Council be polled to affirm that a

Closed Session was held on April 11, 2022 in accordance with Virginia Code, Section 2.2-3711.A.(1) for discussion or consideration of personnel matters, specifically for 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 April 18, 2022 at 6:00 PM in accordance with Virginia Code, Section 2.2-3711.A.(1), for discussion or consideration of personnel matters, specifically the annual evaluation of the Town Attorney to include the proceedings of reports on pending and potential litigation pursuant to 2.2-3711.A.(7) and Monday April 18, 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 to reappoint Catherine Hardman to the Pedestrian Advisory Committee for a two-year term. Said term shall commence May 1, 2022 and expire May 1, 2024.

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

A motion was made by Council Member Ed Somers, seconded by Council Member Howard J. Springsteen, that this was 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

5. Public Hearings

A. [22-3035](#)

Public Hearing for 2022-23 Budget

Mayor Colbert called the Public Hearing to order at 8:24 PM. All Council were present.

Marion Serfass, Director, Finance, provided background for discussion. The Town Manager's proposed budget for fiscal year 2022-23 has been presented to the Mayor, Town Council, and residents. It was reviewed by Town Council during work sessions on March 12 and 14 and a final work session is scheduled for April 18. Tonight's public hearing is held so that Town of Vienna citizens may provide public input. The proposed FY 2022-23 budget reflects improving general economic conditions, plus a reserve from which Council may choose new priorities it wishes to fund. The general fund budget includes a decrease in the real estate tax rate of \$0.01 per \$100 of assessed value and increases in salaries and other costs to meet current economic conditions. The budget totals \$48,712,750 for the fiscal year beginning July 1, 2022 and ending June 30, 2023 and is broken down as follows:

- * General Fund expenditures: \$30,255,740*
- * Water and Sewer Fund expenditures: \$11,501,720*
- * Debt Service Fund expenditures: \$6,423,870*
- * Stormwater Fund expenditures: \$531,420*

The proposed budget is based upon a real estate tax rate of \$0.2125 per \$100 valuation, bank net capital at \$0.80 per \$100 valuation, and utility tax for residential uses at a rate of 20% of the first \$15 and for commercial uses at a rate of 15% of the first \$300. The budget, as adjusted, is scheduled for adoption on May 16, 2022.

Mayor Colbert opened the floor to questions from Council.

Council Member Springsteen clarified that the goal is a reduction in tax rates.

Council Member Patel requested 2021/2022 budget (\$43,221,000), and current proposed budget (\$48,712,750). Director Serfass clarified that increases are attributed to the debt service fund, infrastructure funding for water and sewer, and the general fund.

Town Manager Payton, in response to Council Member Somers, noted that the process will include this Public Hearing followed by a Public Hearing on the tax rate. A Council vote will be taken on May 16, 2022 to allow for any further adjustments prior to the June 30, 2022 deadline.

With no public speakers Mayor Colbert called for a motion to close the public hearing.

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

A motion was made to direct the Town Clerk to advertise a Notice of Intent to Adopt the Fiscal Year 2022-23 Budget at the May 16, 2022 Town Council meeting, following Town Council's consideration of the real estate tax rate.

Motion, Council Member Patel; second, Council Member Somers. Council Member Anderson requested clarification that should the motion pass vote the budget may be adjusted downward, and/or within funds only. Motion passed unanimously.

A motion was made by Council Member Patel, seconded by Council Member Somers, 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. [22-3031](#)

Public Hearing on FY 2022-23 Water and Sewer Rates

Mayor Colbert called the Public Hearing to order at 8:24 PM. All Council were present.

Marion Serfass, Director, Finance, provided background for discussion. The Town Manager's proposed budget for fiscal year 2022-23 has been presented to the Mayor, Town Council, and residents. It was reviewed by Town Council during work sessions on March 12 and 14 and a final work session is scheduled for April 18. Tonight's public hearing is held so that Town of Vienna citizens may provide public input. The proposed FY 2022-23 budget reflects improving general economic conditions, plus a reserve from which Council may choose new priorities it wishes to fund. The general fund budget includes a decrease in the real estate tax rate of \$0.01 per \$100 of assessed value and increases in salaries and other costs to meet current economic conditions. The budget totals \$48,712,750 for the fiscal year beginning July 1, 2022 and ending June 30, 2023 and is broken down as follows:

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Mayor Colbert opened the floor to questions from Council.

Council Member Springsteen clarified that the goal is a reduction in tax rates.

Council Member Patel requested 2021/2022 budget (\$43,221,000), and current proposed budget (\$48,712,750). Director Serfass clarified that increases are attributed to the debt service fund, infrastructure funding for water and sewer, and the general fund.

Town Manager Payton, in response to Council Member Somers, noted that the process will included this Public Hearing followed by a Public Hearing on the tax rate. A Council vote will be taken on May 16, 2022 to allow for any further adjustments prior to the June 30, 2022 deadline.

