



Town of Vienna

Meeting Minutes

Town Council Meeting

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

Monday, July 11, 2022

8:00 PM

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

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. [22-3263](#) Acceptance of the Regular Council Meeting Minutes of June 6, 2022, the Special Council Meeting Minutes of June 13, 2022 and the Conference Session Minutes of June 13, 2022

Regular Council meeting minutes of June 6, 2022, the Special Council meeting minutes of June 13, 2022 and the Conference Session minutes of June 13, 2022 were accepted with corrections.

A. 22-3263 Acceptance of the Regular Council Meeting Minutes of June 6, 2022, the Special Council Meeting Minutes of June 13, 2022 and the Conference Session Minutes of June 13, 2022

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 welcomed Boy scouts from Troop 162.

Public speakers included the following:

Avril Garland Dresdner, 917 Hillcrest Dr. identified two items that she would like to see added to the legislative wish list. The first item was the Healthy Lawns Act passed by Montgomery County in 2016 restricting the use of lawn pesticides on public/private property. These pesticides pass into urban waterways and ultimately effect the health of children and adults. The second item was a ban on the sale and use of gas powered leaf blowers. The noise generation has a negative effect on the community's ability to gather outside with friends and family.

Nesli Esen, 906 Frederick St., SW wished to share the updated version of her pocket map of Vienna businesses. The map was first presented to Council in December 2021 and made available on line in April 2022. She wanted to express appreciation for the opportunity to promote small business in Vienna.

4. Reports/Presentations

- A. [22-3240](#) Resolution of Appreciation - Leigh Kitcher - Liberty Amendments Month
- Mayor Colbert noted that the Item is postponed until a later meeting.*
- B. [22-3259](#) Presentation of proceeds from the Town's Holiday Ornament Sales to the Vienna Public Art Foundation
- Mayor Colbert called on Shelley Kozlowski, Deputy Town Clerk, Holiday ornament sales project mastermind, to assist with the presentation of the proceeds check to the Vienna Public Arts Commission.*
- C. [22-3264](#) Presentation on proposed changes to operating budget process

Mayor Colbert called on Marion Serfass, Director, Finance, to present the Item. Town Manager Payton indicated that this is the first draft identifying a revised budget process that will need to be in place by December 2022. Council was instructed to provide input on the proposed format by early September. A calendar spreadsheet identifying available meeting times will be distributed to Council.

Quantifiable goals will be addressed in the new funding request, per Council recommendation. While revenue numbers will not be available until February, there will be economic indicators available by December from which to develop assumptions.

A. Report and Inquiries of Council Members

Council Member Anderson noted the success of Liberty Amendments Month and recommended attendance at the final speaker panel.

Council Member Brill wished to thank all for his two years on Council. He thanked Christine Horner, Public Works, for her prompt response to his request for assistance with a sidewalk issue. He also noted the success of Liberty Amendments Month and its documentation through photography, as well as the continued street work throughout the Town. He asked for all to remember the continued sacrifice of the Ukrainian people.

Council Member Potter asked if there is any kind of ceremony or unveiling planned for the new Liberty Lane street sign. Town Manager Payton clarified that Liberty Minutes is a part of the Liberty Amendments Month social media engagement. The third installment entitled "The Path to Liberty" highlights Ms. Carter discussing the renaming of Wade Hampton Drive to Liberty Lane.

Council Member Somers wished to receive clarification regarding the agenda item entitled Proposals for Additional Items to the Agenda. Town Manager Payton and Attorney Brian Lubkeman noted the procedure is codified in Section 2-51 of the Town Code which indicates this scenario is reserved for extreme emergencies that cannot be postponed to the following meeting.

B. Report of the Town Manager

Town Manager Payton stated that an update on the Patrick Henry Library project is scheduled for next week. Fairfax County representatives will be present at the August 29, 2022 Town Council meeting to discuss. Town staff have responded to the report presented at the June 13, 2022 Town Council Conference Session; comments

and recommendations will be incorporated into the new design.

