



# 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, June 5, 2023

8:00 PM

Charles Robinson Jr. Town Hall, 127 Center  
St. South

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#### Invocation: Sharon Gower Miller, Town of Vienna Baha'i Community

*Mayor Colbert called on Sharon Gower Miller, Town of Vienna 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:

- A. [23-3847](#) Acceptance of the Regular Council Meeting Minutes of May 15, 2023 and the Conference Session Minutes of April 17, 2023 and May 8, 2023.

*The Regular Council meeting minutes of May 15, 2023 and the Conference Session Minutes of April 17, 2023 and May 8, 2023 were approved as presented.*

**A motion was made that the Minutes be accepted. 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

#### 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 opened the floor for comments from the Public.*

*Avril Garland, 917 Hillcrest Drive  
Everywhere around Vienna one sees pollinator gardens, butterfly gardens, etc., but as yet, no beetle gardens. Beetles are declining just as drastically as butterflies and other insects. Yet, they are very important. They pollinate, for example, with the paw paw tree. They were actually the first pollinators millions of years ago pollinating the ancient trees such as the magnolia and the tulip tree. The decline [in their numbers] is caused by global warming. [It is difficult to see] where they would live that is cool and moist, in a place like Vienna. Lawns are all cut, beds are mulched. There are no yard portions set aside to encourage pollination. "I ask that Council encourage Vienna residents to set apart a portion of their yard for this important purpose."*

#### 4. Reports/Presentations

A. [23-3831](#)

## Stormwater Management Presentation

Mayor Colbert recognized Christine Horner, Interim Director, Public Works, to introduce the Item. The Town's stormwater general permit requires periodic updates on the stormwater program including progress towards the Chesapeake Bay and other local water quality targets. David Bulova, WSP (formerly Wood Environment & Infrastructure Solutions, Inc), the Town's on-call environmental engineer, presented the update.

Mayor Colbert and Council thanked Mr. Bulova for the report.

B. [23-3838](#)

## Pickleball Schedule Policy Review

Mayor Colbert called on Leslie Herman, Director, Parks and Recreation, to report on a new pickleball schedule policy for Glyndon Park, approved by Council on January 30, 2023 and initiated on March 1, 2023.

Comments from Council are summarized as follows:

- Compromise appears to be working;
- Staff recommend continuing the new policy going forward; Continue communication with residents; Report back to Council in September;
- Adding an extra hour of open play would not likely satisfy pickleball players due to the play process – The Vienna Pickleball Club requested four extra hours of open play;
- Consider reducing some two-hour play blocks to one hour;
- Three of the four initiatives set forth at the January 30, 2023 Town Council Meeting have been met; The fourth initiative (Develop a long range plan consistent with the Parks Master Plan) has not begun as the Parks Master Plan will not commence until fall 2023, with estimated completion December 2024;
- Primary drivers of the pickleball issue include a) Glyndon Park is less than ideal for pickleball play due to close proximity to residential, and b) explosion of pickleball play and lack of area pickleball courts;
- Recommend contacting Fairfax County to determine willingness to expedite pickleball play in areas close to Vienna (Nottoway Park; James Madison High School);
- The Vienna Pickleball Club has requested no reservation open play time - Monday, Wednesday and Friday from 9am to 1pm.
- Open play allows for one player to reserve a court and invite as many players as they choose to join during that time block;
- Consider additional information push regarding new schedule (Vienna Voice, various clubs).

Council Member Anderson presented a draft resolution for Council consideration and suggested a letter from Town officials to the County Supervisor stating need and desire to work with County on this issue. He noted a strong moral basis for Fairfax County to work with Vienna given that 100% of Town property taxes are paid to the County and the Town pickleball courts are currently supporting a large number of nonresidents.

Council agreed that the current pickleball court schedule continue for an additional three months with a report on results presented to Council in September 2023. Director Herman will also research the feasibility of offering one-hour time blocks for play.

## A. Report and Inquiries of Council Members

*Mayor Colbert opened the floor for reports from Council.*

*Council Member Patel congratulated and thanked the Vienna Rotary Club for another successful Viva! Vienna. She further stated that she will not seek another term on Town Council.*

*Council Member Springsteen reported on the problem of abandoned scooters stating that the Town Traffic Engineer requested additional time with this pilot project to assess. Council Member Springsteen thanked Council Member Patel for her work on Council these past years.*

*Council Member Potter also extended his appreciation to Council Member Patel. On another issue he questioned what can be done to improve the overgrowth on the property at Nutley and Maple Avenue. David Levy, Director of Planning and Zoning reported that a notice of violation with a ten-day compliance has been issued. The property owners have responded indicating that they will clean up the site. Should this not be done, per Town Code, the Town would complete the work at the property owners expense.*

*Council Member Brill thanked Council Member Patel for her service. He also remarked that tomorrow marks the 79th anniversary of the invasion of Normandy. Council Member Brill stated that it has been an honor to serve on Town Council and he will seek another term.*

