

**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 Dhaka: 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 E. Monaw Kertz

**Amanda E.M. Kertz
Acting Town Clerk**



Minutes approved by Town Council : November 12, 2024