



Town of Vienna

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

Meeting Minutes Town Council Meeting

Monday, May 2, 2022

8:00 PM

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

Invocation: Kelly Yazdani, Baha'i Community

Mayor Colbert called on Veolette of the Baha'i Community 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: None

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)

Robert Bingham, 304 Jean Place, NE presented a challenge to Council to spruce up Maple Avenue. It's been 20 years since the Town installed brick sidewalks and flower beds on Maple Avenue, and now it has begun to look a little shabby. Mr. Bingham proposed that the Town take steps to make Maple Avenue the showplace that it should be. Residents work hard to keep up their homes and yards, so the main thoroughfare should reflect a similar effort. What is needed is a commitment and a will to make this happen. Perhaps a conference session is necessary to jump start the project with a plan. There will need to be funding allocated, but it can be done.

Elizabeth DiFrancisco, 434 Knoll St., NW noted that she has lived in Vienna for nearly 23 years. Their property abuts Green Hedges School on two sides. On April 19, 2022 she sent an email notification that she is filing a formal complaint against the school. A 2007 CUP issued to Green Hedges provided for third party facility rental. Neighbors and Planning and Zoning have requested review of the CUP but to date, only a sample has been released. She requests that further delay should result in revocation.

An evening fitness class meets in the school parking lot every Monday and Wednesday evening from 8:00 PM until 9:00 PM with amplified music and instruction. Requests to Headmistress, Jennifer Bohnen to move the group indoors were met with reassurance that this would happen. Yet on April 18, 2022, the class met outside once again. The Police were called but informed residents that this was a civil matter. Neighbors sent correspondence to Mayor Colbert and all Council as well as the Chief of Police. No response was received suggesting that Green Hedges School is more important to the Town than tax paying citizens. Ms. DiFrancisco would like to know what rights the neighbors have regarding this ongoing issue.

Penny Oszak, 221 Nutley St., NW indicated that her property also abuts Green Hedges School. She too filed a complaint against the school. The CUP allows for infrequent activities, the hours of which may extend to 9:00 PM weekdays, 9:00 AM until 5:00 PM Saturdays and 10:00 AM until 2:00 PM Sundays; the complaint states that the term "infrequent" has been abused. Examples include Corn Hole Tournaments, Derby Parties, dances and Field days. Neighbors are never informed of these events in advance. Due to associated noises, neighbors are unable to use their own outdoor spaces. Further problems occur due to increased traffic and parking. Ms. Oszak respectfully requested that Green Hedges provide neighbors adequate advance notification of events planned outside of regular school hours via postcard. This process has been successfully employed by First Baptist Church. Such notice would allow neighbors to plan personal events accordingly.

4. Reports/Presentations

A. [22-3101](#) Proclamation for National Stroke Month

Mayor Colbert read into the record a proclamation declaring May as National Stroke Month. Present to receive the recognition was Suzanne Coil, Executive Director, Stroke Comeback Center.

B. [22-2963](#) Robinson Sidewalks Update

Mayor Colbert called on Mike Gallagher, Director, Public Works to present the Item. He introduced Robert Fro, who is currently spearheading the effort. Mr. Fro provided a slide presentation demonstrating current status and future plans. He clarified the notification process as follows:

- *Letter sent to residents informing of potential sidewalk and soliciting general feedback;*
- *Meeting with residents to review concept plan and make changes based on feedback;*
- *Present information to Council for approval;*
- *If approved, initiate design phase;*
- *Prepare construction contract and present to Council for approval;*
- *Resident contact throughout re: restoration, parking, etc. through company contact person;*
- *Two-week advance notice of actual work.*

Mr. Fro further noted that the process includes an engineering study which identifies the pros and cons for both sides of the street prior to presentation to residents.

Director Gallagher reminded Council that the very first step involves contact with the Robinson Estate Trustee. Just because a street meets the criteria does not mean it will be completed.

