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**HERNDON TOWN COUNCIL
Work Session
Tuesday, January 8, 2019**

At a regular meeting of the Town Council of the Town of Herndon, Virginia, held in the Herndon Council Chambers Building, at 765 Lynn Street, Herndon, Virginia, on Tuesday, January 8, 2019, at 7:00 p.m., there were present:

- Mayor Lisa C. Merkel, presiding;
- Vice Mayor Sheila A. Olem;
- Councilmember Jennifer K. Baker;
- Councilmember Cesar del Aguila;
- Councilmember Pradip Dhakal;
- Councilmember Signe Friedrichs; and
- Councilmember Bill McKenna.

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Chief Maggie DeBoard, Herndon Police; Viki Wellershaus, Town Clerk; Anne Curtis, Chief Communications Officer; Elizabeth Gilleran, Director of Community Development; Tanya Kendrick, Director of Human Resources; Page Kalapasev, Director of Information Technology; Cindy Roeder, Director of Parks and Recreation; Tammy Chastain and John Irish, Deputy Directors of Public Works; Police Officer First Class Stephen Phelps, Herndon Police; John Cassella, Special Projects and Budget Manager; David Stromberg, Zoning Administrator; and Amina Ait-Bella, Legislative Assistant.

ANNOUNCEMENTS

Mayor Merkel welcomed her colleagues on the Town Council and stated that she looked forward to working with them over the next two years.

**January 8, 2019
(work session)**

Mayor Merkel stated that Council had received their formal oaths of office, which have been filed in the Circuit Court. She stated that the ceremonial swearing-in and reception would be held tomorrow evening, which would be a memorable event that she looked forward to celebrating with her colleagues.

GENERAL

1. Resolution 19-G-01, to adopt *Roberts Rules of Order* and to designate the Town Attorney as the Parliamentarian.

Councilmember McKenna moved approval of Resolution 19-G-01, as presented. Councilmember Baker seconded the motion.

There were comments from Council.

In response to queries from Councilmember Friedrichs, the Town Attorney stated that the version of Roberts Rules of Order was included in the resolution. It was the newest version, the 11th version.

Mayor Merkel asked Council to check and make sure they have the 11th edition of Roberts Rules of Order.

The question was called on the motion, which was approved by unanimous vote. The vote was: Councilmembers Baker, del Aguila, Dhakal, Friedrichs, McKenna, Olem and Mayor Merkel voting "Aye."

Resolution 19-G-01, to adopt *Roberts Rules of Order* and to designate the Town Attorney as the Parliamentarian.

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

- Adopts *Robert's Rules of Order Newly Revised*, Eleventh Edition, for the purpose of conducting meetings of the Town Council for January 1, 2019 through December 31, 2020; and
- Designates the Town Attorney as the Parliamentarian for January 1, 2019 through December 31, 2020.

2. Resolution 19-G-02, to elect the Vice Mayor.

Councilmember Baker moved approval of Resolution 19-G-02, as presented. Mayor Merkel seconded the motion.

**January 8, 2019
(work session)**

There were comments from Council.

The question was called on the motion, which was approved by a 6-0 vote. The vote was: Councilmembers Baker, del Aguila, Dhakal, Friedrichs, McKenna, and Mayor Merkel voting "Aye." Vice Mayor Olem abstaining.

Several members of Council offered congratulations to Vice Mayor Olem.

Resolution 17-G-02, to elect the Vice Mayor.

BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby elects **Sheila A. Olem** as Vice Mayor of the Town of Herndon for the term of January 1, 2019 through December 31, 2020.

PRESENTATIONS

3. **Certificate of Appreciation, to recognize Dale Frock, Department of Public Works, on the occasion of his retirement; and**
4. **Certificate of Appreciation, to recognize Mike Berg, Herndon Police Department, on the occasion of his retirement.**

Mayor Merkel stated that the proclamation for Town Incorporation Day was listed on the Consent agenda. A formal presentation is provided by Council every 10 years, with the next presentation scheduled for January 2020. However, since this year was the 140th anniversary, she asked the Town Clerk to contact the Herndon Historical Society, who were delighted to accept the proclamation at the Council's January 15 meeting. Staff has therefore moved the proclamation to presentation portion of next week's meeting.

