



Town of Vienna

Meeting Minutes

Town Council Meeting

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

Monday, April 25, 2022

8:00 PM

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

Invocation: Reverend Brenda Burns, Vienna Assembly of God

Mayor Colbert called on Reverend Brenda Burns, Vienna Assembly of God to provide the evening's invocation.

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

1. 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

2. Acceptance of the Minutes:

- A. [22-3094](#) Acceptance of the Regular Council Meeting Minutes of April 11, 2022 and the Conference Session Minutes of March 24, 2022, March 28, 2022 and March 31, 2022.

Minutes of the Regular Council Meeting Minutes of April 11, 2022 and the Conference Session Minutes of March 24, 2022, March 28, 2022 and March 31, 2022 were accepted

A. 22-3094 Acceptance of the Regular Council Meeting Minutes of April 11, 2022 and the Conference Session Minutes of March 24, 2022, March 28, 2022 and March 31, 2022.

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

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 recognized Craig Burns, 301 Center Street, N, member of the Conservation and Sustainability Commission and Chairman of the Green Committee for the Vienna Business Association. He expressed his appreciation for the many recent events in Vienna throughout the past month. Tonight he wished to present a challenge for future consideration. The idea evolved from his family's commitment to composting and the resulting positive effects. He proposed that the Mayor host a friendly challenge with Falls Church and Fairfax City to determine which city could have the most residential composting over the next ten years. As a means to become further informed he invited everyone to attend the Green Expo this Thursday evening, April 28, 2022 at 7:00 PM in the Community Center.

Max Catalano, 364 Park St., NE. Mr. Catalano stated that he has been working with the Town to find a solution to ongoing noise issues in his neighborhood. Children living behind Mill Street are at a disadvantage as the businesses are allowed loading and unloading from 6:00 AM until 11:00 PM, resulting in significant sleep

loss. Noting that surrounding jurisdictions hours are more reasonable; 7:00 AM until 9:00 PM, he is asking Council to consider similar hours for the Town of Vienna. He has documented that trucks actually arrive as early as 3:00 AM and begin unloading as soon as they can get away with. He is asking that Council put quality of life for the children first and work with the businesses to conduct their loading, etc. within hours that are more acceptable to the community. He has assembled a group of concerned parents who would like to work with the Town toward a reasonable solution to this problem.

Melanie Meren, 308 Edwin Ln., NE is a current member of the Fairfax County School Board representing the Town of Vienna. As a followup to Mr. Catalano's remarks she wished to provide support for the premise that sleep translates into best performance. Based upon supporting data, tax payer dollars have been used to protect students sleep. In 2016 FCPS invested five million tax dollars to change the start time of the high schools in response to community input that recognized data supporting the premise that students cannot perform when required to be at school early. This change involved purchasing additional buses, adjusting numerous schedules, etc. At the most recent meeting the FCPS Board updated the Wellness Policy to reference the importance of sleep. The document points to the 2020 Virginia Standards of Learning which identifies dozens of references supporting the importance of sleep for school age children.

The Town of Vienna and the School division have been great partners but the school division has been investing tax payer dollars that Town policies continue to counter. The two entities are at odds and this is not good for the children. There is now an opportunity through the Code Create process to open discussion on what components of the noise ordinance can be updated.

In the last two years the schools have had to handle a great deal. The mission is to educate children. However, if schools must take care of children who are hungry and sleep deprived they cannot move forward with their stated mission. If the Town of Vienna wishes to promote a healthy living environment for families, then Council must look at this issue and realize that it is damaging families.

Michael Jreige, 362 Park St., NE wished to speak this evening in support of Mr. Catalano. As president of Vienna Little League, he stressed that one of the greatest challenges facing his group is scheduling. With 1669 kids as part of VLL in the past year, the League is challenged to find field time for 973 games and 1996 practices, yet they never schedule any team after 8:00 PM for the express purpose of preserving the players sleep. The League holds this dear; they believe that sleep is important not only for optimal mental and physical performance but most importantly for maximum overall development.

