



Town of Vienna

Meeting Minutes

Town Council Meeting

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

Monday, November 15, 2021

8:00 PM

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

1. Resolution

- A. [21-2721](#) Resolution for Continuity of Government

Mayor Linda Colbert called the meeting to order and read into the record the Continuity of Government. The Resolution was approved through voice vote.

2. Invocation: Associate Pastor Steve Brown, Grace Presbyterian Church

Mayor Colbert recognized Associate Pastor Steve Brown, Grace Presbyterian Church to provide the evening's invocation

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

4. Roll Call

Nisha Patel (via ZOOM); Council Member Steve Potter; Council Member Ed Somers (via ZOOM); Council Member Howard Springsteen and Mayor Linda Colbert. Council: Council Member Chuck Anderson; Council Member Ray Brill Jr; Council Member

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

Absent: 1 - Council Member Ed Somers

5. Approval of the Minutes:

5. Approval of the Minutes:

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

Absent: 1 - Council Member Somers

- A. [21-2701](#) Acceptance of the Regular Council Meeting Minutes of October 25, 2021 and November 1, 2021.

The October 25, 2021 and November 1, 2021 Town Council Meeting Minutes were approved as submitted.

6. 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 welcomed Michael Standiford, 910 DeSale St., SW. Mr. Standiford wished to express his opposition to the sidewalk installation planned for DeSale St.

He noted that should the Robinson Sidewalk fund not be used in its' entirety, the remainder is to be donated to the University of Virginia School of Engineering, a fact that should be reiterated for the Public. As a home owner on DeSale St. he and his family have enjoyed the privacy afforded and now opposes the increased foot traffic brought about by a sidewalk. He purchased his home partly because there was no sidewalk. Adding sidewalk will increase many concerns, least of which are dog walkers as his five and seven-year-old children play in the front yard. The increased foot traffic will result in a loss in peace of mind as the children will require greater monitoring. With a daughter who is afraid of dogs the additional risk to her and the entire family posed by dogs both on and off leash is significant. A few slabs of concrete ruin the beauty of the green space and the overall curb appeal of his home. Many smaller trees will be lost as the sidewalk will not be rerouted around them; privacy will be lost and replacement trees will need to be planted very close to the residence. Additional foot traffic will also allow for criminals to casually walk by 15 ft. closer than before, looking for ways to more easily access the residence for potential home invasion or burglary. The additional foot traffic created by sidewalks will also lead to more distracted drivers resulting in more incidences of pedestrians hit by vehicles. While there were no records of recent pedestrian casualties, adding sidewalks will increase the chance of this outcome. The police will be tasked with more closely monitoring for this possibility as well as incomplete stops, dogs off leash, etc. which will in turn lead to greater consumption of Town resources. To force this into the lives of the residents on DeSale is unreasonable. This Town Council, as well as Maude Robinson and her family, don't seem to care at all about resident's privacy or living environment. Town Council doesn't appear to care about the wellbeing of a seven-year-old child nor to demonstrate concern regarding waste of Vienna Police Department resources. The retrofitting of sidewalks is an abomination that is not for the greater good but wildly out of touch with the downsides and negatives that make this a disgraceful endeavor.

7. Reports/Presentations - Introduction of New Videographer

Mayor Colbert recognized Karen Thayer, Public Information Officer, to introduce and welcome Sean Metzger, Town Videographer.

8. 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 15, 2021 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 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 January 24, 2022 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 Potter; second, Council Member Anderson. Motion carried unanimously.

Correction- "And it was further moved that the Closed Session be continued to Monday December 6, 2021 at the conclusion of the regular session and continued to

January 24, 2022 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 Potter; second Council Member Anderson. Motion carried unanimously.

It was moved that Patty Hanley be reappointed to the Board of Architectural Review for a two-year term. Said term shall commence on 1/1/2022 and terminate on 1/1/2024.

