



TOWN COUNCIL REGULAR MEETING AGENDA

Town Council Chambers
765 Lynn Street, Herndon, VA 20170

Tuesday, November 12, 2024 | 7:00 PM

1. Call to Order

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

3. Presentations/Reports/Comments

- a. Proclamation to Recognize Veterans Day, November 11, 2024
- b. Town Manager Report
- c. Councilmember Comments

4. Comments from the Audience

Members of the public may, for one 3-minute period, provide public comments, requests, consent or general item comments, and comments on matters not included on the agenda.

5. Public Hearings

- a. Ordinance 24-O-29 to amend the Fiscal Year (FY) 2025 Adopted Budget for the General Fund

6. General

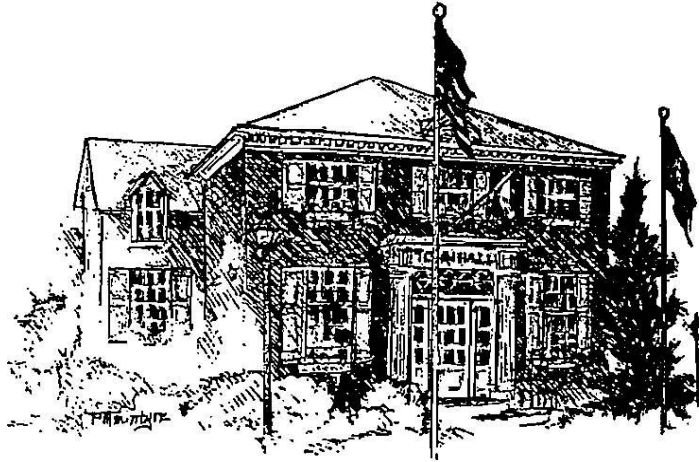
- a. Resolution 24-G-65 to authorize the Interim Town Manager to execute a Letter of Intent Regarding Bond Financing Support for the Downtown Redevelopment Project
- b. Resolution 24-G-66 to approve and authorize the mayor to sign a Sublicense Agreement between the Town of Herndon and Arts Herndon, Inc., for space at 750 Center Street

7. Consent

- a. Resolution 24-G-67 to approve a transfer within the FY 2025 Water and Sewer Fund Budget
- b. Resolution 24-G-68 to adopt the Town of Herndon's 2025 Legislative Program
- c. Resolution 24-G-69 to approve and authorize the mayor to sign a 1-year license agreement between the Town of Herndon and Nafis Peter Ahmed and Ruth Llabres Ahmed for the Town's use of the lot at the corner of Lynn and Station Streets for public parking and other public purposes
- d. Resolution 24-G-70 to appoint a member to the Board of Zoning Appeals
- e. Resolution 24-G-71 to appoint a member to the Planning Commission
- f. July 30, 2024, Town Council Special Meeting – Closed Meeting Minutes
- g. August 7, 2024 Town Council Work Session Minutes
- h. August 13, 2024 Town Council Meeting Minutes
- i. September 3, 2024, Town Council Work Session Minutes

8. Adjournment

Interpretación en Español está disponible en esta sesión.



TOWN OF HERNDON, VIRGINIA PROCLAMATION VETERANS DAY NOVEMBER 11, 2024

Veterans Day, formerly known as 'Armistice Day,' was originally designated to commemorate the end of World War I, which officially ended at 11:00 a.m. on November 11, 1918, marking the "eleventh hour of the eleventh day of the eleventh month." In 1938, Congress designated November 11 as Armistice Day to honor World War I veterans. After World War II and the Korean War, veterans service organizations urged Congress to change the name to "Veterans Day" to be more inclusive of all veterans. In 1954, Congress amended the Act of 1938 by striking out the word 'Armistice' and inserting the word 'Veterans.' With the approval of this legislation, November 11 became a day to honor American veterans of all wars.

In 1968, **Veterans Day** was moved to the last Monday of October. However, many did not agree and continued to celebrate the holiday on its original date. On September 20, 1975, President Ford signed a law returning the annual observance of **Veterans Day** to its original date on November 11, 1978, and **Veterans Day** has been observed on this day ever since.

Therefore, together with this year's theme, "A Legacy of Loyalty and Service," the Mayor of the Town of Herndon, together with the Herndon Town Council, hereby proclaims November 11, 2024 as **Veterans Day** in the Town of Herndon; offers respect and appreciation to veterans in the Herndon community, throughout the United States, and to American veterans around the world; pays tribute to our veterans, the fallen and their families; honors the courageous efforts of veterans ~ who continue to defend our freedoms, country, and way of life; and celebrates the patriotism, bravery, and sacrifice of all United States veterans and their families.

Further, the Mayor of the Town of Herndon, together with the Herndon Town Council, hereby proclaims the annual observance of the 11th of November as **Veterans Day**; encourages all individuals to honor this day with the appropriate events and activities; and requests that all citizens take time to pause on **Veterans Day** in silent tribute to our veterans, to whom we owe so much.

Agenda Item: Ordinance 24-O-29 to amend the Fiscal Year (FY) 2025 Adopted Budget for the General Fund

Meeting Date: November 12, 2024

Category: Public Hearings

Prepared by: Marjorie Sloan, Finance Director

Description:

The proposed ordinance has been submitted to amend the fiscal year 2025 Adopted Budget for the General Fund. This is Amendment 3 for the fiscal year. Attachment A provides the details of the proposed amendment by Fund and Department.

The Code of Virginia § 15.2-2507 allows a locality to amend its adopted budget, and that any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by publishing notice of a meeting and a public hearing in accordance with § 15.2-1427. The notices for public hearing were duly advertised in the *Fairfax County Times Newspapers* in the Friday, October 25 and November 1, 2024, editions.

Background:

The proposed FY 2025 budget amendment serves the following purposes:

1. To appropriate \$57,000 in the General Fund to the Herndon Police Department (HPD). This request includes \$42,000 for the purchase of a FARO Scanner and associated software and licenses. The FARO is a digital scanner that assures accuracy in crime scene forensics and will be used exclusively by HPD crime scene and accident reconstruction detectives. The FARO has become an essential, modern piece of equipment for all departments who process crime scenes. HPD is one of the only agencies in the region that does not have one. This funding request also includes a three-day training course on site to setup and train department users on the equipment. This request is in full compliance with the administrative requirements and public policy goals established by the Virginia Department of Criminal Justice Services regarding the expenditure of funds from the Virginia State Forfeited Asset Sharing Program.

In addition, the request includes \$15,000 from our state seized asset fund to purchase an Explosive Ordnance Disposal K9 (EOD K9). Our current EOD K9, Jude, is 12 years old and is aging out. The new EOD K9 will effectively replace Jude, and a new handler has been named for the new dog. We systematically

utilize the EOD K9 on a regular basis, who can detect explosive materials, shell casings, IEDs, and firearms. The dog, which includes all training for the life of the dog, will be purchased from the federal government.

Strategic Plan Focus Area: Secure and Interconnected Community (Goals 1, 2 and 3)

2. To appropriate \$200,000 for maintenance and repairs expenditures for the Department of Public Works. The recent emergency repair of a water leak in the Herndon Municipal Center has exhausted the majority of the annual budget established for these types of repairs. Reimbursement was not available through insurance claims as the nature of the repairs were not covered under the town's policy. The damage from this leak was extensive and this appropriation would establish an additional budget to meet the needs of the remainder of the fiscal year.

Strategic Plan Focus Areas: Good Governance (Goal 1), Strong Fiscal Stewardship (Goals 2 and 3)

3. To appropriate \$300,000 for professional fees to invest in an external consulting services to develop an Affordable Dwelling Unit Program for the Town of Herndon. The Town Council most recently reviewed the implementation process associated with the development of such a program for the town at the October 15, 2024 Town Council Work Session. As specialized expertise is required to successfully develop a data-driven program, Town Council concurred with obtaining consulting services for this purpose, as recommended by Town staff. Additional funding is needed to begin this process within the current fiscal year.

Strategic Plan Focus Area: Environmental and Economic Sustainability (Goal 3)

4. To appropriate \$200,000 for professional fees to complete a market study and economic development strategy for the Economic Development Department. An economic development briefing was provided at the September 17, 2024 work session. A first step for the department is to perform a market study and develop an economic development strategic plan for the town. The market study and economic development strategy will be an important and foundational element for the upcoming comprehensive plan update process.

Strategic Plan Focus Area: Environmental and Economic Sustainability (Goal 5)

Strategic Focus Area:

Strong Fiscal Stewardship

Environmental and Economic Sustainability

Secure and Interconnected Community

Good Governance

Fiscal Impact:

The appropriation for the Police Department will be funded from the current available balance of state seized asset funds, which is currently \$286,000. Increases for repairs and professional fees will be immaterial to the adopted budget, funded via the FY 2024 surplus of approximately \$3 million.

Legal Impact:

The Code of Virginia § 15.2-2507 allows localities to amend their adopted budget. For budget amendments that exceed one percent of the total expenditures, the governing body must hold a public hearing and advertise in accordance with Code of Virginia § 15.2-1427.

Staff Recommendation/Next Steps:

Staff recommends approval of this Ordinance to amend the FY 2025 Budget.

Attachments:

1. Ordinance (Proposed)
2. FY 25 Budget Amendment 3, Attachment A

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

ORDINANCE

NOVEMBER 12, 2024

Ordinance- **to amend the Fiscal Year (FY) 2025 Adopted Budget for the General Fund.**

In adopting this ordinance, the Town Council has considered the Town Manager's recommended budget modifications as described in Attachment A, FY 2025 Budget Amendment Number 3.

THEREFORE, BE IT ORDAINED by the Town Council of the Town of Herndon, Virginia that:

1. The financial adjustments to the FY 2025 budget, as described in Attachment A, FY 2025 Budget Amendment Number 3 to this ordinance, are approved.
2. This ordinance shall be effective on and after the date of its adoption.

TOWN OF HERNDON, VIRGINIA
FY 2025
BUDGET AMENDMENT NUMBER 3

The following appropriations and funding sources are proposed for amendment:

GENERAL FUND

Expenditure Appropriations	Amount	Revenue Budget	Amount
HPD Scanner software and K9 training and certification	\$57,000	Use of State Seized Asset Shared Revenue balance	\$57,000
DPW Repairs and Maintenance	\$200,000	FY24 Revenue Surplus	\$200,000
Econ Dev Professional Fees- Market Study	\$200,000	FY24 Revenue Surplus	\$200,000
Community Dev Professional Fees – Affordable Housing	\$300,000	FY24 Revenue Surplus	\$300,000
Total Expenditures Increase	\$757,000	Total Revenues Increase	\$757,000

Agenda Item: Resolution 24-G-65 to authorize the Interim Town Manager to execute a Letter of Intent Regarding Bond Financing Support for the Downtown Redevelopment Project

Meeting Date: November 12, 2024

Category: General

Prepared by: Lesa Yeatts, Town Attorney

Description:

This is a request to authorize the Interim Town Manager to execute a Letter of Intent (LOI) between the town and the City of Fairfax Economic Development Authority (EDA) in pursuit of a financing plan related to the downtown redevelopment project. This request will authorize the town to enter into an agreement with the City of Fairfax Economic Development Authority designating the EDA as the conduit for the financing plan for the public portions of the project. This is an administrative step in order to allow the town to proceed with pursuing this financing plan; additional action by the Town Council will be required to issue bonds further in the process.