Additionally, Town Manager Payton encouraged Council to view the lecture presented by Daryl Davis on June 22, 2022, as part of Liberty Amendments Month. He also noted the success of the naturalization event.

Finally, he thanked Leslie Herman and her staff in Parks and Recreation for the successful July 1, 2022 celebration.

C. Report of the Mayor

Mayor Colbert thanked the Parks and Recreation department for the successful shift of the July 4 celebration to July 1, 2022. She thanked all involved in Liberty Amendments Month and the naturalization event for their hard work and congratulated them on the success of the month long event. Finally, she noted the success of Chilin on Church.

D. Proposals for Additional Items to the Agenda

Council Member Springsteen requested addition of an Item to authorize removal of the Church steeple from the former Faith Baptist Church located at 301 Center St., property owned by the Town of Vienna. Director Serfass confirmed that the monies (\$12,000 estimate) were allocated through the initial renovation proposal, which is currently under further consideration by Council. Since that time additional leaks have occurred in the roof which will increase the overall projected cost for repair from \$20,000 to \$80,000-\$100,000. Given this scenario, Director Serfass requested a new estimate for removing the steeple.

Town Manager Payton suggested that the Item be added to the August 29, 2022 agenda.

A motion was made to add an Item "Closed Executive Session" to the agenda prior to Item J. 22-3267 Appointment of Mayor Pro Tempora/Vice Mayor.

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

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 June 27, 2022 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.

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 September 12, 2022 at 7:00 PM in accordance with Virginia Code, Section 2.2-3711.A.(1) for discussion or consideration of personnel matters, specifically the interviewing of individuals for consideration of appointment and/or reappointment to Town Boards and Commissions.

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

It was moved to appoint Mathew Glassman to the Planning Commission for a two-year term. Said term shall commence July 12, 2022 and expire July 12, 2024.

It was moved to appoint Deepa Chakraponi to the Planning Commission for a two-year term. Said term shall commence July 12, 2022 and expire July 12, 2024.

It was moved to appoint Anika Chandra to the Conservation and Sustainability Commission as a student member for a two-year term. Said term shall commence July 12, 2022 and expire June 30, 2024.

It was moved to reappoint Christina Caplin to the Conservation and Sustainability Commission for a two-year term. Said term shall retroactively commence on June 8, 2022 and expire June 8, 2024.

It was moved to reappoint William Comerford to the Conservation and Sustainability Commission for a two-year term. Said term shall retroactively commence on June 16, 2022 and expire June 16, 2024.

It was moved to reappoint Patricia Eswein to the Conservation and Sustainability Commission for a two-year term. Said term shall retroactively commence on June 16, 2022 and expire June 16, 2024.

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

A motion was made by Council Member Ed Somers, seconded by Council Member Chuck Anderson, that this was approve.. The motion carried by the following vote:

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

5. Public Hearings

A. [22-3239](#)

Public hearing to consider updating Chapter 25 - Historic Structures, Sites and Places - of the Town Code, specifically Sec. 25-8 - Presumptive qualification for registration

Mayor Colbert called the Public Hearing to order at 9:05 PM. All Council were present.

Mayor Colbert called on Leslie Herman, Director, Parks and Recreation, to present the Item for consideration. Historic Vienna, Incorporated has requested changing the wording "from prior to 1900" to "at least 100 years old" in Section 25-8 - Presumptive qualification for registration for historic structures, sites and places in the Town Code. This rolling date, instead of a fixed date, will allow buildings and other structures erected at their present location, businesses continuously conducted in the Town, and sites and places in the Town that have been used continuously to be considered for inclusion on the historic register based on the age of at least 100 years old.

Council Member Brill requested grammatical edits to include the following:

- Section 25-8a and 25-8b add wording "that are at least";
- Section 25-8c add wording "for at least 100 years", remove "since" and "old".

