



Town of Vienna

Meeting Minutes

Town Council Meeting

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

Monday, July 6, 2020

8:00 PM

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

Regular Meeting

1. Roll Call

Present: 7 - Council Member Nisha Patel, Council Member Steve Potter, Council Member Howard J. Springsteen, Mayor Linda Colbert, Council Member Chuck Anderson, Council Member Ed Somers and Council Member Ray Brill Jr.

2. Resolution for Continuity of Government

A. [20-1785](#) Resolution for Continuity of Government

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

3. Approval of the Minutes:

A. [20-1787](#) Acceptance of the Regular Council Meeting Minutes of June 15, 2020 and the Work Session minutes of June 8, 2020.

The minutes of the Town Council Work session of June 8, 2020 and the Regular Council Meeting of June 15, 2020 were accepted with additions by Council Member Potter.

4. Receipt of petitions and communications from the Public that are not on the Agenda. (Limited to 5 minutes per issue and no formal action can be taken this evening)

Mayor Linda Colbert recognized Reva Joshen, 624 John Marshall Drive, NW., who requested feedback on the July 15 petition calling for a halt of the Vienna Police Department Construction Project. Having not received prior feedback, she states that the petitioners feel ignored.

Mayor Colbert read aloud a statement recognizing the request, outlining plans for on going public engagement, and stressing the importance of continuation of the project. Ms. Joshen repeated the request for formation of a commission to evaluate policing and safety in Vienna. The deliverable to consist of a formal report with recommendations to the Town Council. The status of and need for a new police station should be reconsidered in this report.

Mayor's Response to June 15, 2020 Petition

5. Closed Session

It was moved that the members of the Vienna Town Council be polled to affirm that during the first closed session convened this day Monday July 6, 2020 the Town Council met, in accordance with Virginia Code 2.2-3711.A.(1), and the Town of

Vienna's Continuity of Government ordinance, for discussion and consideration of personnel matters, specifically the interviewing of individuals for consideration of appointment and/or reappointment to the Virginia Municipal League and local committees.

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.

It was further moved that the closed session be continued to later this date Monday, July 6, 2020, at the conclusion of the regular Council meeting in accordance with Virginia Code Section 2.2-3711.A.(3), for discussion and consideration of the acquisition of real estate property for a public purpose.

Motion passed unanimously.

It was moved to return the Virginia Municipal League form regarding policy committee nominations as follows:

Community and Economic Development Committee – Council Member Potter

Environmental Quality Committee – Council Member Springsteen

Finance Committee – Council Member Patel

General Law Committee – Council Member Anderson

Transportation Committee – Council Member Somers

Council Member nominations to local committees for 2020-2021 are as follows:

Northern Virginia Regional Commission – Mayor Colbert

Town Employment Retirement Committee – Council Member Patel

Representative to Fairfax Board of Supervisors – Council Member Potter

Liaison to Fairfax County Park Authority – Council Member Springsteen

Representative to Northern Virginia Transportation Authority – Council Member Somers

Representative to PCAC for Northern Virginia Transportation Authority – Mayor Colbert

Hunter Mill Transportation Advisory Council – Council Members Springsteen and Potter

Mayor Pro Tem for Fiscal Year 2020-2021 – Council Member Springsteen

Greater Tyson's Citizen Committee – Mayor Colbert and Council Member Brill

Tyson's Partnership – Mayor Colbert

Motion passed unanimously.

6. Consent Agenda

It was moved to approve the Consent Agenda as presented. Motion passed unanimously.

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

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

- A. [20-1776](#) Increase Appropriation for Supplemental Legal Services
- B. [20-1773](#) Request additional FY20 spending with Broad Run Recycling
- C. [20-1752](#) Request appropriation for annual audit contract with Robinson Farmer Cox Associates
- D. [20-1771](#) Renewal of maintenance agreement with Tyler Technologies

7. Regular Business

- A. [20-1673](#) Award RFP 20-05 - Clarify, Simplify, Reorganize, and Update the Subdivision and Zoning Ordinances - to Calfee Zoning

Mr. Sean Suder, Principal with Calfee Zoning responded to questions by the Council regarding project scheduling (module approach with flexible timeline), payment scheduling (following completion and client satisfaction of each module), effect of MAC repeal on project (RFP submitted prior to repeal), and public engagement (clearly outlined process in the RFP).

It was moved to award a contract for \$223,900, not to exceed \$240,000, to Clarify, Simplify, Reorganize, and Update the Subdivision and Zoning Ordinances, Chapters 17 and 18 of the Town Code, to Calfee Zoning.

subject to a clarifying letter acknowledging the non operational status of the MAC and the Comprehensive Plan. The clarifying letter recognizes that the schedule may require shifting due to the COVID-19 situation. It was further moved that the contract be paid in increments based upon satisfactory completion by Council of each module.

Motion and amendments passed.

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

Nay: 1 - Council Member Patel

- B. [20-1774](#) Request for approval of a wall waiver, a modification of requirement, a landscape plan for a CubeSmart self-storage facility located at 223-241 Mill Street NE

Following agreement by the developers to provide documentation that neighbors

did not want a wall across the rear of the property and clarification on parking, a motion was made to approve the waiver.