With no public speakers Mayor Colbert called for a motion to close the public hearing.

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

A motion was made to direct the Town Clerk to advertise a Notice of Intent to Adopt the Fiscal Year 2022-23 Budget at the May 16, 2022 Town Council meeting, following Town Council's consideration of the real estate tax rate.

Motion, Council Member Patel; second, Council Member Somers. Council Member Anderson requested clarification that should the motion pass vote, the budget may be adjusted downward, and/or within funds only. Motion passed unanimously.

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

6. Consent Agenda

Mayor Colbert introduced the Consent Agenda and asked if any Items should be moved to Regular Business for further discussion.

It was moved that Item C. 22-3034 Set a public hearing to consider alley vacation of 115 Wilmar Place NW be removed from the Consent Agenda and added to Regular Business as Item 8 G.

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

It was moved to accept the Consent Agenda, Items 6A. 22-3025 and 6B. 22-3036 as written.

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

A. [22-3025](#)

Increase Appropriation with Davenport & Company LLC for 2022 Bond Issue Financial Advisory Services

- B. [22-3036](#) Request approval of Memorandum of Understanding between Vienna Little League and Town of Vienna for use of Yeonas Park during the Fourth of July 2022 entertainment and fireworks show.

7. Regular Business

- A. [22-3039](#) Request to Approve a Design Contract for Kingsley Road SW Sidewalk
..Body

EXPLANATION AND SUMMARY:

This project will add sidewalk along Kingsley Road from 124 to 106 Kingsley Road SW.

This project is fully funded (design and construction) by VDOT - CMAQ/Urban Funds.

In 2012 Town Council authorized a design contract for new sidewalk along Kingsley Road SW. This project is an element of the “Walk to Vienna Metro Initiative” which closes missing links in the Town’s pedestrian and bicycle network and helps residents to walk or bicycle to the Vienna Metro Station. The design was initiated in 2012, but due to a funding shortage, the project was placed on hold.

The Town recently acquired VDOT funds to update the design to current design standards, finalize the design plans, and construction the new sidewalk.

The new sidewalk will run from 124 to 106 Kingsley Road SW and so sidewalk will be constructed along the frontage of 124, 122, 120, 118, 114, 112, 110, 108, and 106 Kingsley Road.

Award is recommended to be made in the amount of \$107,421.80 to:
Whitman, Requardt, & Associates, LLP (WRA) under RFP 17-02
3701 Pender Drive, Suite 450
Fairfax, VA 22030

Staff requests approval of expenditure for the contract amount: \$107,421.80.

Departmental Recommendation: Recommend award of the construction contract.

Finance Recommendation: Recommend award of contract.

Purchasing Recommendation: Recommend approval

Town Attorney Recommendation: The Town Council may approve the proposed sidewalk construction and expenditure of funds in its discretion.

Town Manager's Recommendation: I recommend the Town Council award the design contract under RFP 17-02 for the design of the Kingsley Project to Whitman, Requardt, & Associates, LLP, as presented.

Cost and Financing: \$107,421.80

Account Number: 422KGSW033 - S/W to Metrorail via Kingsley Rd
300-000-0000-39445-48801 - Kingsley Rd S/W A&E

SERVICES

Decision Needed by This date: April 11, 2022

PROPOSED/SUGGESTED MOTION

Mayor Colbert called on Mike Gallagher, Director, Public Works, to present a summary of the Item.

This project will add sidewalk along Kingsley Road from 124 to 106 Kingsley Road SW.

This project is fully funded (design and construction) by VDOT - CMAQ/Urban Funds. In 2012 Town Council authorized a design contract for new sidewalk along Kingsley Road SW. This project is an element of the "Walk to Vienna Metro Initiative" which closes missing links in the Town's pedestrian and bicycle network and helps residents to walk or bicycle to the Vienna Metro Station. The design was initiated in 2012, but due to a funding shortage, the project was placed on hold.

The Town recently acquired VDOT funds to update the design to current design standards, finalize the design plans, and construction the new sidewalk.

Council questions and concerns included the following:

- *Concern with process for presenting Item to Council; concern that project not brought to Council sooner; priority list of sidewalks should have been received earlier; money better spent for higher priority sidewalks;*
- *Item has been on Agenda for several weeks; priority list sent at request of Council Member; priority list developed by Town Safety Commission, Pedestrian Advisory Committee, and Town Staff to provide objective assessment of sidewalk ranking; VDOT project and Kingsley St. fit specific grant parameters;*
- *Concern expressed regarding apparent lack of public input; suggest Public Hearing date of May 2, 2022 with Council decision on May 16, 2022; suggested dates are within time parameters of project.*

It was moved to set a Public Hearing on May 2, 2022 to discuss the design contract under RFP 17-02 for the design of the Kingsley Sidewalk Project for Whitman, Requardt, & Associates, LLP, in an amount not to exceed \$107,421.80.

