



# Town of Vienna

## Meeting Minutes

### Town Council Meeting

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

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Monday, December 7, 2020

8:00 PM

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

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#### Regular Meeting

#### 1. Resolution

- A. [20-1981](#) Resolution for Continuity of Government

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

#### 2. Roll Call

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

*Staff: Mercury Peyton, Town Manager; Cindy Petkac, Director, Planning and Zoning (via ZOOM); Shelley Kozłowski, Deputy Town Clerk; Steve Briglia, Town Attorney; Melanie Clark, Town Clerk.*

**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

#### 3. Approval of the Minutes:

- A. [20-1980](#) Acceptance of the Regular Council Meeting Minutes of November 16, 2020 and the Work Session Minutes of October 28, 2020 and November 9, 2020.

*Regular Council Meeting Minutes of November 16, 2020 and the Work Session Minutes of October 28, 2020 and November 9, 2020 were accepted by voice vote.*

*Council Member Brill inquired about reciting the Pledge of Allegiance. Upon approval by Town Attorney Briglia, the pledge was recited by Council and a prayer was offered by Council Member Brill. Mayor Colbert requested addition of the pledge and a prayer to upcoming agendas.*

**A motion was made that the Minutes 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

#### 4. 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 Joseph Saunders, 230 Moore Avenue, SE, speaking as a*

*Board Member of the Vienna Aquatics Club. The swim club has a onetime opportunity to expand through purchase from Sekas Homes, property adjacent to their existing facility. Construction of an indoor swimming pool on this property would increase overall pool space in the Town and allow for membership expansion for the Club. At this time however, the Club lacks the resources to both purchase the property and construct the indoor facility. As such they are seeking outside capital by exploring various options, including partnerships. The rear portion of the available property is resource protected and consequently is restricted from most construction. It is however suited to parkland. With the Town's interest in creating parkland, this property could provide a partnership opportunity. The ask tonight is to open a line of communication with the Town to explore opportunities to make this project viable. Time is critical due to existing land purchase agreements. Mayor Colbert called for questions from the Council. Council Members Anderson, Springsteen and Potter all spoke in favor of the project, but recognized the challenges involved. Council Member Somers sought examples of similar Town partnerships where the other party is membership driven. Town Manager Payton and Town Attorney Briglia noted numerous relationships between the Town and other user groups but none such as this. With no further comments, Mayor Colbert suggested a meeting with Town Manager Payton and Town Attorney Briglia to discuss options. Council Member Brill inquired if Council discussion following Public Communication will be a new direction for the Council, a process he supports. Mayor Colbert noted that the process change should be brought into Council discussion.*

*Mayor Colbert recognized Council Member Springsteen who reported that the Vienna Fire Department will be moving forward with Santa Claus visits, beginning on December 12, 2020.*

## 5. Reports/Presentations

### A. [20-1972](#) Presentation of 2020 Comprehensive Annual Financial Report (CAFR)

*Mayor Colbert recognized Marion Serfass, Director of Finance, to present the 2020 Comprehensive Annual Financial Report (CAFR). Director Serfass introduced Anderson Grossnickle with Robinson, Farmer, Cox Associates, to summarize results of the audit for the year ended June 30, 2020. The Town of Vienna continues to be fiscally sound.*

*Mayor Colbert thanked Director Serfass and Town Manager Payton for their diligence in assuring the financial stability of the Town.*

## 6. Regular Business

### A. [20-1982](#) Request approval to demolish the residential structure and outbuildings at 124 Courthouse Road SW

*Mayor Colbert called on Leslie Herman, Director, Parks and Recreation, to provide an overview of the request.*

*It was moved to approve demolition of the residential structure, detached garage, and outbuildings located at 124 Courthouse Road SW.*

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

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

**B. [20-1971](#)**

**Resolution to recognize Liberty Amendments Month**

*Mayor Colbert called on Leslie Herman, Director, Parks and Recreation, to provide a history of the resolution.*

*It was moved to approve a resolution to recognize Liberty Amendments Month. Motion, Council Member Patel; second, Council Member Potter. Motion carried unanimously.*

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

**C. [20-1954](#)**

**Northern Virginia Critical Incident Response Team MOU**

*Mayor Colbert called on Commander Jim Morris, Chief of Police, to present the request. In an effort to further engender public confidence in the way that the Town of Vienna Police Department operates, the Police Department requests approval to enter, with 10 local police departments, into the Northern Virginia Critical Incident Response Team Memorandum of Understanding. The purpose of this MOU is to allow for objective criminal investigation of critical incidents in which a Vienna police officer maybe involved.*

*Council Members voiced concern regarding the costs associated with this endeavor suggesting that a small Town like Vienna may experience a drain in resources assisting larger jurisdictions. Additionally, the proposed cumbersome administrative structure is seen to be a stumbling block. Council Member Springsteen reminded Council that the agreement allows for a thirty-day kick out.*

*Mayor Colbert indicated that formation of the Response Team would provide insurance against any critical incident in Vienna, assuring an immediate response should such an incident occur.*

*Council Members requested an update on costs within one year.*

*It was moved to approve the Town of Vienna Police Department's participation in the Northern Virginia Critical Incident Response Team Memorandum of Understanding.*

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

*Mayor Colbert requested a brief update on the new Police Station. Chief Morris reported that required permits have been issued to allow for police use of the Church property.*

**A motion was made by Council Member Potter, 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

**D. [20-1964](#)**

Request approval of final plat for subdivision of 117 and 121 Courthouse Road SW into three lots on property located in RS-10, single-family detached residential zone.