With the concurrence of Council, staff was asked to revise the agenda for next week's meeting, to include "Town Incorporation Day" on the presentation portion of the agenda.

There was no discussion on the other presentations, which were scheduled for the January 15, 2019 public hearing.

January 8, 2019
(work session)

PUBLIC HEARINGS

5. **Ordinance 18-O-35, to authorize the encroachment of the front stoops of 701, 703, 705, 707, 709 and 711 Monroe Street, identified as Fairfax County Tax Map numbers: 0162 51 0007 through 0012, into the Monroe Street public access easement located directly adjacent thereto within the Town of Herndon.**

(Note: this public hearing was continued from the Town Council's public hearing on December 11, 2018.)

Mayor Merkel stated that even though the notification had been legally advertised, staff was advised that some of the properties had been sold and transferred to new owners. Therefore, staff recommended to continue the public hearing to January 15, 2019, to allow notification to all owners.

The Deputy Director of Public Works began the staff report, which is on file in the Town Clerk's office. The proposed ordinance would allow the front stoops of 701, 703, 705, 707, 709 and 711 Monroe Street to encroach by two to four inches into the Monroe Street public access easement. This would not impact any maintenance requirements of the town or impede the town.

The Town Attorney continued the staff report. She stated that the encroachment was not into town property. Rather, it was on Homeowner's Association (HOA) owned property, over which the town has access to the easement to put in a sidewalk. She provided further comments and stated that the HOA documents advise property owners of the encroachments. She stated that she spoke to the HOA attorneys today and they do not expect any issues. Echoing Mr. Irish's comments, she stated that this would be a minor encroachment. Staff recommends approval of the proposed ordinance, as presented.

There was brief discussion amongst Council and staff on this item.

6. **Resolution, to consider a special exception SE #18-05, 537 Merlins Lane, to permit a home-based daycare with a maximum of twelve children. The zoning designation is PD-R, Planned Development-Residential; Sun Montessori.**

The Zoning Administrator presented the staff report and PowerPoint, which are on file in the Town Clerk's office. The proposed application was for a special exception to permit a home-based child daycare use for 12 children in the Planned Development – Residential (PD-R), zoning district. The applicant has an existing by-right daycare for seven children. The Zoning Ordinance limits the maximum number of children in a home-based daycare to seven and 12 with a special

**January 8, 2019
(work session)**

exception. During the Planning Commission's November 19, 2018 work session and December 3, 2018 public hearing, the Commissioners did not raise any concerns and recommended approval, with the conditions that staff proposed. Staff recommends approval of the proposed ordinance, with staff's conditions.

There was brief discussion amongst Council and staff on this item.

CONSENT AGENDA

7. Proclamation, to recognize "Herndon Town Incorporation Day," January 14, 2019.

As Mayor Merkel stated earlier in the meeting "Town Incorporation Day" would be moved to the presentation portion of next week's agenda.

There was no discussion on this item.

8. Resolution, to award contract IFB #B-19-01, 3rd Street Water Tank Painting and Rehabilitation.

There was brief discussion amongst Council and staff on this item.

In response to queries from Vice Mayor Olem, the Town Manager stated that the Alabama Drive Water Tank would be discussed later in the year, along with water capacity needs, especially in the Herndon Transit-Oriented Core (HTOC). He stated that the town could replace the tank at the Alabama Drive site with an updated one, or two mini tanks instead of one larger tank. The town's consultant was reviewing the options for the site.

DISCUSSION

10. FY 2020 Budget Guidance.

The Town Manager stated that the Director of Finance went home sick and he would be doing the presentation this evening. He stated that if Council had any specific questions on the budget, he would submit them to the Director of Finance.