Staff expects to provide the final draft of the Letter of Intent to the Town Council by the time of the meeting.

Background:

Adoption of this resolution will authorize the town's pursuit of a financing plan related to the project that is designed to lower capital costs and ultimately increase the project's viability.

Specifically, the financing plan involves the issuance of revenue bonds, currently expected not to exceed \$30 million, by a conduit bond issuer, the proceeds of which will be loaned to the town to pay capital costs related to the public portion of the parking garage and the arts center, both of which are included in the redevelopment project.

The town is requesting that the City of Fairfax Economic Development Authority serve as the conduit bond issuer for the financing plan. The revenue bonds will not constitute general obligation debt of the town; rather, they will be payable from funds appropriated annually by the Town Council for this specific purpose. During the period that the revenue bonds are outstanding, the town will hold title to the entire parking garage (both public and private portions) and will receive lease payments from the project's developer, Comstock Herndon Ventures LC, in amounts sufficient to repay the bonds. The borrowing costs for the revenue bonds are expected to be lower than those Comstock can secure independently, thereby increasing the overall feasibility of the project.

In addition, at its September 10, 2024 meeting, the Town Council extended the outside satisfaction date by which the town and Comstock are to finalize their Amended and Restated Comprehensive Agreement to Tuesday, December 10, 2024. The agreement will be on the agenda for discussion by the Council at its December 3, 2024, work session, and will be presented as a public hearing item on December 10.

Updates on the project are available on the town's website, [Herndon-va.gov/Downtown](https://herndon-va.gov/Downtown).

Strategic Focus Area:



Strong Fiscal Stewardship

Fiscal Impact:

The execution of this LOI is an administrative step in the process that will allow the town to continue to pursue a financing structure that would utilize the EDA (conduit issuer) to issue revenue bonds to the town in support of the public portions of the Downtown Redevelopment Project. Under this financing plan, the town will receive lease payments from the project's developer in amounts sufficient to repay the bonds.

Should the Town ultimately issue bonds in support of the public portions of this project, the town will remain in compliance with debt-related financial policy guidelines and will retain future bonding capacity for anticipated town capital projects.

Legal Impact:

No legal impacts at this point.

Staff Recommendation/Next Steps:

Recommend approval, as presented

Attachments:

1. Resolution (Proposed)

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

RESOLUTION

NOVEMBER 12, 2024

Resolution- to authorize the Interim Town Manager to execute a Letter of Intent Regarding Bond Financing Support for the Downtown Redevelopment Project.

The Town of Herndon intends to utilize the City of Fairfax Economic Development Authority (EDA) as a conduit bond issuer in pursuit of a financing plan for the public portions of the Herndon Downtown Redevelopment project, designed to lower capital costs and ultimately increase the project's viability.

THEREFORE, BE IT RESOLVED by the Town Council of the Town of Herndon, Virginia that:

1. Upon approval as to form by the Town Attorney, the Interim Town Manager is authorized to sign the Letter of Intent and any other documents or actions to effectuate the agreement.

Agenda Item: Resolution 24-G-66 to approve and authorize the mayor to sign a Sublicense Agreement between the Town of Herndon and Arts Herndon, Inc., for space at 750 Center Street

Meeting Date: November 12, 2024

Category: General

Prepared by: Lesa Yeatts, Town Attorney, Scott E Robinson, Acting Deputy Town Manager

Description:

This Resolution approves a temporary sublicense agreement for Arts Herndon's continued and expanded use of the Town's building at 750 Center Street, commonly known as ArtSpace for four (4) months.

Background:

Arts Herndon currently sublicenses 3,210 sq. ft. of space in the building licensed to the Town by Comstock at 750 Center Street that is used for an arts center. There is also a retail establishment, A Thousand Stories, which is a children's bookstore, that has a month-to-month rental agreement with Arts Herndon.

Arts Herndon's current sublicense expired on June 30, 2024. After receiving Council direction at the October 15, 2024 Work Session, a new sublicense agreement has been drafted allowing for Arts Herndon to occupy the current space until March 31, 2025 with the Comstock Redevelopment project expected to begin in April. Additionally, the new sublicense allows for Arts Herndon to utilize 2,790 sq. ft. of space currently occupied by NextStop Theatre Company for storage after it is vacated, beginning on January 2, 2025.

The new sublicense, once signed, would be effective November 12, 2024, and expire on March 31, 2025, at which point, Arts Herndon would relocate pursuant to the terms of the comprehensive agreement.

The rent for this space is currently \$1.00 per term, consistent with similar leases on Town property and is proposed to remain the same.

Staff sent draft of this agreement to Arts Herndon for review and signature on October 25, 2024, and despite checking in with them, they have not responded.

Strategic Focus Area:



Good Governance

Fiscal Impact:

N/A

Legal Impact:

N/A

Staff Recommendation/Next Steps:

Staff recommends approval of the resolution as proposed.

Attachments:

1. Resolution (Proposed)
2. 2024 Sublicense - Arts Herndon - DRAFT

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

RESOLUTION

NOVEMBER 12, 2024

Resolution- **to approve and authorize the mayor to sign a Sublicense Agreement between the Town of Herndon and Arts Herndon, Inc., for space at 750 Center Street.**

BE IT RESOLVED by the Town Council of the Town of Herndon, Virginia that:

1. The Sublicense Agreement dated November 12, 2024, between the Town of Herndon ("Town") and Arts Herndon, Inc ("Sublicensee") is approved.
2. The sublicense term will be for a period of 4-months beginning on November 12, 2024, and expiring on March 31, 2025. The rent for the term will be \$1.00.
3. The mayor is authorized to sign and deliver this sublicense agreement and any other instrument to evidence or support the sublicense agreement

SUBLICENSE AGREEMENT

THIS SUBLICENCE made on the 12th day of November 2024, by and between THE TOWN OF HERNDON, a municipal corporation (Landlord) and ARTS HERNDON, INC., a Virginia non-profit, charitable corporation (Tenant).

Recitals

Landlord is the licensee of an approximately 6,000 square foot building and surrounding premises located at 750 Center Street, Herndon, Virginia, as shown on Exhibit A attached and incorporated herein pursuant to that certain “Arts Space License Agreement” dated December 15, 2020.

Landlord and Tenant have agreed that Tenant will sublicense from Landlord, in consideration of the rent and other benefits, and under the terms and conditions specified here, an approximately 6,000square foot building, outside lawn area, and gravel parking spaces, which shall be to the east and south side of the building commonly known as 750 Center Street, as generally shown on Exhibit A, which shall be called “Premises.” Use of parking spaces is non-exclusive and must conform to the Zoning Ordinance (2017), Herndon Town Code.

THEREFORE, the parties agree as follows:

1. Commencement and Ending Date of Term. Beginning November 12, 2024, Landlord sublicenses the Premises to Tenant according to the terms of this sublicense. The Tenant may remain in the Premises on a month-to-month basis with the Tenant having the right to terminate the Sublicense upon 30 days prior written notice to the Landlord, and the Landlord having the right to terminate the Sublicense upon 30 days prior written notice to the Tenant. In any event, the term

of this sublicense shall expire March 31, 2025. Tenant is aware that the Premises are part of a large redevelopment project between the Town of Herndon and Comstock Herndon Venture, LC. At the commencement of the redevelopment project that affects the Premises, the parties understand that Landlord will terminate this sublicense with notice that is reasonable under the circumstances which may be less than 30 days. This last sentence clarifies, not limits, the parties' agreement as set out in this paragraph.

2. Rent. Tenant shall pay Landlord on demand \$1.00 per sublicense term.

3. Use of Premises. Tenant shall use the Premises solely for an arts center including an art gallery, meetings with artists, small group sessions with artists and the public, art classes, and artistic events. Tenant may also make all or part of the Premises available for public or private meetings or public or private events for a fee (except with regard to the Landlord as provided below) upon written authorization by Landlord, when Tenant is not using all or part of the Premises. Tenant shall notify the Landlord in advance of events that include serving alcohol. Tenant shall obtain or verify that licenses required by VA Alcohol Beverage Control when events include serving alcohol.

The space that is approximately 2,790 square feet, formerly occupied by The Elden Street Players dba NextStop Theatre Company, will be available for use beginning on January 1, 2025 and shall be used for storage only and no other purpose.

Subject to availability (as determined by Tenant), Tenant shall permit Landlord to use rent free the interior of the Premises for Landlord sponsored community meetings for up to four days or part thereof per calendar year.

Tenant certifies to Landlord that such internal and external uses are consistent with this Sublicence Agreement and Town of Herndon Zoning Ordinance and architectural guidelines and

the Herndon Town Code and Tenant shall obtain any required licenses or permits for such uses. Tenant on at least 30 days notice from Landlord shall accommodate its exterior use of the Premises to Landlord's predominant use of this exterior space periodic or unique festivals, events, or activities.

4. Policy Compliance. Tenant shall comply with all Town policies and regulations regarding the use of Town owned or leased real property and buildings, including the prohibition of alcohol (except as described in paragraph 3) and the use of recreational drugs or tobacco on town property, as well as the Town building key policy.

5. Utility Charges. Tenant shall maintain and pay the cost of all utilities (including telecommunications) on the Premises. Landlord shall equitably prorate these costs based on building square footage (except telecommunications), advise Tenant quarterly of Tenant's prorata share of these costs (except telecommunications), and then settle up fairly with Tenant on the costs of these utilities, which Tenant shall pay on demand to Landlord.

6. Liability Insurance. Tenant shall keep in effect a General Liability insurance policy with respect to the Premises with a minimum limit of \$1,000,000.00 of coverage. The policy shall name the Town of Herndon as an additional insured. Satisfactory proof of insurance will be required. Town reserves the right to require additional insurance.

7. Hold Harmless of Landlord. Tenant shall hold harmless Landlord, its officers, agents, and employees from any and all claims, actions, damages, liability and expense, including reasonable attorney's fees, in connection with loss of life, personal injury or damage to property arising from any occurrence in, upon, or at the Premises, or the occupancy or use by Tenant of the Premises or any part thereof.

8. Default. Tenant shall be in default upon failure to perform any term of this sublicense

for more than five days after written notice of such failure shall have been given to Tenant or after Tenant's abandonment of the Premises.

9. Rights and Remedies on Default. Landlord shall have the following rights on default of Tenant, which shall be cumulative, none excluding any other right allowed by this sublicense or by law.

a. Landlord may enter the Premises and repossess the Premises and remove Tenant and any others who may be occupying the Premises and remove any property.

b. Landlord may seize, remove and sell all of the personal property and fixtures of Tenant on the Premises or remove and store such property at the cost of and for the account of Tenant.

10. Waste or Nuisance. Tenant shall not commit any waste or nuisance upon the Premises.

11. Maintenance by the Parties. Tenant accepts the Premises including the improvements and any equipment in the Premises in their existing condition. Tenant shall at all times keep the Premises in good order, condition, and repair. Tenant shall provide janitorial service to the Premises. Tenant shall maintain the Premises in a clean and sanitary condition. If Landlord is required to make any repairs by reason of Tenant's negligent or intentional act or omission, Tenant shall pay to Landlord the cost of the repairs as additional rent within ten days after written notice.

Except as provided in paragraph 14, Tenant shall return the Premises to its original condition prior to Tenant's vacation of the premises, normal wear and tear excepted.