It was moved that Linda Van Doorn be reappointed to the Board of Architectural Review for a two-year term. Said term shall commence on 12/10/2021 and terminate on 12/10 2023.

Motion, Council Member Potter; second, Council Member Patel. Motion Carried

8. Closed Session

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

9. Public Hearings

A. [21-2696](#)

Public hearing for consideration of a zoning ordinance text amendment for Section 18-72 and Section 18-210, related to the allowance of outdoor dining and adoption of text amendments

Mayor Colbert called the first Public Hearing to order at 8:15 PM. All Council Members were present.

Mayor Colbert called on Mike D'Orazio, Deputy Director, Planning and Zoning and Natalie Monkou, Manager, Economic Development to present the first Item for discussion. Following the presentation, Mayor Colbert reported receipt of over 100 emails in support of the amendment. She opened the floor for comment.

Terry Ayotte, 114 Wilmar Place, NW.

Ms. Ayotte opened her remarks stating that she is in favor of outdoor dining with the exception of those establishments that reside adjacent to residential property. She states having lived at her current address since 2003 and notes having enjoyed the location in the middle of Town. There have been occasions when noise could be heard from various Town events but none were disruptively loud, all were located further away from residential areas, and all had a designated start and stop time. Outdoor dining adjacent to her backyard is none of these. The noise from dining is intrusively loud and constant all hours during dining service. She and her family have tolerated the noise for the past eighteen months as a way of providing support for Town businesses during the COVID pandemic but she and her family are adamantly opposed to this as a permanent fixture. According to the documents prepared by the Town, Bazin's has 70 outdoor seats and Blend has 46, for a total of 116 people, all talking in her backyard. Many restaurant critics include noise level as a component of their review because excess noise has been found to interfere with dining enjoyment; a factor also true for outdoor dining. The noise from these establishments interferes with her ability to enjoy her own home; the screened porch and/or open windows all create an environment similar to sitting in the middle of a restaurant, despite the fact that her home sets 80 ft. from the property line. Blend has never caused a problem until outdoor dining began. Ms. Ayotte stated that as this is their home, they really don't have the option to leave during the noisy hours and return later. The purpose of business in Town is to support the needs of the

residents, not the other way around. Residents should not have to pay the price for businesses to operate.

Patti Mertz Esswein, 105 Wilmar Pl., NW.

To put a fine point on the issue, she notes that having spent many occasions sharing a glass of wine and pleasant conversation on Terry and Halie's back porch, the experience was always peaceful and serene. However, the same cannot be said for the experience she shared with them over the summer. The noise was excessive and even live music was played. As the Town Council considers this proposal, they are advised to also consider the exceptions to the rule; such as restaurants that back to homes. As restaurants move to full indoor seating, anything outside should be considered a bonus. Residents should not be forced to support bonus income for these restaurants. Please consider safety, noise levels and quality of life in Vienna neighborhoods.

Howard Uman, 114 Wilmar Pl., NW. lives directly behind Blend and Bazin's restaurants. Both restaurants generate a tremendous amount of noise which interferes with his family's enjoyment of their backyard. They tolerated the noise during the COVID pandemic and tried to be good neighbors. Now that indoor dining without capacity restrictions has been restored there is no need to maintain outdoor dining, particularly large capacity that generates excess noise. The current Town code addressing CUP (necessary if the business is commercial/near residential) includes language specific to potential adverse effects of adjoining and nearby properties. The only regulation specifying distance from residential properties relative to noise is for commercial drive through lines. This adverse effect should be taken into account when proposing an outdoor dining ordinance as well. The responsibility should be on the Town and the business owner to prevent conditions that have a noise impact on residents, rather than requiring residents to seek solutions for a situation which they did not cause.

Michael Biddick, 111 Church St., NW.