Council comments included the following:

- *Residents continue to express opposition to sidewalks; request that this fact be kept in mind as work moves forward;*
- *Opposed to sidewalks on Mill Street –not best use of funds; Requires further discussion;*
- *Some streets on list may be slated for near term use modifications resulting in a priority change for sidewalks;*
- *Identified projects clearly meet criteria for Robinson funds;*
- *Request rough estimate for total number of completed sidewalks (through 2023).*

A. Report and Inquiries of Council Members

Council Member Patel noted that Taste of Vienna, was excellent. She also wished to ask Ms. DiFrancisco for further clarification regarding contact with Green Hedges School. While the class did meet outside on the Monday following her email to the Headmaster, they did not meet outdoors on Wednesday evening and she is unaware of events the following week. Mayor Colbert stressed that communication from Ms. DiFrancisco was not ignored but rather forwarded to Staff for further investigation. Town Manager Payton reported that Planning and Zoning Staff are currently working on this issue. Attorney Briglia indicated that he has also seen the email traffic and has reached out to the legal representative for Green Hedges School. They will touch base this week. He also has asked Staff to gather information on third party users of the property further commenting that Public schools have been instructed to curtail outdoor use by third party users.

Council Member Springsteen reminded Council that the Village Housing project was approved several months ago with the caveat that drainage issues be addressed. He requested a status report from Staff by Friday, May 6, 2022. Further comments addressed the CUP held by Green Hedges School, stressing that the school must adhere to the tenets of the permit. Regarding permit applications, he reported issues with submissions where additional errors were found following an initial resubmission for error correction. This creates a back and forth that draws out the process. He urged that Staff work toward a single submission/correction process in an effort to expedite the overall process.

Council Member Anderson revisited the purchase approval for a Bobcat (Parks and Recreation) at the April 25, 2022 Town Council Meeting. Having reviewed the list of concerns presented by Council Member Potter, Council Member Anderson requested that Town Manager Payton place a hold on the order until all questions can be addressed.

Council Member Brill reported that Taste of Vienna was a wonderful event, and well attended. Regarding the purchase of the Bobcat mentioned previously, he applauded Council Member Potter for his thoroughness. When the cost of the item is less than the cost of the attachments, it would suggest a need to carefully evaluate the necessity for these items. He further noted that Council tonight meets in an environment of freedom and urges awareness that for many around the world this is not so. The people of Ukraine have demonstrated the power of those who desire freedom and he urges all to bear in mind the sacrifices they make to that end.

Council Member Somers requested clarification regarding the approved purchase of the Bobcat. Town Attorney Briglia responded that Town Code follows closely Roberts Rules with regard to this matter (Chapter 2, Section 2-43); After the decision on any question, any member who voted with the majority may move for reconsideration to prior action on the same or the very next succeeding meeting, providing that a resolution authorizing or related to any contract may be reconsidered before the time of the final execution of thereof. The motion to reconsider must pass and that is followed by the new motion regarding the Item in question. On the agenda the action would fall under "Additional Items to the Agenda".

Council Member Potter remarked on the Arbor Day Celebration as well as the excellent sidewalk work at the corner of Glen and Courthouse Rd.

B. Report of the Town Manager

Town Manager Payton reported that immediately following the April 25, 2022 Town Council Meeting, Staff began addressing each question raised with regard to the purchase of the Bobcat. Staff has received additional questions from Council Member Potter as well. The goal is to provide a response by the end of this week, May 6, 2022.

C. Report of the Mayor

Mayor Colbert reminded Council that when considering the issue related to Green Hedges School, there has not yet been an opportunity for comment from school representatives.

She also reminded residents that there will be no elections tomorrow, May 3, 2022, due to the state legislative decision moving all elections to November. The next Town election will be held in November, 2023.

The Arbor Day Celebration and Taste of Vienna were both very successful. She thanked all those involved and those who attended.

The Farmers Market will open Saturday, May 7, 2022 with a ribbon cutting at 9:00 AM. The event is run by the Vienna Optimist Club.

Mayor Colbert closed her remarks wishing everyone a Happy Mother's Day.

D. Proposals for Additional Items to the Agenda**E. Closed Session - No report****5. Public Hearings****A. [22-3087](#)**

Public Hearing to consider 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.

The Town's share of the costs is minimal at 2%.

In 2012, the Vienna 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 ride a 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 standards, finalize the design plans, and construct the new sidewalk. The Town has recently finalized a scope/fee with its on-call design consultant WRA and is seeking Council approval for the design contract.