Landlord shall be responsible for roof, structural integrity of the building, and replacement and repair of utility systems related to the Premises. Landlord shall mow the yard space surrounding

the Premises and the building. Tenant shall maintain other landscaping (approved by Landlord) on the Center Street exterior facade of the building. Landlord shall provide a physical separation structure or device between the Premises and Landlord's remaining space in the building.

12. Notification of Hazard. Tenant and Landlord shall give immediate notice to the other in case of fire, accident, or defect in the Premises or in any fixtures or personal property comprising the Premises.

13. Alterations and Improvements. Except as provided in this paragraph, Tenant shall not make or cause to be made any alterations to the Premises without first obtaining Landlord's written consent. With Town eventual approval of plans (both as a government and as Landlord), Tenant at its expense may make other changes to the Premises consistent with the purposes of this sublicense.

14. Removal of Improvements and Restoration by Tenant. All alterations except lighting not necessary for normal use of the building or conformance with the Virginia Uniform Statewide Building Code made by Tenant shall remain the property of Landlord at the expiration or termination of the sublicense. This property will remain part of the Premises and Tenant shall not have any obligation to remove it.

15. Loss and Damage. Landlord shall not be liable for any loss or damage to property of Tenant located on the Premises. Landlord shall not be liable for any injury, death, or damage to persons or property associated with Tenant resulting from fire, explosion, falling plaster, steam, gas, electricity, water, rain, snow, or leaks from any part of the Premises. Landlord shall not be liable for any latent defect in the leased premises or in the building of which they form a part. All property of Tenant kept or stored on the Premises shall be so kept or stored at the risk of Tenant and Tenant shall

hold Landlord harmless from any claims arising out of damage to the same, including subrogation claims by Tenant's insurance carrier.

16. Right of Entry. Landlord, its contractors, agents, or prospective purchasers or licensees, shall have the right to enter the Premises during normal business hours to examine the same upon reasonable notice, either oral or written.

17. Quiet Enjoyment. Upon the observance of all Tenant's obligations of this sublicense, Tenant shall peaceably and quietly hold and enjoy the Premises.

18. Surrender of Premises. At the expiration or termination of the term of this sublicense, Tenant shall surrender the leased premises in the same condition that the Premises were in at the commencement of this sublicense, except as provided in paragraph 14, reasonable wear and tear excepted, and shall surrender all keys for the Premises to Landlord.

19. Assignment and Subletting. Except as provided in paragraph 3, Tenant may not sublet the premises without prior written consent from Landlord. Sublet agreements shall be subject to the terms of this lease, including paragraph 1. Tenant may not assign this sublicense without prior written consent of Landlord. This prohibition against assigning or subletting shall be construed to include a prohibition against any assignment or subletting by operation of law.

20. Binding on Successors/Assigns. All of the terms of this sublicense shall bind the successors and assigns of Landlord and Tenant, except where the assignment is ineffective due to lack of Landlord's consent.

TOWN OF HERNDON, VIRGINIA

ARTS HERNDON, INC

By: _____

By: _____

Name: Sheila A. Olem

Name: _____

Title: Mayor

Title: _____

APPROVED AS TO FORM

By: _____

Name: Lesa J. Yeatts

Title: Town Attorney

DRAFT

Agenda Item: Resolution 24-G-67 to approve a transfer within the FY 2025 Water and Sewer Fund Budget

Meeting Date: November 12, 2024

Category: Consent

Prepared by: Marjorie Sloan, Finance Director

Description:

Approval is requested for a line-item budget transfer in the Water and Sewer Fund.

Background:

The Water and Sewer Fund FY 2025 Budget anticipated use of \$200,000 related to the preparation of the Water Utility Master Plan. A portion of the budgeted Water and Sewer capital projects total will be used for the Master Plan and accomplished through professional fees. Approval is requested to transfer \$200,000 from the Capital Expenditures account to the Professional Fees expenditure account within the Water and Sewer Fund. This is a cost-neutral transfer. Per the town's financial policies, all transfers exceeding \$100,000 must be approved by the Town Council.

Strategic Focus Area:



Strong Fiscal Stewardship

Fiscal Impact:

No incremental impact.

Legal Impact:

The town's financial policies require Town Council approval for transfers exceeding \$100,000.

Staff Recommendation/Next Steps:

Staff recommends approval of the budget transfer.

Attachments:

1. Resolution (Proposed)

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

RESOLUTION

NOVEMBER 12, 2024

**Resolution- to approve a transfer within the Fiscal Year (FY) 2025 Budget of
the Water and Sewer Fund.**

Per town established financial policies, budget transfers exceeding \$100,000 must be approved by the Town Council. A transfer of \$200,000 has been proposed for the Water and Sewer Fund Fiscal Year 2025 Budget. This transfer will properly classify expected expenditures related to the Water Utility Master Plan.

THEREFORE, BE IT RESOLVED by the Town Council of the Town of Herndon, Virginia that:

1. The Town Council approves the proposed FY 2025 budget transfer in the Water and Sewer Fund of \$200,000 related to the Water Utility Master Plan.

Agenda Item: Resolution 24-G-68 to adopt the Town of Herndon's 2025 Legislative Program

Meeting Date: November 12, 2024

Category: Consent

Prepared by: Lesa Yeatts, Town Attorney

Description:

This resolution establishes the Town of Herndon 2025 Legislative Program to provide action items for state legislators.

Background:

Each year the Town advises the Town's representatives in the General Assembly of legislation which they wish to be advanced and legislative positions on important issues in the form of its Legislative Program. The positions and information provided by the Legislative Program play an important role in informing state legislators on how the actions they take at the General Assembly will affect the community. Generally, the Legislative Program mirrors that of the Virginia Municipal League (VML) which advocates on behalf of Towns and Cities throughout the Commonwealth and occasionally includes specific requests for legislation. The VML Legislative Program was adopted at their Annual Conference on October 14, 2024

This year, two specific requests have been identified:

1. That Virginia General Assembly conduct a study of Land Value Tax.
2. That the Virginia General Assembly address the labeling of food products containing pork.

Strategic Focus Area:



Good Governance

Fiscal Impact:

N/A

Legal Impact:

N/A

Staff Recommendation/Next Steps:

Adoption of the Resolution as proposed.

Attachments:

1. Resolution (Proposed)
2. Attachment A, VML 2025

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

RESOLUTION

NOVEMBER 12, 2024

Resolution- to adopt the Town of Herndon's 2025 Legislative Program.

The Mayor and the Town Council annually advise the Town's representatives in the General Assembly of legislation they desire to be advanced and of legislative positions on important issues.

THEREFORE, BE IT RESOLVED by the Town Council of the Town of Herndon, Virginia that:

1. The Town generally supports the positions of the Virginia Municipal League (VML) relative to issues and legislation affecting local governments as referenced in Attachment A.
2. The Town Council specifically requests that:
 - the Virginia General Assembly conduct a study of Land Value Tax.
 - the Virginia General Assembly address the labeling of food products containing pork.



2025 VML Legislative Priorities and Positions
As approved by the VML Membership
Oct. 14, 2024

Legislative Priorities

Support for Public Education

A General Assembly joint subcommittee is addressing recommendations from the 2023 Joint Legislative Audit and Review Commission (JLARC) report on the Standards of Quality (SOQ). JLARC's report recommendations about updating the SOQ in the short and long term included items VML has long supported, such as the elimination of the support cap and providing additional staff and funding for staff.

VML encourages the General Assembly to expeditiously implement and fund the JLARC recommendations to more equitably share the costs of education with local governments and to ensure the overall success of students across the Commonwealth.

VML supports state funding and statewide authority to address school construction and renovation needs in our communities estimated at \$25.0 billion.

Finally, while VML supports innovation in public schools, we oppose efforts that limit local authority or divert state funds from the public education system.

Funding of Community Services Boards and Behavioral Health Needs

VML supports sufficient and sustained state funding and technical assistance for community services boards/behavioral health authorities to implement STEP-VA requirements and to support the planning and implementation of Marcus Alert protocols. This funding should not come at the expense of other community-based service initiatives and requirements; nor should funding of state initiatives be shifted to local governments.

Robust state revenues offer an opportunity for the state to build on investments in the community network and state system. Funding through other federal and nonprofit grants should also be pursued as appropriate.

VML supports state efforts to apply for a Medicaid Reentry Section 1115 Demonstration Waiver to help local and regional jails address certain behavioral health and substance use conditions of inmates prior to release and to help improve their transition into the community.

State Assistance to Local Police Departments (HB 599)

Almost 70 percent of Virginians live in communities served by police departments. The State created a program of financial assistance to local police departments (HB 599) when it imposed an annexation moratorium on cities more than 30 years ago. It has increasingly de-emphasized this funding obligation as a priority but has never compromised on the annexation moratorium.

VML calls for the state to honor its commitment to local governments and public safety by funding the program as stipulated in the Code of Virginia or lift the moratorium on annexation.

Land Use Control

Localities must maintain control of local land use decisions. Neither the state nor the federal government should usurp or pre-empt a locality's authority to make such decisions; nor should they impose requirements that weaken planning and land use functions. This includes all types of housing including but not limited to short-term rentals.

VML also supports local government authority to promote affordable and mixed income housing as well as the required infrastructure to facilitate in-fill development, redevelopment and mixing of uses. Any mandate from the state should include full funding for the locality.

Legislative Program Items

Accessory Dwelling Units (ADUs)

Localities should retain local land use control when regulating accessory dwelling units.

Consumer Disclosure in Noise Contour Zones Around Airports

VML supports efforts to increase consumer disclosure in noise contour zones established in and around airports.

Local and Regional Juvenile Detention Facilities

Local and regional juvenile detention facilities play an integral role in the continuum of Virginia's juvenile justice system. A major consideration in maintaining the system of local and regional detention facilities is to serve youth closer to their families, their communities, the courts with which they are involved, and their legal counsel.

Any state-level discussion of the future of this system, including efforts involving closures or consolidations, must involve the major stakeholders involved in the system, such as members of the juvenile and domestic relations courts system, detention facility managers, and youth/family advocates.

Discussions should also consider regions looking to open facilities to serve their communities and avoid sending youth long distances for placement; include examination of ways the state can improve investments in facilities to update key infrastructure; address behavioral health needs of youth and their families to improve outcomes; and find ways to effectively address state requirements for educational services.

Local Excise Taxes

VML supports the statewide authority for local governments to establish an excise tax on the sale of vaping products. VML also supports the statewide authority for local governments to establish an excise tax on the sale of cannabis products.

Local Referenda, Land Use, and Revenue Authority Regarding Cannabis Retail Sales

VML urges the Virginia General Assembly to authorize local governments - cities, towns, and counties - to regulate land use and zoning, hold a referendum on retail sales, and tax recreational cannabis retailers.

Local Revenue Authority or Share of State Revenue from Skill Games

VML supports a local tax or portion of the tax revenue from Skill Games to go to localities. Local governments would prefer flexibility in directing any tax revenues to meet local needs.

Photo Speed Enforcement

VML supports expanded legalization of speed cameras if the area in which they are placed has been documented as an area of concern through speed studies, crash data, or engineering studies.

Referendum Authority for Towns

Towns should be included in any legislation authorizing referenda by local governments, including but not limited to skill games legislation.

Sovereign Immunity

Expanding liability and eroding immunities at state levels across the nation have had a chilling effect on the actions of local government officials contributing to local government insurance problems, creating immense financial risks (particularly for legal costs), and posing a substantial obstacle to the provision of needed public services. The Virginia General Assembly should strengthen and must maintain the principles of sovereign immunity for local governments and their officials.