In March of 2019 COVID struck and all our lives were turned upside down. It touched everyone and brought hardship to many. The lives lost should always stay at the forefront of our minds. Many businesses were impacted as well. Unable to recover from the disruption caused by the pandemic, many were forced to close down and workers lost their jobs. While the pandemic was tragic we also saw what our community could do to recover. Businesses pivoted and offered delivery and contactless to-go options. Local and state government demonstrated unprecedented speed to ease policies and regulations that restricted business activities. The Virginia ABC Board quickly allowed to-go cocktails aimed to allow regular alcoholic beverages in outdoor spaces. Delivery was permitted and the Town of Vienna permitted restaurants to offer outdoor dining, a lifeline that allowed many to survive through the pandemic. Today, even in chilly 30-degree weather guests often prefer to dine outdoors on the patio. Without this outdoor space many restaurants are just not viable. Warm heaters pointed at each table allow guests to have a unique experience outdoors. Most guests, irrespective of the pandemic, enjoy the patio experience. The great thing about Vienna is that the dining experience usually concludes by 10:00 PM. During the week it is more often 9:00 PM. Maintaining the patio is a significant additional effort that is well worth the time. During the past year and a half, the business has not experienced complaints from neighboring residents.

It is Mr. Biddick's wish that Council allow restaurants to keep their patio space and that they make this a permanent option without excessive process, cost or delay that might negatively impact the business, staff, providers or guests, to enjoy the space.

Elijath Pointer, 111 Church St., NW.

Mr. Pointer indicated that he is a current employee at Blend. He was hired prior to the pandemic so has been able to compare business before and during the opening of the patio in June of 2020. The patio has been a very positive thing. Since opening (of the patio) excitement for coming out has increased. At nearly a year and a half since the start of COVID there are still many people who like to go out and experience what they consider normal but are not yet comfortable sitting in an enclosed space. These patios provide that opportunity. It is beneficial not only for the community but for all restaurant goers. Blend has been fortunate to host guests from the larger Northern Virginia area (Vienna, Oakton, surrounding Fairfax county, DC, Maryland, and far out Loudon County) bringing exposure to the Town of Vienna. Outdoor dining is providing benefit to restaurants and surrounding businesses as well. It's an opportunity for all.

Mike Davis, 401 Orleans Circle, SW.

I have a history in hospitality and food service. I've learned that owning and running a restaurant is a very difficult thing, even in a good economy. We did not have a good economy last year; 2020 was a bust for a lot of people. It especially hit the restaurant industry hard. Many of our restaurants, (we're very lucky in our Town, we have a lot of restaurants), including some of my favorites, went out of business due to the circumstances. That has not changed. We had a few months this year when things got a little better and people seemed to relax more, but that is changing. The majority of states are experiencing rising COVID numbers; it's going to continue to rise. If the Council removes the outdoor dining option on December 7, 2021 restaurants will suffer. They need to be able to maintain the income brought through outdoor dining. It's very expensive to run a restaurant, costs are high; it's extremely difficult. We need to help the restaurants economically, as much as we can. That's why I recommend the new proposal.

Patrick Bazin, 111 Church St., NW.

I would like to thank the Town Council and Fairfax County for allowing outdoor dining the past twenty months. It has been a savior for Bazin's restaurant and for all the other restaurants that are near and dear in Vienna. At the front of the pandemic Bazin's had to decrease staff from forty employees to seven, for a four-month period. With the outside patio and the help and support of the Town and surrounding area residents, the restaurant is back to thirty-two employees. Life continued on during the pandemic and thanks to the emergency ordinance, Bazin's was able to cater to the needs of guests as they celebrated their life moments during this difficult time. This last Saturday night the temperature dropped into the 40's, yet every seat in the patio was filled (65 guests). It was fantastic. I'll be honest, it even surprised me. What this has told me is that people's thoughts about outdoor dining is changing. While year round outdoor dining may be a common occurrence in Europe it is quite new to the Vienna area. People are embracing the outdoor concept. As an additional note, the patio is located in the back of the restaurant; it has wheel chair accessibility to allow all guests access to that space. It causes no immediate danger from traffic, etc. Guests can relax there and have fun. They often remark that it resembles a tiny piazza. We've had to move very quickly (ten days from receipt of notice), we didn't have months to plan out the space. But even in those few days, we've been told that we created one of the best patio spaces in all of Northern Virginia. We would like to continue with this space; we would like to continue to serve the Vienna Community and surrounding area; we really appreciate being in this Town.