The Town Manager presented a PowerPoint, which is on file in the Town Clerk's office. Tonight's discussion would assist staff in preparing a budget guidance resolution for Council's review at its January 29 public hearing. Staff would like to get a consensus of Council on items to incorporate while developing the budget. He emphasized that in budget process, staff would follow the Council's 2035 Vision. The Town Manager reviewed the budget process, budget calendar,

**January 8, 2019
(work session)**

budget cycle and revenue, and proposed content for the budget guidance resolution, as provided in the PowerPoint. He emphasized funding life cycle maintenance costs, retaining quality employees, and making the budget document readable and understandable.

There was brief discussion amongst Council and staff on this item.

In response to queries from Councilmember del Aguila, Mayor Merkel asked staff to provide a copy of the Council's full 2035 Vision Statement to members of Council.

In response to queries from Councilmember del Aguila, the Town Manager reviewed several of the top budget priorities, which were: recruiting for anticipated retirements; life cycle vehicle replacement; and long term planning for General Fund revenues being added to the Capital Improvement Program.

Mayor Merkel stated that since 2010, the Council has not changed its real estate tax rate and it last raised the meals tax rate in 2011 or 2012. She stated that this might not be sustainable and that if the Council considered raising tax rates, it would be because there were items that the citizens want and would be willing to pay for. She suggested that the Council might want to discuss the tax rates.

Councilmember Baker agreed with Mayor Merkel's suggestion about looking at tax rates.

Vice Mayor Olem was glad to see vehicle replacements on a schedule. She expressed support for the Community Center and other programs, like the spring and fall clean-up, that citizens find important.

The Town Manager stated that staff was trying to look at the budget in a more systemic way to address matters like vehicle and building maintenance as they arose.

Councilmember Friedrichs discussed her attendance at the Finance Forum in Richmond and supported maintaining the town's funds, especially the undesignated fund balance.

There was further discussion amongst Council and staff.

Councilmember del Aguila asked that the Council look at all options for revenues, such as the meals tax.

In response to the discussion on revenue, the Special Projects and Budget Manager suggested including language in the budget resolution that would "right

**January 8, 2019
(work session)**

size the revenue profile in order to meet the town's expenditure needs." Moving forward, he stated that the town could define what those needs were.

Following discussion on meals tax and revenues, the majority of Council agreed to discuss the meals tax.

In response to queries from Councilmember Friedrichs, the Town Attorney stated that Fairfax County was engaged in some litigation regarding taxes on Airbnb. She suggested that it would be prudent to evaluate the outcome of that litigation and similar litigation in other parts of the country.

There was brief discussion amongst Council and staff on BPOL tax rates.

The Town Manager asked Council to send him other items that they wanted addressed in the budget guidance resolution.

ROUNDTABLE

1. **Councilmember McKenna:** Wished those present a Happy New Year.

Councilmember McKenna stated that he attended the Ice House Café's goodbye party. He enjoyed seeing several people there and had a great time.

2. **Councilmember del Aguila:** Stated that he just returned from the Virginia Municipal League's (VML) Newly Elected Officials Conference. He brought up several topics, which were discussed amongst Council and staff and are outlined below.

Code of Conduct

Councilmember del Aguila asked that the town's Code of Conduct be reviewed for possible revisions and additions. He requested that the code have a social media component. He was not comfortable with the current Code of Conduct and would like it to more defined.

In response to queries from Mayor Merkel, Councilmember del Aguila stated that he would like this to be considered for a future Council discussion and/or action item.

Councilmember del Aguila shared several of his notes from the VML Newly Elected Official's Conference on email correspondence and Facebook for public officials.

**January 8, 2019
(work session)**

Work Session Recording

Councilmember del Aguila provided comments about the Council taking ownership of being more inclusive, open, and transparent. He stated that Herndon is a more than 50 percent immigrant community and should have that type of representation. He stated that attending the Council meetings could be intimidating and that the work sessions are a great place for citizens to learn. He thought the work sessions should be recorded and televised, as is done in other jurisdictions. He stated that he would like to make the Council work sessions more inviting and open.