State-mandated Tax Policy Changes and Local Revenues

Locally elected officials understand the needs of their community as well as the burden of taxation on their constituents. The Commonwealth should refrain from encroaching upon the responsibility of local officials by imposing additional exemptions from locally generated revenues or imposing additional red tape that make it more difficult to raise revenue in their communities.

Further, VML opposes any state-mandated exemptions to the local option sales tax or to the real estate tax unless the General Assembly can establish a viable revenue replacement to local governments.

Stormwater Local Assistance Funding (SLAF) and Water Quality Improvement Fund (WQIF)

VML supports the addition of \$50.0 million to the Stormwater Local Assistance Fund (SLAF) in Fiscal Year 2025 to meet documented needs. VML supports continued full state funding for the Water Quality Improvement Fund (WQIF).

Agenda Item: Resolution 24-G-69 to approve and authorize the mayor to sign a 1-year license agreement between the Town of Herndon and Nafis Peter Ahmed and Ruth Llabres Ahmed for the Town's use of the lot at the corner of Lynn and Station Streets for public parking and other public purposes

Meeting Date: November 12, 2024

Category: Consent

Prepared by: Lesa Yeatts, Town Attorney

Description:

Proposed 1-year license agreement for town use of the lot at the corner of Lynn and Station Streets.

Background:

The current license agreement, which has been operative for the past nine years, expired on August 30, 2024.

The proposed new term will be for 1-year effective September 1, 2024, and expiring on August 31, 2025. Upon expiration, the town will have the option to renew the agreement for two additional terms of 1-year each. The Town will pay \$2,750.00 per calendar month for the term.

This resolution authorizes the mayor to sign the necessary license agreement to permit the Town to continue to use the lot for public parking and other public purposes.

Strategic Focus Area:



Good Governance
Thriving Community

Fiscal Impact:

1-Year License Term	Amount
September 1, 2024 - August 31, 2025	\$33,000.00

Legal Impact:

N/A

Staff Recommendation/Next Steps:

Staff recommends adoption of the resolution as proposed.

Attachments:

1. Resolution (Proposed)
2. Ahmed Lot Parking License - September 2024 - Signed

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

RESOLUTION

NOVEMBER 12, 2024

Resolution- **to approve and authorize the mayor to sign a 1-year license agreement between the Town of Herndon and Nafis Peter Ahmed and Ruth Llabres Ahmed for the Town's use of the lot at the corner of Lynn and Station Streets for public parking and other public purposes.**

BE IT RESOLVED by the Town Council of the Town of Herndon, Virginia that:

1. The license agreement dated August 13, 2024, between the Town of Herndon and Nafis Peter Ahmed and Ruth Llabres Ahmed is approved.
2. The license agreement allows for the Town use of the lot at the corner of Lynn and Station Streets for public parking and other public purposes for a term of 1-year beginning on September 1, 2024, and expiring on August 31, 2024, with the option for two 1-year renewals. The rent will be \$2,750.00 per calendar month.
3. The mayor is authorized to sign and deliver this license agreement and any other instrument to evidence or support the license agreement.

LICENSE AGREEMENT

This License Agreement dated August 13, 2024, by and between the TOWN OF HERNDON, VIRGINIA, a municipal corporation (Town) and NAFIS PETER AHMED and RUTH LLABRES AHMED (Ahmed).

Recitals

Ahmed is the owner of a lot improved with a parking lot at the corner of Lynn Street and Station Street, Herndon, Virginia, Fairfax County Tax map number 0162-02-0290, as described, and subject to noted title and use restrictions on “Boundary & Physical Survey, Property of Nafis Ahmed,” dated July 26, 1991, by Charles R. Johnson Consulting Engineer and Land Surveyor. This plat is incorporated by reference. This lot may be referred to as “the land.”

Ahmed and Town propose that Ahmed shall grant Town a license to use the lot for public purposes for one year with two additional option terms of 1-year each after the commencement date of this license.

THEREFORE, the parties agree as follows in consideration of the mutual covenants in this agreement:

1. Commencement and Ending Date of Term. Beginning September 1, 2024, Ahmed grants to Town an exclusive license to use the land according to the terms of this License Agreement. Each party has the right to terminate this agreement upon 30 days prior written notice to the other. The initial license term shall expire August 31, 2025. Upon the expiration of the initial term on August 31, 2025, Town shall have the option to renew the license agreement for two additional terms of 1-year each. Each renewal term shall renew automatically, on the same terms and conditions of the initial license agreement, unless Town provides at least sixty

(60) days prior written notice before the expiration of the then current term that the Town does not wish to exercise such renewal term.

2. Consideration. Town shall pay Ahmed \$2,750.00 per calendar month for the license term and any renewal thereof. Consideration for a partial month will be prorated.

3. Use of the Land. Town may use the land for public purposes, including provision of public parking. The land shall assume the character of a public street during the life of this agreement.

4. Liability Insurance. Town will provide Ahmed evidence of its insurance coverage for lot during the term.

5. Hold Harmless. Each party shall hold each other harmless for any claim, cause of action, or judgment growing out of Town's act or omission under this agreement.

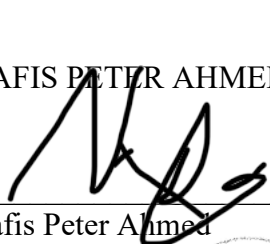
6. Default. A party shall be in default upon failure to perform any term of this agreement for more than five days after written notice of such failure shall have been given by the other. Upon default, the nondefaulting party may exercise rights and powers provided by general law.

7. Changes to the land. Town may make minor improvements to render the land safe, such as replacement of curb bumpers and steel bumper guards, restriping, and minor asphalt patching; and may erect appropriate signage on the land to control its operation.

8. Surrender of Premises. At the expiration or termination of the term of this agreement, Town shall surrender the land to Ahmed.

9. Binding on Successors/Assigns. All of the terms of this agreement shall bind the successors and assigns of Town and Ahmed. This agreement is assignable.

NAFIS PETER AHMED and RUTH LABRES AHMED



Nafis Peter Ahmed

Ruth Llabres Ahmed

TOWN OF HERNDON, VIRGINIA

Sheila A. Olem, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:



Town Attorney

Agenda Item: Resolution 24-G-70 to appoint a member to the Board of Zoning Appeals

Meeting Date: November 12, 2024

Category: Consent

Prepared by: Amanda Kertz, Acting Town Clerk

Description:

This is a request to appoint Nicholas Manetto to the Board of Zoning Appeals (BZA) for a five-year term.

Background:

N/A

Strategic Focus Area:



Good Governance

Fiscal Impact:

N/A

Legal Impact:

N/A

Staff Recommendation/Next Steps:

Recommend approval of the Resolution, as presented.

Attachments:

1. Resolution (Proposed)

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

RESOLUTION

NOVEMBER 12, 2024

Resolution- to appoint a member to the Board of Zoning Appeals.

BE IT RESOLVED by the Town Council of the Town of Herndon, Virginia that:

1. Nicholas Manetto is appointed to the Board of Zoning Appeals for a five-year term effective January 1, 2025.

Agenda Item: Resolution 24-G-71 to appoint a member to the Planning Commission

Meeting Date: November 12, 2024

Category: Consent

Prepared by: Amanda Kertz, Acting Town Clerk

Description:

This is a request to appoint Yung Kim to the Planning Commission for a four-year term.

Background:

N/A

Strategic Focus Area:



Good Governance

Fiscal Impact:

N/A

Legal Impact:

N/A

Staff Recommendation/Next Steps:

Recommend approval of the Resolution as presented.

Attachments:

1. Resolution (Proposed)

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

RESOLUTION

NOVEMBER 12, 2024

Resolution- to appoint a member to the Planning Commission.

BE IT RESOLVED by the Town Council of the Town of Herndon, Virginia that:

1. Yung Kim is appointed to the Planning Commission for a four-year term effective January 1, 2025.

Agenda Item: July 30, 2024, Town Council Special Meeting – Closed Meeting Minutes

Meeting Date: November 12, 2024

Category: Consent

Prepared by: Amanda Kertz, Acting Town Clerk

Description:

This is a request to approve the July 30, 2024 Town Council Special Meeting - Closed Meeting Minutes.

Background:

N/A

Strategic Focus Area:



Good Governance

Fiscal Impact:

N/A

Legal Impact:

N/A

Staff Recommendation/Next Steps:

Recommend approval as presented.

Attachments:

1. July 30, 2024, Draft Special Meeting - Closed Meeting - Minutes

**HERNDON TOWN COUNCIL
Special Meeting Minutes
Tuesday, July 30, 2024**

1. Call to Order

Mayor Olem called the July 30, 2024, Town Council special meeting to order at 7:00 p.m. in the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia. In attendance were: Mayor Sheila Olem; Vice Mayor Clark Hedrick; and Councilmembers Naila Alam, Cesar del Aguila, Pradip Dhakal, Keven LeBlanc, and Donielle M. Scherff.

Staff present: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Kirstyn Barr Jovanovich, Town Clerk; Scott Robinson, Director of Public Works; and Marc Smith, Economic Development Director.

Determination of a Quorum

Mayor Olem determined that there was a quorum of the Town Council with all members present.

Disclosures for the Record

Mayor Olem asked Kirstyn Barr Jovanovich, Town Clerk, if she received signed disclosure declarations from Council.

Ms. Jovanovich stated that Councilmember Dhakal entered a signed transactional disclosure declaration into the record on personnel discussions regarding boards and commission appointments, indicating that he is able to participate in the discussion and action on the item fairly, objectively, and in the public interest. The signed disclosure statement has been entered into the record with the Town Clerk and Town Attorney.

The Town Clerk did not receive additional disclosures on any other items listed on the meeting agenda.

2. Closed Meeting

a. A closed meeting pursuant to the:

- **Code of Virginia Section 2.2-3711(A)(1), for discussion of prospective candidates relative to appointments to boards and commissions and a personnel matter involving the resignation of the Town Manager; and**
- **Code of Virginia Section 2.2-3711(A)(8), consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, relating to real estate in the downtown.**

Mayor Olem stated that the Council needed to go into a closed meeting and that the appropriate meeting notices were provided in accordance with state law. The closed meeting was held in the Hoover Conference Room in the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia.

Councilmember Scherff moved that the Council convene in a closed meeting to discuss the following as permitted by Code of Virginia Section 2.2-3711(A)(1), for discussion of prospective candidates relative to appointments to boards and commissions, and a personnel matter involving the resignation of the Town Manager; and Code of Virginia Section 2.2-3711(A)(8), consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, relating to real estate in the downtown. Councilmember Dhakal seconded the motion, which carried by unanimous roll call vote. The vote was: Councilmembers Alam, del Aguila, Dhakal, LeBlanc, and Scherff, Vice Mayor Hedrick and Mayor Olem voting "Aye."

The Council went into closed meeting at 7:02 p.m.

Councilmember LeBlanc moved to come out of the closed meeting. Motion seconded by Councilmember Dhakal and carried by unanimous roll call vote. The vote was: Councilmembers Alam, del Aguila, Dhakal, LeBlanc, and Scherff, Vice Mayor Hedrick and Mayor Olem voting "Aye."

The Council came out of closed meeting at 8:47 p.m.

