



# 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, August 31, 2020

8:00 PM

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

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#### Regular Meeting

#### 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

#### Resolution

A. [20-1844](#) Resolution for Continuity of Government

*The Resolution for Continuity of Government was approved via voice vote.*

**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

#### 2. Acceptance of the Minutes:

A. [20-1842](#) Acceptance of the July 6, 2020 Council Meeting Minutes.

*A motion was made by Council Member Springsteen, seconded by Council Member Brill, to approve the Town Council Minutes of July 6, 2020. The motion carried unanimously.*

**A motion was made that the Minutes be approved. The motion carried by the following vote:**

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

#### 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 recognized Jack Thomas, 1122 Ware St., SW, representing Wake Up Vienna. Mr. Thomas read into the record a proposal for improving racial equity in the Town of Vienna. The group supports the following initiatives;*

- *Transparency in community policing data collection, House Bill 1250;*
- *Creation of a citizen's review board with power to hand down punishment;*
- *Require the use of body cameras;*
- *Report officer misconduct;*
- *Require mandatory counseling for all officers engaged in use of force;*
- *Engage in mandatory anti-racist education;*
- *Halt construction of the new police station.*

*Wake Up Vienna would like to see the Town of Vienna move away from traditional policing, except in the case of violent crime, and reallocate funds to support mental health and social services.*

*Mayor Colbert recognized Shelley Ebert, 402 Roman St., wished to express concern regarding the new Town Council meeting policy whereby Citizen Comment is reduced to three minutes. She regards this as a dangerous step toward opinion repression.*

#### 4. Closed Session Report

A. [20-1853](#)

Closed Session

*Mayor Colbert recognized Council Member Sommers.*

*It was moved that the members of the Vienna Town Council be polled to affirm that during the first closed session convened this day Monday August 31, 2020 the Town Council met, virtually via ZOOM, in accordance with Virginia Code 2.2-3711.A.(1), and the Town of Vienna's Continuity of Government ordinance, the Town Council met for discussion of personnel matters, specifically the interviewing of individuals for consideration of appointment and/or re-appointment to Town Boards and Commissions.*

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

*It was further moved that the closed session be continued to later this date, Monday, August 31, 2020, at the conclusion of the regular council meeting, both virtually via ZOOM, and in-person, in accordance with Virginia Code Section 2.2-3711.A.(3), for discussion and consideration of personnel matters, specifically the interviewing of individuals for consideration of appointment and/or re-appointment to Town Boards and Commissions.*

*Council Member Springsteen seconded the motion. Motion passed unanimously.*

*It was moved that Charlie Strunk be appointed to the Transportation and Safety Commission for a term of two years. Said term shall be retroactively effective 07/13/2020 – 07/13/2022.*

*It was moved that Keith Airona be appointed to the Transportation and Safety Commission for a term of two years. Said term shall be retroactively effective 07/13/2020 – 07/13/2022.*

*It was moved that Andrew Meren be reappointed to the Planning Commission for a term of two years. Said term shall be retroactively effective 07/13/2020 – 07/13/2022.*

*It was moved that Sharon Baum be reappointed to the Planning Commission for a term of two years. Said term shall be retroactively effective 07/13/2020 – 07/13/2022.*

*It was moved that Craig Burns be appointed to the Conservation and Sustainability Commission for a term of two years. Said term shall be effective 09/01/2020 – 09/01/2022.*

*It was moved that Julie Kylow be appointed to the Windover Heights Board of Review for a term of two years. Said term shall be effective 09/01/2020 – 09/01/2022.*

*It was moved that Peter Hartog be appointed to the Transportation and Safety Commission for a term of two years. Said term shall be effective 09/01/2020 – 09/01/2022.*

*It was moved that John O'Keefe be appointed to the Pedestrian Advisory Commission for a term of two years. Said term shall be effective 09/01/2020 – 09/01/2022.*

*It was moved that Holly Aglia be appointed to the Vienna Public Arts Commission for a term of two years. Said term shall be effective 09/01/2020 – 09/01/2022.*