Town Council Seating

Councilmember del Aguila stated that there should be a standard of where the Council sits at the work sessions and public hearings that was defined by Roberts Rules of Order.

Councilmember del Aguila asked that the Council discuss adopting some of the measures he suggested.

Discussion

There was brief discussion amongst Council and staff on the Code of Conduct.

In response to Councilmember del Aguila, Mayor Merkel stated that the public would want to know that the Council was discussing its Code of Conduct and provide their input. She asked if this would start as a discussion item at future work session.

In response to Mayor Merkel, the Town Manager suggested that the Council first amend the code.

The Town Attorney recommended that the Code of Conduct stay in the code and stated that changing it would require an amendment to the code.

The Town Manager stated that staff could research the Code of Conduct, look at other jurisdictions, review the social media portion, and bring this matter back for Council discussion. Council could then consider an amendment for future adoption.

In response to Councilmember del Aguila's comments regarding the seating for Council, Mayor Merkel stated that work sessions are more informal than public hearings and the Council has not had assigned seats for work sessions, since

**January 8, 2019
(work session)**

people like to sit in different places. She stated that there were assigned seats at the dais for public hearings that the Town Clerk would send out on Friday.

The Town Clerk stated that the Mayor determines the Council's seating at the dais.

In response to queries from Councilmember del Aguila, Mayor Merkel stated that the determination of the seating was not defined.

Councilmember del Aguila proposed defining seating arrangements for the Council in the order of election results. Facing the audience, the Mayor would be in the center and the Vice Mayor would be at her left, with Councilmember del Aguila to the Mayor's right. At his right would be Councilmembers Friedrichs and Dhakal. To the left of the Vice Mayor would be Councilmembers Baker and McKenna.

There was discussion amongst Council about the dais seating.

Councilmember Baker stated that she would be comfortable with the Mayor continuing to determine the seating at the dais.

Councilmember del Aguila stated that the seating chart at the dais has been used in a punitive way.

Mayor Merkel stated that she did not agree with Councilmember del Aguila's assessment. She stated that she heard his concerns and she would take them under advisement.

Councilmember Olem said that in the past, several Councilmembers were put on the end of the dais and it was punitive. She would like to see the reason for the seating arrangements.

Councilmember McKenna stated that he did not have an issue either way.

Councilmember Friedrichs stated that as a new body, they should try new things.

In response to queries from Councilmember Dhakal, Mayor Merkel stated that she did not recall anyone other than the Councilmember that received the most votes becoming Vice Mayor.

Councilmember Dhakal stated that it made sense to him to define the method of seating.

**January 8, 2019
(work session)**

Mayor Merkel stated that she would like to use a combined method of seating by looking at the vote totals and tenure on Council. She assured Council that she would not be punitive in her seating arrangements.

Councilmember del Aguila stated that he brought this matter up because of the perception of Council. He heard four Councilmembers say that they were open to his position. He said there was nothing in the Town Charter stating that the Mayor had authority over the seating and that the body would decide how it operates. He stated that he would challenge the Mayor on this in the public forum.

Mayor Merkel stated that she heard Councilmember del Aguila's concerns.

3. Councilmember Dhakal: Wished those in attendance a Happy New Year.

Councilmember Dhakal stated that he also attended the VML Newly Elected Officials Conference. He discussed some of the topics at the conference, including Council emails and the Code of Conduct. He agreed with Councilmember del Aguila's comments on the Code of Conduct. He stated that the town's Code of Conduct was not detailed and should include more definition on the use of social media and email.

Councilmember Dhakal stated that it was his first term on the Council and he looked forward to serving with his fellow Councilmembers. He hoped that everyone would have a good, healthy, open, and respectful relationship ~ to put Herndon first and to work for the people of Herndon.

4. Councilmember Friedrichs: Asked for an update on the Council roundtable that was based on the City of Portsmouth, which she had proposed at a past work session. She provided comments about the good relationship between Portsmouth's town manager, mayor, council and citizens.

