



Town of Vienna

Meeting Minutes

Town Council Meeting

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

Monday, May 16, 2022

8:00 PM

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

Invocation: Mercury Payton, Town Manager

Mayor Colbert called on Mercury Payton, Town Manager, to provide the evening's invocation.

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

1. Roll Call

Present: 7 - Council Member Chuck Anderson, Council Member Ray Brill Jr., Council Member Nisha Patel, Council Member Steve Potter, Council Member Ed Somers, Council Member Howard J. Springsteen and Mayor Linda Colbert

2. Approval of the Minutes:

- A. [22-3121](#) Acceptance of the Regular Council Meeting Minutes of April 25, 2022, May 2, 2022 and the Conference Session Minutes of April 18, 2022

The Regular Council Meeting minutes of April 25, 2022 and May 2, 2022 and the Conference Session Minutes of April 18, 2022 were approved as presented.

A motion was made that the Action Item be approved. The motion carried by the following vote:

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

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 speakers from the floor as follows:

Penny Oszak, 221 Nutley St., NW noted that Green Hedges School presented a massive expansion plan to the Planning Commission on May 11, 2022. During this process, no one from the neighborhood complained because the neighbors had not been notified. The neighbors have tried to work with the Green Hedges School headmaster with little progress. It is not the intent of neighbors to be unreasonable but rather to address the ongoing violations of Town Code. The intent is to seek tougher language that will protect surrounding neighbors and all those residents who live next to CUP activity; to create language that is clear and enforceable. On May 9, 2022 Ms. Oszak filed a formal complaint (the fourth such complaint) with respect to Green Hedges School. According to the 2000 CUP the athletic field is limited in hours of use from 8:00 AM-6:00 PM Monday through Friday. On May 9, 2022 the field was used by the fitness group that has been using the school parking lot; the same fitness group that caused the first complaint on April 26, 2022. Council asked at an earlier session if the third party group was still using the parking lot;

the answer is yes and now they have moved to the athletic field as well. Ms. Oszak personally requested that the 2000 CUP be enforced and this violation be addressed immediately. Additionally, she stated that she previously requested an update on the status of the first three complaints by Friday May 13, 2022 but no response has been received. In order to set expectations, she requested that someone share the process, the completed steps toward resolution and when to expect a written update.

Aldis Lusi, 446 Windover Ave., NW stated that he is speaking on behalf of Elizabeth DiFransisco, 434 Knoll St., NW. On Friday, May 6, 2022 Ms. DiFransisco filed a complaint (number three) against Green Hedges School. According to the 2017 CUP parking at Meadow Garden (202 Lewis Street) is limited to two vehicles. On May 6, 2022 four vehicles were parked at that location. Additionally, the 2017 CUP was approved based on the basis that screening of the parking spaces from surrounding neighbors would include five foot evergreens to be planted along the Lewis St. frontage and eight foot evergreens planted along the northern property boundary. Such screening does not exist. The 2017 CUP also identified inclusion of signage stating the two parking spots were limited to maintenance vehicles and administrative personnel. No such signage exists.

Mr. Lusi wished to add that this is just another complaint added to those submitted before and now Green Hedges School has put forth a request for expansion. This is getting tiresome. It appears rather disingenuous for the new Head Master to say that they didn't make the promises of the last Head Master and so the process must be started anew. It's a waste of Town resources to do so.

4. Reports/Presentations

A. [22-3123](#) Proclamation to recognize International Dark Sky Week in Vienna

Mayor Colbert read aloud the proclamation to recognize International Dark Sky Week in Vienna. The proclamation was presented to members of the Conservation and Sustainability Commission.

B. [22-3135](#) Recognizing Businesses During Business Appreciation Month

Mayor Colbert recognized Natalie Monkou, Manager, Economic Development to present the Item. Every May, the Commonwealth of Virginia recognizes Business Appreciation Month-a time where businesses are celebrated for their role in communities, their innovation, and dynamic services and operations. Together with the Conservation and Sustainability Commission, the Economic Development Division recognized this year's newest Sustainability Challenge award winners as follows:

- Mala Persaud at Trace Zero Waste*
- Rawal Kapoor at Vocelli's Pizza*

Mayor Colbert recognized the student interns currently working at Town Hall.

A. Report and Inquiries of Council Members

Council Member Patel shared that Big Buns will open Tuesday, May 17, 2022 at 11:00 AM.

Council Member Anderson reported on an inquiry from a resident who noted a new Fairfax County ordinance governing the infiltration of bamboo into neighboring property, questioning if it applies to the Town of Vienna. Town Attorney Briglia noted that bamboo has been classified as an invasive species and the State General

Assembly has granted localities authority to pass ordinances to govern. The issue arose at a Town Council meeting some time ago with the decision not to act. The new county ordinance does not apply in the Town of Vienna but the Town does have the authority to adopt its own ordinance.

Council Member Springsteen suggested a conference session to discuss the bamboo issue further.

Council Member Potter reported on the 380 Maple Ave. project. The Developer continues to have weekly informative communication with the effected neighbors. The information has been extremely helpful and points to a positive way to navigate these projects in the future.

Council Member Brill remarked on the recent events of Laguna Woods, California and Buffalo, New York urging that we must, as a society, find a better to way to resolve extreme emotions. He further reminded Council of the heroism of the Ukrainian people.

B. Report of the Town Manager

Introduction of new Planning & Zoning Director

Town Manager Payton introduced David Levy, new Director of the Planning Commission.