Amy Jones, 127 Wilmar Pl., NW. opened her remarks noting support for outdoor

dining as well as both businesses directly affected by this discussion. However, for those residents living directly behind these establishments, the noise of 65 conversations on any given night is intrusive. She would like Council to consider the rights of residents and balance that with the many who penned emails who may not live in the Town.

Vincent Howard, 110 Wilmar Pl., NW.

While the patio is a nice addition, the noise generated resembles a college fraternity party. He remarked on his reluctance to invest in his backyard as he already has 65 regular guests. Contrary to earlier comment, the noise does not abate later in the evening which has caused many sleepless nights. There is precedent for cities taking steps to control noise, i.e. San Diego. While he supports outdoor dining and he did not complain during COVID, he believes the time has come to request Council support for some level of noise control.

Mayor Colbert recognized online participant Penny Oszak, 221 Nutley St., NW.

Ms. Oszak remarked that she is one who is reluctant to dine inside a restaurant, so consequently she appreciates the opportunity to do so outdoors. She does, however agree with the concerns of the residents who border the restaurants with outdoor dining. Council needs to consider what constitutes an acceptable noise level and consider barriers, etc. Find ways to minimize noise for adjacent residents.

With no further public participants, a motion was made to close the public hearing.

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

Mayor Colbert reviewed pertinent comments from the emails received. She called for discussion from Council.

The following includes comments and concerns voiced by Council:

- Support outdoor dining;
- Concern for residents that back commercial property;
- Build in appeals process submitted by property/building owner and directed by Planning and Zoning;
- Address parking ramifications;
- Ordinance cannot be a one size fits all solution; create guidelines for administering authority; empower administering authority to set limits;
- Options for noise abatement may include baffles or sound proofing; shortened hours of patio operation; use of Town property behind commercial properties;
- Measure decibel levels to provide concrete data;
- Restaurant owners visit directly with residents to experience the noise level;
- Extend ordinance until December 31, 2021;
- Build in annual review process to assess efficacy and impact on neighbors;
- Changes resulted from COVID pandemic, not yet out of pandemic; consider standard to maintain businesses but leave room for change prior to permanent ordinance adoption; Code Create process provides opportunity for outdoor dining revision;
- Changes to current language requires directive from Council regarding what specifically to change.

Draft language should include the following information:

- Bridge legislation that grandfather's businesses operating under old standards until new standards are approved (if application received by 12/31/2021);
- An appeal process;
- Guidelines for administering authority;

- Review process (sunset provision) possibly tied to seasons (six months). Council will send suggestions to Mike D'Orazio, Deputy Director, Planning and Zoning, by November 17, 2021. Town Attorney Briglia recommended readoption of emergency ordinance tonight followed by two-week advertisement. Hold a reaffirmation vote at the December 6, 2021 Town Council Meeting.

It was moved to re adopt the temporary emergency outdoor commercial activity permit ordinance originally adopted on June 1, 2020 and extended to December 31, 2021. It was further moved to direct the Town Clerk to advertise an intent to readopt and set this meeting on the Town Council's December 6, 2021 agenda.

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

A motion was made to continue discussion of Item A21-2696 Consideration of a zoning ordinance text amendment for Section 18-72 and Section 18-210, related to the allowance of outdoor dining and adoption of text amendments to December 6, 2021.

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

*Break 10:01 PM
Resume 10:08 PM*

A motion was made that the Action Item be approved as amended. 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. [21-2709](#)

Public hearing to receive public comment on proposed amendments to Part 1 of the Town Charter, Chapter 3, Elections, related to the General Assembly's recent legislation to set all local elections in November; and, to also consider modifications to terms of office to accommodate the November election date, and consideration of possible longer or un-staggered terms of office.