The Town Manager stated that staff had talked with the Portsmouth about their Council roundtables, where the public is invited to talk with the Council in a more informal setting, to increase communication between the Council and citizens. Staff reviewed the feedback from Portsmouth and the Budget and Special Projects Manager sat down with several other staff members to discuss how to organize this in the town. The Town Manager discussed some of Portsmouth's feedback, which included information about citizen and staff attendance; set-up and logistics; topics; and potential FOIA issues, which Portsmouth stated they did not run into.

In response to queries from Mayor Merkel, the Town Manager stated that staff mentioned that a citizen might make a request at the roundtable meetings that

**January 8, 2019
(work session)**

would fall under FOIA, which would need to be brought through the FOIA process.

The Town Attorney stated that those FOIA requests would need to be captured.

The Town Manager stated that the roundtable meetings were public, but there would be no official public record of the meetings. He stated that Portsmouth has held meetings in the evenings and on Saturdays. Staff proposed holding three meetings a year ~ one in the spring more focused on budget; one before summer; and one in the fall, except during election years, when the Dulles Regional Chamber of Commerce would host the Candidates Forum. He discussed the meetings further and stated that staff would hold them at Council's request.

There was brief discussion amongst Council and staff on the roundtable meetings.

Vice Mayor Olem and Councilmember Friedrichs provided comments supporting the roundtable meetings.

The Town Manager stated that staff was considering March for the first roundtable meeting.

Mayor Merkel suggested holding some of these meetings at locations other than the town buildings, including apartment complexes with meeting spaces.

Vice Mayor Olem suggested Herndon Middle and Herndon Elementary Schools as locations.

5. **Councilmember Baker:** Provided input on several topics, which were discussed amongst Council and staff.

Work Session Suggestions

Councilmember Baker stated that she was happy that the Council had an informal seating arrangement at the work session. She thought that it worked well, but she would be open to discussing assigned seating at the work session.

Councilmember Baker stated, regarding broadcasting the work sessions, that there would be several challenges to consider. She stated that HCTV would need to staff the meetings and that the Council Chambers was better set up for video recording.

Councilmember Baker stated that she liked Councilmember del Aguila's comments about being more inclusive. She suggested considering other spaces

**January 8, 2019
(work session)**

for work sessions, but she did not like the idea of holding the work session in the Council Chambers. There would be security concerns with moving locations, but she stated that moving locations could help the Council be more inclusive.

In response to Councilmember Baker, the Town Manager stated that staff has the ability and does audio recording of the work sessions for minutes purposes. He stated that those audio files could be posted on Granicus, but in the past, staff had not been directed to do so.

Vice Mayor Olem agreed with posting audio recordings of the work sessions.

Councilmember del Aguila preferred that the meetings be televised, but he stated that the audio recordings would be a good compromise. He did not understand why the Council could decide on this and not on the seating chart.

Councilmember Baker stated that she wanted to bring up the recordings, as she did not think the matter had been resolved. She stated that she did not think there was consensus about the seating chart.

Mayor Merkel stated that she would bring up the seating chart during her roundtable.

Councilmember Friedrichs stated that citizens have told her that they want to attend meetings, but they could not physically get to them, or that the meetings are crowded. She stated that it could be intimidating for residents to attend work sessions.

Mayor Merkel suggested that the Council consider rearranging the room so that the public sees empty benches on one side, with staff on the other. She suggested opening both doors to the Hoover Conference Room during work sessions.

Councilmember Friedrichs suggested posting a sign welcoming the public to Council meetings.

Councilmember Baker suggested adjusting the lighting in the lobby.

Downtown

Councilmember Baker suggested scheduling an update on the downtown, to update Councilmembers del Aguila and Dhakal on information shared at closed meetings that they had not been privy to before being elected to Council.