*Council Member Springsteen seconded the motion. Motion passed unanimously.*

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

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

## 5. Regular Business

### B. [20-1817](#)

#### Purchase of Property for a Public Purpose

*It was moved to amend the agenda and move item 7B, Purchase of Property, before item 5, Public hearings. Motion Council Member Springsteen, Second Council Member Anderson, motion carried unanimously.*

*Mayor Colbert recognized Town Attorney Briglia who provided a brief overview of the property for approval. Located at 301 Center Street S., the \$5.5 M property consists of a 2400 sq. ft. structure on approximately 3 acres, formerly the home to Faith Baptist Church. Funding for purchase of the church property will come from general obligation bonds issued earlier this year.*

*Council Member Patel moved to approve the purchase of the property located at 301 Center Street, S. for the amount of \$5,500,000 and an additional amount of \$5,000.00 be authorized for settlement and title insurance expenses.*

*Council Member Anderson seconded the motion. Motion passed unanimously.*

**A motion was made by Council Member Patel, seconded by Council Member Springsteen, that the Action Item be approve. 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

## 6. Public Hearings

### A. [20-1814](#)

Public hearing to amend the FY 2019-20 budget for use of Coronavirus Aid, Relief, and Economic Security Funds (CARES Act Funds)

*Mayor Colbert called for the roll. All members of Council were present.*

*Mayor Colbert called on Financial Director Marion Serfass to provide background*

for consideration. In FY 2019-20, the Town spent approximately \$1,070,860 of CARES funds to prevent and mitigate the spread of the coronavirus. This amount is in excess of 1% of the FY 2019-20 budget, and therefore, pursuant to the code of Virginia, section 15.2-2507, requires a public hearing.

Council Member Springsteen made a motion to close the Public Hearing; Council Member Brill seconded the motion. Motion passed unanimously.

Motion made by Council Member Springsteen to approve the amendment to the FY 2019-20 general fund budget to account for CARES Act expenditures. Second by Council Member Brill. Motion passed unanimously.

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

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

**B. [20-1816](#)**

Public hearing to amend FY 2020-21 budget for use of CARES Act funding and supplemental appropriations

Mayor Colbert called for the roll. All members of Council were present.

Mayor Colbert called on Director Serfass to provide an overview of the item noting that the total budget amendment stands at \$2,293,552 and is greater than 1% of the fiscal year 2020-21 budget. Therefore, pursuant to the code of Virginia, section 15.2-2507, a public hearing is required.

Council Member Anderson moved to close the public hearing. Council Member Sommers seconded the motion. Motion carried unanimously.

Council Member Anderson moved to approve the \$2,293,552 amendment to the FY 2020-21 general fund budget as detailed by staff. Council Member Springsteen seconded the motion. Motion carried six to zero; Council Member Patel abstained.

**A motion was made by Council Member Anderson, 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. [20-1801](#)**

Public hearing on rezoning of 117 Courthouse Road SW (parcel # 0384 02 0032) from C-2 General Commercial zone and C-1A Special Commercial zone to RS-10 Single-Family Detached Residential zone

Mayor Colbert called for the roll. All members of Council were present.

Mayor Colbert called on Director Petkac to provide an overview of the item noting that the Planning Commission vote on a motion to recommend the rezoning request failed. Council Member Somers questioned why this issue has been brought before Council now? The Town has undertaken a long overdue comprehensive process to review the zoning system and how it relates to commercial, industrial and residential districts. This process will involve a comprehensive engagement strategy with the community to discuss what citizens want a modern Vienna to look like. With this property abutting a major commercial district where several options for development are available, why take up a rezoning request now?

