



# Town of Vienna

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

## Meeting Minutes Town Council Meeting

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Monday, July 15, 2019

8:00 PM

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

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### Invocation: Mercury Payton, Town Manager

**Present:** 7 - Council Member Linda Colbert, Council Member Pasha Majdi, Council Member Douglas Noble, Council Member Nisha Patel, Council Member Steve Potter, Council Member Howard J. Springsteen and Mayor Laurie DiRocco

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

#### 1. Roll Call

**Present:** 7 - Council Member Linda Colbert, Council Member Pasha Majdi, Council Member Douglas Noble, Council Member Nisha Patel, Council Member Steve Potter, Council Member Howard J. Springsteen and Mayor Laurie DiRocco

#### 2. Approval of the Minutes:

##### [19-1361](#)

Approval of the Minutes of the June 3, 2019 Public Hearing on 374-380 Maple Avenue and the Regular Council Meeting Minutes of June 17, 2019.

*It was moved to approve the Minutes of the June 3, 2019 Public Hearing on 374-380 Maple Avenue and the Regular Council Meeting Minutes of June 17, 2019 as submitted.*

**"I move to approve the Minutes of the June 3, 2019 Public Hearing on 374-380 Maple Avenue and the Regular Council Meeting Minutes of June 17, 2019 as submitted. And I further move to add them to the record for tonight's Public Hearing."**

**Or**

**Other action deemed necessary by Council.**

**Aye:** 6 - Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Patel, Council Member Springsteen and Mayor DiRocco

**Absent:** 1 - Council Member Potter

##### [19-1362](#)

**FOR PLANNING COMMISSION ONLY - Approval Of The Planning Commission Minutes Of March 27, 2019.**

*It was moved to approve the draft Planning Commission minutes of March 27, 2019 meeting with the changes that were sent to the Clerk.*

*Motion: Commissioner McCullough*

*Second: Commissioner Couchman*

*Abstain: Commissioner Hays*

*Motion carried*

**"I Move to approve the Planning Commission Minutes of March 27, 2019 as submitted."**

**And I further move that they be added to the record for tonight's Public Hearing."**

### 3. Public Hearings

#### [19-1354](#)

Consideration of a motion to rescind and repeal action taken by Town Council on June 17, 2019, regarding a rezoning application for 374-380 Maple Avenue W.

*Mayor DiRocco called the Public Hearing to order at 8:10 p.m. The Town Clerk called the roll for Council and the Planning Commission. All members of Council were present, Councilmember Potter called in remotely for the meeting. The Planning Commissioners in attendance were Baum, Couchman, Hays, Kenney, McCullough, Miller and Gelb. Commissioner Meren called in remotely for the meeting.*

*Mr. Steve Briglia, Town Attorney, stated that the town has received three protest petitions from the property owner of 380 Maple Ave. The first was received on the morning of July 1, 2019 and then two more were received and accepted by the Clerk of July 11, 2019. They were attached to the agenda item. Under Town Code section 18-248 there are two groups of lot owners that can file a protest petition to a change in zoning or re-zoning of a property. There is the owners of the lots that are included in the area of the proposed change or the owners of lots abutting the area included in such proposed change, and that's an "or" not an "and." The owners of 380 Maple Ave have filed with the staff and believes that it is a valid protest petition to a rezoning of the property for the purposes of this hearing. It is the same analysis as they did for the prior zoning action on June 17th where there was a protest petition filed by the second group that is permitted, the owners of lots abutting or across from the area. Accordingly, if there is a vote tonight on a proposed change or repeal on the prior rezoning, it has to be by a favorably two-thirds vote of the Town Council.*

*Town Clerk reported that Council has received 11 emails to rescind the vote and 14 that do not want the vote rescinded. She entered the emails into the record.*

*Councilmember Colbert made a motion to put all public documents including content and minutes from Council Work Sessions and meetings, public comments from public hearings and recommendations and minutes from the Board of Architectural Review and the Planning Commission meetings that pertain to 380 Maple Avenue West into the public record. Councilmember Noble seconded the motion. Motion carried unanimously.*

*Mr. Payton, Town Manager mentioned that he had received a letter from Councilmember Springsteen and Councilmember Majdi on June 25, 2019. This kind of helps to explain how they arrived at this point. The letter requested that he place on the July 1st Town Council agenda, a motion to rescind the act taken by the Town Council on June 17, 2019. He thought it was his obligation to do that based on the request from the two Councilmembers. At the July 1st Town Council meeting, Town Council voted to hold a joint Public Hearing which they are holding this evening to discuss this matter and ultimately come to a decision one way or the another, regarding the issue. He also stated that it is the staff's position that according to Virginia State Code section 15.2-2204, that proper advertisement, proper notice, was given for the Public Hearing approval and adoption in order for the Town Council to consider voting on 374-380 Maple Avenue on June 17th. He also mentioned that town staff asserts that proper notification was given to Fairfax County regarding 374-380 Maple Avenue in accordance with Virginia State Code 15.2-2204.*

Councilmember Majdi stated that he asked for unanimous consent from Council to speak on the motion to rescind and to explain the intent. He would like to dispell some fears and relieve some of the tension in the room and the community, if the Council will have it. Mayor DiRocco asked what this was about. Councilmember Majdi stated it was to speak on the motion to rescind. Mayor DiRocco stated that is what the Public Hearing is about but he could speak on it.