Nathan Geesaman, 340 Park St., NE wished to voice his support for Mr. Catalano and to ask Council to find a solution to this issue. He noted the extraordinary number of school age children who live on Park St. and are impacted by these few businesses. It is a problem that has the potential to carry forward as the Town moves to mixed use where residents mix more closely with commercial. He urged Council to address the problem now before it becomes worse.

4. Reports/Presentations

A. [22-3088](#)

2022 Arbor Day Proclamation

Mayor Colbert read into the record the Arbor Day Proclamation after which it was

presented to the Conservation and Sustainability Commission. She invited Council and residents to attend the tree planting Friday, April 29, 2022 at 5:00 PM in front of the Community Center.

A. Report and Inquiries of Council Members

Council Member Springsteen reported that he has sent to Council the new Fairfax County trucking contract which reflects a 20% cost increase. He further noted his observation of concrete mixers traveling down Roland Street and inquired as to what can be done to stop this.

Council Member Patel reported on a need for street repair on Maple Avenue in front of the Town Houses under construction. She also voiced support for composting, a practice she and her family has followed for the last two years.

Council Member Somers remarked in support of the Town Recycling Program. He thanked Karen Thayer, PIO for the recent Earth Day article and thanked all Staff for their work on the battery recycling issue.

Council Member Potter noted that the issue with heavy trucks on Roland continues but on a sporadic basis. Chief Morris has been supportive with police enforcement. He shared that residents have been happy with the advance communication for project work. Finally, he noted that the Sunrise project representative recently inquired about project crew parking. The project is currently working 40 crew but will increase to 100 crew shortly. He stressed the urgency of this matter. Options are under investigation, such as Church parking lots, etc.

Council Member Brill remarked on several positive items about Town: the street work underway through Town; the quality of applications submitted for positions on various Boards and Commission; and finally the popularity of the pickleball courts available throughout Town. He also reiterated that we in the United States have much to be thankful for and that the people of Ukraine need our prayers.

B. Report of the Town Manager

No report.

C. Report of the Mayor

Mayor Colbert thanked all those involved in the Volunteer Awards Ceremony, April 19, 2022 with special thanks to Melanie Clark, Town Clerk, and Shelley Kozlowski, Assistant Town Clerk. The Mayors Award was presented to Gloria Runyon and DeeDee Carter for their work on renaming Wade Hampton Drive to Liberty Lane. Gloria Runyon and Sylvia Taylor were named Hunter Mill District Community Champions in recognition of their work in highlighting Historic Vienna and the Vienna African American community.

Mayor Colbert thanked all who attended The Walk on the Hill held April 24, 2022. She also thanked the residents who opened their yards as well as marching bands from James Madison High school and the Green Hedges School.

Mayor Colbert also reported attending an event for State of Virginia volunteer firefighters held at the local fire station. Comments were made by attendees referencing the beauty of the Town.

The Green Expo will be held Thursday, April 28, 2022 at 7:00 PM in the Community Center.

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 18, 2022 and April 25, 2022 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 and 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 later this date, Monday April 25, 2022 at the conclusion of the Regular meeting in accordance with Virginia Code, Section 2.2-3711.A.(1;7;8) for consultation with legal counsel and briefings by Staff Members or consultants pertaining to actual or probable litigation or such consultation or briefing where open meeting would adversely affect the negotiating or litigating posture of the public body and consultation with legal counsel employed or retained by a public body regarding a specific legal matter requiring the provision of legal advice by such Council.

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

It was moved to reappoint Donna Smith to the Pedestrian Advisory Committee for a two-year term. Said term shall commence May 1, 2022 and expire May 1, 2024.

It was moved to appoint JoAnn Hazzard to the Town Business Liaison Committee for a two-year term. Said term shall commence August 25, 2022 and expire April 25, 2024.

It was moved to appoint Tim Fricker to the Town Business Liaison Committee as a business representative, for a two-year term. Said term shall commence April 26, 2022 and expire April 26, 2024.