6. **Vice Mayor Olem:** Stated that she had talked with several residents about downtown development. She tried to explain to them what had gone on over the

**January 8, 2019
(work session)**

course of seven years when the Herndon Fire Station was redone. She was talking with several neighborhood groups about how the town works, so that they could better understand that not everything happens at the public hearing. She stated that the Director of Community Development gave her a great outline on the downtown, but it did not include the community meetings that took place from 2010 until now. She asked for a document that would include that information for Council.

Councilmember Olem asked for a contact for a young person at Herndon High School that wanted to be a detective or crime scene investigator.

The Chief of Police suggested that this individual contact Office Murn, the Student Resource Office at Herndon High School.

Councilmember Olem asked that the Council hold a retreat soon. She asked for a different moderator than in years past.

The Town Manager asked Council to send him topics they would like to discuss at the retreat, so he could find a moderator suitable for the subject matter. He stated he would get this scheduled as quickly as possible, with the right moderator.

Mayor Merkel stated that she would like to consider holding the retreat in the evening rather than on the weekend.

Councilmember Baker stated that evenings could be difficult for those with full time jobs.

Vice Mayor Olem suggested scheduling the moderator first.

The Town Manager agreed with Vice Mayor Olem's comments on scheduling.

Councilmember del Aguila stated that he wanted to point out the inconsistency of holding a discussion about what the Council wanted to do as a body, but not doing something because someone did not like the outcome. He stated that there was a perception in the town that things were not done with the consensus of Council and that they should be above that.

Mayor Merkel stated that she would bring the Council seating chart up during her roundtable, as it had been her responsibility.

Vice Mayor Olem stated that she enjoyed attending NextStop Theatre's current production of "Title of Show."

**January 8, 2019
(work session)**

Vice Mayor Olem welcomed the two new members of Council.

7. **Mayor Merkel:** Stated that several citizens reached out to her about why the schedule for trash pickup was different in the town calendar for late summer. She stated that the Department of Public Works (DPW) was looking to implement some changes in August for greater efficiency. She told the citizens that the town was looking at some changes and that there would be a lot of outreach before the schedule was changed.

The Town Manager replied that was the correct response. He stated that staff was still working on the schedule for trash and recycling and reviewed the proposed schedule.

The Chief Communications Officer stated that optimally, staff would not have included the schedule change in the calendar until they had all the details, but the calendar deadline was as such that staff had to add those details.

The Town Manager provided further comments and stated that the changes would be publicized closer to the dates.

There was a brief question and answer period on trash pickup between Councilmembers Friedrichs and Dhakal and the Deputy Director of Public Works.

Regarding the dais arrangement, Mayor Merkel apologized to those who thought it was punitive and stated that had never been her intention. She reviewed what she was going to propose and send to Council on Friday, which was based on seniority and vote counts. This would have the Mayor in the center; Vice Mayor to her right; Councilmember Baker to the left; followed by Councilmembers del Aguila and Friedrichs; and Councilmembers McKenna and Dhakal on the other side.

There were comments from Council.

Councilmember McKenna stated that he was sitting in the same place, either way.

Councilmember Baker stated that she was comfortable with the Mayor making this decision and that it seemed fair and reasonable to her.

Councilmember Dhakal stated that it did not matter to him, because he would be on the end either way, but it would be good to follow an order for seating arrangements.

**January 8, 2019
(work session)**

Mayor Merkel stated that the only change was putting Councilmember Baker on her other side. The rest of the seats were allocated according to vote totals. Councilmember del Aguila stated that Herndon's diversity should be respected and that residents should see diversity around the Mayor. He stated that he counted four people that agreed with his proposal.

Vice Mayor Olem stated that she did not think that the seating was decided on seniority by previous Councils.

Mayor Merkel stated that there had not been a set order and that this Council was very diverse. She stated that she saw four people that agreed with her proposals.

Councilmember del Aguila stated he did not agree with Mayor Merkel's statement.

There were further comments from Council.

In response to Council's discussion, the Town Attorney asked how the Council wanted to have their decision memorialized for the future.

Councilmember del Aguila stated that it would be up to the body that is reconstituted every election.