Councilmember Alam moved to certify that, to the best of each member's knowledge, in the closed meeting just concluded, nothing was discussed except the matter or matters (1) specifically identified in the motion to convene in closed meeting and (2) lawfully permitted to be discussed in a closed meeting under the provisions of the Virginia Freedom of Information Act as cited in that motion. Motion seconded by Councilmember Scherff and carried by unanimous roll call vote. The vote was: Councilmembers Alam, del Aguila, Dhakal, LeBlanc, and Scherff, Vice Mayor Hedrick and Mayor Olem voting "Aye."

Aye: 7
Nay: 0
Absent: 0

3. Adjournment

There being no further business, Mayor Olem adjourned the July 30, 2024 Town Council Special Meeting at 8:49 p.m.

Amanda E.M. Kertz
Acting Town Clerk

Minutes approved by Town Council : _____

DRAFT

Agenda Item: August 7, 2024 Town Council Work Session Minutes

Meeting Date: November 12, 2024

Category: Consent

Prepared by: Amanda Kertz, Acting Town Clerk

Description:

This is a request to approve the August 7, 2024 Work Session Minutes.

Background:

N/A

Strategic Focus Area:



Good Governance

Fiscal Impact:

N/A

Legal Impact:

N/A

Staff Recommendation/Next Steps:

Recommend approval as presented.

Attachments:

1. August 7, 2024, Draft Work Session Minutes

**HERNDON TOWN COUNCIL
Work Session Minutes
Wednesday, August 7, 2024**

1. Call to Order

Mayor Olem called the August 7, 2024, Town Council work session meeting to order at 7:00 p.m. in the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia. In attendance were: Mayor Sheila Olem, and Councilmembers Cesar del Aguila, Pradip Dhakal, Donielle M. Scherff, and Keven LeBlanc.

Vice Mayor Clark Hedrick and Councilmember Naila Alam were absent.

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Chief Maggie DeBoard, and Sergeant David Forbach, Herndon Police Department; Lisa Gilleran, Director of Community Development; Marjorie Sloan, Director of Finance; Page Kalapasev, Director of Information Technology; Bob Williams, Director of Parks and Recreation; Scott Robinson, Director of Public Works; Mike Mueller, Golf Course General Manager; David Stromberg, Zoning Administrator; Margie Tacci, Deputy Town Clerk; and Amanda Kertz, Chief Deputy Town Clerk.

Determination of a Quorum

Mayor Olem determined there was a quorum of five members, with Vice Mayor Hedrick and Councilmember Alam absent. Mayor Olem reminded the Council of the meeting decorum.

Mayor Announcements

Mayor Olem thanked the Herndon Police Department for hosting a successful National Night Out event yesterday evening. She enjoyed visiting the communities and seeing the officers interact with the residents. She was pleased to visit a new community this year, Dulles Park, which is located across from H-Mart.

Amend the Agenda

Councilmember del Aguila made a motion to Amend the Agenda, to add Discussion item 3(d) - Branding and logo discussion and process - and that the agenda be so amended.

Motion seconded by Councilmember Scherff.

Mayor Olem stated that the agenda was amended to add this item by consensus of Council.

2. General

a. Resolution to approve a Temporary License Agreement between the Town and JOTT, INC., for use of a designated public space in the alley adjacent to Jimmy's Old Town Tavern for outdoor seating for two one-day events in September and October

Lesa Yeatts, Town Attorney, presented the staff report, stating that the item is to consider an application from Jimmy's Old Town Tavern to use the alley behind the restaurant for events on September 1 and October 6, 2024. The temporary use permit and noise permit have been approved, and staff recommends approval of the proposed resolution, as presented.

Following brief discussion and with the concurrence of Council, staff was directed to place this item as presented on the Consent Agenda for the next meeting's agenda.

b. Ordinance to amend Chapter 70 (SUBDIVISIONS OF LAND), Article I (Subdivisions Generally), Sec. 70-102 (Authority) to update Table 70-102(b), (Subdivision Review Procedures)

Lauri Sigler, Deputy Town Attorney, presented the staff report, stating that the proposed ordinance is an amendment to Chapter 70, with the intent of making the subdivision and vacation process more streamlined. She reviewed the instances in which staff can approve vacations of land rather than the Town Council. Staff recommends approval of the proposed ordinance, amending the Zoning Ordinance, as presented.

Following brief discussion and with the concurrence of Council, staff was directed to place this item as presented on the Consent Agenda for the next meeting's agenda.

c. Resolution to authorize the Mayor to sign instruments related to the Town Manager transition

d. Resolution to appoint an Interim Town Manager

Mayor Olem stated that these two General Items related to the Town Manager transition, and will be included on next week's Regular Meeting agenda.

Lesa Yeatts, Town Attorney, stated that the items will be presented at next week's Regular Meeting agenda.

3. Discussion

a. Trail Management Plan Update

Mayor Olem recognized Scott Robinson, Director of Public Works, who began the presentation on trail management. He provided an update on: (1) existing trail network, and (2) regional trail resources.

Bob Williams, Director of Parks and Recreation, continued the presentation and reviewed: (1) data gathered from a Northern Virginia Regional Commission (NVRC) survey on trails in the region, highlighting the following: (a) trail maintenance, (b) regional trail connectivity, (c) trail accessibility, and (d) ways jurisdictions can provide support to the public trail users; (2) static and dynamic maps of trails in the Town; (3) recent and current trail projects; (4) development of a Trail Management Plan, including: (a) planning, (b) development, (c) management, and (d) maintenance; (5) using Fairfax County and NVRC trail guides as samples; and (6) proposed schedule for plan development, which is anticipated to take approximately 12 months.

Following the presentation, there was discussion among Council and staff about the Trail Management Plan, including: (1) establishing a standard for addressing vegetation, (2) invasive species management, (3) incorporating the Town's tree survey, (4) current and future trail maintenance and management, (5) considering overpasses for trails, and (6) how to include trail management in future budgets.

Responding to Councilmember LeBlanc, Mr. Williams shared that staff is planning to work on a Natural Resource Management Plan, following the completion of the Trail Management Plan. He stated that staff could find out the costs of undertaking a comprehensive trail usage survey.

Following discussion and with the concurrence of Council, staff was asked to proceed with a Trail Management Plan as was presented that evening.

b. Consideration of a request to provide an in-kind donation to Global Beats to waive the Community Center facility rental fees in support of the 2024 Pakistan Day event - Councilmember LeBlanc

Mayor Olem recognized Councilmember LeBlanc to begin the discussion item. Councilmember LeBlanc stated that this item is to consider providing an in-kind donation to the Global Beats to use space at the Herndon Community Center for a Pakistan Day Celebration. He stated that the invoice provided by staff for the rental was \$1,255.

There was discussion among Council and staff, including: (1) contacting the Global Beats organization to see if the celebration is being held at the Herndon Community Center, (2) request to consider an in-kind donation to the Stars and

Stripes NOVA Committee for their event at the golf course, and (3) donation request on the Town Council's last regular meeting agenda from Global Beats.

Following discussion, Councilmember LeBlanc stated that he would find out more information before proceeding with the request.

c. Events on Private Property Review and Permitting Process Briefing - Councilmember del Aguila

Mayor Olem recognized Councilmember del Aguila to begin the discussion. Councilmember del Aguila asked the Town Manager to update the Council on an event that occurred recently involving a local business and the Herndon Police Department.

William H. Ashton II, Town Manager, stated that he provided a summary of the event referenced by Councilmember del Aguila in the Town Manager's most recent dispatch to the Town Council. He reviewed the event that happened at the shopping center near Fairfax County Parkway and Elden Street two Fridays ago. The Herndon Police Department received intelligence on a potential "car street takeover" rally that might happen during a planned event that was occurring at the shopping center. He discussed what occurred, including: (1) police reaching out to the business owner, then to the property owner, (2) major concerns the police department had about the potential violent nature of the "car street takeover" group, and (3) that the intelligence on this potential rally came from the Regional Intelligence Center, which is utilized by the Northern Virginia law enforcement jurisdictions, and has connections to the State Police and the Department of Homeland Security.

Councilmember del Aguila discussed the information he received on the event, stating that it was organized by a barbershop at the shopping center, along with a Baptist Church in Vienna, an event that he understood had been going on for 18 years. He spoke about the perception of law enforcement in the community.

There was discussion among the Council and staff about the event, where concerns were expressed about: (1) public perception of the Town, (2) an email exchange between the business owner and the property owner, (3) oversight of the police intelligence network, and (4) the Town following up with the business and property owners on what occurred.

Chief Maggie DeBoard, Herndon Police Department, provided a presentation that showed what has happened at "car street takeover" rallies, including examples of the violence that has occurred both in the Town and around the region at these rallies.

There was discussion among the Council and staff about Chief DeBoard's

presentation, including: (1) police response to the "car street takeover" rallies, (2) how the intelligence on these types of events is gathered, and (3) how to work with businesses who are faced with a potential car takeover, or similar security issues.

Following discussion, Councilmembers del Aguila and Scherff asked staff to facilitate a conversation with the business that was affected by this "car street takeover" event, to include addressing the property owner's response. Councilmember Scherff indicated that she could assist in facilitating the conversation, if that would be helpful.

Mayor Olem stated, for the record, she thinks that the Herndon Police Department does a phenomenal job when matters become intense.

d. Branding and logo discussion and process [agenda amended by Council consensus]

[Note: this item was added to the agenda earlier in the meeting.]

Councilmember del Aguila stated that at the last Town Council work session, he brought up his concerns that the logo, theme, and flag were not included with the rebranding initiative. He would like the Council to direct staff to facilitate a contest, either through the arts community or by other means, to consider changing the logo, taglines, and flag.

There was discussion among the Council and staff about the rebranding process and considering new designs for the seal, logo, and flag, including: (1) reviewing the components that are part of the rebranding process, (2) having the arts community to host a design contest, (3) including the forthcoming branding research as part of this effort, (4) identifying any "obstacles," legal or otherwise, in considering new designs, and (5) having a consultant review potential design changes.

Responding to Councilmember LeBlanc, William H. Ashton II, Town Manager, clarified that the tagline was included in the scope of the rebranding effort.

Responding to the discussion, Mr. Ashton advised the Council to have a consultant review potential changes, especially to the flag, to account for any unintended consequences of new designs.

Councilmember del Aguila asked staff to determine: (1) level of effort to assess and to engage the appropriate communities and/or a consultant to look at creating a new flag and logo, and (2) what that process would look like.

Councilmember LeBlanc asked staff to include their recommended processes or guidelines in the assessment of this information.

Lesa Yeatts, Town Attorney, asked if staff could prepare a written memorandum answering the Council's questions that were asked that evening, and the Council agreed with that proposal.

4. Roundtable

Councilmember Scherff: expressed appreciation to those that organized and participated in the recent 4-H Fair at Frying Pan Farm Park.

Councilmember Scherff thanked Dranesville District Supervisor Bierman, Fairfax County, for helping to coordinate transportation for the upcoming Que Pasa Festival.

Councilmember del Aguila: expressed kudos to staff at the Department of Parks and Recreation who are assisting with an upcoming pickleball tournament.

Councilmember del Aguila asked the Council to consider a large scale cycling event, stating that other municipalities have hosted similar events. He requested staff to look at: (1) the feasibility of a large scale cycling event, (2) resources that would be needed to potentially design the event, and (3) partnering with a business or sponsor that could work with the Town on the event.