*Motion, Council Member Somers; second, Council Member Patel.
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 - Mayor Colbert, Council Member Anderson, Council Member Brill, Council Member Patel, Council Member Potter, Council Member Somers and Council Member Springsteen

5. Public Hearings

A. [22-3076](#)

Public Hearing on the FY 2022-23 Proposed Tax Rate

Mayor Colbert called the Public Hearing to order at 8:40 PM. All Council were

present.

Marion Serfass, Director, Finance, provided background for discussion. Each year, as the Town's budget for the following year is developed, a proposed real estate tax rate is recommended by the Town Manager and reviewed by Council during budget conference sessions. This public hearing is being held to give Vienna residents an opportunity to provide public comment on the proposed real estate tax rate of \$0.2125 per \$100 of assessed value for fiscal year 2022-23.

The State Code of Virginia, section 58.1-3321, requires that a locality calculate the "Lowered Rate Necessary" to generate the same tax levy as the previous year, excluding new construction. This lowered rate for Vienna in FY 2022-23 is \$0.2092 per \$100 of assessed value. The "equalization rate" is the rate required to generate a levy of 101% of the previous year's tax levy on the same assessed base. The equalization rate is \$0.2113 per \$100 of assessed value. Per state code, Council may adopt a rate no higher than the equalization rate without holding a public hearing. The proposed tax rate of \$0.2125 is \$0.0012 higher than the equalization rate; therefore, a public hearing is required.

Town Council has reviewed the budget during conference sessions on March 14 and 16 and April 18, 2022. The Finance Department is presenting the proposed real estate tax rate and other tax rates at this public hearing for input from the public.

This is the tenth consecutive year with no change or a decrease in Vienna's real estate tax rate. The proposed FY2022-23 budget is based on this \$0.2125 per \$100 of assessed value rate along with continuation of the current bank net capital rate of \$0.80 per \$100 of valuation as well as a residential utility tax rate of 20% of the first \$15 and a commercial utility tax rate of 15% of the first \$300.

During budget conference sessions, Council expressed a desire to further decrease the real estate tax rate to help mitigate the tax burden on taxpayers due to the increase in real estate assessments for FY 2022-23. This can be achieved by utilizing the prior year surplus and decreasing the rate by an additional \$0.0075 (three-quarters of a cent) to \$0.2050 per \$100 of assessed value. This lower rate achieves the following objectives:

- It equalizes the tax amount for the average assessed value to the FY 2021-22 tax;*
- It can be sustained in future years; and*
- It will allow the Town to maintain an unassigned general fund balance of more than 18% of the subsequent year budget.*

Town Council has the option to adopt the proposed tax rates or to lower them from advertised amounts as it sees fit. Tax rate changes require a supermajority to pass the motion.

Mayor Colbert opened the floor for public input. As there were no Public speakers, she called for a motion to close the Public Hearing.

It was moved to close the public hearing.

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

Mayor Colbert remarked that this legislation resulted from Council responding to resident input and that it will prove to be good for the Town overall.

It was moved to approve the fiscal year 2022-23 real estate tax rate at \$0.2050 per \$100 of assessed value (a decrease of \$0.0175), and the bank net capital rate, residential utility tax rate, and commercial utility tax rate as presented and it was further moved that the Town Clerk be directed to advertise a Notice of Intent to Adopt at the May 16, 2022 Council meeting.

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

Council noted that Town wide there has been an approximate 10% property assessment increase over the past year. The proposed reduction represents an 8% decrease resulting in a net 2% overall increase. This number is well below the current rate of inflation. It also represents one of the largest tax cuts in the last 10-15 years.

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

B. [22-3085](#)

Public Hearing to consider alley vacation of 115 Wilmar Place NW

Mayor Colbert opened the second Public Hearing at 8:48 PM. All Council were present.

Mike Gallagher, Director, Public Works, provided background for the Item.

An alley vacation application has been received from Manish and Vanita Sharma, owners of 115 Wilmar Place NW, to purchase the 15' X 50' public alley next to their property. In 2013, viewers determined that there is no inconvenience to the public nor a need to keep any piece of the alley between Ayr Hill Avenue NW and Wilmar Place NW, beginning at Lawyers Road and ending at Center Street.