Councilmember Majdi stated that he had received a lot of calls and emails from citizens about the motion to rescind and there seems to be a lot of confusion about how recision works. Let's clarify from the get-go, they are not killing the application. He stated to Mr. Rice that he is sorry to keep him in suspense but he doesn't believe in exparte communications for pending applications. He does all his communications with the cameras on, under the lights with full transparency. He reiterated that they are not there to kill the application, they are here to rescind approval and send it back to the Planning Commission to fix some mistakes that have been made. Those mistakes expose the town to litigation risk and also expose the property owner to risk that his application being voided in court. Mayor DiRocco stated to Councilmember Majdi why don't they continue the Public Hearing since this is the part of the public hearing where the public speaks, and then they will all have the opportunity to ask questions and give statements at that time, she did not know he was going to go through all of that. She thinks that is the best time to do it unless other members of Council feel otherwise. Councilmember Springsteen stated he would like to hear what Councilmember Majdi has to say but she is the Chair and she wants to wait until later on. Mayor DiRocco stated she did, there are people here for the public hearing and they have feedback they want to provide based on the motion to rescind and then they all have the opportunity to speak on the item. Councilmember Majdi asked if they could clarify the difference between a motion to rescind approval that was bayed to Mr. Payton and the modified motion from the Town Attorney that was made at the July 1st meeting because they are two different motions. Mayor DiRocco asked Councilmember Majdi to explain the two different motions. Councilmember Majdi stated that the motion that is on the agenda tonight that was advertised to the public is to rescind and repeal rezoning. The motion that he and Councilmember Springsteen provided for the July 1st meeting, was to rescind approval of the rezoning and their intent was to send it back to the Planning Commission, not to kill the application and repeal it, that is a substantive difference. Mayor DiRocco does not recall that being said at that meeting. Councilmember Majdi stated that it was not said. Mayor DiRocco stated that it would have been a separate motion at the end based on what they would make as a motion to move forward. Councilmember Majdi stated he understands the Mayor is the Chair of the meeting, he is respectfully saying that they are going to have 100 people come up and express dismay over a motion to repeal the rezoning and that is not the intent. Mayor DiRocco stated that given that fact, it should have also, if you see this motion, be shared with the Town Manager and perhaps the Town Attorney. Obviously that was stated at the July 1st meeting so they continued on with what was stated. She asked the Town Attorney if sending it to the Planning Commission was something that was conveyed to him. Mr. Payton stated that the only thing he can add is that he received a letter from Councilmember Majdi and Councilmember Springsteen regarding rescinding the June 17th action. Since that moment when he received that on June 25th, he has not received anything further regarding a motion to add to the agenda. What happened after that point on June 25th and July 1st meeting, if there was a decision by the Town Council to have different language for the motion, then that would prevail over and above what was submitted to him.

*Councilmember Colbert stated that she believes the agenda was sent out on Thursday and is a little confused why Councilmember Majdi is bringing this up when they have known since Thursday what was going to be on the agenda and what they are voting for and the motion. Also, the Planning Commission is here and they are having a Public Hearing.*

*Councilmember Noble stated that we put out a ten day notice of the public hearing per the advertising requirements for tonight's meeting and asked what we advertise relative to the topic of the public hearing. He also stated that he needs some clarification on what the distinction is that Councilmember Majdi's sees between rescinding an approval of a rezoning and rescinding a rezoning. To him he does not see much different in the words there in terms of what that effectively means. Can we have a public hearing on something that is different than explicitly worded in the notice if it is generally around the same group of words and what is the nuance that Councilmember Majdi is describing between rescinding an approval of a rezoning and rescinding a rezoning because there is a very fine distinction hidden in there someplace.*

*Councilmember Patel stated that she would be very interested in hearing what the options are or what they are proposing. She would like to hear what Councilmember Majdi has to say simply because it would be great to see if there are options other than rescind, don't rescind or what not. She thinks in the spirit of keeping an open dialogue she thinks it would be important for all of them to hear it as well as the public before they give their public input.*

*Mayor DiRocco stated that they have a proposed motion in front of them based on what was decided at the July 1st meeting and it says at the end "or other action deemed necessary by the Council" so obviously if a motion is brought forth later on, not right now, this is a public hearing on the motion that was advertised, then if that is the case, as long as it is within the purview of the advertisement they could consider another motion. She asked the Town Attorney if that was correct. Mr. Briglia stated that he believes so. He thinks what Councilmember Majdi was suggesting is that you have to advertise if you are going to take a zoning action which they have done, they have identified the property and that it is a motion to rescind and repeal and he thinks everyone understands what that advertisement is. If there is a further motion to remand, for further proceedings, which is what he is thinking but not sure that is what they are discussing here, he thinks that notice would be sufficient. You can't do more but you can always do less restrictive and in his opinion that would be less restrictive on the property owner. Mayor DiRocco stated that before a different motion is put forward, they have set a public hearing, put out an advertisement and she thinks we need to hear from the public. If they choose to change what an action is, one way or another or modify it then they certainly can. As long as it is less than but not more than then it is in the scope of what was advertised.*

*Councilmember Majdi stated that they had a motion to rescind that was phrased differently on July 1st. He said at the July 1st meeting that he is a team player and willing to work with people and on advice from the Town Attorney they drafted a different motion and now he looks at that in retrospect and all the alarm that it has caused throughout the community about repeal a rezoning that he never intended to do and he doesn't think that is what Councilmember Springsteen intended either.*

*Ms. Laurie Cole, 706 Spring St. SE, addressed Council and the Planning Commission*

stating that her comments tonight are not to address the merits or shortcomings of the project at 380 Maple Avenue W. because those issues have been resolved by a multi-year review process culminating in a vote by this Town Council. What brings her here are her grave concerns about the damage that could be done to the town if this ill-advised motion to rescind is passed. If we want to continue to succeed as a town, we need to maintain our reputation as a reliable business partner. Not that we should be a pushover for developers, and we are far from that, the parties need to know that the town can be counted on to act thoughtfully and with commitment. If businesses see the town as capricious and unreliable why should they want to engage with us. Critically, why should they want to go through the time and expense of working with us only to have the reverse itself after the process has reached a legal conclusion. If there are technical flaws in some aspects of the town's approval of the project, and she is not saying that they are, they can be cured. What seems to be happening is that the parties unhappy with the June 17th vote are trying to undermine a duly approved action of the Town Council by cherry picking statutes out of the Commonwealth and Municipal codes, out of context, as a pretext to invalidate the decision. This is a serious assault on the town's integrity. She hopes that the irony of trying to change the topic of tonight's duly advertised public hearing by the people who are trying to raise technical challenges to a duly authorized action by the town, is not lost on everyone here tonight. You as Councilmembers represent the town as a whole, all of its residents and businesses. She asked that they please keep this in mind as they move forward on this and other decisions. Keep in mind your role as stewards of the town's funds which are principally our dollars, paid in the form of real estate taxes. Please don't squander these funds on unnecessary or unwarranted litigation by acting irresponsibly. Taking a longer view, please don't squander the opportunity to strengthen our municipal tax base. Our commercial corridor needs rejuvenation, if that is stalled or stymied you are condemning the residential property owners of this town to shoulder an ever increasing share of the tax burden. That is not desirable or sustainable or wise, it is Council's responsibility to look beyond a single project and chart the best course for the town. She urges Council to vote against the motion to rescind.