It was moved that after receipt of the recommendations of the Planning Commission and a finding that the proposed site plan modifications will not adversely affect the integrity of Chapter 18, or impair the health, safety, and morals of the Town, to approve the request for a waiver of a masonry wall required at the rear of the proposed building, located at 223-241 Mill Street NE, finding that such a wall would not protect nearby residential properties against loss of privacy, trespass by persons or vehicles, or intrusion of noise or trash, attributable to activities conducted at 223-241 Mill Street NE.

It was further moved to approve the request for a modification of requirement related to the size of the loading space, located at 223-241 Mill Street NE, finding that the integrity of Chapter 18 of the Town Code and the health, safety, and morals of the Town will not be thereby impaired.

Additionally, it was moved to approve the proposed landscape plan associated with the proposed new self-storage building located at 223-241 Mill Street NE.

Motion passed by a 4 to 3 vote.

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

- Aye:** 5 - Council Member Patel, Council Member Potter, Mayor Colbert, Council Member Somers and Council Member Brill
- Nay:** 2 - Council Member Springsteen and Council Member Anderson

C. [20-1781](#)

Referral to the Planning Commission of proposed amendments relating to Chapter 18 - Zoning, Article 19. - Nameplates and Signs, Sec. 18-185. - Special regulations for certain uses and signs, Subsection E. *Temporary signs* and other related amendments under Article 19 based on the model sign ordinance prepared by the Local Government Attorney's Association of Virginia, and the setting of a public hearing for September 14, 2020, to consider proposed amendments to Chapter 18-Zoning, Article 19, related to signs.

Council Member Potter requested review of Chapter 18, Article 19, Sec. 18-185 due to its confusing verbiage and its failure to meet constitutional muster. A motion was made to refer the matter to the Planning Commission for review. A public hearing will be set for September 14, 2020 to receive recommendations as well as public input on proposed amendments.

It was moved to refer to the Planning Commission for consideration amendments to Chapter 18 - Zoning, Article 19. - Nameplates and Signs, Sec. 18-185. - Special regulations for certain uses and signs, Subsection E. Temporary signs and other related amendments under Article 19 based on a model sign ordinance prepared by the Local Government Attorney's Association of Virginia.

It was further moved to set a public hearing for September 14, 2020 to receive the Planning Commission's recommendations as well as public input on proposed amendments to Chapter 18 - Zoning, Article 19. - Nameplates and Signs, Sec. 18-185. - Special regulations for certain uses and signs, Subsection E. Temporary signs and

other related amendments under Article 19 based on a model sign ordinance prepared by the Local Government Attorney's Association of Virginia.

Motion passed unanimously.

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

D. [20-1758](#)

The Vienna Police Department requests approval to ride Virginia state contract E194-77910 to purchase new in-car radar units for all patrol vehicles (11) and new Lidar handheld ProLaser units (10) from Kustom Signal, Inc., for a cost not to exceed \$51,202.

It was moved to authorize the Police Department to ride Virginia state contract # E194-77910 to purchase 11 in-car radar units and 10 handheld Lidar units from Kustom Signal Inc., in an amount not to exceed \$51,202, the majority of which will be reimbursed by a grant.

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

E. [20-1778](#)

The Police Department will present options for the plaza design of the planned police facility.

Three alternatives were presented to Council for consideration.

It was moved that the police facility project move forward to construction bid process with option #1 as the selected design for the plaza and move forward to construction bid.

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

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

F. [20-1780](#)

Resolution to Issue Vehicle and Equipment Replacement Financing For FY 2020-21

It was moved to approve a resolution authorizing the Town to obtain financing for vehicle and equipment purchases in an amount not to exceed \$431,800 in principal.

Motion carried unanimously.

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

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

- G. [20-1777](#) Award a design contract to Wood Environment & Infrastructure Solutions for Bear Branch - Southside Park Stream Restoration Project
- This Action Item was approved.**
- H. [20-1742](#) Request approval of spending of CARES Act funds for procurement of network upgrades to improve information technology infrastructure security and performance
- A motion was made by Council Member Springsteen to create a second Consent Agenda of Items 7G-7M.*
- Motion seconded by Council Member Potter. Motion carried unanimously.*
- A motion was made by Council Member Patel to approve the second Consent Agenda; seconded by Council Member Springsteen. Motion carried unanimously.*
- I. [20-1761](#) Using CARES funds, the Vienna Police Department requests approval to purchase a 2019 Ford transit van outfitted with a prisoner insert and emergency equipment at a cost not to exceed \$60,000.
- J. [20-1782](#) Rollover of Federal CARES Act Funding
- K. [20-1783](#) Set a public hearing for August 31 to amend the 2019-20 budget related to federal CARES Act spending
- L. [20-1784](#) Set a public hearing for August 31 to amend the 2020-21 budget related to federal CARES Act spending
- M. [20-1786](#) Approve CARES funding certification, including a \$1 million appropriation to the RISE grant program

8. Meeting Adjournment

Meeting adjourned at 11:10 PM.

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

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

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.