In May 2021 the Town Council modified the process to determine the property value for alley vacations. Prior to May 2021, the property values to determine the sale price of vacated right of way was determined by an independent real estate appraisal. In May 2021 the Council adopted the following process:

The cost per square foot is determined by taking one-third (1/3) of the current Fairfax County tax-assessed value of the applicant's land (land only, not improvements) adjacent to the alley or public right of way requested for vacation and divided by the current applicant's property size in square feet (sf).

115 Wilmar Place NW:

The applicant's lot size is 14,000 sf and the current tax-assessed land value is \$352,000; therefore, the cost to purchase the vacated alley or public right of way would be:

\$352,000 times 1/3 divided by 14,000 sf = \$8.38 / sf.

Size of alley to be vacated: 1,200 sf

Cost to purchase alley = \$8.38 x 1,200 = \$10,057

Mayor Colbert opened the floor for public input. As there were no Public speakers she called for a motion to close the Public Hearing.

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

Motion passed unanimously.

Further discussion by Council included a reference noting that vacation of the alley could lead to runoff that could result in standing water on properties along and east of Center St. Director Gallagher responded that this application did not involve land development. Should the land be redeveloped to involve a disturbance over 2500 sq. ft. then storm water mitigation would be required.

It was moved to approve the Ordinance to Vacate the portion of the public alley adjacent to 115 Wilmar Place NW, as identified in the petitioner's plat, and condition upon payment of \$10,057 from Manish and Vanita Sharma for the vacated portion, and submission by petitioners of a deed of consolidation, and further authorize the Mayor to execute the necessary documents.

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

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

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

6. Regular Business

A. [22-3043](#)

Request approval for purchase of Bobcat (Toolcat) UW56

Mayor Colbert called on Leslie Herman, Director, Parks and Recreation to present the Item for consideration.

It was moved to approve an appropriation not to exceed \$133,706.04 to purchase a Bobcat (Toolcat) UW56 with Bobcat of Northern Virginia riding Sourcewell contract (040319-CEC).

Motion, Council Member Somers; second Council Member Anderson.

Discussion included the following:

- *Smaller Bobcat (in Parks and Recreation inventory) will potentially be passed along to Public Works;*
- *Return on Investment (ROI) should have been completed on all items in contract;*
- *Uncomfortable with depth of pricing information;*
- *Request for accessories does not reflect list price; no assurance that discount has been applied;*
- *Acceptance deadline already passed; possible grace period in effect;*
- *Town of Vienna follows Public Procurement Act - larger contracts bid out (nationally) and lowest price awarded; if contract bears cooperative procurement clause then can ride other contract to secure lowest price;*

It was moved to defer the decision to appropriate an amount not to exceed \$133,706.04 to purchase a Bobcat (Toolcat) UW56 with Bobcat of Northern Virginia riding Sourcewell contract (040319-CEC) until May 16, 2022 Town Council Meeting.

*Motion, Council; Member Patel; second, Council Member, Springsteen.
Additional discussion included the following:*

Quote from manufacturer available to federal and state agencies – rock bottom price; Stated “by contract” assures inclusion of discount; deadline passed but decision delay may result in losing lowest price.

Motion to defer failed in a 4-3 vote.

Motion to approve passed in a 6-1 vote.

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

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

Nay: 1 - Council Member Potter

B. [22-3045](#)

Request Approval of Final Plat for Re-Subdivision of 841 Ninovan Road SE (Existing Lots 213 and 215 of Onondio Part of Block 4).

Mayor Colbert introduced Roger Ramia, Rush Development LLC, to present the Item for Council consideration.

Discussion included the following:

- *One storm water system for two properties presents concern regarding shared maintenance; both property owners will have storm water agreement recorded in deed;*
- *Single system will be built to accommodate both lots; single system meets quality and quantity state requirements; design is Code compliant and meets legal requirements;*
- *Town of Vienna currently has shared systems in both single family residential and multi family properties.*

It was moved to approve the final plat for the re-subdivision of Onondio Part of Block 4, Lots 213 and 215, addressed as 841 Ninovan Road SE, located in the RS-10, Single-Family Detached Residential Zoning District.

