



Town of Vienna

Meeting Minutes

Town Council Meeting

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

Monday, October 5, 2020

8:00 PM

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

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

A. [20-1896](#) Resolution for Continuity of Government

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

A. 20-1896 Resolution for Continuity of Government

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 Minutes:

A. [20-1890](#) Acceptance of the Regular Council Meeting Minutes of September 14, 2020 and the Work Session Minutes of September 21, 2020.

The Regular Council Meeting Minutes of September 14, 2020 and the Work Session Minutes of September 21, 2020 were accepted by voice vote, with corrections by Council Member Potter.

Council Member Brill offered a motion that Town Staff provide the Mayor and Town Council with complete background materials for each item listed on the Town Council Meeting Agenda, six days prior to the Town Council Meeting or Work Session. If complete background materials are not received in a timely manner the agenda item must be removed. Exception would be an emergency matter certified by the Mayor and the Town Manager.

Second, Council Member Potter

Following discussion, Council Member Brill withdrew his motion.

A. 20-1890 Acceptance of the Regular Council Meeting Minutes of September 14, 2020 and the Work Session Minutes of September 21, 2020.

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)

Council Member Springsteen requested addition of an item to the current agenda; consideration of a motion to provide Town of Vienna staff a full day holiday on

*Christmas Eve, December 24, 2020.
Second, Council Member Brill
Motion carried unanimously.*

4. Closed Session

It was moved that the members of the Vienna Town Council be polled to affirm that the Vienna Town Council met in closed session on Monday October 5, 2020, virtually via ZOOM, and in person, in accordance with Virginia Code 2.2-3711.A.(1) and the Town of Vienna's Continuity of Government ordinance, for discussion or consideration of personnel matters, specifically the discussion of individuals for consideration of appointment and/or re-appointment to Town Boards and Commissions.

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

And it was further moved that the closed session be continued to Monday, October 26, 2020, at 7:45 PM in accordance with Virginia Code Section 2.2-3711.A.(1), and the Town of Vienna's Continuity of Government ordinance, for discussion and consideration of personnel matters, specifically the interviewing of individuals for consideration of appointment and/or re-appointment to Town Boards and Commissions.

*Motion: Councilmember Somers
Second: Council Member Springsteen
Motion carried unanimously.*

Council Member Somers made a motion to recommend William Dailey, Jr. to the Fairfax County Circuit Court for reappointment to the Board of Zoning Appeals. Council Member Springsteen seconded the motion. Motion carried unanimously.

4. Closed Session

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

5. Public Hearings

- A.** [20-1877](#) Public hearing on proposed amendments to the Town of Vienna Comprehensive Plan for Town-owned property located at 301 Center Street S

Mayor Colbert called the Public Hearing to order at 8:20 PM. All Council Members were present.

Mayor Colbert called on Cindy Petkac, Director of Planning and Zoning to provide a brief overview of the item. Notably, Director Petkac indicated that there was no public input on this item during the Planning Meeting of September 30, 2020.

Council Member Somers inquired whether the property can be used by the public if it is zoned for government use and, if so, the resulting impact on liability insurance. Attorney Briglia indicated that the governing body can define uses under the governmental use zoning designation; certain specific uses may require a CUP. Some uses are covered under Town liability insurance, however, a sublet would

require the lessee to carry private insurance.

In response to Council Member Brill, Attorney Briglia stated that use of this property for park purposes would require a separate zoning classification.

Council Member Anderson questioned if the Town had a designated government zoned district. Director Petkac indicated that public uses are permitted as a conditional use in a residential zone so no such district exists.

Council Member Patel reiterated her concern that the language should include "temporary" to assure that options remain open for use of the property at a later date. Attorney Briglia assured that the Town CUP application will include a time limit for the initial application and the BZA has the authority to grant a "limited" conditional use permit. Council Member Patel clarified her concern that once zoned governmental then other land use opportunities may not be allowed. Director Petkac pointed out that this zoning will be reviewed as part of the 2021 five-year Comprehensive Plan review and best language determination will be made at that time. She further clarified that the governmental use designation is an acknowledgment that the Town owns the property.

With no further questions or comments, Council Member Springsteen made a motion to close the public hearing. Council Member Brill seconded the motion. Motion carried unanimously.

Council Member Springsteen made a motion to adopt the proposed amendment to the Comprehensive Plan's Future Land Use Plan designating Town-owned property located at 301 Center Street S as governmental. Further it was moved to adopt the proposed amendment to the Comprehensive Plan's Community Facilities and Services chapter adding a new subsection titled '301 Church Street S' as presented. Council Member Potter seconded the motion. Motion carried unanimously.

A motion was made 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

6. 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.

The following items were approved on the Consent Agenda

- A.** [20-1880](#) Request approval of MOU between the Town of Vienna and Vienna Business Association for 2020 Halloween Wave Parade
- B.** [20-1888](#) Request to set a public hearing for November 2 regarding the Town's 2021 legislative agenda
- C.** [20-1864](#) Request approval for spending \$500,000 with Tri-State Utilities, Inc. for rehabilitation of sanitary sewer pipes throughout the service area.

7. Regular Business

- A. [20-1829](#) Request approval for emergency sewer repair at Wolftrap Creek interceptor

A motion was made by Council Member Patel to approve funding in the amount of \$400,000 to Tri-State Utilities for emergency sewer repair at the Wolftrap Creek interceptor

Council Member Somers seconded the motion. 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

- B. [20-1876](#) Intent to adopt amendments to Chapter 11 of the Town Code - Personnel relating to updates in human resources terminology, authorizations for business operations, and holidays

A motion was made by Council Member Springsteen to approve the proposed amendments to Chapter 11 of the Town Code - Personnel relating to updates in human resources terminology, authorizations for business operations, and holidays, with the exception of Article 3, Section 11-10, Item M Holiday Leave, whereby Christmas Eve (December 24) will consist of ½ day off with pay.

It was further moved to direct the Town Clerk to advertise a Notice of Adoption. Second by Council Member Brill. Motion carried in a six to one vote.

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

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

Nay: 1 - Council Member Patel

- C. [20-1886](#) Re-adoption of emergency ordinance to permit temporary waivers of zoning regulations and review for public, semi-public, and private institutions

A motion was made by Council Member Springsteen, seconded by Council Member Brill, that the Action Item be. 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. [20-1895](#) Request to consider proposed amendments to Chapter 18 - Zoning, Article 19 - Nameplates and Signs relating to Temporary Sign Regulations

A motion was made by Council Member Potter to refer the results of this matter to the Planning Commission for further action following the October 28, 2020 Town Council Work Session. Motion seconded by Council Member Anderson. Motion passed in a six to one vote.

A motion was made by Council Member Potter that the Action Item be approved as amended. The motion carried by the following vote:

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

Nay: 1 - Council Member Patel

E. [20-1906](#) Define land-use goals to be used as guidance for the Town's Zoning and Subdivision Ordinance update

A motion was made by Council Member Anderson to direct staff and Calfee Zoning to adopt land-use goals listed in the Comprehensive Plan, with a revision to the housing goal and incorporating goals listed in the Transportation Chapter and other sections, as applicable, as guiding goals for the subdivision and zoning code update.

Second, Council Member Springsteen. Motion carried unanimously.

A motion was made by Council Member Anderson, 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

20-1910 Amend 2020 Town Calendar to add full day off for Christmas Eve.

Amend 2020 Town Calendar to add full day off for Christmas Eve.

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

8. Meeting Adjournment

Council Member Springsteen made a motion to adjourn the meeting. Second, Council Member Anderson. Meeting adjourned at 10:57 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.