*Council Member Anderson noted the time and commitment exhibited by Dr. Patel and thanked her for her service to the Town.*

*Council Member Somers thanked Council Member Patel for her time and service. He further remarked how blessed he has been to work with such a collaborative Council.*

*Mayor Colbert recognized Steve Briglia, Town Attorney who noted the passing of Vienna resident Robert Rucks. Mr. Rucks was committed to the Town of Vienna serving as valuable resource for many years. Town Attorney Briglia extended condolences to the family.*

## B. Report of the Town Manager

*Mayor Colbert called on Town Manager Payton who extended condolences to the Rucks family.*

*Town Manager Payton noted that a 7:30 PM Town Council Meeting has been added to the Conference Session of June 12, 2023. Both meetings will be held in Council Chambers.*

*He also thanked Council Member Patel, on behalf of Town Staff, for her commitment and service.*

## C. Report of the Mayor

*Mayor Colbert thanked Council Member Brill for his decision to run for re-election. She also thanked Council Member Patel for her hard work on behalf of the Town.*

*Thank you to all who helped to make Viva! Vienna 2023 so successful.*

*Vienna Bicycle Advisory Committee held tours of Vienna. She thanked those involved.*

*The Vienna Business Association sponsored a very well attended health fair, Get Healthy Vienna, on May 20, 2023 at the Community Center.*

*Mayor Colbert introduced the student intern, Mia Pisani, who will work in the Mayor's office this summer.*

#### D. Proposals for Additional Items to the Agenda

#### E. Closed Session Report

##### A. [23-3823](#) 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 June 5, 2023 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 and the discussion of Council appointments to 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.*

*And it was further moved that the Closed Session be continued to Monday, June 12, 2023 at 7:00 PM in accordance with Virginia Code, Section 2.2-3711.A.(1), for discussion or consideration of the acquisition of real property for a public purpose or the disposition of publicly owned property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.*

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

*It was moved to reappoint Donna Smith to the Transportation and Safety Commission for a two-year term. Said term shall be effective June 18, 2023 and expire June 18, 2025.*

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

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

#### 5. Consent Agenda

*A motion was made to remove Item 10 E. 23-3836 Request approval for spending \$329,715.98 with Arthur Construction Co., Inc. for construction of Robinson Trust Sidewalk Projects on Delano Drive, SE, and Orrin Street, SE from the Consent Agenda and place it on the Regular Agenda as Item H.*

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

*A motion was made to approve the Consent Agenda Items A through H with the exception of Item E.*

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

**A. [23-3826](#)**

FY2024 funding of contracts issued by other jurisdictions.

**B. [23-3827](#)**

FY 2024 funding and renewal of Town contracts.

**C. [23-3825](#)**

Request formal approval to increase FY2023 spending with PlanIT Geo for tree inventory

**D. [23-3833](#)**

Award a design contract to Urban, Ltd. for Park Street South Pedestrian Improvements as approved in 2023 ARPA Reallocation Plan.

**F. [23-3830](#)**

Request to adopt 2024 Town Council meeting schedule for inclusion in the 2024 Town Calendar

**G. [23-3837](#)**

Request additional FY23 spending with Arthur Construction for roadway paving.

**H. [23-3834](#)**

Request approval for spending \$106,500 with Arthur Construction Co., Inc. for pedestrian improvements at the intersection of Church Street, NE, and Mill Street, NE, as approved in the 2022 CIP.

**"I move to approve the spending of \$106,500 with Arthur Construction Co., Inc. for pedestrian improvements at the intersection of Church Street NE and Mill Street NE."**

**Or**

**Other action deemed necessary by Council.**

## **6. Regular Business**

**A. [23-3822](#)**

Appointment of Town Officials for Fiscal Year 2023-24

*It was moved to re-appoint the following Town Appointed Officers for Fiscal Year 2022-23:*

*Mercury T. Payton, Town Manager, pursuant to a contractual agreement; and Steven D. Briglia as Town Attorney, pursuant to a contractual agreement between the Town of Vienna and Steven D. Briglia for legal and prosecuting services; and Melanie J. Clark as Town Clerk; and Marion Serfass as Town Treasurer.*

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

**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

- C. [23-3756](#) Intent to Adopt Amendment to Polling Location Section 2-68 to reflect change in State Code requirement for Town Elections to occur at the polling places for the November General Elections.

*It was moved to adopt the proposed amendments to Town Code Section 2-68, Polling Place, to reflect the polling place/voting precincts established for the November General Election.*

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

*It was noted that there are four precincts within the Town of Vienna. Three of those precincts have only Vienna residents. The fourth precinct includes both Vienna and Fairfax County residents. There will be separate voting lines for each designation.*

*Motion carried unanimously.*

**A motion was made 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. [23-3780](#) Request formal approval to increase FY2023 spending with Ross Tree Expert Company, dba RTEC Treecare, for tree maintenance and removal

*Mayor Colbert called on Leslie Herman, Director, Parks and Recreation to present the Item for consideration.*

*It was moved to approve the procurement approval of \$97,500 in expenditures with Ross Tree Expert Company, dba RTEC Treecare, for tree maintenance and removal from accounts listed above under IFB 23-08.*

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

- E. [23-3832](#) Vienna Annex Long-Term Use Study: Future of Existing Annex Building.