Council Member Potter sought and received confirmation that justification remains

part of the process.

Council Member Springsteen questioned whether homes considered under Sec. 25-9. - Non-presumptive qualification for registration should not be older than 50 years to qualify for designation. Anne Stuntz, Chairman, Historic Vienna responded that Vienna code is based on the National Registry of Historic Places which states that places that are 50 years or less are not historic unless a case can be built to support it.

Council Member Brill recommended an edit to Section 25-9 that would change the word "shall" to "may". Attorney Brian Lubkeman indicated the intent of the original language was that this should be mandatory. As such, the wording should not be changed.

Mayor Colbert called for a motion to close the Public Hearing at 9:15 PM. Motion, Council Member Patel; second, Council Member Springsteen. Motion carried unanimously.

A motion was made to approve adopting an ordinance to amend the Code of the Town of Vienna, Chapter 25, Historic Structures, Sites and Places, Sec. 25-8 - Presumptive qualification for registration to include language as proposed.

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

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

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

6. Consent Agenda

A motion was made to approve the consent agenda as presented.

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 Nisha Patel, that this was approve.. 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. [22-3211](#) Request approval to continue to ride VITA contract VA-190822-DELL for the purchase of computers, laptops, and maintenance contracts for servers for FY23.
- B. [22-3234](#) Approve Reallocation of CIP
- C. [22-3232](#) Renewal of Annual Audit Contract to Robinson Farmer Cox Associates PLLC
- D. [22-3174](#) Intent to adopt a proposed ordinance to amend the Code of the Town of Vienna, Chapter 9, Motor Vehicles and Traffic, Article 1, In General, Section 9-3, Adoption

of State Code.

- E. [22-3233](#) Appropriate Spending for Town Attorney for FY 2022-23
- F. [22-3254](#) Request approval to ride Fairfax County Public Schools contract 4400006678 for cell and mobile device services with T-Mobile.
- G. [22-3255](#) Increase FY 2021-22 Spending with Sprint
- H. [22-3245](#) Additional FY 2023 funding and renewals of Town contracts
- I. [22-3243](#) Request Approval for the Annual Maintenance and Support for the Town's Network Firewalls.
- J. [22-3262](#) Increase Appropriation for Testing Services For Police Station Project
- K. [22-3253](#) Renewal of Maintenance Agreement with Tyler Technologies
- L. [22-3210](#) Request approval for use of FY23 funds with Granicus, Inc., for agenda management suite, boards and commissions module, and HD video streaming services.

7. Regular Business

- A. [21-2757](#) Request for site plan approval and modification of requirement for Church Street Vision project proposed for 139-145 Church Street NW

Mayor Colbert called on Kelley O'Brien, Planning and Zoning, to present the Item for consideration. Shane Revelle, Land Design Consultant, Inc., Project Manager; Matt Marshall and Will McBeth, MGMA were present to answer questions by Council.

The following summarizes comments by Council:

- *Confirm that the width of Church Street will not be effected by the project;*
- *Recommend more resident bicycle parking, covered and uncovered;*
- *Recommend adding irrigation system; Town will eventually maintain all planters in right of way along Church Street, would like to work with developer to add meter to their plans,*
- *Residential and Commercial entrances are separate;*
- *Garage entrance could include additional grid fencing;*
- *Safety additions include wider sidewalks, additional sidewalks and code compliant handicap ramps.*

With no further comments from Council, Mayor Colbert called for a motion.

It was moved to approve the requested Site Plan, Building Elevations, Master Sign Plan, and Site Plan Modification related to an FAR of 0.93, all in accordance with the provisions of Sections 18-87.4 through 18-87.6 of the Town Code, for the redevelopment of 139-145 Church Street NW, in the C-1B Pedestrian Commercial Zone, with the additional modification of meter and irrigation system.