Councilmember Scherff stated that there was a cycling group that provided a historical ride for the last Juneteenth event, and she thought the group may want to assist in moving this type of event forward.

With Council's consensus, staff was asked to proceed with gathering the information that Councilmember del Aguila requested about a potential large scale cycling event.

Councilmember Dhakal: stated that he enjoyed attending National Night Out, and he thanked the Herndon Police Department and other staff that helped make the event a success.

Councilmember Dhakal stated that the Council received an email from the Bluemont Homeowners Association about speeding in their neighborhood, and he asked staff to look into the concerns.

William H. Ashton II, Town Manager, stated that the staff is aware of, and is looking into, the neighborhood's concerns.

Chief Maggie DeBoard, Herndon Police Department, shared her observations of that neighborhood.

Councilmember LeBlanc: also enjoyed attending National Night Out, and he thanked all the staff that were involved with the event.

Councilmember LeBlanc stated that the Cultivating Community Initiative is working with the two main Halloween houses in the Town - the Historic Herndon Halloween House and The Bistro at Queens Row - and they will be hosting a Halloween decorating contest, with the theme of outer space. He encouraged everyone to participate and stated that there would be a gift card for the contest winners.

Mayor Olem: stated that she enjoyed participating in the 4-H Fair with her family and attending National Night Out. She looks forward to the Cultivating Community Initiative's Halloween contest.

William H. Ashton II, Town Manager: provided comments on: (1) National Night Out, where the apartments next to Dulles Park participated in the event for the first time and had a great turn out; he was also grateful the Town's new Community Outreach Coordinator/Recreation Services Supervisor was able to attend, and (2) upcoming Zip Trip with the television station Fox 5, which will be happening in the lobby of the Herndon Municipal Center on Friday, August 9, due to the expected rain.

5. Closed Meeting [not needed, therefore not held]

a. A closed meeting pursuant to the:

- **Code of Virginia Section 2.2-3711(A)(1), for discussion relative to a personnel matter involving the resignation of the Town Manager; and**
- **Code of Virginia Section 2.2-3711(A)(8), consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, relating to real estate in the downtown.**

The closed meeting was not needed, therefore it was not held at this meeting.

6. Adjournment

There being no further business, Mayor Olem adjourned the August 7, 2024 Town Council Work Session meeting at 9:03 p.m.

Amanda E.M. Kertz
Acting Town Clerk

Minutes approved by Town Council : _____

Agenda Item: August 13, 2024 Town Council Meeting Minutes

Meeting Date: November 12, 2024

Category: Consent

Prepared by: Amanda Kertz, Acting Town Clerk

Description:

This is a request to approve the August 13, 2024 Regular Meeting Minutes.

Background:

N/A

Strategic Focus Area:



Good Governance

Fiscal Impact:

N/A

Legal Impact:

N/A

Staff Recommendation/Next Steps:

Recommend approval as presented.

Attachments:

1. August 13, 2024, Draft Meeting Minutes

**HERNDON TOWN COUNCIL
Regular Meeting Minutes
Tuesday, August 13, 2024**

1. Call to Order

Mayor Olem called the August 13, 2024, Town Council regular meeting to order at 7:00 p.m. in the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia. In attendance were: Mayor Sheila Olem; Vice Mayor Clark Hedrick; and Councilmembers Naila Alam, Cesar del Aguila, Pradip Dhakal, Keven LeBlanc, and Donielle M. Scherff.

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Kirstyn Barr Jovanovich, Town Clerk; Chief Maggie DeBoard, Herndon Police Department; Anne Papa, Chief Communications Officer; Lisa Gilleran, Director of Community Development; Marjorie Sloan, Director of Finance; Scott Robinson, Director of Public Works; Bryce Perry, Deputy Director of Community Development; John Irish, Deputy Director of Public Works; Margie Tacci, Deputy Town Clerk; and Amanda Kertz, Chief Deputy Town Clerk.

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

Mayor Olem led the audience in the Pledge of Allegiance to the Flag of the United States of America.

Determination of a Quorum

Mayor Olem determined there was a quorum of all Councilmembers present and reminded the Council of the meeting decorum.

Mayor Announcements

Mayor Olem stated that Town offices are closed for the Labor Day holiday, on Monday, September 2, the next Town Council meeting will be held on Tuesday, September 3, which will be a work session.

Mayor Olem thanked the members of the Herndon Police Department, especially Chief Maggie DeBoard, SPO Austin, Lisa Herndon, and staff from the Department of Parks and Recreation for all their assistance during National Night Out.

Mayor Olem encouraged individuals who would like to speak during the public

hearing to utilize the speaker's sign-up list, which was located near the doors of the Council Chambers. She stated that the Town Clerk would call the names of the people in the order they were received on the speaker's list. Mayor Olem briefly reviewed the public comment process and stated that comments on the public hearing item would follow the comments from the audience portion of the agenda.

3. Presentations/Reports/Comments

a. Town Manager Report

William H. Ashton II, Town Manager, stated that he would pass on his comments, given the anticipation of the agenda items that evening.

b. Councilmember Comments

Councilmember Scherff: thanked the Fairfax County Park Authority for hosting the 74th annual 4-H Fair earlier that month. She also expressed appreciation for those present at the meeting that evening.

Councilmember Alam: welcomed those present in the audience for the meeting that evening.

Councilmember LeBlanc: provided comments on the following: (1) echoed Mayor Olem's comments on expressing appreciation for National Night Out, thanking especially the communities that hosted events, (2) stated that the Town's rebranding survey is available for the public and encouraged everyone to fill it out on the website, and (3) stated that Fairfax County Public Schools are back in session next week, and he thanked the teachers and students and expressed his sentiments for a positive school year.

Councilmember del Aguila: provided comments on the following: (1) echoed comments about the rebranding exercise being underway, (2) thanked his fellow Councilmembers for considering his ideas about: (a) including the arts community in the flag and logo design process, and (b) holding a large scale cycling event; which he called the "Tour de Herndon," (3) provided information on two upcoming events: (a) pickleball tournament, and (b) Que Pasa Festival, which is happening in 31 days, and (4) thanked the executives from Comstock for attending tonight's meeting.

Councilmember Dhakal: echoed his colleagues' comments on the following: (1) National Night Out, (2) encouraging participation in the rebranding exercise, (3) the upcoming pickleball tournament on September 21, and (4) thanked Chris Clemente and the executives from Comstock, along with the members of the public, for attending that night's meeting.

Vice Mayor Hedrick: echoed his colleague's comments on the following: (1) National Night Out, and (2) welcomed the public and Comstock executives to that night's meeting.

Mayor Olem: reiterated her enjoyment and appreciation for National Night Out; stating that the last stop she went to had over 200 residents who attended.

Mayor Olem stated that on July 21, the Town Calendar photography contest occurred at Arts Herndon, and she congratulated the winners who have their photos included in the 2025 Town calendar.

Comments and Disclosures for the Record

Mayor Olem asked Amanda Kertz, Chief Deputy Town Clerk, if she received comments for the record or signed disclosure declarations from Council.

Ms. Kertz stated that comments were entered into the record on public hearing item #5(a), Status update presentation on the Comstock Herndon Project and Resolution 24-G-46 to approve an extension of the Outside Satisfaction date to September 10, 2024.

Ms. Kertz stated that Councilmember Dhakal entered a signed transactional disclosure statement into the record on Consent Agenda item 7(c), Resolution 24-G-50 appointment of members to the ARB/HDRB [note: this item was moved to the General portion of the agenda later in the meeting]. The statement indicates that he is able to participate in the discussion and action of this item fairly, objectively, and in the public interest.

The Town Clerk did not receive additional public comments or disclosures on any other items listed on that meeting's agenda.

4. Comments from the Audience

Mayor Olem reviewed the process and asked those who wanted to provide Comments from the Audience to come forward.

The following individuals provided comments:

- Walter Shorter, Early Fall Court, Herndon, Former President and Director of the Four Seasons HOA, and Vice President of the Four Seasons Recreation Association: provided comments thanking William H. Ashton II, Town Manager, for his nearly 30 years of service to the Town of Herndon.

- Stevan Porter, 905 Vine Street, Herndon: provided comments on National Night Out and the process of hiring a new Town Manager, expressing appreciation to Mr. Ashton for his dedicated service.
- Ann Vayda, 631 Oak Street, Herndon: provided comments on the rebranding survey, and asked the Town to provide a "none of the above" choice or a similar option for respondents to Town surveys.
- Soma Romesh, 1112 Tway Lane, Herndon: discussed an upcoming pickleball tournament and stated that the event is looking for sponsors from the community.
- Barbara Glakas, 935 Barton Oaks Place, Herndon: stated that she was reiterating concerns about the rate that taxpayer money is being spent, including the funding for some of the mini-festivals. She also thanked Mr. Ashton for his service to the Town of Herndon.
- Michelle Bogert, 518 Dranesville Road, Herndon: provided comments about Friday Night Live; stating that she did not want the event changed.

Amend the Agenda

Councilmember LeBlanc asked to remove Consent Agenda items 7(c) and 7(d); and move them to the General portion of the agenda, to be considered separately, due to information that he recently learned. Mayor Olem stated that the items will be moved, and the agenda will be so amended.

5. Public Hearings

a. Status update presentation on the Comstock Herndon Project and Resolution 24-G-46 to approve an extension of the Outside Satisfaction date to September 10, 2024

A Certificate of Publication was filed from the Editor of the *Fairfax County Times* Newspapers, showing that notice of said public hearing item had been duly advertised in the Friday, August 9, 2024 issue.

Mayor Olem opened the public hearing and recognized Lesa Yeatts, Town Attorney, for comments. Ms. Yeatts reviewed the transactions that occurred between the Town and Comstock, from 2016 to present, which included: (1) request for proposal process, through which Comstock Herndon LLC was selected, (2) Comprehensive Agreement between the Town and Comstock, (3) appeal to the Historic Preservation Review Board, (4) slow down due to the COVID-19 pandemic, (5) amendment to the Comprehensive Agreement, and (6) in April 2022, Comstock exercised its right to a 24-month market pause from the

Outside Satisfaction Date (OSD), which was extended.

Ms. Yeatts stated that after thoughtful review and consideration of the remaining outstanding items, the Town and Comstock would like to extend the OSD to allow further progress and discussions between the parties related to the project. The proposed resolution will extend the OSD from August 15 to September 10, 2024.

Mayor Olem recognized Chris Clemente, CEO and Chairman of the Board, Comstock, for comments.

Mr. Clemente provided a presentation on the Comstock Herndon project, and he started by reviewing: (1) the site, which is slated to be mixed use development, (2) number of buildings and proposed locations, (3) estimated square footage, and (4) public parking garage.

Mr. Clemente mentioned several of the milestones that Ms. Yeatts outlined, highlighting the impacts of the following on the project: (1) appeal of the Historic Preservation Review Board's decision, (2) COVID-19 pandemic, and (3) economic and supply chain issues that followed. He asserted that Comstock does not benefit from delaying the project.

Mr. Clemente reviewed the next steps for the project and potential schedule, which included: (1) looking to start the project next year; establishing bond and construction loan financing, (2) ground breaking possibly in April 2025, (3) working with Davis Construction to open the public parking garage first; estimated completion date of July 2026, and (4) approximate project completion date of mid-2027, assuming there are interest rate reductions, and that the project goes according to schedule.