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

Council Member Somers remarked that he believes this to be a moral issue. Not knowing who will benefit from these sidewalks, it is incumbent on Council, wherever possible, to install sidewalks on both sides of the street and create a fully connected Vienna.

He also referenced the sidewalk ranking list noting that it was under his direction

as Chairman of the Town Safety Commission that the current ranking system was borne. He urged Council to speak with Staff regarding any questions about the process. The list, while perhaps not perfect, does provide an objective set of criteria for evaluation.

Town Manager Payton acknowledged that Staff may have handled this Item with greater consideration for current public input. He assured that this will not happen going forward.

The motion on the floor passed unanimously.

It was moved to defer the design contract under RFP 17-02 for the design of the Kingsley Sidewalk Project to Whitman, Requardt, & Associates, LLP, in an amount not to exceed \$107,421.80 until after the Public Hearing set for May 2, 2022.

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

A motion was made by Council Member Patel, seconded by Council Member Springsteen, that the Action Item be deferred. 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. [22-3027](#)

Consideration to Initiate Design of Robinson Trust Sidewalk Projects with Urban, Ltd.

Mayor Colbert recognized Mike Gallagher, Director, Public Works to provide a summary of the request. DPW requests that the Council authorize DPW to utilize its On-Call Engineering Services Contract, RFP 19-01 with Urban, Ltd. to perform engineering design for the following projects.

- *West side of Courthouse Road SW from Maple Avenue to 450 feet south of Maple Avenue - \$ 48,000.00*
- *Hillcrest Drive SW from Kingsley Road SW to the cul-de-sac north of Meadow Lane SW- \$ 47,100.00*

Council questions and concerns included the following:

- *Concern with method for public input; no public hearing,*
- *Council agreed that public hearings were nonproductive; new approach includes public engagement through letters and resident meetings;*
- *Council requests report of the resident meetings and feedback;*
- *Both sides of street will be assessed for potential sidewalk.*

It was moved to authorize the Town Manager to apply to the Maud Robinson Trust for design of sidewalk projects Courthouse Road SW and Hillcrest Drive SW as described.

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

A motion was made by Council Member Patel, seconded by Council Member Somers, 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

C. [22-3028](#)

Consideration to Initiate Final Design of a Curb, Gutter, and Sidewalk Project for

Church Street NE with Urban, Ltd.

Mayor Colbert called on Mike Gallagher, Director, Public Works to present the Item for discussion.

It was moved to authorize the Town Manager to apply NVTa Local funds for design of the Church Street NE Roadway and Sidewalk Improvement Project.

Motion, Council Member Patel; second, Council Member Potter. Motion passed unanimously.

A motion was made by Council Member Patel, seconded by Council Member Potter, 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

D. [22-3030](#)

Consideration to Initiate Final Design of Robinson Trust Sidewalk Projects with Whitman, Requardt, & Associates, Ltd.

Mayor Colbert recognized Mike Gallagher, Director, Public Works, to review the request.

Council Member Patel reiterated her support for sidewalks but again urged focus on the busiest streets, such as Beulah Rd. and Lawyers Rd.

It was moved to authorize the Town Manager to apply NVTa Local funds for design of the Church Street NE Roadway and Sidewalk Improvement Project.

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

A motion was made by Council Member Anderson, seconded by Council Member Potter, 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

E. [22-2985](#)

Approve Debt Management Policy

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

It was moved to adopt the debt management policy with corrections by Council and agreed to by Director of Finance.

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

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

F. [22-3021](#)

Amend Town Code Chapter 6, Section 6-4.2, Eligibility for (Real Estate Tax) Exemption or Deferral

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

It was moved to approve the amendment to the Vienna Town Code, Chapter 6,

Section 6-4.2 as presented, and it was further moved to direct the Town Clerk to advertise a Notice of Adoption.

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

A motion was made by Council Member Anderson, seconded by Council Member Patel, 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

C. [22-3034](#)

Set a public hearing to consider alley vacation of 115 Wilmar Place NW

Mayor Colbert recognized Council Member Springsteen to discuss the Item. He reviewed the most recent alley vacation discussion initiated by Council Member Potter. At that time, it was determined that fair market value was 30% of the County assessed value. Town Attorney Briglia indicated that this determination did not necessarily apply to the entire alley. Council Member Springsteen stressed the importance of remaining consistent.

It was moved to set a public hearing for April 25, 2022 to consider vacation of the public alley adjacent to 115 Wilmar Place NW and to instruct the Town Clerk to advertise a notice of a public hearing.

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

8. Meeting Adjournment

Mayor Colbert called for a motion to adjourn. Motion, Council Member Patel Meeting adjourned at 10:30 PM.

8. Meeting Adjournment

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

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.