Mayor Colbert called the Public Hearing to order at 10:10 PM. All Council Members were present.

Mayor Colbert recognized Town Attorney Briglia to present the Item for consideration.

Following the presentation, Mayor Colbert opened the floor for public comment.

Penny Oszak, 221 Nutley St., NW remarked that it was her understanding that the general intent of the legislation was to encourage greater participation in the election. All suggested options call for odd year elections, yet more people vote during a presidential election (even years). It would appear that the simplest option would be to extend terms 6 months and be done with it. It seems that holding elections on odd years would be contrary to greater voter participation.

Town Attorney Briglia noted that under the General Assembly's enacted Code, there

would still be odd year elections. Both county and state elections are held on odd years; there are no mandates from the General Assembly that elections fall on even years.

Matt DeFiore, 207 Owaissa Ct. expressed his support for staggered terms. He further suggested consideration of three year terms with elections held annually. This would result in both odd and even year elections and alleviate concern over four year terms.

One email expressed support for two-year term.

With no further public comment, a motion was made to close the public hearing. Motion, Council Member Springsteen; second, Council Member Somers. Motion carried unanimously.

Mayor Colbert called for Council discussion. The following is a summary of comments:

- Confirmed that General Assembly will not consider an appeal;
- Option 2 appears to be the simplest; entire Council runs together in 2023; negatively forces some members to serve additional 1.5 years;
- Support two year terms, no staggering;
- Difficult to run consecutive years, unfair burden;
- Option 3 allows public awareness that the term will be served over three years.

Town Attorney Briglia noted that the General Assembly may question Option 2 due to the 1.5-year extension for some Council members. Option 3 offers a simplicity that will be appealing to the General Assembly. Neither, however, will pose serious concern; either would likely pass.

With no additional comment Council Member Patel offered the following motion: It was moved to approve a Resolution requesting the General Assembly at its upcoming 2022 term to amend the current Town Charter to amend the election terms of the members of the Vienna Town Council as follows: Candidates in the November 2022 election would run for an initial 3-year term; Candidates in the 2023 election would run for a 2-year term; thereafter beginning in 2025, all candidates would run together for 2-year terms.

Motion, Council Member Patel; no second.

With no second, Council Member Patel made the following motion: It was moved to extend the current 2022 election terms to November 2023, and add those offices to those that are scheduled for the November 2023 election, and then all Town Council candidates would run together thereafter for 2-year terms.

Motion Council Member Patel; second Council Member Springsteen. Motion passed on a 6-1 vote.

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

Nay: 1 - Council Member Patel

C. [21-2690](#)

Public hearing on the Town's 2022 Legislative Agenda

Mayor Colbert called the Public Hearing to order at 10:44 PM; all Council Members were present.

Mayor Colbert called on Town Attorney Briglia to review the Item for consideration followed by public comment.

Matt DeFiore, 207 Owaissa Ct. suggested that it might be valuable to add a Legislative Agenda Item returning Town elections to May. While he recognized it probably would not gain traction, at least it would put the General Assembly on notice that the mandate was not popular.

With no further public comment a motion was made to close the public hearing. Motion, Council Member Somers; second, Council Member Anderson. Motion carried unanimously.

Mayor Colbert opened the floor for Council discussion. The following summarizes Council comments;

- *General agreement for adding Item to return elections to May; concern that asking for an item that is known will not pass may jeopardize consideration of other items on the list;*
- *Approve rankings as submitted;*
- *Additional language proposed for Item 13 as follows: "as well as the use of virtual remote participation for members of a public body who are health care professionals and following their exposure to communicable disease, a public health threat, or communicable disease as defined by VA Code 32.1-116.3".*
- *Adding another Item to agenda would be excessive;*
- *Concern the additional proposed language would be to support only a few, rather than the majority;*
- *Postpone action on additional agenda item until emergency ordinance is passed; prepare separate letter of support for returning elections to May;*
- *Support proposed additional language as it applies to all health care professionals state wide; proposed language may attract votes to Item;*
- *Elected Representatives requested fewer Items, not wise to add Items;*
- *Should evaluate effectiveness of legislative agenda;*
- *Consider trading less important Item for additional Election Item;*
- *Proposed additional language should be more inclusive.*

With no further comments or suggestions, a motion was made as follows:

It was moved to approve the 2022 Town of Vienna Legislative Agenda as proposed and as ranked by Council.

