



# 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 29, 2022

8:00 PM

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

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#### Invocation: Cantor Allen Leider, Temple Rodef Shalom

*Mayor Colbert called on Cantor Allen Leider, Temple Rodef Shalom to provide the evening's invocation.*

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

#### 1. Roll Call

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

#### 2. Acceptance of the Minutes:

- A. [22-3291](#) Acceptance of the Regular Council Meeting Minutes and Conference Session Minutes of July 11, 2022

*Minutes of the Regular Council Meeting and Conference Session of July 11, 2022 were postponed until the next Regular Council meeting, September 12, 2022.*

**A motion was made that the acceptance of the Minutes be postponed until September 12, 2022.**

#### 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 called for comments from the public.*

*Cathy Sontheimer, 1011 Mountfort Ct., SW. opened her remarks stating that she enjoys living on her street as it is shaded with beautiful trees. Vienna has a commitment to the environment and the community and is recognized as a Tree City USA. Unfortunately, trees across the Town are being torn down every day; healthy mature trees are deemed expendable to development. Ms. Sontheimer requested that the Town Council recognize remaining trees and avoid their loss. Trees help with pollution by storing particles in leaves and also through photosynthesis; they give off oxygen, store carbon in their roots and stave off climate change. On behalf of the trees on Town owned land, she suggests developing a program to recognize and preserve certain trees throughout Town. The program would target three categories of trees as follows:*

- 1) Heritage trees – significant trees on Town property notable for age, aesthetic beauty, health, etc. Four nominations would be accepted per year and the tree that meets the criteria most accurately would be designated with a marker;*
- 2) Feature trees – significant trees with similar criteria located on residential property;*
- 3) Hallmark trees – significant trees with similar criteria located on commercial*

property.

*She further noted that any program for saving trees must contain a financial benefit. The Town must encourage residents to value trees and this starts with the Town taking steps that will support saving the trees.*

*Janet Hoffman, 616 Hillcrest Dr., NW. Inspired to speak by the last presentation she noted that land across from her residence was recently cleared. While the cleanup was welcome, no effort was made to save any trees. While she is sure that she will adapt to the new look, it is none the less, disconcerting to lose these beautiful trees.*

*Averil Garland, 917 Hillcrest Dr., commented that it is sad to see the demolition of the mature trees especially at the hands of the Town for the advancement of Town projects. One example is the sidewalk project. Living on a cul de sac where residents ride bicycles without fear has been wonderful. While sidewalks are supposed to be safer, in fact adding sidewalks often makes it more dangerous. Trees also provide shade - street parked cars with no shade can heat up to temperatures over 140 degrees in the summer; UPS drivers who must spend time parked are also at risk if there is no shade; home interiors without shade also heat up significantly. Please spare the trees where sidewalks are to be installed.*

*Vienna Resident, Frederick St., SW stated that as a mother of children ages two and five, she is concerned about the cars that speed down her street. While she loves trees as much as anyone else, she would ask Council, when considering sidewalks, to weigh resident safety against the need to save trees.*

#### 4. Reports/Presentations

A. [22-3240](#) Resolution of Appreciation - Leigh Kitcher - Liberty Amendments Month

*Mayor Colbert presented a resolution of appreciation to Leigh Kitcher for her efforts toward the success of Liberty Amendments Month.*

B. [22-3297](#) Proclamation for Robert Leggett

*Mayor Colbert read a proclamation recognizing the late Robert Leggett for his dedication to the Town of Vienna.*

C. [22-3298](#) Recognition of Vienna Little League (The Big Red Machine) All Star Team

*Mayor Colbert recognized the success of the 2022 Vienna Little League All Star Team.*

A. Report and Inquiries of Council Members

*Council Member Springsteen noted edits to Chapter 22 of the Town Code submitted by resident Matt D'Fiore.*

*Council Member Somers reported witnessing a near accident involving a bicyclist and an automobile at the stop light on Maple Avenue/Rt. 123 and the W&OD Trail. As a result, he contacted both Town Manager Payton and Acting Director Christine Horner, Public Works. While some of the safety improvements fall under the responsibility of NOVA Parks, Public Works immediately began installing high visibility crosswalk striping (ladder crosswalk style) and pedestrian crosswalk signage. He commended both the Town Manager and the Acting Director Public Works for their quick response and urged continued engagement with NOVA Parks*

*in order to find a solution.*

*Council Member Potter congratulated the selection of Kelley O'Brian as the new Director of Planning and Zoning.*