Mr. Beau Dure, 505 Glyndon St., NE stated that he had started a group on Facebook called the Vienna Development open discussion group which he did because we weren't having it. Online discussion, as messy as it is, he thinks it is necessary. He is pleased with it but it has been getting tough. There have been personal attacks being made and he thinks they are being made because there is a void. Council is going to hear a lot of points tonight, first speaker made legitimate points, they are going to hear from people in the neighborhood that have legitimate points. Everything needs to be explored.

Ms. Barb Heider, 503 Colony Ct. NW stated that she has lived here for 16 years and has seen a lot of great development and wonderful things going on in the town and she thinks rescinding any agreement is a horrible precedent that would be possibly a very expensive legal fight for the town and doesn't need to happen. She also thinks that there has been some amazing progress in the town. The great builders like Dennis Rice have spent years building beautiful structures and mixed use structures that help pay town taxes as well as resident taxes. She thinks as a town we do our best to foster entrepreneurial spirit and by lessening the scope we won't be doing that at all. We need to continue to let this mixed use happen, more businesses mean more businesses pay taxes and less residents pay taxes.

Mr. Mark Stahl, 500 Druid Hill NE, asked Council to just sort of move away from this

whole topic. He is not here to present views or relate it to any pro-development or anti-development, organization or issue, he is not here to present why he is for something or against a project, MAC related, Commercial related or residential related, he is simply here to highlight the fact that potentially the current Town Council may need its own moratorium on the approval and denial process and he says that with all due respect. He feels that there needs to be some type of collaboration so that Council can be somewhat unified on their opinions. All of the people sitting and speaking tonight have one unified goal, to take care of their quiet little town that isn't as quiet as it used to be. The towns systems, developments, streets and finances need to be handled with thoughtful and educated resolve in support of the greater good. His concern is that if you follow all the guidelines, follow the proper rules of engagement, comply with prevailing laws, codes, district overlays and the comprehensive plan, then why would they not be granted approval from any town entity including the Town Council to move our investment forward. The reviews that our commissions, town staff etc., they have an objective review of plans that come through and if those plans meet the criteria then why shouldn't they move forward. He is concerned that he is going to be here five years from now with the new and improved MAC, the new and improved codes and the new improved Comprehensive Plan only to have a handful of people, a handful of nimbys, say hey we don't want this. He thinks tonight is the defining moment where they either move this thing forward or they go backwards in time.

Mr. Bill Ling, 131 Wade Hampton Dr. NW stated he is personall against this project in its current iteration. He believes this project has significant safety concerns and does not provide sufficient protection for the adjacent neighborhood such that it meets requirements of the MAC code. He is shocked by the hyperbolic language that is going on regarding this project on both sides. He thinks that those who support this project approach it as an either or and he has said it before, this is not a project, this is not an either or. He believes this current dichotomous talk about this project and what he believes is that if the Town Council takes any action which does not result in this project moving forward then maybe revolution is going to occur. The bottom of the Town of Vienna is going to drop out, there is going to be no business that is here, there is going to be nobody that will be willing to invest in this town and the health and safety of this town will be broken. He is also bemused because what he believes that he and his neighbors are asking is appropriate consideration of the impact of this building on their lives. There are those who say this is nimby and he has said in the past that this is an issue which extends throughout Maple Avenue in the areas where the projects for the MAC would abut and be adjacent to the residential neighborhoods so he would reject the idea that this is a case of not in my backyard. Secondly, he asserts that its right that Mr. Rice can build whatever building he wants as long as it fits within the MAC regulations and the MAC spirit and he charges the Town Council with balancing his intent, the interest of the town as a whole and specific interests of the adjacent neighborhoods in formulating their approval or disapproval of this project. He is puzzled because he doesn't feel as this project has moved forward has incorporated the issues and concerns that were raised by the neighborhood to a substantive degree. He would agree that Mr. Rice has certainly made changes but those changes incorporated in his proposal are superficial at best and do not address more substantial concerns that have been raised. It is for these reasons that he supports the motion to rescind the vote approving the project and asked that Council not be swayed by these exaggerated arguments and focus on the identifiable impacts of this project on the adjacent neighborhood. He asks that Mr. Rice to return to negotiations with the neighborhood and come to an equitable compromise and resolution regarding the issues that they have raised. Respecting his right to build, to propose and to make a

*profit he hopes the town will support a discussion which will result in a building for which we can all be proud and supportive.*

*Mr. John Giunta, 117 Moore Ave SW stated that he has been a business owner in the town since 1994 and asked if a municipality has to attract a more investments in order to regard itself as successful. The people of the town said "no" to the developers. This is a natural tidal process of give and take, without praise or insult. People are misinterpreting some vocabulary words, or choosing the wrong words or concepts, thereby accelerating conflicts. The VBA email letter dated 12 July 2019 mentioned the concept of "partnership." That word, or that accusation, if that is what it was, would be appropriate if you are trying to shame or bully others, or to deepen a rift in our society. Council members do not reveal their individual political leanings easily. This helps them to make their decisions clearly and directly. He pointed out that we were taught not to talk about religion or politics. That was universally bad advice. Now look what we have, we can barely recognize our common ground any more. We should be talking about making the political process better, purer and free of hate and fear. The political process is corrupt only when politicians' motives are corrupt. We as a society should connect with everyone, especially with those people who appear different from us. or who speak a different first language. That person with accented English, think of what that person or that family has done to get here and make a living in the most expensive county in America. We must reunite this society, not by texted, by talking with each other. Not on Facebook, but face to face. Just because someone disagrees with you, it doesn't mean they are of a different phylum, genus or species. They simply disagree. Talk about it and find out why. Most likely there is a more common ground than either of you realized. To Council and Planning Commission please make your decisions for the Town based upon the greatest happiness, not profit, because they are different concepts, but the greatest happiness for the Town's people. Any attempt to politicize people's happiness will continue a cruel, insidious mistake being made at the highest levels of our government. No one should ever politicize happiness. "Right is right, even if everyone is against it; and wrong is wrong, even if everyone is for it."*