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

Prior to vote Mayor Colbert invited comment by Jim Morris, Chief of Police, Vienna, VA regarding moving Item 1. Opposition to ending qualified immunity or making changes to sovereign immunity, to Item 4 in legislative rankings. He expressed appreciation that it remains in the top 5 for the 2022 Agenda, as this provides safeguards for police officers when acting within the powers given.

Council Member Patel offered a friendly amendment to Agenda Item 7. of the motion as follows:

“as well as the use of virtual remote participation for members of a public body who are health care professionals and following their exposure to a communicable disease, a public health threat, or communicable disease as defined by VA Code 32.1-116.3”.

Council Member Anderson and Council Member Springsteen accepted the friendly amendment.

Council Member Somers offered an additional friendly amendment to the motion as follows:

Add the wording “or public safety professionals” following the wording “health care professionals”.

Council Member Anderson and Council Member Springsteen accepted the additional friendly amendment.

Motion carried unanimously.

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

10. Consent Agenda

Council Member Springsteen requested through a motion that Items 10C and 10D be removed from the Consent Agenda for separate consideration. Second, Council Member Anderson. Motion carried unanimously.

A motion was made to approve the Consent Agenda Items 10A, 10B and 10E. Motion, Council Member Springsteen; second Council Member Patel. Motion carried unanimously.

A motion was made by Council Member Howard J. Springsteen, seconded by Council Member Chuck Anderson, that this was approved on the Consent Agenda.. 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

- A. [21-2700](#) Request Approval of MOU Between the Town of Vienna and The Fairfax County Government Print Shop
- B. [21-2687](#) Request fiscal year spending for deicing road salt.
- E. [21-2732](#) Request to re-set a Public Hearing for January 3, 2022 regarding amendments to chapter 18 - zoning related to lot coverage and porch projections into the front yard

11. Regular Business

Items C and D of the Consent Agenda were moved to Regular Business as follows:

- C. [21-2698](#) Request Approval to conduct a Condition Assessment of the Annex with Whitman, Requardt & Associates.

Mayor called on Leslie Herman, Director, Parks and Recreation, to present the Item. Following a caution by Council to remind the client that no decision on final use of the structure has been made, a motion was made as follows:
A motion was made to approve spending in the amount of \$39,860 with Whitman, Requardt & Associates for the condition assessment of the Annex.

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

D. [21-2699](#)

Approve Supplemental Legal Invoices for FY 2021

Following a request from Council for more detail, it was explained that due to issues of confidentiality, the detail was omitted. She will forward detail to Council directly.

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

Item removed from Consent Agenda

A. [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.

Director Serfass recommended postponing consideration of this Item until the December 6, 2021 Town Council Meeting as content includes items not approved earlier.

A motion was made to defer Item 21-2686, Approval of Changes to Planning and Zoning Fee Schedule, Chapter 1 Section 12 of the Town Code for approval at the Town Council Meeting of December 6, 2021.

A motion was made by Council Member Anderson, 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. [21-2659](#)

Set Public Hearing for Budget Carryforward Supplemental Appropriation from FY 2021 To FY 2022

It was moved to set a public hearing to discuss the FY 2020-21 budget carryforward supplemental appropriation to FY 2021-22 on Dec. 6, 2021.

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

12. Meeting Adjournment

Mayor Colbert adjourned the meeting at 11:40 PM.

12. 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.

DRAFT