The new sidewalk will run from 124 to 106 Kingsley Road SW and so the sidewalk will be constructed along the frontage of 124, 122, 120, 118, 114, 112, 110, 108, and 106 Kingsley Road. The scope of the project has been reduced from the 2012 plans.

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 plus a 20% contingency (\$21,484.36), total = \$128,910. The 20% contingency will allow additional flexibility to adjust and tailor the design along each property as needed.

Departmental Recommendation: Recommend award of the construction contract.

Finance Recommendation: Recommend award of contract

Purchasing Recommendation: Recommend award of contract

Town Attorney Recommendation: The Town Council may conduct a public hearing to receive public input on the proposed Kingsley Road sidewalk project in its discretion.

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

Cost and Financing: \$128,910

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: May 02, 2022

PROPOSED/SUGGESTED MOTION

Mayor called the Public Meeting to order at 9:15 PM. All Council were present.

Mike Gallagher, Director, Public Works presented the Item 22-3087 for public input. The project will add sidewalk along Kingsley Road from 124 to 106 Kingsley Road SW and is fully funded (design and construction) by VDOT - CMAQ/Urban Funds. The Town's share of the costs is minimal at 2%.

In 2012, the Vienna 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 ride a 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 standards, finalize the design plans, and construct the new sidewalk and is seeking Council approval for a design contract.

Mayor Colbert opened the floor for public comment.

Troy Whitfield, 122 Kingsley Rd. SW remarked that he as a longtime resident of Vienna he has noted a significant change in the number of children walking to Cunningham Park Elementary School. With more working parents, many of the students are dropped off at the school, so the number of walkers has decreased. Regarding the proposed additional sidewalk on Kingsley, he noted that no design plans have been shared and no options or alternatives have been offered. Ten years ago at the start of the project, residents were assured that options would be made available to them. He stressed that Council has great power and with that comes great responsibility - to the people of Vienna and the nine families affected by this decision.

Shaun Motlagh, 201 Berry St., SE remarked that although he is not directly affected he would like to speak to the process. He urged Council to consider what the residents on this block want, and clearly they do not want a sidewalk. Further, he believes that the cost of the study should be directed to something that would have a positive effect on the Town as a whole.

Lauren Kinard, 118 Kingsley Rd., SW indicated that she is a former Cunningham Park PTA member as well as a member of Vienna Woods. She notes that despite having two small children she has had no trouble getting around without a sidewalk on her side of the street. She does not live in fear of an accident for anyone in her family. The original purpose of the sidewalk was to support those who walked to the Vienna Metro, yet there has never been data published to support this need. Despite the increased building in the Town there has been no corresponding density in this segment of the Town that would support the need for this sidewalk, especially for the singular purpose of walking to Metro. Vienna's metro is a terminating station which generally creates a high demand for Park and Ride, yet parking is always available at the Metro. Data further demonstrates that ridership has decreased 90% suggesting less need for a walking connection. For those who have come to meet with affected residents, she wished to express thanks suggesting that they now must have a better understanding of the typography that makes this project challenging. Adding a sidewalk has the potential to create greater safety and environmental concerns than already exist. No doubt the greatest safety concern on this street is speeding.

Shane Geib, 120 Kingsley Rd., SW indicated that as a relatively new resident on the street, he stands in solidarity with his neighbors who have expressed reservations about the project. He doesn't want Council to view them as sidewalk haters and

stressed that they all want growth and beautification of the Town and improvements in the ability to get around. Mr. Geib encouraged all Council to walk the street and observe the homes that will be impacted by this project. The project will no doubt require more work than most realize due to the typography and the placement of homes on hills. He wished to second many of his neighbors comments. He stressed that all residents must be stewards of Town tax dollars and given the limited number of households impacted by this project, it would appear that these dollars might be better to spent elsewhere. He concluded "Obviously we will comply with your decision, but we would appreciate your consideration of our objections".

