



# 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, April 12, 2021

8:00 PM

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

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#### 1. Resolution

- A. [21-2221](#) Resolution for Continuity of Government

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

#### 2. Invocation: Dr. Vernon Walton, Pastor, First Baptist Church of Vienna

*Mayor Colbert recognized Dr. Vernon Walton, Pastor, First Baptist Church, who provided the evening's invocation.*

#### 3. Pledge of Allegiance to the Flag of the United States of America

#### 4. Roll Call

*Council: 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; Mike Gallagher, Director, Planning and Zoning (via ZOOM); Steve Briglia, Town Attorney.*

**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

#### 5. Approval of the Minutes:

- A. [21-2216](#) Acceptance of the Conference Session minutes of March 13, 2021 and March 15, 2021, the Regular Council Meeting minutes of March 22, 2021 and the Joint Conference Session minutes of March 31, 2021.

*The Conference Session minutes of March 13, 2021 and March 15, 2021, the Regular Council Meeting minutes of March 22, 2021 and the Joint Conference Session minutes of March 31, 2021 were approved by voice vote.*

#### 6. 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)

#### 7. Reports/Presentations

- A. [21-2210](#) Viva Vienna 2021 Update

*Mayor Colbert recognized members of the Vienna Rotary Club who provided an update on the 2021 Viva Vienna Celebration.*

*Gunner Spafford opened his remarks noting that Viva Vienna is on track for Memorial Day weekend, May 29-31, 2021. Working within COVID guidelines the event will function with limited capacity as determined by the Governors orders.*

*Designed with three zones, Zone A Games and Rides will be much the same as in the past. Wristbands will be used (750 maximum participants) for two-hour time blocks (15 minutes for cleaning). The area will be fenced in with a designated traffic pattern. Zone B Town Green Entertainment will accommodate 75 viewers with new shows hourly. Zone C Caffee Field Vendors will be limited to 550 visitors and 160 vendors.*

*There will be no food court, but attendees will be encouraged to take advantage of the local restaurants.*

*AJ Oskui, General Chairman, stressed that due to continued COVID restrictions this will be a Town-centric event; there will be no advertising outside of Vienna but rather an awareness campaign throughout the Town. Information to help attendees navigate the event will be posted on the website prior to kickoff. To avoid participant bottleneck all of Dominion will be a designated queuing line with virtual photo booths as entertainment. Distancing will be maintained through ground markings, signage and volunteer effort. Given the additional COVID requirements this year, the committee is seeking volunteers to fill 420 two-hour shifts*

## **8. Closed Session Report**

*It was moved that the members of the Vienna Town Council be polled to affirm that a Closed Session was held on April 12, 2021 virtually, via ZOOM, and in-person, in accordance with Virginia Code, Section 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 appointments 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, April 26, 2021 at 7:15 PM in accordance with Virginia Code, Section 2.2-3711.A.(1), and the Town of Vienna's Continuity of Government ordinance, 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 Patel. Motion carried unanimously.*

*It was moved that Bets Thomas be reappointed to the Bicycle Advisory Committee for a two-year term; said term shall be effective from April 26, 2021 to April 26, 2023.*

*It was further moved that Manpreet Dhanjal be recommended to the Fairfax County Circuit Court for appointment to the Vienna Board of Zoning Appeals.*

*Motion Council Member Somers; second Council Member Springsteen. Motion*

*carried unanimously.*

**A motion was made by Council Member Ed Somers, seconded by Council Member Nisha Patel, that this was 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

## 9. Public Hearings

### A. [21-2168](#)

#### Public hearing on FY 2021-22 proposed budget

*Mayor Colbert called for the Roll. All members of Council were present. The proposed budget was presented by Marion Serfass, Director of Finance for the purpose of receiving public input.*

*At the current time, the Town of Vienna is still under restrictions imposed by the Commonwealth of Virginia related to prevention and mitigation of the coronavirus pandemic. This affects several sources of revenue, most notably parks and recreation fees and interest rates (use of money and property) in the general fund and meals taxes and use of prior surplus in the debt service fund. While the general fund budget has increased over the prior year's adopted budget by 7.1 percent, it still is 3.0 percent under the pre-pandemic proposed FY 2020-21 budget. The proposed budget has been adjusted up by \$39,840 to reflect expenditures expected to be covered by new federal funds from the American Rescue Plan Act of 2021, specifically for increased system costs necessary to support meeting broadcasting and teleworking so that the Town can comply with Commonwealth gathering restrictions related to the pandemic.*