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

*Council Member Somers offered a friendly amendment as follows;
"Additional covered residential bicycle parking shall be considered and applicant will work with staff for final placement".*

*Following additional discussion of garage egress design, Council Member Somers offered a second friendly amendment as follows;
"Applicant will work with staff to develop visual and physical signage for interior garage exit".*

Motion and amendments passed unanimously.

Council Member Anderson suggested a change in the order of the Agenda to accommodate residents in attendance at the meeting. Agenda Item D was moved to Agenda Item B.

Approved through voice vote.

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

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

B. [22-3236](#)

Approve partial allocation of ARPA funds

Mayor Colbert recognized Director Serfass, Finance, who presented the Item for consideration.

It was moved to approve further allocation of ARPA funds as presented.

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 approve. 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. [22-3256](#)

Noise Ordinance Review

Mayor Colbert called on Jim Morris, Chief of Vienna Police, to present the Item for discussion.

It was moved to direct the Town Manager to facilitate the process of having the Town of Vienna's noise ordinances reviewed for possible updates.

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

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

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

D. [22-3242](#)**Leaf Collection and Mulch Program Alternatives**

Mayor Colbert called on Mike Gallagher, Director, Public Works, to present the Item for consideration. Comments from Council are summarized as follows:

- *Survey results suggest residents will not pay for mulch;*
- *No economic reason to continue mulching;*
- *Suggest combination of short and long haul for fall 2022, assess for economic efficiency;*
- *Rental fleet comparatively more efficient than Town fleet;*
- *Suggest not selecting option due to shifting factors.*

It was moved to direct the Town Manager to implement a leaf collection program for the fiscal year 2023 leaf collection season that eliminates leaf grinding and utilizes the Beulah Rd. site for short term leaf storage, as needed prior to transfer, and employs the most efficient combination of Town owned and rental trucks for short haul and long haul transport of leaves to the disposal site.

*Motion, Council Member Potter; second, Council Member Anderson.
Motion carried unanimously.*

It was moved that the Conservation and Sustainability Commission and Town Staff be directed to research the environmental and economic costs and benefits of on-site leaf mulching and prepare a recommendation to Council for a plan to increase on-site leaf mulching in Vienna.

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

"I move to direct the Town Manager to implement Option __ for the FY 23 leaf collection season."

Or

Other action deemed necessary by Council.

E. [22-3235](#)**Consideration to Initiate Design of Three Robinson Trust Sidewalk Projects**

Mayor Colbert recognized Mike Gallagher, Director, Public Works, to present the Item.

It was moved to authorize the Town Manager to apply to the Maud Robinson Trust for design of sidewalk projects on the following streets:

- *Tapawingo Road from Plum St SW to Park St SE*
- *Lawyers Road NW from West St NW to Windover Ave NW*
- *Beulah Road NE from Church St NE to Ayr Hill Ave NE*
- *Beulah Road NE from Edwin Ln NE to Sideling Ct NE in a total amount not to exceed \$750,000.*

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

*Council Member Patel offered an amendment of the total request from \$750,000 to \$300,000. Second, Council Member Springsteen.
Amended motion carried unanimously.*

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

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

- F. [22-3237](#)** Request approval for spending \$359,303.28 with Arthur Construction Co., Inc. for construction of Robinson Trust Sidewalk Projects.

Mayor Colbert again recognized Mike Gallagher, Director, Public Works to present the Item.

The following summarizes Council comments:

- *Trees on odd side will not be replaced with Trust funds;*
- *Question even side for sidewalk – visual observation indicates fewer obstacles on odd side;*
- *Utilities will not be effected with proposed plan;*
- *Sidewalk on odd side would connect to park;*
- *Council urged to allow Staff to set forth recommendations based upon engineering considerations.*

It was moved to approve the spending of \$359,303.28 with Arthur Construction for construction of sidewalk improvements at the project locations indicated in the report.

Motion, Council Member Somers; second, Council Member Springsteen. Motion carried in a 4-3 vote.