*Director Petkac explained that the review and re write is an update on the text of the zoning code, while the issue before the Council is a property owners zoning request.*

*Council Member Springsteen noted that the Council is hard pressed to tell this property owner how they can rezone a portion of their property to RS-10 given that it is already 90% residential. Director Petkac confirmed for Council Member Somers that the property owner purchased the property understanding that a portion would require rezoning.*

*With no further questions from Council, Mayor Colbert called for public comment.*

*Nancy Moats, 131 Courthouse Rd., SW. remarked that because this is a large space that serves to provide an entrance into the development, it would be unfortunate if any portion were used for commercial or mixed use development. She approves of the proposed usage as 100% residential, but would request that the trees be preserved as much as possible.*

*Dennis Rice, Developer, JDA Custom Homes, noted that he has met with two arborists who have identified trees on the property that are in declining health. They do believe that most of the trees can be saved but to do so requires an exception for the sidewalk.*

*Shelley Ebert, 402 Roman St., indicated that she had attended the Planning meeting. It was her understanding that Mr. Rice agreed to work on a concurrent application that would address transitional housing. She stressed that Vienna needs more housing diversity.*

*Mr. Rice clarified that it was never his intention to consider any other type of housing than single family residential.*

*Responding to Council Member Potter, Director Petkac confirmed that this application conforms with the Comprehensive Plan.*

*Council Member Springsteen moved to close the Public Hearing. Council Member Somers seconded the motion. Motion passed unanimously.*

*It was moved that after considering the proper relationship of the proposed zoning map amendment to the Town's comprehensive plan, with the intent to retain the integrity and validity of zoning districts and to avoid spot zoning changes in the zoning map, Council approves the requested rezoning for 117 Courthouse Road SW (parcel number 0384 02 0032) from C-1A Special Commercial and C-2 General Commercial zones to RS-10 Single-Family Detached Residential zone. Council Member Potter seconded the motion.*

*Council Member Somers stated that with the ongoing public discussion regarding the need for affordable/ mixed use housing, giving away zoning that is currently in Council's control is a mistake. He stated an owner has as absolute right to build residential homes on the two lots zones RS-10, however the third commercially zoned lot should be assessed in terms of future community needs. As such, he could not, in good conscience, vote in favor of this motion.*

*Mayor Colbert stressed that she believes in property rights and appreciates the input from neighbors. She noted that with the stop light, the traffic in that area and*

*the shape of the lot, she is in support of this zoning request.*

*Motion carried in a six to one vote.*

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

**Aye:** 6 - Council Member Anderson, Council Member Brill, Council Member Patel, Council Member Potter, Council Member Springsteen and Mayor Colbert

**Nay:** 1 - Council Member Somers

## 7. Consent Agenda

*It was moved to approve the Consent Agenda as presented. Motion by Council Member Patel; second by Council Member Springsteen. The motion carried unanimously.*

**A motion was made by Council Member Nisha Patel, seconded by Council Member Howard J. Springsteen, that this was approved on the Consent Agenda.. 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

- A. [20-1811](#) Approve transfer of spending for 2021, utilizing IFB 20-03 for roadway maintenance, from the general fund to the capital project fund
- B. [20-1805](#) Onondio Cove subdivision bond reduction request
- C. [20-1813](#) Approval to publish a list of delinquent real estate tax paymentss as of June 30, 2020 (Consent)
- D. [20-1818](#) Request formal approval of an emergency procurement, which was previously granted expedited approval, to spend \$71,176 with Resurface Inc. for repairs and improvements to tennis and basketball courts at Glyndon Park.

## 8. Regular Business

- A. [20-1793](#) Two-hour limit for Town Council meetings

*Mayor Colbert called on Council Member Brill to present information on the item for approval. Council Member Brill suggested that the purpose of this item was to assist all participants to clearly focus their comments so that Town business can be concluded in an expeditious manner.*

*Council Member Patel offered a friendly amendment stating "additional subsequent 30 minute intervals as deemed necessary by Council". Second by Council Member Sommers. Motion carried in a five to two vote.*

*Following additional clarification on the issues of closed sessions and work sessions, it was determined that both would be assumed as part of the motion.*

*A motion was made that ordinary Town Council meetings be limited to two hours. If*

*additional time is needed, Town Council can extend the meeting for 30 minutes by majority vote and additional subsequent 30 minute intervals as deemed necessary by Council. Motion Council Member Patel. Second Council Member Sommers. Motion passed in a five to two vote.*

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

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

- C. [20-1799](#) Referral to the Planning Commission of a proposed ordinance to amend the Code of the Town of Vienna, Chapter 17, Subdivisions, Article 5, Improvements, Section 17-67.2 Completion and Construction of Sidewalks for Single-Lot Development.