*Mr. Mark Sweeny, of the Vienna Business Association, 243 Church St. NW, thanked Council for the opportunity to share the thoughts of the Board of Directors for the Vienna Business Association. He does not speak for all the members, just the Board. On the potential of the recent vote to rescind the 380 Maple Avenue project and as most know the VBA is focused on supporting businesses in and around the Town of Vienna. They have never taken a specific position on any specific projects nor do they intend to do so. Most of them don't have comprehensive knowledge of the planning process with the traffic, the taxes, the schools and all the other things involved. They rely on the town, the Town Council and the town staff to do those things for us, and they don't want to get into that ballgame, they don't have the time, the effort or the energy to do it. They rely on the town to do what is in their best interest. The question before us tonight isn't whether the VBA is taking a position on a specific project, as a board they don't have a position one way or the other. The question before us really is in Vienna, do you want to create an environment, a reputation, that rescinding this vote will bring for folks that are looking to invest from outside of Vienna and to the citizen's. They believe this would set a bad precedence and will have a negative impact for the businesses that are here today, the ones that will be here in the future and the citizen's of the town. Their concern is how can a business be sure this will not happen to them, today it is one project, who will it be tomorrow. Business who invest and are looking to invest in Vienna need to feel confident that the Town Councils vote stands. Vienna and Virginia have been*

voted number 1 in a couple different categories in the area, we want to see it that way and keep it that way and don't want to change that. He asked Council please don't degrade the process, everybody has spent a lot of time and energy on this and if you didn't get it right the first time and you have to go back, make sure you get it right the second time. If you don't have to go back and do any of this, please don't because it will set a bad precedent for everyone.

Ms. Peggy James, 2752 Stone Hollow Dr., Director of the Vienna Business Association, a former business owner on Church St and a former member of the Town/Business Liaison Committee. She has worked with businesses in the Town of Vienna as a volunteer and as a paid employee of the VBA for the last ten years. She stated for the record that she agrees with the VBA position that it would set a bad precedent for the Council to rescind the vote on the 380 project. She does not think it would send a very good message to current businesses and developers in town and those looking to move into town. She would like to see the town businesses have a bigger voice and work more closely with the town and the citizens of Vienna on future working groups that might potentially impact the success of the business community. She would like to personally volunteer to sit on future work groups and help reach out to recruit Vienna business owners who would also be willing to participate in the working groups or committees. Vienna businesses pay taxes and help create the small town feel that Vienna is known for. They do not have a vote but they do have a voice and she feels very strongly that the business owners would welcome the opportunity to increase their voices and their participation in matters that impact the economic development of this town. She asked Council to please vote against the motion to rescind.

Ms. Margot Jones, 9617 Verdict Dr., stated that she and her husband own Purple Onion Catering Company as well as the building at 416 Maple Ave W. They also have a building that they lease for their support staff at 402 Maple Ave W. on the corner of Wade Hampton and Maple Ave W., right next to 380. The reason they bought a building and expanded their business in Vienna is because they have been able to have a clear communication with the town regarding zoning, taxes and other business matters. Vienna is a small town in a large ever growing area in which Purple Onion has thrived. She can't imagine if they had been approved to come in to Vienna and then have the decision overturned. They are a small business, they are Vienna. They trust their government and Town Council to do what they say, overturning this vote will discourage businesses from coming into Vienna. She respectfully asked that they do not rescind the rezoning application for 380 Maple Ave. W.

Ms. Melissa Dixon, 375 Courthouse Road stated that she has been a resident for eleven years and just recently moved to Courthouse Road. They knew moving to Courthouse Rd it would be busier but they did it because they wanted to live closer to town, walking distance to shops, restaurants, businesses and Town Hall. She is deeply disappointed that they are talking about rescinding 380.

Mr. Steven Marku, 213 Commons Dr. NW, stated he is there on behalf of the Northern Virginia Building Industry Association and also as himself as a resident of the town. The NVBIA represents over 600 businesses associated residential building industry in Northern Virginia and their members have hundreds of projects going throughout the region at any given time, some are approved and some are not. As a matter of policy they don't weigh in on individual projects and they have not weighed in on this one, however, they are very concerned at the precedent that the town is considering setting with this proposed motion to rescind. The developer of this

*property has worked collaboratively with the town and the community over the past few years and spending significant time, energy and money to get this done. The project was recommended by town staff, the Planning Commission and approved by Town Council on a 5-2 vote. In so doing the zoning ordinance was amended to classify this property as Maple Avenue Commercial. Given that the business now has the right to develop the property along the lines he has agreed to with the town. To rezone the property back to its previous classification would be taking his rights away from him. It is a highly unusual step. They do not know any other locality that has done something like this. This would bring a huge amount of uncertainty in future land use projects as no one could be certain as to when or if the process is over. They urge Council strongly to reject this motion of the rezoning of 380 Maple Ave.*

*Ms. Elizabeth MacGregor, 119 Oak St. SW, stated that she supports the project at 380 Maple Ave and do not favor rescinding the vote. Change will happen no matter what Council agrees to tonight. It is her hope that they can encourage this growth within reason. If you want to support the business community and preserve the small town atmosphere, we will need to provide a critical mass of residents who become customers near our retail core so business can continue despite rising rents, which will happen regardless of whether more condos go up on Maple. They need to work in good faith with counter parties such as developers and this vote is an important precedent. She fears otherwise that the retail core will hollow out, maintenance will lag and the Main street will become an eyesore. She understands how the neighbors feel and is sorry they are in this position, but the town is in a crossroads and there will be many challenging decisions where everyone can't be satisfied. She believes we can retain the small town atmosphere as we grow, become more vibrant and remain a desirable community to live, work and play.*

*Ms. Jayme Huleatt, 413 Roland St. SW presented a statement from Alex Galegeos and his wife Rebecca Egars who live at 130 Wade Hampton Dr. SW which is the property located closest to the development. They could not be here this evening. They asked Council to rescind the approval of June 17, 2019 known as 380 Maple Ave. The statement has been entered into the record.*

*Ms. Laura Bligh, 226 Glen Ave SW, stated that she is in favor of rescinding the approval and going back to the drawing board for a few clarifications and tweaks. When the vote was held she felt it was premature. The implications of the narrowing of Wade Hampton had barely been explained or discussed. In particular how was it decided to adjust the curb location on one side allowing the developers to build and even larger building.*

*Was there any due process or was this another mysterious staff action that cannot be rescinded or even questioned. The Town Attorney is characterizing this hearing as a rezoning which she is sure is technically correct but she also finds it disingenuous because on the same evening that the previous vote was held, Councilmember Majdi stated his intention of requesting a vote to rescind that approval, no body left the meeting confident that there was a done deal. She challenges the town to spend less time promoting and encouraging luxury housing and more time discussing affordable housing, this should be part of our Comprehensive Plan.*

*Dr. Anthony Avedisian, 360 Maple Ave W stated that he is the closest neighbor to 380, they actually share property lines. He is the president of the condo association and he has personally been in touch with all seven owners and they are all unanimously opposed to rescind. They are in favor of modernizing and improving their beautiful Town of Vienna. He has been in practice in this town for 30 years and the majority of*