*Motion, Council Member Patel; second, Council Member Somers.
Motion passed in a 6-1 vote.*

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

C. [22-3049](#)

Request to Approve Boundary Line Adjustment of Two Lots Not Within the Same Subdivision, Located at 200 and 204 Courthouse Road SW, Located in the RS-10 Single-Family Detached Residential Zoning District

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

It was moved to approve the relocation of boundary lines of 200 Courthouse Road SW and 204 Courthouse Road SW, located in the RS-10 Single-family Detached Residential Zoning District.

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

D. [22-3061](#)

Refer Zoning Text Amendments to and Set a Joint Public Hearing with the Planning Commission on May 11, 2022 for Text Amendments Related to Outdoor Dining in Sections 18-72, 18-74, and 18-210.

Mayor Colbert introduced Mike D'Orazio, Deputy Director, Planning and Zoning to present the Item for consideration.

It was moved to recommend the Town Council refer the proposed outdoor dining text amendments to the Planning Commission and set a joint public hearing with the Planning Commission on May 11, 2022, as presented and it was further moved to direct the Town Clerk to advertise the public hearing for May 11, 2022.

*Motion, Council Member Patel; second, Council Member Somers.
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 - Mayor Colbert, Council Member Anderson, Council Member Brill, Council Member Patel, Council Member Potter, Council Member Somers and Council Member Springsteen

E. [22-3064](#)

Request to Approve the Town of Vienna Guide to Improving Street Safety
..Body

EXPLANATION AND SUMMARY:

The Transportation Safety Commission and Pedestrian Advisory Committee is seeking Council approval of the updated version of the Town of Vienna Guide to Improving Street Safety (April 5, 2022).

The guide was last discussed with Council at the Feb. 14, 2022 Town Council Conference Session. During this Conference Session Town Council directed the TSC/PAC to make a few updates. Below is a list of updates that were made to the guide:

- Updated and relocated the flow chart (Process for Addressing Street Safety), now located on page 13.
- Added clarifying language to sections:
 - 1, 2A, 4D, and 5A

Departmental Recommendation: Recommend Approval of the Town of Vienna Guide to Improving Street Safety.

Finance Recommendation: N/A

Purchasing Recommendation: N/A

Town Attorney Recommendation: The Town Council may approve the proposed Guide to Improving Street Safety in its discretion.

Town Manager's Recommendation: I recommend the Town Council approve the updated version of the Town of Vienna Guide to Improving Street Safety, as presented.

Cost and Financing: N/A

Account Number: N/A

Decision Needed by This date: April 25, 2022

PROPOSED/SUGGESTED MOTION

Mayor Colbert called on Mike Gallagher, Director, Planning and Zoning and Beth Eachus, Chairman Transportation Safety Commission to present the Item for Council discussion and approval.

Council recommended various language changes to the document. It was reiterated that the document is offered as a guideline only.

It was moved to approve the updated version of the Town of Vienna Guide to Improving Street Safety, version dated April 5, 2022 to include changes as recommended by Council April 24, 2022.

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

Council adjourned into the second Closed Session at 10:30 PM.

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

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

22-3104

Second Closed Session

Mayor Colbert called Council back into session at 10:32 PM. All Council were recorded as present.

It was moved that the members of the Vienna Town Council be polled to affirm that a second Closed Session was held Monday April 25, 2022 at the conclusion of the Regular meeting in accordance with Virginia Code, Section 2.2-3711.A.(1;7;8) for consultation with legal counsel and briefings by Staff Members or consultants pertaining to actual or probable litigation or such consultation or briefing where open meeting would adversely affect the negotiating or litigating posture of the public body and consultation with legal counsel employed or retained by a public body regarding a specific legal matter requiring the provision of legal advice by

such Council.

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 May 2, 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.*

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

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

7. Meeting Adjournment

*Mayor Colbert called for a motion to adjourn.
Motion, Council Member Patel; second, Council Member Springsteen.
Meeting adjourned at 10:35 PM.*

7. 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.