



Town of Vienna

Meeting Minutes

Town Council Meeting

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

Monday, November 2, 2020

8:00 PM

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

Regular Meeting

1. Resolution

- A. [20-1942](#) Resolution for Continuity of Government

Mayor Linda Colbert read into the record the Continuity of Government. The Resolution was approved through voice vote.

2. Roll Call

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

3. Acceptance of the Minutes:

- A. [20-1941](#) Acceptance of the Work Session Minutes of October 19, 2020.

The Work Session Minutes of October 19, 2020 were accepted by voice vote.

A motion was made that the Minutes be approved. The motion carried by a unanimous vote.

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

4. 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.

5. Closed Session

It was moved that the members of the Vienna Town Council be polled to affirm that a Closed Session was held on November 2, 2020 virtually, via ZOOM, and in-person, in accordance with Virginia Code, Section 2.2-3711.A.(1), and the Town of Vienna's Continuity of Government ordinance, for discussion or consideration of personnel matters, specifically the discussion of appointments 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, November 16, 2020 at 7:15 PM in accordance with Virginia Code, Section 2.2-3711.A.(1), and the

Town of Vienna's Continuity of Government ordinance, 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.

Council Member Springsteen presented a motion to change the agenda; move Item 6, Public Hearing on the Town's 2021 Legislative Agenda to follow Item 7E. 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

6. Public Hearings

A. [20-1902](#)

Public hearing on the Town's 2021 Legislative Agenda

Mayor Colbert opened the Public Hearing and called for the roll. All Council Members were present.

No members of the public were present in person or via ZOOM to speak.

Mayor Colbert recognized Steve Briglia, Town Attorney, who presented the revised 2021 Legislative Agenda for consideration and prioritization.

Council Member Briglia reviewed the red lines and explained why various items were removed. He noted that the new draft is presented with two sections; Specific Requests and General policy items.

Council Member Springsteen noted that it is imperative to reduce and prioritize the list. He further urged that Council focus on those items that fall within Town purview.

Council Member Brill remarked that if any of the items on the agenda haven't moved over the past few sessions, it should be removed or placed lower on the priority list. He suggested that Council should consider not adding new items this year, given the economic situation due to the COVID 19 crisis. Identifying a top five amongst the current list would serve as a benchmark to initiate discussion.

Mayor Colbert agreed that some of the items could potentially be eliminated but urges maintaining the majority of the list, as each request takes time. A repeated ask is often the best approach. She agreed that prioritizing would be helpful.

Council Member Somers noted that, having spent his career as a federal advocate, it is imperative to fully understand any item that is presented to the legislature in order to sell the concept. He expressed concern with the item proposed by Council Member Patel, suggesting that it might be better to begin with a conversation to include the School Board. As it stands now, it might be difficult for a delegate to understand how this item could be implemented.

Council Member Patel responded that the item is particularly relevant now and it is the Council's responsibility to represent the desires of constituents. She proposed the legislation with all jurisdictions in mind, not just Vienna, and believes that it is governments responsibility to assure all perspectives are heard and taken into consideration through a system of checks and balances where all factors are taken into consideration.

Mayor Colbert interjected that while she sympathizes with the issue and supports some level of involvement, she is not certain that this item is appropriate for the legislative agenda at this time. Having received a letter from Melanie Meren, Vienna School Board representative, Mayor Colbert issued an invitation to discuss this topic at a Town Hall forum. This may prove to be a more positive way to open discussion on this topic. She further noted that the outcome of this forum could lay groundwork for additional discussion with delegates.

Council Member Patel reiterated that the most impactful way to bring light to this issue is through the legislature. While a Town Hall forum would be useful as well, it will not reach those individuals able to enact change.

Council Member Potter questioned whether the Town of Vienna even has any authority to regulate school business. In response, Council Member Anderson commented that historically school boards have maintained their autonomy due to the desire to prevent political interests from running the schools. One should be cautious about upsetting that autonomy. He did indicate support for a Town Hall conversation, as this could prove to be the most direct route to opening the schools.

Council Member Brill agreed that Council Member Patel has hit on an important issue, and suggested that a resolution from the Council may prove an effective step. Council Member Patel noted that surveys were taken to determine resident thoughts on reopening, but to her knowledge nothing came of the results. Change must start somewhere, and the message needs to be conveyed that when a situation effects so many people, on so many levels, the decision should not be left in the hands of the seven-member board.

Council Member Somers repeated that the language was too vague to visualize implementation. While this is a worthy discussion, the language needs to be tightened. Council Member Potter stressed that by Virginia Code it is the responsibility of the School Board to supervise the school system. As such, maybe the Council should follow the road available and attempt to enact change through the School Board.

Council Member Anderson suggested that the language could be changed to urge legislators to provide support needed to open schools as quickly and safely as possible. This language would eliminate the suggestion of asking elected officials to upset the system that is in place.

Council Member Springsteen urged Council to move on to other important items on the agenda, noting that Council has no say in School Board decisions.

Council Member Patel reiterated that this item is an attempt at changing that decision making responsibility. Attorney Briglia clarified that with this item, Council Member Patel is suggesting that the General Assembly address the lack of local government participation in School Board decisions. This is the correct legislative process, as the Town has no authority to tell the School Board what to

do.