*the property owners in that location approximately 25-30 years. They love their town and want to see it improving as requirements allows them to. He finds it appalling when they undermine the system when everyone has done their job. This nitpicking just blows his mind. He would like to see this project move forward. He believes in his heart that it is going to improve Vienna. He thinks it is going to beautify and make the town friendly like it claims to be. We take pride in having the pedestrians walk on our beautiful sidewalks and that is the purpose of this building, the purpose of this project.*

*Ms. Friderike Butler, 602 Spring St. SE stated that the current MAC was adopted by Town Council in 2014 following extensive planning, the 380 project has been in the planning process almost three years, intensely so for the last year. Dennis Rice and his team collaborated with the town staff, residents and Town Council during the process to meet code requirements and they have made numerous and substantial modifications including a reduction in dwelling units and top floor setbacks in response to feedback. The application was approved by elected town officials who were part of this process. Tonight's Town Council decision would impact much more than the contested rezoning application. It will be sending a clear message to other investors and developers who are closely following this story. With rescinding the approval they may signal that you believe that town staff is incompetent since they were not able to bring this application process to a proper close. They will signal that commercial redevelopment in the Town of Vienna is not welcome and does not stand a chance to be successful in this town. She believes both assessments to be wrong and that a rescission would impact the town in a negative way. Town Code and regulations need to be clear and reliable so that investors can develop business plans and development proposals that have a predictable chance to pass a reasonable and straight forward review process in the town. 380 was designed in good faith that followed approved MAC regulations to ultimately result in a project approval. If good faith and trust in current town code is broken and results in tremendous losses to a developer, it will be challenging to convince other developers to invest in Vienna.*

*Mr. Joe DeNoyfor, 601 Spring St. SE stated that while he may in favor of scaling back the MAC in the future and making some adjustments, if the town rescinds this tonight they may be going down a path that they may not want to go down. It will be fiscally irresponsible of the elected officials in front of us because it may open a can of worms that may not be so smart to open up. Being a resident and owning a business, he had considered a local financial managing firm that employees 30 folks and was very excited to move to Vienna and bring 30 new employees to town. They looked at a real estate project and something happened that was quite disturbing. When they seriously considered this project located at the corner of Center and Maple, they brought the idea forward to a commercial real estate developer, a consultant and their attorney, and all three said the same thing in strongly advising not to take commercial development to the Town of Vienna. They cautioned that the process is cumbersome, expensive and down right frustrating. They said sit on the side lines and see how many mistakes and decisions they rescind. The opportunity to improve the town with a beautiful building within a very high visible corner and bringing 30 new folks to spend time here and money was dismissed. He moved to a neighboring town and had a very pleasurable experience in development there. He is sincerely concerned about the future of business in Vienna and its citizens. He hopes they don't go down this path and make a decision that will impact the quality of life in this town. They all have a similar goal here to have this small town feel and be able to walk around the businesses and support them. Please do not rescind what was already voted on.*

*Ms. Estelle Belisle, 200 Ceret Ct. SW stated that she had a number of questions about the decision to narrow Wade Hampton. She thinks procedural mistakes were made. Planning and Zoning's detailed staff reports on 380 never indicated Wade Hampton would be narrowed. Since that decision directly affects the proposed buildings placement and benefits the applicant, why wasn't it mentioned in staff reports. At the June 17th Council meeting, the Director of Public Works said that in making decisions staff looked at the town's guiding documents, namely the appendix to the comprehensive plan which indicates that most neighborhood minor streets should be 20-32' wide. According to that same appendix it states "the design of street improvement projects should be undertaken in a cooperative manor with the residents and owners of the affected properties, neighbors and applicable civic associations." The narrowing of Wade Hampton was never decided cooperatively with neighbors or the other parties. Why wasn't the community consulted or informed? The same appendix also said that "many existing minor streets have been built to wider dimensions, 36 is a common width and are unlikely to be reconstructed unless there is a specific need such as installation of missing sidewalk or curb and gutter." What was the specific need here? Also on June 17th Director Gallagher stated that Wade Hampton was narrowed as a traffic calming measure to slow traffic down. Welles & Associates 444 neighborhood traffic assessment attached to the July 9, 2019 Council agenda, provided traffic speed data for Wade Hampton and the average speed recorded in one lane was 16 miles per hour and in the other 21. Speeding is not a major problem but given this data how can they believe that slowing traffic down was the main reason for narrowing the street. The current Citizens Guide to Traffic Calming requires the traffic calming measures be approved by Town Council. Although the decision to narrow Wade Hampton was not done as a citizen's request, why wasn't the action brought to Council for approval. Who paid for narrowing the street? Will the town pay? If so, shouldn't a funding decision be made before the rezoning application moves forward? Or will the developer pay? If so, does he intend to use part or all of the \$79,950 proffered for street improvements to narrow Wade Hampton? If he does, why wasn't that clearly stated in the proffers document?*

*Mr. Frank Biros, 200 Ceret Ct. SW. stated a large category of businesses have been mustered for this hearing tonight, many of who have spoken eloquently but almost all of whom have missed the point of the motion to rescind. Everyone living in or near Vienna has a stake in the economic vitality of the town and that is why most residents support the spirit of the MAC. Local businesses are supported by the citizens of Vienna and most businesses that are supporting 380 would not be here if they were not supported by the citizens of Vienna. What the citizens don't support is rapid development that compromises the character and public safety of the residences in the neighborhood surrounding any MAC development. In approving the 380 application, the Town Council has lost site of the key purpose and goal of the MAC. At the risk of being repetitious they are as follows: permit development that promotes Vienna's small town character of residential neighborhoods abutting the MAC corridor and secondly permitting development obstructions with a density and mass compatible with the surrounding residences. The MAC states neighborhood, it does not say businesses or businesses and residences on the other side of town. The Town Council appears to recognize that public safety issues for 380 but hopes that they can be resolved after the fact of approval and construction. Hopefully the new MAC, under review currently, will incorporate a requirement that public safety be insured through careful planning before any application is approved. He focused on two issues related to 380 which purportedly relate to public safety but in reality contravene the purpose and goal of the MAC. The town's*