Maggie Miller, 108 Kingsley Rd. indicated that she has been a resident of Vienna for over 30 years. Her home is her paradise and she would like to keep it that way. She is in agreement with all comments made thus far but would like to address the greater issue of stormwater runoff. At the time of purchase in 1989, her home was not in a flood plain. Today that has changed do to the flooding of Bear Creek which has increased with additional development. One to two times each year water rises two to three feet above Kingsley Rd. creating a very serious hazard. She stands in opposition to this proposal due to concerns that adequate measures will not be taken to contain this runoff. The flooding, which affects both automobiles and pedestrians, also adds to the pollution of the Chesapeake Bay, as Bear Creek is a tributary. The velocity of the water is so extreme that it could potentially sweep away an automobile. The described disturbance meets the criteria defined in Chapter 124 of the Stormwater Management Ordinance within the Fairfax County Code of Ordinances for the definition of Chesapeake Bay Preservation Act land disturbing activity. There is no requirement that the Town create a stormwater development facility and further any such facility would likely encroach on residential property leading to additional costs and most likely require homeowner easement. Any purported safety benefit of a new sidewalk is more than offset by the dangerous flooding that poses safety concerns for automobiles and pedestrians alike.

Loginn Kapitan, 402 Tapawingo Rd., SW spoke in favor of the additional sidewalk. As a long time walker he outlined the value to sidewalks throughout the Town highlighting the added safety factor. He applauded Council for their efforts to improve sidewalk network and connectivity. As the current project is part of the broader VDOT effort that targeted Cottage and Tapawingo, he noted that residents along these streets were initially opposed to the effort. Now these sidewalks are considered a blessing as they have contributed to increased security and greater neighborhood traffic. The Town worked well with residents regarding reconstruction (tree replacement) and other concerns. On balance it was a positive addition.

Ann Brown, 124 Kingsley Rd., SW noted having been a resident since 1996. While not totally opposed to sidewalks she does have a concern regarding the issue of stormwater runoff. Further, she expressed a concern with the inclusion of a retaining wall. In addition to the negative aesthetics, her greater concern is with site line. Adding this wall will significantly affect her ability to see pedestrians as she backs out of her driveway. With the constant concern over speeding and the failure of traffic calming devices (speedhumps) to positively affect this problem, she fails to see how a sidewalk will have any positive impact on the neighborhood. Steve Brown, 124 Kingsley Rd., SW noted that he runs throughout the entire Town and that sidewalks often have obstacles of their own, i.e. Over grown bushes, flooding, etc. He stressed that if something is not worth doing, then it is not worth doing even if it is fully funded. There is currently a very adequate sidewalk on one

side of the street and an additional sidewalk does not appear to be cost effective.

Veushesb Geib, 120 Kingsley Rd., SW noted that adding a retaining wall will create a tunnel effect on their driveway exacerbating the problems of backing out. This creates a serious safety concern for pedestrians on the sidewalk.

Susan Byrd Lubert, 125 Kingsley Rd., SW indicated that she is a 65-year resident of Vienna and currently lives across the street from the proposed sidewalk project. She stressed that no notification was sent regarding the proposed project. Addressing the Walk to Metro Initiative, she noted that the walk is approximately 1.2-1.5 miles and adds approximately 25 minutes to one's commute. Currently none of the nine affected households impacted commute using Metro, nor do they have any intent to do so. Consequently, the Walk to Metro initiative falls short for those living on the street. Considering the issue of public funds use, she expressed concern that the overall expense of the project will exceed the available VDOT funds. This money would be better spent building a crosswalk which would address the real issue – safety.

Ed Lubert, 125 Kingsley Rd., SW remarked that the addition of a sidewalk on both sides of the street will create the illusion of a wider street encouraging even greater speeding. Further, hundreds of dollars in landscaping will be destroyed, including many beautiful old trees and the birds who live in them. It is the role of government to protect and enhance the lives of its citizens and this project does neither of these things.