*Council Member Patel requested feedback on prior inquiries regarding streetlight installation on Melody Lane. Acting Director Horner noted that as streetlights are under the control of Fairfax County, she is waiting for their response. Council Member Patel also inquired whether the eight newly funded speed deterrents were in place. Chief Morris indicated that they are.*

*Council Member Brill congratulated the Vienna Little League players; recognized the continued road work across Town and urged Council to continue to reflect on the plight of the Ukrainian people.*

#### B. Report of the Town Manager

*None*

#### C. Report of the Mayor

*Mayor Colbert reminded Council of the Friday, September 2, 2022 ribbon cutting for the newly constructed Police Station.*

*School has begun across Fairfax County and the newly installed sidewalks will provide a safe path for those walking to school.*

*Vienna CROP Hunger Walk led by CHO is scheduled for October 2, 2022 at 2:00 PM.*

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

*None*

#### 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 August 29, 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 September 12, 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 reappoint Joe Lowther to the Transportation and Safety Commission for a two-year term. Said term shall retroactively commence July 14, 2022 and expire July 14, 2024.*

*It was moved to reappoint Charlie Skrunk to the Transportation and Safety*

*Commission for a two-year term. Said term shall retroactively commence on July 14, 2022 and expire July 14, 2024.*

*It was moved to reappoint Calvin Craig Burns to the Conservation and Sustainability Commission for a two-year term. Said term shall commence on September 1, 2022 and expire September 1, 2024.*

*Motion, Council Member Somers; second, Council Member Springsteen. Motion carried 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. Consent Agenda**

*A motion was made to approve the consent agenda as presented.*

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

**This was .**

- A. [22-3284](#)** Request approval of a Memorandum of Understanding (MOU) between the Town of Vienna and Vienna Business Association for 2022 Oktoberfest.
- "I move to authorize the mayor to execute the attached MOU between the Town and Vienna Business Association for the 2022 Oktoberfest."**
- Or**
- Other action deemed necessary by Council.**
- B. [22-3292](#)** Approval to Publish a list of Delinquent Real Estate Tax Payments as of June 30, 2022
- C. [22-3294](#)** Request approval for spending \$158,087.58 with U.S. Concrete and Paving, Inc. for construction of Robinson Trust Sidewalk Projects.
- D. [22-3301](#)** Request approval for spending an additional \$10,672.09 in funds for Cherry Street SE - Robinson Trust Sidewalk Project utilizing Arthur Construction Co., Inc.
- "I move to approve the spending of an additional \$10,672.09 for a total of \$272,120.57 with Arthur Construction Co., Inc for construction of sidewalk improvements for Robinson Trust Sidewalk Project."**
- Or**
- Other action deemed necessary by Council.**
- E. [22-3302](#)** Request approval for replacement of two in-ground heavy truck lifts
- F. [22-3311](#)** Request approval of sanitation trucks purchase within the Vehicle Replacement Program.

## 6. Regular Business

- A. [22-3313](#) Request FY23 spending with Commonwealth Paving utilizing IFB 20-01 for asphalt repairs as needed.

*Mayor Colbert called on Public Works Staff to present the Item for consideration.*

*A motion was made to approve FY23 spending with Commonwealth Paving utilizing IFB 20-01 in the amount of \$200,000 from the account 500-501-0000-50111-47407, General and CIP Funds.*

*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 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. [22-3310](#) Award a Design Contract to A. Morton Thomas and Associates, Inc. for Bear Branch Phase II - Southside Park Stream Restoration Project

*Mayor Colbert again recognized Public Works Staff to present the Item.*

*A motion was made to award the engineering design contract to A. Morton Thomas and Associates, Inc. under RFP 22-03 in the amount of \$543,258.*

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

**A motion was made by Council Member Springsteen, seconded by Council Member Somers, 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

- C. [22-3285](#) Intent to adopt the proposed amendments/modifications to Chapter 22 - Massage Salons, Health Clubs, etc.

*Mayor Colbert recognized Steve Briglia, Town Attorney, who noted various edits to the presented amendment.*

*A motion was made to adopt the proposed amendments to Chapter 22 with corrections offered by Council Member Brill and to remove the clause which reads "outcall massage" which means any massage administered for compensation at a location other than at a massage establishment and is hereby prohibited in the Town of Vienna".*

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

*Discussion is summarized as follows:*

- Legitimate, medical reasons exist for "outcall" massage – must recognize this in language;
- "Outcall" issue can lead to illegal activity; issue involves enforcement and

current proposed language is unclear;

- Any masseuse coming into Vienna on an "outcall" basis must be state licensed; should also obtain Vienna business license but difficult to regulate;
- Suggest that language be gender neutral;
- Amendment has previously passed through a hearing and conference session, suggest moving forward as is and addressing "outcall" issue separately;
- Amending "outcall" language would not require a public hearing unless deemed necessary by Council; amended language would require advertisement and adoption at a public meeting;
- Enforcement would require additional staff (would also include business license and other Planning and Zoning enforcement duties) at approximately \$60,000;
- Fairfax County language provides an example for amendment.