*It was moved to refer to the Planning Commission the proposed amendment to Town Code Section 17-67.2, which will require construction of sidewalks in any single-lot redevelopment. Motion made by Council Member Patel; seconded by Council Member Potter. Motion carried unanimously.*

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

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

- D. [20-1800](#) Intent to adopt a proposed ordinance to amend the Code of the Town of Vienna, Chapter 9, Motor Vehicles and Traffic, Article 1, In General, Section 9-3, Adoption of State Code.

*A motion was made by Council Member Brill that the meeting extend an additional 30 minutes. Second by Council Member Potter. Motion carried unanimously.*

*It was moved to adopt the proposed ordinance to amend as presented the Code of the Town of Vienna Chapter 9, Motor Vehicles and Traffic, Article 1, In General, Section 9-3, Adoption of State Code. It was further moved that the Town Clerk be directed to advertise a Notice of Adoption. Motion made by Council Member Springsteen; second by Council Member Potter. Motion carried unanimously.*

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

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

- E. [20-1812](#) Re-adoption and extension of the Continuity of Government ordinance

*It was moved to re-adopt and extend the Continuity of Government ordinance approved by Town Council at its April 13, 2020 meeting. The re-adopted ordinance shall be good for a period of up to an additional six months, until March 31, 2021, from its current expiration of September 30, 2020.*

*It was further moved to direct the Town Clerk to advertise a Notice of Adoption of the Continuity of Government ordinance.*

*Motion made by Council Member Patel; second by Council Member Springsteen. Motion carried unanimously.*

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

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

**F. [20-1819](#)**

Extension and Re-adoption of emergency ordinance to waive zoning regulations to permit temporary outdoor activity through March 31, 2021

*Town Attorney Briglia noted that while this extension applies only to commercial concerns, he is currently drafting language that will incorporate educational settings, churches and other venues. An emergency meeting to consider this new ordinance is scheduled for Friday September 4, 2020.*

*It was moved to approve extension of the temporary outdoor activity ordinance for expanded use of outdoor business operations for outdoor dining and other commercial activities six months to March 31, 2021, subject to conditions outlined in the emergency ordinance. Motion by Council Member Patel; second by Council Member Springsteen. Motion carried unanimously.*

*Council recessed to Closed Session at 10:32 PM.*

**A motion was made by Council Member Patel, seconded by Council Member Springsteen, that the Action Item be approve. 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. Closed Session**

**A. [20-1852](#)**

Closed Session

*Council reconvened at 10:52 PM.*

*Mayor Colbert called for the roll. All members of Council were present.*

*It was moved that a closed session was held on this day Monday August 31, 2020, virtually via ZOOM and in person, in accordance with Virginia Code 2.2-3711. A.(1), and the Town of Vienna's Continuity of Government ordinance, for discussion and consideration of personnel matters.*

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

*It was further moved that the closed session be continued to Monday, September 14, 2020, at 7:15 PM the conclusion of the regular council meeting, in accordance with Virginia Code Section 2.2-3711.A.(3), for discussion and consideration of personnel matters, specifically the interviewing of individuals for consideration of appointment and/or re-appointment to Town Boards and Commissions.*

*Council Member Brill seconded the motion. Motion carried unanimously.*

**A motion was made by Council Member Somers, seconded by Council Member Springsteen, that the Action Item be approve. 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. Meeting Adjournment

*Motion made and seconded to adjourn the meeting. Meeting adjourned at 10:55 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.*