Mayor Colbert noted that it does make sense to put this item in the legislative agenda "in anticipation" of a bill coming to light. Council Member Potter inquired which process would garner the quickest response, a policy request or a resolution, while Council Member Somers questioned Council's authority should a resolution be passed. Attorney Briglia indicated that a resolution is an item passed by the Town Council providing a statement of position, either of support or opposition, set forth as Town Council official policy.

Council Member Patel asked Council if they would agree to new language as follows:

To support legislation that would incorporate a system of checks and balances in Virginia so that school closings are not only determined by the school board in the event of an emergency.

Mayor Colbert responded that there didn't appear to be strong support from the Council and that she has tried to find language that would be agreeable to all.

With no further comments, Council Member Patel made a motion to close the Public Hearing. Council Member Springsteen provided a second. Motion carried unanimously.

A motion was made to draft a resolution urging the legislature to provide support needed to open schools as quickly and safely as possible. Motion, Council Member Somers; second Council Member Brill. Motion carried unanimously.

Following an inquiry by Council Member Somers, Mayor Colbert indicated that she will work with staff to draft a resolution for Council approval.

A motion was made by Council Member Springsteen to extend the meeting. Second by Council Member Anderson. Motion carried by voice vote.

Council identified five critical items for the legislative agenda. The remainder were categorized into two subsets.

A motion was made to approve the 2021 Town of Vienna Legislative Agenda as amended. Motion, Council Member Somers; second, Council Member Brill. Motion carried in a six to one vote.

A motion was made by Council Member Somers, seconded by Council Member Brill, that the Action Item be approved as amended. 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

Nay: 1 - Council Member Patel

7. Regular Business

A. [20-1927](#)

The Police Department requests approval to ride state contract DEB20170106HE for construction material observation and testing services with ECS Mid-Atlantic, LLC.

Mayor Colbert called on Jim Morris, Chief of Police, to provide a summary of the request to ride state contract DEB20170106HE and obtain special testing services from ECS Mid-Atlantic for a cost of \$78,276.40.

*It was moved to authorize the Police Department to ride state contract DEB20170106HE for construction observation and testing services from ECS Mid-Atlantic, LLC for an amount not to exceed \$78,276.40.
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: 7 - Council Member Anderson, Council Member Brill, Council Member Patel, Council Member Potter, Council Member Somers, Council Member Springsteen and Mayor Colbert

B. [20-1894](#)

Amendment of sub-award agreement to provide assistance to Town of Vienna residents and business workers

Mayor Colbert called on Natalie Monkou, Manager, Economic Development to present an overview of the amendment which specifies that the Town will allocate \$100,000 in relief funds to the county. This action will allow the Town to comply with federal sub-award standards and ensure that desired program outcomes are achieved, particularly in providing direct assistance to residents and business workers who are statistically and historically less likely to access capital.

Motion: Council Member Patel; second, Council Member Potter. Motion carried 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

C. [20-1917](#)

Request modification of requirements for required parking associated with restaurant use and tree canopy coverage at 435 Maple Avenue W

Mayor Colbert called on Cindy Petkac, Director Planning and Zoning to present the request for modification of requirements for required parking associated with restaurant use and tree canopy coverage at 435 Maple Avenue W.

Applicant Thomas Kylo Vienna Pubs LLC 114, Elmar Drive SE, Vienna provided information regarding the shared parking plan. Following Council discussion related to a one-year review of the modified parking request in the site modification plan, a motion was made as follows:

It was moved that upon receipt of recommendations from the Planning Commission and a finding that the requests for site plan modifications do not impair the integrity of this chapter nor the health, safety, and morals of the Town, it was moved to approve the requests for site plan modification of requirement from Section 18-130 for required off-street parking and Section 18-252.S for required tree canopy coverage in the C-1 Local Commercial Zone as shown on the proposed site plan for the property located at 435 Maple Avenue W.

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

a six to one vote.

A motion was made by Council Member Somers, 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

D. [20-1930](#)

Request approval of final plat for subdivision of 311 Ayito Road SE into two lots on property located in RS-12.5, Single-Family Detached Residential zone

Mayor Colbert called on Director Petkac to provide an overview of the request.

It was moved to approve the proposed final plat for a two-lot subdivision located at 311 Ayito Road SE. 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: 7 - Council Member Anderson, Council Member Brill, Council Member Patel, Council Member Potter, Council Member Somers, Council Member Springsteen and Mayor Colbert

E. [20-1938](#)

Reassign Purchase Order 20210139-01 to ZoneCo, LLC

Mayor Colbert called on Cindy Petkac, Director, Planning and Zoning to explain the recent events leading to reassignment of the original purchase order.

The principal consultant for Calfee Zoning Sean Suder, is leaving to form ZoneCo, LLC and has requested the consulting contract awarded at the July 6, 2020 Town Council Meeting be assigned to his new company. He will remain as lead consultant and all sub-consultants will remain the same. Calfee Strategic Solutions, LLC will assign its rights in the purchase order to ZoneCo, LLC.

It was moved to reassign purchase order 20210139-01 from Calfee Zoning to ZoneCo, LLC. Motion Council Member Springsteen; second, Council Member Somers. Motion carried unanimously.

*Mayor Colbert called for a recess at 9:43 PM.
Council reconvened at 9:49 PM.*

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

8. Meeting Adjournment

*Motion to adjourn, Council Member Anderson; second, Council Member Brill.
Meeting adjourned at 11:23 PM.*

8. Meeting Adjournment

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.