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

Aye: 4 - Council Member Anderson, Council Member Patel, Council Member Somers and Mayor Colbert

Nay: 3 - Council Member Brill, Council Member Potter and Council Member Springsteen

- G. [22-3238](#)** Request approval for spending \$156,243.03 with Arthur Construction Co., Inc., for construction of new curb and gutter and storm sewer.

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

It was moved to authorize the spending of \$156,243.03 with Arthur Construction for the construction of curb and gutter and storm sewer improvements at the project locations indicated in the report.

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

A motion was made by Council Member Patel, seconded by Council Member Somers, that the Action Item be approve. 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

- H. [22-3114](#)** Request approval for a construction services contract to Whitman, Requart & Associates, LLP for the Maple Avenue and Park Street Signal Reconstruction
..Body

EXPLANATION AND SUMMARY:

This contract is for construction services typically required for VDOT/federal funded projects.

Construction Services includes construction management, quality control, state/federally required inspections, and state/federally required documentation.

This effort is fully funded by VDOT - SMART SCALE Funds.

This construction project will replace the Maple Avenue and Park Street signal. The construction contract has already been awarded to a contractor. Construction should begin within the next few months.

Award is recommended to be made in the amount of \$129,737.40 to:
Whitman, Requardt & Associated, LLP
12700 Fairlakes Circle
Suite 300
Fairfax, VA 22033

Staff requests approval of expenditure utilizing the On Call Engineering Services for Federal/State Projects Contract Number RFP 17-02 in the amount: \$129,737.40

Departmental Recommendation: Recommend award of the construction contract.

Finance Recommendation: Recommend award of contract.

Purchasing Recommendation: Recommend award.

Town Attorney Recommendation: The Town has a construction services contract with Whitman, Requardt & Associates, LLP and the Town Council may approve the proposed expenditure of funds for the Maple Avenue and Park Street Signal Reconstruction in its discretion.

Town Manager's Recommendation: I recommend the Town Council award the construction services contract for the Maple Avenue and Park Street Signal Reconstruction project, as presented.

Cost and Financing: \$129,737.40

Account Number: Project - 4170109297, Account - 300-000-0000-39425-48803

Decision Needed by This date: July 11, 2022

PROPOSED/SUGGESTED MOTION

Mayor Colbert recognized Mike Gallagher, Director, Public Works to present the Item.

It was moved to award the construction services contract for the Maple Avenue and Park Street Signal Reconstruction project to Whitman Requart & Associates, LLP, in an amount not to exceed \$129,737.40.

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

A motion was made by Council Member Patel, seconded by Council Member Brill, that the Action Item be approve. 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

I. [22-3258](#)

Approve Town Manager Contract

It was moved to approve the Town Manager's Contract Renewal as presented.

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

Council recessed into Executive Session at 11:40 PM.

A motion was made by Council Member Springsteen, seconded by Council Member Patel, that the Action Item be approve. 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

Closed Session

J. [22-3267](#)

Appointment of Mayor Pro Tempore/Vice Mayor

Mayor Colbert called on Council Member Somers to report on the Executive Session.

It was moved to nominate and select Council Member Ed Somers to serve as Mayor Pro Tempore for a term to run until the organizational meeting after the fall 2023 election.

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

A motion was made by Council Member Anderson, seconded by Council Member Patel, that the Action Item be approve. 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

Mayor Colbert called for a motion to adjourn at 11:50 PM. Motion, Council Member Patel.

8. Meeting Adjournment

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

THE TOWN OF VIENNA IS COMMITTED TO FULL COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT STANDARDS. TRANSLATION SERVICES, ASSISTANCE OR ACCOMMODATION REQUESTS FROM PERSONS WITH DISABILITIES ARE TO BE REQUESTED NOT LESS THAN 3 WORKING DAYS BEFORE THE DAY OF THE EVENT. PLEASE CALL (703) 255-6304, OR 711 VIRGINIA RELAY SERVICE FOR THE HEARING IMPAIRED.

DRAFT