COMMENTS FROM THE TOWN MANAGER

In conclusion, following the Council's discussion, the Town Manager reviewed the following directives to staff:

- Consideration of amending the ethics provision of the code ~ staff would come back to the Council with a discussion item and a potential future resolution; and
- Holding roundtable discussions three times a year ~ staff would look at schools after the first roundtable as potential locations.
- For Council work sessions:
 - Broadcast work session audio recordings;
 - Increase the lights;
 - Better signage for the doors;

**January 8, 2019
(work session)**

- Consider better seating for staff to create more openness;
- Upcoming work session discussion on the downtown;
- Staff to provide expanded PowerPoint on the downtown to Council;
- Staff to provide Vice Mayor Olem with Officer Murn's email address; and
- Staff to work on scheduling a Council retreat ~ Council would send discussion topics to the Town Manager so that he could find the moderator that would be the best fit.

There was brief discussion amongst Council and staff on these items.

Several members of Council stated that they would like to hold a closed meeting on the downtown.

The Town Manager stated that staff would discuss if the meeting would be an open or closed session.

The Town Attorney stated that the Council could not call a closed meeting without a reason under the code.

The Town Manager stated that he would meet with Councilmembers del Aguila and Dhakal privately about the information on downtown that was not yet public, like he did when former Councilmember Kaufman was appointed to Council.

Following discussion and with the conclusion of the majority of Council, the Town Manager was directed to proceed with the items, as discussed.

CLOSED MEETING

On motion of Councilmember Baker, seconded by Vice Mayor Olem, and carried by unanimous vote, the Herndon Town Council went into Closed Meeting at 9:09 p.m., under Section 2.2-3711(A)(1), Virginia Code, for discussion of prospective candidates relative to appointments to boards & commissions.

Vote: Councilmembers Baker, del Aguila, Dhakal, Friedrichs, McKenna, Vice Mayor Olem and Mayor Merkel voting "Aye."

**January 8, 2019
(work session)**

RECESS

At 9:09 p.m., Mayor Merkel called a brief recess and at 9:12 p.m., the closed meeting reconvened in Herndon Council Chambers Building, with all members present and with Mayor Merkel presiding.

CLOSED MEETING (CONTINUED)

On motion of Vice Mayor Olem, seconded by Councilmember Baker, and carried by unanimous vote, the Herndon Town Council reconvened in public session at 10:13 p.m.

Vote: Councilmembers Baker, del Aguila, Dhakal, Friedrichs, McKenna, Vice Mayor Olem and Mayor Merkel voting "Aye."

On motion of Councilmember Baker, seconded by Councilmember Friedrichs, and carried by unanimous vote, the Herndon Town Council approved the following Certification of Closed Meeting.

Vote: Councilmembers Baker, del Aguila, Dhakal, Friedrichs, McKenna, Vice Mayor Olem and Mayor Merkel voting "Aye."

Certification of Closed Meeting

WHEREAS, the Town Council of the Town of Herndon has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by this Town Council that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Closed Meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the Closed Meeting were heard, discussed, or considered by the Town Council.

VOTE:

**Ayes – 7
Nays – 0**

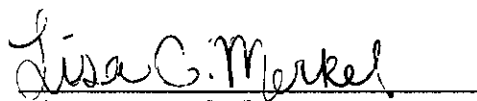
January 8, 2019
(work session)

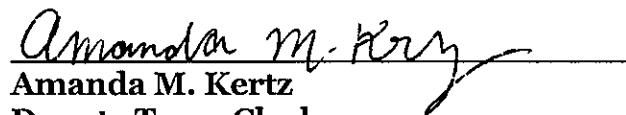
ABSENT DURING VOTE: o

ABSENT DURING MEETING: o

ADJOURNMENT

There being no further business, the meeting adjourned at 10:14 p.m.


Lisa C. Merkel
Mayor


Amanda M. Kertz
Deputy Town Clerk

Minutes approved by Town Council: January 29, 2019.