There was discussion among the Council, staff, and Mr. Clemente about the project, including: (1) limitations for the Council to comment on closed meeting discussions, (2) support for separating the garage permitting process so it can be built first, (3) factors in the two-year market pause, (4) proposed project schedule, and (5) status of Comstock's other projects in the region.

Mayor Olem called for comments from the audience, stating that the Clerk would call the individuals on the speaker's list in the order that they signed up. After the speakers list was finished, Mayor Olem invited forward others who wished to speak.

The public hearing was held, and the following individuals provided testimony:

- Stevan Porter, 905 Vine Street, Herndon;

- Alexandar Burke, 910 Jorss Place, Herndon;
- Jason Sickells, 205 Meeting House Street, #202, Herndon;
- Soma Ramesh, 1112 Tway Lane, Herndon;
- John Poklembo 101 Fortnightly Boulevard, Herndon;
- Ann Vayda Null, 631 Oak Street, Herndon;
- Brian Hedlund, 100 Fortnightly Boulevard, Herndon;
- Alex Reyes, 729 Campbell Way, Herndon;
- Jay Hadlock, 515 Alabama Drive, Herndon;
- Michelle Bogert, 518 Dranesville Road, Herndon;
- Jim Leach, 757 Grace Street, Herndon;
- Steve Mundt, 814 Locust Street, Herndon;
- Lorna Schmidt 1021 Monroe Street, Herndon;
- Lisa Merkel, Elden Street, Herndon;
- Efthalia Triarhos, 802 Grace Street, Herndon;
- Ted Delacourt, 403 Woodgrove Court, Herndon; and
- Sean Regan, 1000 Monroe Street, Herndon.

Following Comments from the Audience, Mayor Olem recognized Mr. Clemente for rebuttal.

Mr. Clemente stated that he heard the frustration and concerns that the speakers expressed that evening. He addressed several comments that were made regarding delays in the project, the market pause, and questions about affordable housing. He agreed to update the sign in front of the fence on the property.

Mr. Clemente recognized Jim Davis, CEO of Davis Construction, contractor for Comstock, who provided brief comments about the project's construction.

There was discussion among the Council, staff, and Mr. Clemente about ways to address transparency and open communication, along with further discussion about the project's schedule.

Seeing no further comments, Mayor Olem closed the public hearing and moved to Council level for discussion and action.

Councilmember LeBlanc moved to approve Resolution 24-G-46 to approve an extension of the Outside Satisfaction date to September 10, 2024, as presented.

Motion seconded by Vice Mayor Hedrick.

There were comments from the Council, including requests to: (1) conduct a review of the project process, (2) include hard deadlines moving forward, and (3) form a communication plan to ensure information is shared with the community.

The question was called on the motion, which carried by unanimous roll call vote. The vote was: Councilmembers Alam, del Aguila, Dhakal, LeBlanc, Scherff, and Vice Mayor Hedrick and Mayor Olem voting "Aye."

6. General

- a. Resolution 24-G-47 to authorize the mayor to sign instruments related to the Town Manager transition**
- b. Resolution 24-G-48 to appoint an Interim Town Manager**

Mayor Olem stated that the next two General items were related to the transition of the Town Manager and will be presented concurrently, with separate action being taken on each item. She recognized Lesa Yeatts, Town Attorney, to provide the staff report, who stated that current Town Manager, Bill Ashton, will be leaving the Town of Herndon on September 10, 2024. The proposed resolution enables the Town to utilize the services of Baker Tilly to identify and engage an experienced professional interim administrative executive for the Town Council's approval. The first item also enables the town to engage Berkley Group, LLC, to perform certain consulting services for the Town during this time and any other instruments necessary to effectuate the transition and to find the new Town Manager.

Ms. Yeatts stated that the second item appoints Christopher Martino as the Interim Town Manager, effective September 3, 2024, and authorizes the Director of Human Resources and the Mayor to take any actions necessary to effectuate the decision. Ms. Yeatts stated that there will be a budget amendment brought forward in September that outlines the transition costs, including costs related to the Interim Town Manager.

There was discussion among the Council and staff about the Town Manager transition process and the appointment of the Interim Town Manager.

Vote on Resolution 24-G-47

Councilmember LeBlanc moved to Approve Resolution 24-G-47 to authorize the mayor to sign instruments related to the Town Manager transition, as presented.

Motion seconded by Councilmember Alam.

The question was called on the motion, which carried by unanimous roll call vote. The vote was: Councilmembers Alam, del Aguila, Dhakal, LeBlanc, Scherff, and Vice Mayor Hedrick and Mayor Olem voting "Aye."

Vote on Resolution 24-G-48

Councilmember Scherff moved to approve Resolution 24-G-48 to appoint an Interim Town Manager, as presented.

Motion seconded by Vice Mayor Hedrick.

The question was called on the motion, which carried by unanimous roll call vote. The vote was: Councilmembers Alam, del Aguila, Dhakal, LeBlanc, Scherff, and Vice Mayor Hedrick and Mayor Olem voting "Aye."

c. Resolution 24-G-50 to appoint members to the Historic District Review and Architectural Review Boards [item removed from the Consent Agenda and considered separately]

[Note: this item was removed from the Consent Agenda to be considered separately by Councilmember LeBlanc at the beginning of the meeting.]

Following input from Lesa Yeatts, Town Attorney, Councilmember LeBlanc moved to Table Resolution 24-G-50 to appoint members to the Historic District Review and Architectural Review Boards, for further discussion in a future closed meeting.

Motion seconded by Vice Mayor Hedrick.

There were brief comments from Council.

The question was called on the motion, which carried by unanimous roll call vote. The vote was: Councilmembers Alam, del Aguila, Dhakal, LeBlanc, Scherff, and Vice Mayor Hedrick and Mayor Olem voting "Aye."

d. Resolution 24-G-51 to appoint a member to the Planning Commission [item removed from the Consent Agenda and considered separately]

[Note: this item was removed from the Consent Agenda to be considered separately by Councilmember LeBlanc at the beginning of the meeting.]

Councilmember LeBlanc moved to Table Resolution 24-G-51 to appoint a member to the Planning Commission, for further discussion in a future closed meeting.

Motion seconded by Vice Mayor Hedrick.

There were brief comments from Council.

The question was called on the motion, which carried by unanimous roll call vote. The vote was: Councilmembers Alam, del Aguila, Dhakal, LeBlanc, Scherff, and Vice Mayor Hedrick and Mayor Olem voting "Aye."

7. Consent

- a. Resolution 24-G-49 to approve a Temporary License Agreement between the Town and JOTT, INC., for use of a designated public space in the alley adjacent to Jimmy's Old Town Tavern for outdoor seating for two one-day events in September and October**
- b. Ordinance 24-O-26 to amend Chapter 70 (SUBDIVISIONS OF LAND), Article I (Subdivisions Generally), Sec. 70-102 (Authority) to update Table 70-102(b), (Subdivision Review Procedures)**
- c. June 4, 2024 Town Council Work Session Minutes**
- d. June 11, 2024 Town Council Meeting Minutes**

On motion of Councilmember LeBlanc, seconded by Councilmember del Aguila, the Consent Agenda items were approved and carried by unanimous roll call vote, as presented, without comment. The vote was: Councilmembers Alam, del Aguila, Dhakal, LeBlanc, and Scherff, Vice Mayor Hedrick and Mayor Olem voting "Aye."

8. Adjournment

There being no further business, Mayor Olem adjourned the August 13, 2024 Town Council Regular Meeting at 9:36 p.m.

[Note: Approved resolutions and ordinances are filed in the Town Clerk's office.]

Amanda Kertz, Chief Deputy Town Clerk

Minutes approved by Town Council : _____

Agenda Item: September 3, 2024, Town Council Work Session Minutes

Meeting Date: November 12, 2024

Category: Consent

Prepared by: Amanda Kertz, Acting Town Clerk

Description:

This is a request to approve the September 3, 2024 Work Session Minutes.

Background:

N/A

Strategic Focus Area:



Good Governance

Fiscal Impact:

N/A

Legal Impact:

N/A

Staff Recommendation/Next Steps:

Recommend approval as presented.

Attachments:

1. September 3, 2024, Draft Work Session Minutes

**HERNDON TOWN COUNCIL
Work Session Minutes
Tuesday, September 3, 2024**

1. Call to Order

Mayor Olem called the September 3, 2024, Town Council work session meeting to order at 7:00 p.m. in the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia. In attendance were: Mayor Sheila Olem; Vice Mayor Clark Hedrick; and Councilmembers Naila Alam, Cesar del Aguila, Pradip Dhakal, Keven LeBlanc, and Donielle M. Scherff.

Determination of a Quorum

Mayor Olem determined there was a quorum of all Councilmembers present. Mayor Olem reminded the Council of the meeting decorum.

Closed Meeting

Code of Virginia Section 2.2-3711(A)(8), consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, relating to real estate in the downtown.

Mayor Olem stated that the Council needed to go into a closed meeting and that the appropriate meeting notices were provided in accordance with state law. The closed meeting was held in the Hoover Conference Room in the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia.

Vice Mayor Hedrick moved that the Council amend the agenda to convene in a closed meeting to discuss the following as permitted by Code of Virginia Section 2.2-3711(A)(8), consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, relating to real estate in the downtown. Councilmember LeBlanc seconded the motion, which carried by unanimous roll call vote. The vote was: Councilmembers Alam, del Aguila, Dhakal, LeBlanc, and Scherff, Vice Mayor Hedrick and Mayor Olem voting "Aye."

At 7:02 p.m. Mayor Olem called a brief recess, and at 7:03 p.m., the closed meeting reconvened in the Hoover Conference Room, all members present, with Mayor Olem presiding.

Councilmember Scherff moved to come out of the closed meeting. Motion seconded by Councilmember LeBlanc, and carried by unanimous roll call vote.

The vote was: Councilmembers Alam, del Aguila, Dhakal, LeBlanc, and Scherff, Vice Mayor Hedrick and Mayor Olem voting "Aye."

The Council came out of closed meeting at 8:24 p.m.

Councilmember LeBlanc moved to certify that, to the best of each member's knowledge, in the closed meeting just concluded, nothing was discussed except the matter or matters (1) specifically identified in the motion to convene in closed meeting and (2) lawfully permitted to be discussed in a closed meeting under the provisions of the Virginia Freedom of Information Act as cited in that motion. Motion seconded by Councilmember Scherff, and carried by unanimous roll call vote. The vote was: Councilmembers Alam, del Aguila, Dhakal, LeBlanc, and Scherff, Vice Mayor Hedrick and Mayor Olem voting "Aye."

Aye: 7

Nay: 0

Absent: 0

Recess

At 8:25 p.m., Mayor Olem called a brief recess, and at 8:32 p.m. the meeting reconvened in the Herndon Council Chambers, with Mayor Olem presiding.

Work Session

Mayor Olem stated that the Council met in a closed meeting and no action had been taken. She noted for the record that there was a quorum of the Town Council, with all members present.

Staff present during the meeting: William H. Ashton II, Town Manager; Chris Martino, Interim Town Manager; Lesa Yeatts, Town Attorney; Kirstyn Barr Jovanovich and Scott Robinson, Acting Deputy Town Managers; Chief Maggie DeBoard, Herndon Police Department; Lisa Gilleran, Director of Community Development; Marjorie Sloan, Director of Finance; Bob Williams, Director of Parks and Recreation; Mike Mueller, Golf Course General Manager; and Amanda Kertz, Acting Town Clerk.