*Notably the proposed budget includes two added staff positions, a parks maintenance employee and an economic development employee (three quarters funded) and unfunded priorities, of which the most significant include a .25 cent decrease in the tax rate and one additional staff position. Lastly, while optimistic about the pandemic, Council has continued to stress a conservative approach to the budget. With this in mind, it is proposed that the budget be adopted as presented (which includes granting a 3% raise this fiscal year and a 1% raise next fiscal year but freezing that spending, as well as a portion of Parks and Recreation and the entirety of Education, Training and Travel totaling \$544,320). Unfreezing those funds will require a Council action. The final budget of \$43,190,460 with authorization of 93% will be brought before Council for adoption May 17, 2021.*

*With no additional comments Mayor Colbert recognized the first public speaker, Sergeant Kristin Ruddy, President of the Vienna Police Association. She opened her remarks stating that the Vienna Police department is facing a personnel crisis, currently operating with eight vacancies (20% of the sworn positions). Of the 18 new officer hires in the past five years only five remain, a mere 28% retention rate. Pointing to the lack of competitive pay and benefits, a pay scale that limits the ability to compete with other benchmark agencies, and a national aversion toward law enforcement, she believes these rest at the heart of the crisis. Morale is low with these issues predating the COVID-19 pandemic by many years. While this year has been difficult, the department recognizes that all Town employees work hard, but she stressed the frustration of working for one of the most fiscally responsible and wealthy jurisdictions yet feeling as if their compensation is at the bottom of the priority list. Recognizing that the budget is a strategy plan that reflects the Town's priorities, it would seem that merit raises should come, not from what's left over, but rather should be prioritized as earned, expected compensation for the time and*

experience that each sustained year of service provides for the Town. She expressed encouragement and appreciation for the acknowledgement of their hard work, but stressed that more is needed by way of financial security and employee retention. The force is losing exceptional officers at a rate that cannot be sustained. The help required to maintain competency in the force starts with consistent reliable raises. In conclusion Sergeant Ruddy recommended formation of a work group where this conversation could continue across Town entities.

Nancy Logan, 410 Millwood Ct. spoke to the budget proposal stressing the need for the Town to operate under a more austere platform. Noting that she personally experienced a pay cut this past year with no indications for reinstatement through 2021, she would like to see the Town display similar fiscal conservation. It is her hope that the Town emerge from the pandemic with a positive cash flow, a surplus, so monies might then be applied toward other projects, such as sidewalks. It would be wise to be more fiscally conservative to assure there will be funds to cover unanticipated expenses down the road.

With no further public comment, Mayor Colbert called for a motion.

A motion was made to close the Public Hearing.

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

Further discussion by Council addressed the concept of a separate pay scale for the police department and when, on Council's calendar, was the appropriate time for this debate.

It was moved that the Town Clerk be directed to advertise a Notice of Intent to Adopt the Fiscal Year 2021-22 Budget at the May 17, 2021 Town Council meeting, following Town Council's consideration of the real estate tax rate.

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

**B. [21-2165](#)**

**Public hearing on FY 2021-22 Water and Sewer Rates**

Following roll call, Mayor Colbert called on Marion Serfass, Director of Finance to present the Item for public comment.

This is the fourth year of a five-year plan implemented as a result of a water and sewer rate study undertaken in FY 2018. The study and resulting rate plan are designed to ensure that water and sewer rates maintain the financial health of the system, allow for an adequate investment in infrastructure, and align with industry best practices.

Consumption patterns have changed slightly since March 2020, during the pandemic, and have resulted in increased cash inflow vs. a decrease in wholesale water costs for water cash reserves. Sewer cash reserves have decreased slightly due to increasing costs of sewer treatment. Based on a comparison of current cash reserves in the fund to the five-year plan, the following increases are recommended for FY 2021-22: 1% increase in water rates, 10% increase in sewer rates, 4.3% increase in service charge (to equal 15% of total charges; industry standard). Overall, the average residential customer's bill is projected to increase 6% or \$11.75 per quarter or \$47 per year.

Town Manager Mercury Payton stressed the importance of infrastructure maintenance and noted that the Town partnered with Fairfax Water in order to address water quality issues. As a robust system, Fairfax Water allows the Town to withstand emergency situations.

Mayor Colbert opened the floor to public comment.