Johnathan Kinard, 118 Kinsley Rd., SW noted that he has lived in Vienna for over ten years. He and his wife chose Vienna because of the uniqueness and small Town feel. It stands in contrast to the concrete jungle of Loudon County where homes all appear identical. This project has raised great discussion among the impacted residents. In the end there is no homeowner from 106 – 114 who wants this project to move forward. That statement stands on its own. If there was a need, the residents would support it. Allocation of funds from VDOT is for the Walk to the Metro Initiative, yet there is adequate sidewalk already in existence. Other streets, such as Glendon, only one block from Maple Avenue which has no curb and gutter or sidewalk, would appear to be more appropriate. Metro has suffered a severe decrease in ridership as a result of COVID. Working from home has allowed for personal observation of walkers using the existing sidewalk. There is no overcrowding and the sidewalk is adequate for those who walk to school and the pool. The real issue facing residents of Kinsley Rd. is the excessive speeding and storm water runoff. The sidewalk project does not address either of these issues and may well exacerbate them.

Cathleen Whitfield, 122 Kinsley Rd., SW. wished to speak on behalf of Marge Latimar, 110 Kinsley Rd., and express opposition to the proposed project noting that there would be better uses for these funds. Regarding the retaining wall, she noted that the trees behind the wall will likely die because water will be trapped behind the wall.

Beth Eachus, 702 Marshall Rd., SW serves as the Chairman of the Transportation Safety Commission and wished to convey the following points from the Commission:

- The project would not qualify for Robinson Sidewalk Funds because it is already funded;*
- The design will be reassessed and redesigned accordingly;*
- Stormwater management is a primary component of the project;*

- *Project impact will be reevaluated because much has changed in the past ten years;*
- *Funds cannot be reallocated.*

She stressed that receipt of these funds is an overall benefit to the Town.

Finally, she indicated that the TSC has been unaware of the speeding issue on Kingsley Rd. and urged that it would be beneficial to bring this to the TSC for assistance.

The goal of both the TSC and the Pedestrian Advisory Committee is to achieve a complete sidewalk network throughout Vienna.

With no further comments, a motion was made to close the Public Hearing.

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

Motion passed unanimously.

Mayor Colbert called for additional discussion from Council. Comments are summarized as follows:

- *Runoff issues must be addressed; Project scope includes stormwater assessment but full funding for remediation cannot be assured; Town funds to complete project could potentially be drawn from 2022/2023 stormwater fund;*
- *Flooding issue identified by former Director of Public Works over a decade ago; no action was taken;*
- *Speed hump deterioration must be addressed; identified as one of the five Town streets most used and most sped on;*
- *Vienna is unique in not having sidewalks on both sides of the street; Sidewalks are recognized as a community good – must address needs of the broad spectrum of residents; must look to future growth and change in Town;*
- *Comprehensive Plan, TSC and PAC, along with Federal Highway Administration Guidelines all recommend sidewalks on both sides of a street;*
- *Sidewalks serve as a lifeline; Town has a moral obligation to build as many sidewalks as possible for the good of the community;*
- *Recognize the voices of the residents on the effected street, but must be motivated by what is good for the whole;*
- *Project would complete sidewalk connection to Park Street (crossing guard);*
- *Concerned that addressing the unique typography of the street will overrun the grant; if Town unable to fund overrun the grant will either need to be paid back or put on hold until VDOT has additional dollars;*
- *VDOT funds cannot be redirected to other needs;*
- *Current inflation trend could potentially overrun project, but past experience suggests this will not happen.*

With no further comments or questions Mayor Colbert called for a motion.

It was moved to award 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 \$128,910 (contract + 20% contingency).

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

Motion carried in a 5-2 vote.

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

Aye: 5 - Council Member Anderson, Council Member Brill, Council Member Potter, Council Member Somers and Mayor Colbert

Nay: 2 - Council Member Patel and Council Member Springsteen

6. Regular Business

B. [22-3091](#) Approve Spending Increase to Hoar Construction for Police Station Construction

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

It was moved to approve an increase in appropriation to Hoar construction of \$249,310.

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

Motion passed unanimously.

Council noted for the record that the Item was discussed previously in Closed Session.

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

C. [22-3092](#) Increase Spending for Downey and Scott, Project Management For The Police Station

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

It was moved to approve the appropriation to Downey and Scott for \$48,817

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

Motion passed unanimously.

Council noted for the record that the Item was discussed previously in Closed Session.

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

7. Meeting Adjournment

Mayor Colbert called for a motion to adjourn.

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

Meeting adjourned at 10:45 PM.

7. 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