*It was moved to demolish the entire Annex building (Option 1).*

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

*Motion carried unanimously.*

**A motion was made 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. [23-3839](#) Request approval of additional spending with Kimmel Bogrette Architecture for a Business Planning & Operational Costs Study as part of the Annex Long Term Use Study

Mayor Colbert again called on Director Herman to present the Item for consideration.

Summary comments from Council included the following:

- As Town is unlikely to have funds for construction on this site for at least ten years, is this the right time for this study?
- Timing is right because information gathered will illustrate the magnitude of any of the options (aquatic center, fitness center, gathering spot, any combination); It will allow Council to determine if these options are in the realm of possibility; It will provide data to share with residents regarding their potential contribution to costs associated with maintenance of these options;
- Information from study, along with results of Parks Master Plan results, will inform if these options are a fit for the Town;
- Study should be delayed because don't yet know what, if any, level of financial involvement the County might provide; This study would benefit from that information;
- Must be realistic regarding County partnership – County has not shown willingness in past efforts such as the community center and the police station;
- Not appropriate time for this study especially as the resulting data is not time sensitive; Recommend reviewing Park Master Plan results to determine overlap of the two studies prior to commencing an additional study;
- Concerned that the study parameters have limited the potential uses for the property; Public gathering spot use is not well defined;
- Important to base use decision on needs of the Town, not on a popularity contest;
- Given strong public interest in aquatics facility, gathering early data would help provide information for feasibility as well as information to understand how to fund such an endeavor;
- Results of the Parks Master Plan may provide data on where gaps exist in the overarching program; This study might help provide information on how to fill one of those gaps;
- Parks Master Plan start date has been delayed until Fall 2023; As a resident driven study, there was concern that participation would be negatively affected by recent heavy resident participation in both Code Create and the Annex studies; Results of the Annex study will become a component of the Parks Master Plan;
- Decision on short term use of Annex property is not reliant on completion of the Parks Master Plan;
- Council under impression that Parks Master Plan was nearing completion; Concern that it has not begun; The Parks Master Plan was one of four 2023 Council priorities; Recommend it begin as soon as possible;
- Data from current proposal will be necessary for any long-term use decision but believe timing is premature;
- Recommend Conference Session to discuss results of survey and what Council believes is possible; Ideally this decision should be informed by results of Parks Master Plan;
- Council has latitude to postpone this proposal because request falls under \$75,000;
- Council saved money by electing to demolish the Annex structure; This financial request is a relatively minor outlay as an effort to begin the process (for the benefit of the residents);
- Request information from researchers detailing what data for the Parks Master Plan could be collected in 6 months, 8 months, 12 months and 18 months.

It was moved to postpone a contract increase of \$23,500 with Kimmel Bogrette Architecture+ Site for the additional service of a Business Planning & Operational

*Costs Study for the Annex Long Term Use Study utilizing RFP 23-05, until such time as a definitive timeline for the Parks Master Plan has been determined.*

*Motion, Council Member Patel; second, Council Member Anderson. Motion carried in a 5-2 vote.*

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

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

**Nay:** 2 - Council Member Somers and Council Member Springsteen

**G. [23-3835](#)**

Request approval of placement of public art on Town-owned property.

*It was moved to approve the placement of public art on the following Town properties: Community Center exterior south wall of auxiliary gym, Cherry Street exterior brick dumpster enclosure and Town Hall exterior rear brick wall.*

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

*Director Herman recommended that an agreement (perhaps in the form of a Memorandum of Understanding) be developed between the Vienna Public Arts Foundation and the Town of Vienna. The agreement should detail the work to be done, the specific location, implementation and the responsibilities of each party for the installation of the artwork.*

*Council Member Patel amended the motion as follows; "to include an MOU between the Town of Vienna and the Virginia Arts Foundation."*

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

**A motion was made 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. [23-3836](#)**

Request approval for spending \$329,715.98 with Arthur Construction Co., Inc. for construction of Robinson Trust Sidewalk Projects on Delano Drive, SE, and Orrin Street, SE.

*Mayor Colbert recognized Christine Horner, Interim Director, Public Works, to present the Item.*

*It was moved to approve the spending of \$329,715.98 with Arthur Construction Co., Inc. for construction of sidewalk improvements for the Delano Drive SE project and for the Orrin Street SE project as described in the report.*

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

## 7. Meeting Adjournment

*Mayor Colbert called for a motion to adjourn at 11:05 PM.*

*Motion, Council Member Patel; second, Council Member Anderson.*



**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.*