*decision to narrow block one of Wade Hampton from 36 to 32', thereby giving the developer access or ownership to the town's right-of-way with no apparent consideration or recompense. The developer's surreptitious survey of the second block of Wade Hampton and top of Roland St. without adequate advance notice or explanation to the residents of Roland and Wade Hampton. Instead of promoting development compatible with and preserving the small town character of surrounding neighborhoods, the Town Council and town administration are taking measures to modify the surrounding neighborhood to be compatible with and preserve the developers purpose and goals. He urges Council to vote in favor of the motion to rescind.*

*Mr. Jay Creswell, 404 Millwood Ct. SW stated that he would like to speak in favor of rescinding the motion. He thinks further study needs to be done. The previous zoning considerations in his view, is pretty much of a checklist approach where all they had to do was check off the right boxes and it was approved. He thinks in the true spirit of zoning, what should be done is more careful balancing of the effect of the building in the surrounding areas versus the incentives of the developer. The whole purpose of zoning is to conduct this balancing which he sadly feels hasn't been done in this case. The fact that the motion to rescind has been made, and the electoral results of the past election suggest that there is a wide spread feeling in the community that perhaps MAC has gone too far in the revisions of which this was approved. It has been suggested that neighborhood is completely opposed to development and that is not how he feels, it just needs to have a building that is somewhat smaller and more compatible with the surrounding neighborhoods. He believes he has seen something that the developer originally had a smaller building proposed that would have conformed with the original version of MAC. He thinks it is quite appropriate to set this aside until the town decides what the appropriate thing is. He urges them to vote for the motion to rescind.*

*Ms. Sheila McLean, 416 Millwood Ct. SW stated that she is in support of rescinding the motion. They support the spirit of the MAC, they bought a year ago knowing MAC was coming, they read the vision and bought into the visions because they love the idea of preserving the small town feel, the neighborhoods and affordable housing and this project does not accomplish those things. They are really concerned about the safety issues. They walk the streets every day with their kids and their dogs and that even at its current width Wade Hampton cannot handle trucks and traffic that are going down it now without it being a very dangerous situation. They are concerned this has not been addressed and it could be addressed without having to completely throw the project out. We are not opposed to development, this is not a nimby thing, this is about trying to get his right. The traffic studies that have been done have not factored in all the other development that is happening like 444 which is occurring at the same time. They are very concerned on how they are going to protect their kids, the elderly and disabled people. The best way to assure a better process moving forward is to have collaboration between the residents and developers. There has been some with this developer but it has not been a true collaboration. He has not addressed the concerns that they have in any meaningful way and if that had happened they would not be here today and facing this difficult decision.*

*Ms. Nancy Logan, 410 Millwood Ct. SW stated she knows this is not an easy motion to rescind. A lot of the citizens were very disappointed that this was approved and approved by a lame duck Town Council. They also felt they were not heard by the Planning Commission, the Board of Architectural Review and then ultimately by the Town Council that was seated at the time, with regard to serious, serious safety*

issues in our community that this project will certainly affect. Businesses don't want dangerous intersections around them, they don't want worse traffic in Vienna. No one is stripping the developers of any rights, there seems to be a campaign of mis-information, fear mongering and distraction going on. The business and developer rights seem to be of more importance to our Town Council at time than the actual citizens. She challenges all of Council to come to Wade Hampton, Maple and where the street meets and see what it looks like, see if it is 4' narrower, it can't be done safely. These are serious flaws that we are looking to correct and that is where they think the motion for rescinding came from. They want to work with the developer on these solutions together, they don't want to repeal the entire thing. They want an equitable solution where they can work together truly and not with all of this mis-information. She asked Council to set a good precedent, correct the errors made and get it right.

Ms. Tina Cardenas, 214 Ceret Ct. SW stated that she agrees with Nancy's comments and supports a vote to rescind the approval and make some modifications so the development can go forward on a smaller scale. Specifically because of the safety issues and its size. There are three sides to this building that should be made smaller. She further explained some of the safety issues she has.

Mr. Rob Fisher, 131 Church St. SW stated that he is a builder in town and has been a part of this community for 33 years. He thanked everyone on Council for their efforts and all they do for the Town of Vienna. He knows they spend a lot of time, not just Monday evenings, but spend a lot of time preparing for the meetings and understanding the content that they are looking at. He believes the prior Council did the same thing. He is not there to speak in favor or against the project but the project went through a process and the process worked. The project was approved and as far as he can tell nothing has changed with the project, the only thing that has changed is some of the members of Council and that is not a reason to rescind the vote.

Mr. Steve Bilidas, 377 Maple Ave stated 42 years ago his dad and uncle opened Amphora Restaurant and the residents behind the restaurant had the same concerns where they came in front of Town Council saying too much traffic, going to be too much noise and they want the restaurant but don't want it open 24 hours. The same issues came about and they wanted to rescind the permit to build the restaurant. 42 years later the residents in the back don't have a problem with anything, the traffic or the noise. He understands that there are concerns but he is in favor of 380 because it will be good for the town.

Ms. Varsha Chandra, 204 Adahi Rd. SE stated that she has been a resident since 2007 and is also a business owner. He has been listening to all the speakers and respect both sides and as the last speaker said, she doesn't really have an opinion one way or another about 380 but she has an opinion about the process. She was not here for every Town Council meeting on 380 but the members of the Town Council that were elected at that time were. They heard the facts, they listened to both sides, they listened to the neighbors, they listened to the developer and they voted. They made a decision. Now we have new Council members and she is sure they are going to go to the same Planning Commission meetings and Council meetings, and will listen respectfully to both sides and they will get to vote on the new developments that come forward to the town. If they permit the motion to rescind what has already been approved they are setting a dangerous precedent. It is not the way to attract business or use the town funds because there will be a lawsuit and who is going to pay for it, the town residents, it is going to come out of the taxpayer money. She

*implores Council to respect what the previous Town Council has decided and please reject the motion to rescind.*

*Ms. Valerie Robel, 404 Johnson St. stated that she appreciated all the letters that have been entered into the record but also wanted to comment that there have been a lot of letters and previous comments from the neighborhood in the past about this particular project and they should not be ignored. She also appreciates Councilmember Majdi's statements at the beginning which were extremely helpful to the intent of the process she thinks is trying to be proposed by this motion. She appreciates all the work that has been done and she does support an effort to follow a motion to make changes to this proposal. She doesn't know if you have to call it rescind, call it modify or call it back to the drawing board but she does think there has been mistakes. She thinks they haven't listened fully to the public or to the intent of what the virtual vision of the MAC was. They are not saying this is a bad project, they are saying that the project is too large, there are safety issues, and some logistical issues compounding those problems and they think it can be fixed. It can be modified in a reasonable way, the street size back to the original and safety concerns addressed so that this project and the businesses it will bring to help the tax base, to benefit all of the public and all of the businesses.*