2. Public Hearings

a. Ordinance to amend the Fiscal Year (FY) 2025 Adopted Budget for the General Fund and the Water and Sewer Fund

Marjorie Sloan, Director of Finance, presented the staff report and provided an overview of the ordinance to amend the FY 2025 Adopted Budget. She stated that there are four proposed items included in the second amendment to the FY 2025 budget, which includes adjustments to the General Fund and the Water and Sewer

Fund. The amendments to the General Fund include: (1) appropriation of \$341,000 for the transition costs related to the transition and selection of a new Town Manager, (2) \$29,740 for repairs to the Herndon Community Center tennis courts, and (3) \$27,562 for additional Herndon Police Department e-summons grant expenditures. The Water and Sewer amendment is a reclassification of costs related to lead and copper testing. At next week's regular meeting, Ms. Sloan stated that she would present a slide outlining the items which are being funded by the unrestricted fund balance. Staff recommends approval of the proposed Ordinance to amend the Fiscal Year (FY) 2025 Adopted Budget for the General Fund and the Water and Sewer Fund, as presented.

There was a brief discussion among the Council and staff on this item.

3. General

a. Resolution to accept the Annual Report Fiscal Year (FY) 2024

William H. Ashton II, Town Manager, stated that staff will present the full report of this item at next week's regular meeting.

b. Resolution to establish the Herndon Town Council meeting schedule for January 1, 2025 to December 31, 2025

Kirstyn Barr Jovanovich, Acting Deputy Town Manager, presented the staff report, stating that the proposed resolution adopts the calendar year 2025 Town Council meeting schedule, which is also included in the printed 2025 Town Calendar. She stated that this item was a follow-up to the discussion in July about the Town Council meeting structure. It was the staff's understanding that there was consensus among Council to retool the work sessions as standalone meetings. Ms. Jovanovich reviewed the following: (1) Town Council's current meeting structure, consisting of linked work sessions and regular meetings, (2) Council meeting schedule Option A, which included one work session and two regular meetings per month, and (3) Council meeting schedule Option B, which included two work sessions and two regular meetings per month. In both schedules, the months of June, July, August, November, and December included one work session and one regular meeting per month. In both Options A and B, the work sessions would be unlinked from the regular meeting. Staff recommends approval of the proposed resolution, in accordance with Option A.

There was discussion among the Council and staff on the 2025 meeting schedule, including: (1) schedule for the Strategic Planning meetings, (2) concerns over retooling and reducing the number of work sessions, (3) Roberts Rules of Order and rules of procedure during meetings, (4) process improvements that could occur by disconnecting the work session and regular meeting agendas, (5) relating Town Council salary to the number of meetings that are held, (6) ability to cancel meetings if there are no agenda items; or to schedule special meetings if needed, (7) request for staff to sit at the table with the Council during the work sessions to

better facilitate conversations, and (8) Town Council concurrence to proceed with Option B, which is a similar schedule to the current calendar year.

Following discussion and with the concurrence of Council, staff was directed to place this item, updated to reflect Option B, on the Consent Agenda for the next meeting's agenda.

4. Consent

a. Resolution to express appreciation to William H. Ashton II, Town Manager, for dedicated service

There was no discussion on the Consent Agenda item.

5. Discussion

a. Discussion on request to establish a Large Scale Cycling Event

Mayor Olem recognized Bob Williams, Director of Parks and Recreation, to begin the discussion. Mr. Williams provided an overview of the following: (1) potential resources and logistics; such as sponsors, volunteers, Herndon Police, Public Works, and other staff support, (2) impact of a large scale cycling event on Town roads and intersections, especially if the Herndon Parkway were utilized, and (3) estimated timeline for an event of approximately eight months, (4) options for a cycling event, including: (a) century ride, (b) shorter ride options of various mileage, and (c) youth bike rodeo, which could be done alone or as part of another event. He stated that the type of event would depend on the outcome that the Council is seeking for the event, and that staff could provide more research on the options presented that evening.

There was discussion among the Council and staff on a cycling event, including: (1) leveraging the energy and resources of the cycling community, (2) possible logistics and schedule, (3) locations; including potential usage of the Washington and Old Dominion (W&OD) Trail, (4) impacts of using the Herndon Parkway and request to discuss event logistics with business owners that may be impacted, (5) establishing an exploratory committee for this event to collect feedback; including representation from the Pedestrian and Bicycle Advisory Committee (PBAC), staff, and community stakeholders, and (5) considering a smaller race or a bicycle rodeo.

Following discussion and with the concurrence of the Council, staff was requested to schedule a meeting with staff, representatives from the cycling community, and PBAC, to determine the feasibility of a large scale cycling event in the town. The potential of including this as an item on a PBAC meeting agenda was also discussed.

b. Discussion on Herndon Centennial Golf Course Charitable Golf Tournament Policies - Vice Mayor Hedrick

Mayor Olem recognized Mike Mueller, Golf Course General Manager, to begin the discussion. Mr. Mueller stated that the Herndon Golf Course does not have a policy regarding charity golf tournaments. He stated that his staff is bound by resolution to charge the fees that have been approved by the Town Council.

Vice Mayor Hedrick stated that following the Stars and Stripes event last May, he understood there was some confusion about policies related to charity golf tournaments at the golf course. He asked staff to provide: (1) more information on policies related to charity tournaments, (2) policies that other public golf courses follow, and (3) approximately how many charitable golf events are held at the course each year.

Mr. Muller stated that staff does not track the number of charitable events and indicated that there are not a lot of charitable events held at the golf course. In reviewing the fee policies of Nova Parks and other municipal golf courses in the region, Mr. Mueller stated that Herndon's policies are in line with these entities, which do not provide free golf or discounts for golf tournaments.

There was discussion among the Council and staff on events at the Herndon Centennial Golf Course, including: (1) types of golf tournaments, (2) amenities and ways to encourage charities to host events at the course, (3) feasibility of supporting discounted charitable events, (4) how revenue policies for the Herndon Community Center differ from the Golf Course Enterprise Fund, (5) potential impact on golf course fees if charitable organizations are provided with discounts or free services, (6) addressing the Stars and Stripes NOVA Committee's outstanding balance for greens fees, and (7) upcoming capital projects at the golf course.

Responding to Councilmember Scherff, Mr. Mueller stated that staff provides the tax documentation for tournaments to the Finance Department. He could not advise at that time about the IRS designations for groups that have held at the golf course.

Responding to Councilmember del Aguila, Lesa Yeatts, Town Attorney, stated that she did not know at the time, and she would have to research if it was possible for the Town to forgive the Stars and Stripes NOVA Committee's outstanding balance for greens fees.

c. Discussion on zoning along Herndon Parkway (Elden-Spring Streets) corridor – Councilmember del Aguila

Mayor Olem recognized Councilmember del Aguila to begin the discussion item. Councilmember del Aguila stated that he noticed several empty office spaces

around the Town, and he suggested that the Council consider proactively rezoning some of these properties and positioning them for mixed-use development. He indicated that he was looking at office space near the Herndon Police Department on Herndon Parkway, north of the Herndon Transit Oriented Core and Transit Related Growth areas. Councilmember del Aguila stated that if those areas are available to be rezoned, he would be interested in designating a percentage as affordable and workforce housing.

There was discussion among the Council and staff about Councilmember del Aguila's suggestion to consider rezoning certain office areas and to designate affordable and workforce housing, including research and studies that may be necessary prior to the rezoning process.

Responding to Councilmember del Aguila, Lisa Gilleran, Director of Community Development, provided a brief overview of staff's memorandum to the Town Council, which outlined the occupancy rates for the parcels located in the 360-400 block of Herndon Parkway, along with areas the Town has designated for residential and residential mixed-use. She stated that on September 19, the Town Council will hold a special work session on housing. Tom Fleetwood from the Fairfax County Housing Authority will discuss ways the Town can bring in affordable housing, and he will review locations where special language on affordable housing could be incorporated. She emphasized that the Comprehensive Plan has to match the potential zoning designation before rezoning can occur. Ms. Gilleran suggested reviewing the existing Comprehensive Plan and zoning designations, while working with the Fairfax County Housing Authority to determine potential affordable housing locations.

There was further discussion among the Council and staff about the Comprehensive Plan and rezoning process, along with working with the Fairfax County Housing Authority at the September 19 meeting and beyond.

6. Roundtable

Councilmember Scherff: no comments.

Councilmember Dhakal: no comments.

Councilmember del Aguila: no comments.

Councilmember Alam: no comments.

Councilmember Le Blanc: stated that the Town rebranding initiative is continuing to move along. He stated that the Herndon Youth Advisory Committee (HYAC) group is meeting that week and will serve as an additional focus group for rebranding. The core committees are meeting to review the work that has been done so far, with a tentative presentation date of October 3 to the Town Council.

Vice Mayor Hedrick: stated that he was looking forward to the first meeting of the HYAC on Thursday, September, 9.

Mayor Olem: stated that she attended the Herndon Planning Commission meeting on August 26, where she presented a Certificate of Appreciation to outgoing member Mike McFarlane, honoring his service to the Town.

William H. Ashton II, Town Manager: no comments.

7. Closed Meeting

a. Closed meeting pursuant to the Code of Virginia Section 2.2-3711(A)(1), for discussion of prospective candidates relative to appointments to boards and commissions

[Note: the closed meeting under Section 2.2-3711(A)(8) was held at the beginning of the meeting.]

Mayor Olem stated that the Council needed to go into a closed meeting and that the appropriate meeting notices were provided in accordance with state law. The closed meeting was held in the Hoover Conference Room in the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia.

Vice Mayor Hedrick moved that the Council convene in a closed meeting to discuss the following as permitted by Code of Virginia Section 2.2-3711(A)(1), for discussion of prospective candidates relative to appointments to boards and commissions. Councilmember LeBlanc seconded the motion, which carried by unanimous roll call vote. The vote was: Councilmembers Alam, del Aguila, Dhakal, LeBlanc, and Scherff, Vice Mayor Hedrick and Mayor Olem voting "Aye."

At 10:42 p.m., Mayor Olem called a brief recess, and at 10:47 p.m., the closed meeting reconvened in the Hoover Conference Room, all members present, with Mayor Olem presiding.

Councilmember Dhakal moved to come out of the closed meeting. Motion seconded by Councilmember Scherff, and carried by unanimous roll call vote. The vote was: Councilmembers Alam, del Aguila, Dhakal, LeBlanc, and Scherff, Vice Mayor Hedrick and Mayor Olem voting "Aye."

The Council came out of closed meeting at 11:00 p.m.

Councilmember Dhakal moved to certify that, to the best of each member's knowledge, in the closed meeting just concluded, nothing was discussed except the matter or matters (1) specifically identified in the motion to convene in closed meeting and (2) lawfully permitted to be discussed in a closed meeting under the

provisions of the Virginia Freedom of Information Act as cited in that motion. Motion seconded by Councilmember Alam, and carried by unanimous roll call vote. The vote was: Councilmembers Alam, del Aguila, Dhakal, LeBlanc, and Scherff, Vice Mayor Hedrick and Mayor Olem voting "Aye."

Aye: 7
Nay: 0
Absent: 0

8. Adjournment

There being no further business, Mayor Olem adjourned the September 3, 2024 Town Council work session at 11:01 p.m.

Amanda E.M. Kertz
Acting Town Clerk

Minutes approved by Town Council : _____