*Mayor Colbert called on Cindy Petkac, Director, Planning and Zoning, to provide an overview of the request. The applicant proposes to re-subdivide the two existing lots into three lots. All subdivision requirements are met with the exception of lot-shape factor. One of the lots meets the lot-shape factor, while the other two will require a waiver from Town Council.*

*It was moved to approve the final plat for subdivision of 117-121 Courthouse Road SW and move to waive lot-shape factor requirements for lots 2 and 3 of the subdivision.*

*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 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

**E. [20-1965](#)**

Request approval of final plat for subdivision of 601 Marshall Road SW and 1011 Ware Street SW into six lots on property located in the RS-16, single-family detached residential zone.

*Mayor Colbert called on Cindy Petkac, Director, Planning and Zoning to provide an overview of the request. The applicant proposes to re-subdivide the two existing lots into six lots. The proposed lots meet lot area and width requirements for the RS-16 single-family detached residential zoning district as well as the lot shape factor requirement.*

*John Sekas, Sekas Homes, reiterated that he has agreed to sell a portion of the property to Vienna Aquatic should an agreement between Vienna Aquatic and the Town appear likely as of January 31, 2021.*

*It was moved to approve the final plat for a six-lot Parkwood Oaks subdivision, located at 601 Marshall Road SW and 1011 Ware Street SW.*

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

**A motion was made by Council Member Springsteen, seconded by Council Member Brill, 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

**F. [20-1967](#)**

Request approval of modifications of requirement for lot coverage, front yard setback and side yard setback in RM-2 multifamily, low-density zoning district, for property located at 201 Park Street SE. Application filed by John Sekas of Sekas Homes, Ltd.

Mayor Colbert called on Cindy Petkac, Director, Planning and Zoning to provide an overview of the request. The applicant proposes to raze the existing building and construct five attached condominium townhomes, private parking and drive aisle, storm & sanitary sewer and waterline connections, and underground stormwater management facility.

Several Council Members voiced concern regarding the proposed total lot coverage and set back, referencing a pattern of these types of requests over the past several years.

Council Member Brill requested a time extension vote. Approved unanimously by voice vote.

Upon receipt of recommendations from the Planning Commission and a finding that the request for site plan modifications does not impair the integrity of this chapter nor the health, safety, and morals of the Town, it was moved to approve the request for site plan modifications of requirements from Section 18-58.D for required front yard setback, Section 18-58.E for required side yard setback, and Section 18-58.I for maximum lot coverage in the RM-2 multifamily, low-density zoning district, as shown on the proposed site plan for property located at 201 Park Street SE.

Motion Council Member Somers; second Council Member Anderson. Motion passed in a four to three 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:** 4 - Council Member Anderson, Council Member Brill, Council Member Somers and Mayor Colbert

**Nay:** 3 - Council Member Patel, Council Member Potter and Council Member Springsteen

**G. [20-1968](#)**

Request formal approval of emergency procurement utilizing Currie Heating and Cooling to install GPS (Global Plasma Solutions) in Town buildings.

Mayor Colbert called on Mike Gallagher, Director, Public Works, to provide a summary of the request.

It was moved to formally approve emergency procurement in the amount of \$83,295 in CARES Act funding to Currie Heating and Cooling for installation of GPS (Global Plasma Solutions) technology in Town buildings. This work is to be completed by December 30, 2020.

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

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

**H. [20-1969](#)**

Request approval for spending \$1,000,000 with E.E. Lyons Construction for water main and appurtenance improvements within the Town's water service area

Mayor Colbert called on Mike Gallagher, Director, Public Works, to provide a summary of the request.

*It was moved to approve water system improvements in the amount of \$1,000,000, payable to E.E. Lyons Construction.*

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

**A motion was made by Council Member Springsteen, seconded by Council Member Brill, 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

**I. [20-1970](#)**

Northern Virginia Regional Commission (NVRC) project to update the Regional Water Supply Plan

*Mayor Colbert called on Mike Gallagher, Director, Public Works, to provide a summary of the request.*

*It was moved to approve and affirm the Town of Vienna's participation in the 2023 update to the Northern Virginia Regional Water Supply Plan, in partnership with the Northern Virginia Regional Commission and other participating local governments; and further, the town manager is authorized to execute a Letter of Intent.*

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

*Director Gallagher provided, at the request of Mayor Colbert, an update on the sidewalk project. Letters have been sent and the data is currently under evaluation.*

**A motion was made by Council Member Potter, 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 adjournment. Motion, Council Member Springsteen; second, Council Member Brill. Meeting adjourned at 10:40 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.*

**20-1991**

Closed Session Report

*Mayor Colbert recognized Council Member Somers to read the motion.*

*It was moved that the members of the Vienna Town Council be polled to affirm that the Vienna Town Council met in closed session on Monday December 7, 2020, virtually via ZOOM, and in person, in accordance with Virginia Code 2.2-3711.A.(1)*

*and the Town of Vienna's Continuity of Government ordinance, for discussion or consideration of personnel matters, specifically the discussion of individuals for consideration of appointment and/or re-appointment to Town Boards and Commissions.*

*It was further moved that the Certification Resolution be adopted in accordance with State Statutes, and that the Town Clerk is authorized to execute the Certification Resolution.*

*And it was further moved that the closed session be continued to Monday, January 4, 2021, at 7:30 PM in accordance with Virginia Code Section 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 re-appointment to Town Boards and Commissions.*

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

#### **Closed Session Report**

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