Introduction of new Police Officers

Town Manager Payton called on Jim Morris to introduce the newest member of the Vienna Police force.

C. Report of the Mayor

Mayor Colbert recognized the success of the Tour de Hunter Mill bike ride held on Saturday, May 14, 2022. The event was organized by Supervisor Walter Alcorn and the Bicycle Safety Committee.

The Annual Native Plant sale will be held Saturday May 21, 2022 at the Community Center. The event, presented by the Conservation and Sustainability Commission, will open at 8:00 AM and run until 12:00 PM.

The annual Viva Vienna celebration, organized by the Vienna Rotary Club in partnership with the Town of Vienna, will be held May 28-30.

D. Proposals for Additional Items to the Agenda

Council Member Springsteen requested addition of an item to discuss creation of a resident survey to determine willingness to purchase Town mulch. A motion was made to add this as Item E to the Regular Business section of the agenda. Motion, Council Member Springsteen; second, Council member Anderson. Motion passed in a 6-1 vote.

E. Closed Session

It was moved that the members of the Vienna Town Council be polled to affirm that a Closed Session was held on May 16, 2022 in accordance with Virginia Code, Section

2.2-3711.A.(1) for discussion or consideration of personnel matters, specifically the interviewing of individuals for consideration of appointment and/or reappointment to Town Boards and Commissions.

It was further moved that the Certification Resolution be adopted in accordance with State Statutes, and that the Town Clerk is authorized to execute the Certification Resolution. And it was further moved that the Closed Session be continued to Monday, June 27, 2022 at 7:00 PM in accordance with Virginia Code, Section 2.2-3711.A (1) for discussion or consideration of personnel matters, specifically the interviewing of individuals for consideration of appointment and/or reappointment to Town Boards and Commissions.

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

It was moved to appoint Elizabeth McGregor to the Pedestrian Advisory Committee for a two-year term. Said term shall commence May 17, 2022 and expire May 17, 2024.

It was moved to appoint Zachary Smith to the Conservation and Sustainability Commission for a two-year term. Said term shall commence June 1, 2022 and expire June 1, 2024.

It was further moved to amend the motion of April 25, 2022 appointing JoAnn Hazzard to the Town Business Liaison Committee for the effective date of August 25, 2022 to an effective date of June 1, 2022 for a two-year term expiring June 1, 2024.

Motion, Council Member Somers; second, Council Member Patel.
Motion passed unanimously.

E. 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. Regular Business

A. [22-3106](#)

Intent to Adopt Real Estate Tax Rate for FY 2022-23

Mayor Colbert recognized Marion Serfass, Director, Finance to present Item 22-3106.

It was moved to approve a resolution setting tax rates for the fiscal year beginning July 1, 2022 as follows:

- Real Estate Tax Rate of \$0.2050 per \$100 of assessed valuation
- Bank Net Capital Tax Rate of \$0.80 per \$100 of valuation
- Residential Utility Tax Rate of 20% of the first \$15
- Commercial Utility Tax Rate of 15% of the first \$300."

It was further moved that the Town Clerk be directed to advertise a Notice of Adoption.

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

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

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

B. [22-3107](#) Intent to Adopt FY 2022-23 Water and Sewer Rates

Mayor Colbert again recognized Marion Serfass, Director of Finance to present Item 22-3107.

It was moved to approve an ordinance setting water and sewer rates for fiscal year 2022-23, beginning July 1, 2022, as presented.

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

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

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

C. [22-3109](#) Adopt FY 2022-23 Operating Budget

Mayor Colbert recognized Marion Serfass, Director Finance, to present Item 22-3109 for consideration.

*It was moved to adopt the \$48,712,750 operating budget.
It was further moved that of the said total, \$30,255,740 be appropriated for General Fund expenditures; \$6,423,870 be appropriated for Debt Service Fund expenditures; \$11,501,720 be appropriated for Water and Sewer Fund expenditures; and \$531,420 be appropriated for Stormwater Fund expenditures.
It was further moved that the Town Clerk be authorized to advertise a Notice of Adoption.*

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

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

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

D. [22-3105](#) Request approval for spending \$89,925.40 with Arthur Construction Co., Inc. for construction of Robinson Trust Sidewalk Project on Charles Street SE.

Mayor Colbert called on Mike Gallagher, Director, Public Works, to present Item 22-3105 for consideration.

It was moved to approve the spending of \$89,925.40 with Arthur Construction for construction of sidewalk improvements on Charles Street SE.

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

22-3172

Leaf mulch survey

Mayor Colbert called on Council Member Springsteen to present the Item for consideration.

Council briefly debated the merits of spending Town resources on this Item. Council requested information on whether prior landscaping firms, etc. who previously accepted ground mulch free of charge would accept un ground mulch.

It was moved that Town Staff shall survey residents who have received Town supplied free mulch to assess willingness to pay a comparable fee (similar to that of neighboring jurisdictions) for this service.

*Motion, Council Member Springsteen; second, Council Member Anderson.
Motion passed in a 4-3 vote.*

A motion was made by Council Member Springsteen, seconded by Council Member Anderson, that the Resolution be approved. The motion carried by the following vote:

Aye: 4 - Council Member Anderson, Council Member Potter, Council Member Springsteen and Mayor Colbert

Nay: 3 - Council Member Brill, Council Member Patel and Council Member Somers

6. Meeting Adjournment

Mayor Colbert called for a motion to adjourn.

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

Meeting adjourned at 9:15 PM.

This matter was

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.