*Ms. Barbara McLeod, 204 Glen Avenue stated that the neighbors concerns have been mis-represented from the very get go, nobody that she has heard is in favor of the strip malls or not having rejuvenation and renewal of our buildings in Vienna. What they are worried about is the fact that this building is imposing on the neighbor. It has to do with the size and they thought there was going to be more green space. She thinks going forward and getting the MAC re-done they need to get it right this time. There are legitimate concerns about the height of the building and safety issues with this project.*

*Mr. John Runyon, 315 Courthouse Rd. SW reminded everyone that they elected three Council members who are all opposed to this type of development in Vienna.*

*No name stated - If we made a mistake fix it and get it right the next time.*

*Mr. Joe Daly, 412 Roland St. SW stated that he opposes this huge development as he opposed an earlier one. They have to consider what the commercial industries want otherwise we will go bankrupt. You need to consider the people living here and the people that might want to come here. Traffic is bad and getting worse, we don't need huge mega developments. He questions how they got to this place in the first place.*

*Mr. John Sekas, 9800 Clarks Crossing Rd stated that he is not going to talk on the issue because they have heard both sides very clearly but the one thing he cautioned everyone about is when we have a comprehensive plan, and we make a zoning ordinance, those are the rules of the game. If you allow four houses per acre then you should expect four houses to the acre to come in here. He thinks it is very unfair to all the citizens and all the counties that they don't understand that. Somehow we need to bring this entire conversation of tonight forward so that everybody understands when we make a zoning ordinance change and when we make a comprehensive plan, those are the rules of the game. That is how builders and developers make their investment. He is urging everyone including all the citizens, to understand that when a zoning ordinance is past that is the rule of the game. If you have concerns, which he does, because he will thank publicly, the Town of Vienna for all that has blessed him and his family with over the past 32*

years, he loves the Town of Vienna and he loves all its citizens. The reason why we are here tonight is because we really didn't do our job up front and it is not fair to take it out on one project because we really didn't understand what we approved already. He knows there is a moratorium right now and he loves small town Vienna, he lives here and has done business here for 32 years, his projects are representative of that, but if you make an investment with a set of rules, Town Council has to stand behind those set of rules.

Mr. Dan McLean, 416 Millwood Ct. stated there is obviously safety issues with the shortening the width of the road. He walks down there and with all this added development and traffic it is going to be dangerous. The traffic problem has gotten so much worse since they moved here and if this goes through the traffic will increase tremendously.

Ms. Cindy Miley, 204 Paris Ct. SW stated that the MAC promised to maintain the stability of established residential neighborhoods. According to the MAC section of neighborhood compatibility, mixed use development located on lots containing existing single family detached dwellings abut or across the street should maintain the same height and this has not been done in the case of 380. The gifting of 4' of public land was not transparent. Smart economic development is needed in Vienna and she is pro smart development. She believes it is vitally important to revitalize the Maple Avenue corridor and encourage economic development but this cannot come at the expense of the existing single family neighborhoods. Reasonable setbacks that were enacted must be enforced. With respect to safety, it is not just the traffic, it is the delivery trucks as Councilmember Potter mentioned during multiple meetings as a citizen and Councilmember. It is a dangerous precedent giving 4' to the developer and allowing the developer to use a public street as a loading zone. If you want to have a walkable town you must consider the safety of the people walking, riding and biking on Wade Hampton. She believes they can find common ground to get this right. She asked that they vote to rescind the approval of the rezoning and send it back to the Planning Commission.

Ms. Elizabeth DiFrancisco, 434 Knoll St. NW stated that she is not a nimby, she is across the street three blocks from 380. They have done the residents of Wade Hampton and injustice by narrowing the street without notifying them in accordance to the law and by not following the law and using a lame duck voting technique before the new folks took office, they have done the folks on Wade Hampton a disservice, and for that reason and that reason alone, they need to revisit what happened for 380. She loves the design, they have done a fabulous job but it is too big, it doesn't meet the MAC vision that they pointed out earlier from 2016, and they are not taking the safety of the residents on Wade Hampton into consideration. Take the development of 380, mirror image it so that the loading dock is on the other side, next to the neighbor who approves of it and take all of the traffic off of Wade Hampton and do some tweaking on the back for Alex's house. The main thing is that they didn't follow procedure for the 4' on Wade Hampton and for that reason and that reason alone, they should do their due justice and revisit it and send it back to the Planning Commission.

Ms. Linda Mann, 428 Windover NW stated that the MAC policy is contentious, it resulted in a 20% showing at the poll which they haven't seen in a long time in a changing Council. There has been significant data, factually, that there are safety and legal procedural concerns. A rescind and repeal does not mean a throwing away of the MAC and it is not a disrespect to builders, it is the Town Council's way of addressing those facts and the need to address specific procedural and safety

concerns.

*Ms. Shelly Ebert, stated that she had felt really somber since June 17th. It has been hard to even participate in a discussion. Both with 380 and Sunrise she was very disappointed. She feels misled, she feels misled about the consequences of the street narrowing. She felt that they didn't know that until the public comment was closed, they lost the ability to comment on the consequences of that because it didn't come out until they were silenced and that is how she feels. She does not think it was the intention of staff to make her feel that way but that is how she felt. She does not think the developer should benefit from the street narrowing, she feels like they should have had an opportunity to comment on that. Not a single person has said they were ok with the street narrowing.*

*Ms. Beth Eachus, 702 Marshall Rd, SW, stated she personally does not favor rescinding the vote made by Town Council on June 17th. She was at that meeting and was not happy with all the votes and how they took place. She actually doesn't know much about 380 but she does know about process. She sits as a chair person on a number of committees and serves as an officer on a number of not for profits, and process is how we ensure that the majority is heard. This vote took place and when we take a vote we want to make sure that organizations are effective and fair, we want to ensure we are securing all the rights of members or citizen's and we want to promote order, fairness, respect and efficiency. She does believe that the vote was legal and they need to abide by that.*

*Mr. JC Mernin, 204 Paris Ct. stated that he did attend a lot of the meetings and at those meetings there were hundreds of people participating in the process and speaking out about their reservations about MAC and what was happening on these projects and you are supposed to more than listen to those people but they continue to pass these projects, one after another. Process is important and he thinks they basically dropped the ball in the process. There were hundreds of people telling you they were against what you were doing and they you would vote as if the room had been empty and that is the most important part of the process. At least take a pause and educate them.*