An amendment to the motion was made to adopt the proposed amendments to Chapter 22 as submitted with agreed upon technical changes and further direct the Town Clerk to advertise a Notice of Adoption.

Motion, Council Member Somers; second, Council Member Brill. Amendment failed in a 5-2 vote.

Original motion passed in a 6-1 vote.

Action: Town Attorney Briglia will provide alternate language related to "outcall massage" by September 20, 2022.

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

**Nay:** 1 - Council Member Somers

**D. [22-3289](#)**

Intent to Adopt Text Amendments Related to Historic Structures, Sites and Places in Sections 25-8

Mayor Colbert recognized Leslie Hermann, Director, Parks and Recreation to present the Item for consideration.

It was moved to adopt the presumptive qualification for registration for historic structures, sites and places amendments to Section 25-8 as approved at the July 11, 2022 meeting and it was further moved to direct the Town Clerk to advertise the Notice of Adoption of the ordinance.

Motion, Council Member Patel; second, 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

**E. [22-3286](#)**

Steeple and Roof Project on the Annex property located at 301 Center Street South

Mayor Colbert again recognized Leslie Hermann, Director, Parks and Recreation to present the Item. Also present to answer questions was Leon Evans, Manager,

*Community Center.*

*The following includes a summary of items discussed by Council:*

- *Roof membrane has been spot repaired but entire membrane has now bubbled;*
- *Flat roof covers lobby and administration; gym and sanctuary covered by combination of flat and sloped roof;*
- *Town Council previously voted to not move forward with decision on the Annex property; Council directed Staff to conduct a needs assessment – results will guide any decision on property use;*
- *Four proposals received from roofing companies with recommendation for roof replacement;*
- *Roof repair will not bring building to code – additional interior repairs required;*
- *Cannot assume that best use will be within Parks and Recreation purview; Expenditure of \$500,000 for roof suggests commitment which may not align with needs assessment results;*
- *Option exists to bring Annex up to code (approximate \$1M cost); Lead time for any future rebuild (eight-ten years) would allow for interim use of building investment; Must determine ROI before decision can be made;*
- *Monies set aside for the Annex (\$360,000);*
- *Suggest removal of cross as least expensive option, to be completed immediately;*
- *Existing leaks should continue to be repaired; interior must be monitored regularly.*

*A motion was made to postpone a decision on roof replacement of the Annex property at 301 Center Street South.*

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

**A motion was made by Council Member Patel, seconded by Council Member Somers, 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. [22-3300](#)**

**Request to adopt 2023 Town Council meeting schedule for inclusion in the 2023 Town calendar.**

*Mayor Colbert recognized Staff who presented the Item for consideration.*

*A motion was made to adopt the 2023 Town Council meeting calendar as presented with the exception that an additional public meeting be scheduled for Tuesday, June 20, 2023.*

*Motion, Council Member Anderson; second, Council Member Somers. Motion carried in a 6-1 vote.*

**A motion was made by Council Member Anderson, seconded by Council Member Somers, 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

**G. [22-3293](#)** Adding Economic Development Director and Public Information Director to Town Code and updating the holidays in Town Code.

*Mayor Colbert called on Staff to present the Item for discussion.*

*A motion was made to update the holidays in the Town Calendar.*

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

*An amended motion was offered as follows: It was moved to adopt the proposed amendments to Town Code Chapter 11 Personnel, Article 1, Section 11-3 Definitions and Chapter 11 Personnel, Article 3 Leave, Section 11- 10 L (1.) Leave as reflected in the attached draft ordinance with amendments noted. The proposed amendments have been advertised for two consecutive weeks in accordance with the Town Charter.*

*Motion, Council Member Somers; second, Council Member Anderson. Motion passed in a 5-2 vote.*

*Original amended motion carried unanimously.*

**A motion was made 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

**H. [22-3312](#)** Setting of a Public Hearing on September 12, 2022 for the Town of Vienna Vision for 2023

*Mayor Colbert recognized Council Member Brill who withdrew his request for a public hearing on the matter of the Town Vision for 2023. Following discussion there was no formal recommendation on this issue.*

## 8. Meeting Adjournment

*Mayor Colbert called for a motion to adjourn.*

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

*Meeting adjourned at 11:00 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.*