Dave Patarious, 205 Midland Dr., SE opened his remarks with opposition to the rate increase. He identified three reasons for this opposition:

- The Town's 2018 Municipal and Financial Services Water and Sewer Rate Study concluded that "the Town should implement required rate increases in the multi-year financial plan. This would allow the Town to smooth rate increases over the planning period and mitigate customer rate shock while meeting its cash requirement". With the pandemic the citizenry is working from home, and as a result, using much more water. Residents don't have a choice. Now the water and sewer rates have created the aforementioned rate shock.
  - Many of the Town's residents are unaware of the various programs available to help the financial burden during this time. It is appropriate to pause water and sewer rate increases to allow residents an opportunity to educate themselves to the available relief programs.
  - The Town's previously cited study indicated that the system serves about 9500 customers, 6,000 in Town and 3500 outside city limits. The Town's infrastructure consists of 131 miles of water lines and 95 miles of sewer lines. If possible, the Town should attempt to negotiate with Fairfax Water to move those customers outside of the city limits to Fairfax Water thus reducing the liability for those lines.
- Mr. Patarious concluded his remarks by respectfully asking Council to vote against a rate increase.

Russell Benson, 349 Church St., NE stated that water rates have increased yearly since 2018. Vienna's basic water rate is 38% higher than that of Fairfax Water. The sewer rate for the County remained at no increase for 2021. Fairfax Water is one of the largest public utilities in the country. They maintain over 4000 water mains, 3200 sewer lines and they have committed hundreds of millions of dollars for sewer infrastructure and water capital improvements. Would it make more sense for the Town to join Fairfax Water so they would bear the cost for updating the Town's aging infrastructure?

With no further comments from the public, Mayor Colbert called for a motion to close the public hearing.

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

Following additional discussion, a motion was made to consider reopening the public hearing to accommodate a speaker who had experienced technical problems. Motion, Council Member Springsteen; second, Council Member Patel. Motion carried unanimously.

With no speaker forthcoming, a motion was made to close the public hearing. Motion, Council Member Springsteen; second, Council Member Anderson. Motion carried unanimously.

It was moved to approve water and sewer rates and fees for FY 2021-22 as presented. It was further moved that the Town Clerk be directed to advertise a Notice of Intent to Adopt water and sewer rates and fees for fiscal year 2021-22 at the May 17, 2021 Town Council meeting.

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

**C. [21-2171](#)**

**Public hearing for alley vacation request at 131 Wilmar Place NW.**

*Mayor Colbert directed Town Clerk, Melanie Clark, to call roll. With all Council present, Mayor Colbert recognized Mike Gallagher to present the Item for discussion.*

*At its April 1, 2013 meeting, following requirements of state code for disposal of public property, Town Council authorized disposal of one-half of the 15'-wide public alley behind 112 Ayr Hill Avenue NW and adopted an Ordinance to Vacate. Viewers in 2013 determined that there is no inconvenience to the public or 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. Currently, Anthony Pettoruto of 131 Wilmar Place NW has submitted an alley vacation request. In preparation for this action, the alley vacation was duly advertised, survey plat and deed prepared, and a negotiated purchase price of \$4,413.38 for the alley reached.*

*Mayor Colbert noted that Mr. Pettoruto paid \$3000 for the requested appraisal. The Town reimbursed \$2000 of that sum. She requested that Council consider reimbursing the remaining \$1000 as the appraisal was determined not to be required for final determination.*

*With no speakers on this matter, Mayor Colbert called for a motion to close the public hearing. Motion, Council Member Springsteen; second, Council Member Brill. Motion carried unanimously.*

*It was moved to approve the Ordinance to Vacate the portion of the public alley adjacent to 131 Wilmar Place NW, as identified in the petitioner's plat, and condition upon payment of \$3,413.38 from Anthony Pettoruto 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 Springsteen; second, Council Member Brill. Motion carried 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

## **10. Consent Agenda**

*It was moved that the Consent Agenda, 21-2206 Amend sub-award with Fairfax County to return \$50,000 of CHO funds for Town CARES use; 21-2195 Request approval to hold the 2021 Solarize NOVA program; and 21-2176 Extend the public improvement bond for the Mashie Drive Subdivision for an additional 18 months, be approved as presented.*

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

### **10. Consent Agenda**

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

- A. [21-2206](#) Amend sub-award with Fairfax County to return \$50,000 of CHO funds for Town CARES use
- B. [21-2195](#) Request approval to hold the 2021 Solarize NOVA program
- C. [21-2176](#) Mashie Subdivision performance bond extension request

## 11. Regular Business

No Regular Business

## 12. Meeting Adjournment

*Mayor Colbert called for a motion to adjourn. Motion, Council Member Anderson; second, Council Member Springsteen.  
Meeting adjourned at 10:38 PM.*

*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.*