*Mr. Dennis Rice, stated there was something that needs to be corrected and corrected quickly, the 4' never leaves the Town's right-of-way, they don't gain anything, and the town maintains the 50' right-of-way. The 32' street was a recommendation by Public Works, it was not himself and it was not his partner. He also heard how the building should be terraced, these people need to look at the plans, the building is terraced, and it steps back on the first floor, the second floor, and the third floor. These have been brought up time and time again and it is just not true. He explained that you have the 50' right-of-way, if you have a 36' road you have 14' leftover, 7' on each side. That takes your sidewalk and gives you planting space. If you have a 4' sidewalk, you have 3' of planting space. When you have a 32' road you have 18' left over, 9' on each side. You can go to a 5' sidewalk and have 4' leftover for tree plantings and Mr. Sekas will tell you that you can't plant a tree in a 2', 4' minimum. He has offered many times to meet with individual Council members and ask them if they had any questions that he could explain and he was never taken up by certain ones. The safety concerns, they just did a survey back on Roland and Wade Hampton to determine, if there was any chance that the road could be increased in size. The neighbors keep talking about safety and people aren't even going the speed limit. That street needs to be improved. He explained why he was parked on the street while it was being surveyed. People are bringing up things that are just not accurate, their building was originally around 55 units and they*

reduced it down to 37 units. They are talking about the building being up to the max on all the sides, and no they set their building back in the front an additional 2-4'. The awning is not 9', it is a 6' and it has been that way for six months. It does not protrude into the town right-of-way at any place except on the far corner, another misconception that has been floating around. There was talk about the town street hitting a VDOT street and Maple Avenue is not a VDOT street, it belongs to the town. It is a state route number, not a state street. There is just a lot of misinformation that keeps coming up and people use it against them but it is not factual. They will go back to the 36' street, that doesn't bother them at all. They are the ones that were going to spend the money to narrow and improve the street. They can shrink their building, it is 264.7 square feet on the first floor and if they need to shrink the building it is about .75% of the total building, they won't even miss it. Public Works had taken that on because they felt after listening to the neighbors at the 444 that this was a concern and one of the biggest concerns was if somebody wants to turn left from Wade Hampton to Maple and you want to turn right, your sitting there and they cut through 380, through their parking lot, on a continuous basis. They followed the instructions of Public Works and thinking that it is a better street configuration. The Vienna Market has a street width of 31' 5" and they have 32'. Neither he or his partner came up with that street width, Public Works did and he stands behind it because it does improve the safety and if there is somebody turning left and you want to turn right, you have 3 or 4 stacking cars you should be able to make the right which then does enforce the person on the left to get out.

Councilmember Springsteen asked Mr. Rice if he would be amenable to make the street 36'. Mr. Rice stated he didn't have a problem, it is his Public Works department who he thinks are very professional and understand their jobs and that was their suggestion.

Councilmember Patel stated that she thinks there may have been a misunderstanding and asked if Mr. Rice would explain to her one more time, the compatibility with the zoning ordinance and it says "the proposal is compatible with the exception of the modification of requirement" which is requested for an awning which encroaches 6' into the front yard setback and maximum allowed is 3'. She asked if it was correct that he asked for an additional 3' to allow for the awning. Mr. Rice stated it was correct and it was on their property. It is encroaching into the setback which is property they own, not the town. It is not a town right-of-way. Councilmember Patel asked then why would he have to apply for the exception when the entire awning is on his property. Mr. Rice stated yes except for a piece on the far right corner of Wade Hampton in order to cover over the seating area below, which is part of what the MAC encourages, is gathering space. One of the things in the gathering space it talks about awnings. 50 square feet of the awning protrudes into the town right-of-way and he would say the awning is probably close to 1400 square feet. Councilmember Patel asked where the maximum allowed is 3' come in. Mr. Rice stated it was town code. Councilmember Patel stated she is not a developer or an architect and asked Mr. Rice to dumb this down for her as she still is not understanding why. Mr. Rice stated it may protrude 3' into the setback, the setback is part of their property and they wanted to make it 6' because under the MAC it encourages wider awnings in order to promote a better gathering space.

*It was moved to close the Public Hearing*

*Motion: Councilmember Colbert*

*Second: Councilmember Noble*

*Mr. John Foote with Walsh Collucci, Attorney for Mr. Rice, stated that they have put their position in writing to Council and he hopes that they have all seen the two letters, one about rescission and one about repeal. It is his position and he is a land use lawyer, that the rezoning cannot be rescind nor repealed and he has conveyed this to Mr. Briglia with whom he has a great deal of respect. Their position is quite simply, and it has been stated, on June 17th this rezoning was accomplished and is now done. Consequently others may disagree with that position but after forty years of experience and practice in the area of land use law he has no alternative but to advise his client that the rezoning has been done. Make no mistake that a rescission is effectively a repeal. They may call it something besides a repeal but when you rescind an action previously done you are undoing that action. As a consequence, because of that and because of their view of what they are doing is undoing a done act. They submit that the protest petition requires you to rule that it requires a super majority vote to rescind it as it would have to repeal it because that is what they are doing, effectively repealing it. They know that Councilmember Potter is joining the meeting by electronic means and they did not hear earlier in the meeting whether there had been any entry into the minutes as to whether he has satisfied the statutory requirements for participation in an electronic meeting. They had tried to find their written policy with respect to that and had not found there to be such a policy and asked they they determine that he has in fact been qualified to participate as a matter of law. Mayor DiRocco stated that they do have a policy of allowing electronic participation and there are certain requirements, they need to notify staff ahead of time and she believes he did that. Mr. Payton stated that this Town Council voted a few years ago to allow for joining a meeting electronically two times in a given calendar year. As far as he understands it, Councilmember Potter is participating in this meeting in a way that is in conformance*

**Or**

**Other action deemed necessary by Council.**

#### **4. Meeting Adjournment**

##### **4. Meeting Adjournment**

**Aye:** 7 - Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Patel, Council Member Potter, Council Member Springsteen and Mayor DiRocco

*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.*

**Signed / Dated:** \_\_\_\_\_

\_\_\_\_\_  
**Laurie A. DiRocco, Mayor**

**Attest:**

\_\_\_\_\_  
**Melanie J. Clark, CMC**

Town Clerk