



This does not represent a verbatim transcript of the Town Council meeting. Visit www.herndon-va.gov "agendas & minutes" to view agendas and videos. Copies of videotapes of the public hearing meetings are available on request by contacting HCTV at 703-689-2323. Work sessions are not videotaped, but audio files are available. Individuals not having access to the town's website may contact the Town Clerk's office at 703-435-6804 or town.clerk@herndon-va.gov.

HERNDON TOWN COUNCIL
Work Session
Tuesday, January 22, 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 22, 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; Page Kalapasev, Director of Information Technology; 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; Michael Wallick, Transportation Planner; and Amina Ait-Bella, Legislative Assistant.

January 22, 2019
(work session)

DISCUSSION

1. **Fairfax Connector Bus Service re Service to Metrorail Silver Line Phase 2 Stations.**

The Transportation Planner introduced Randy White, Senior Planner, and Michael Felschow, Chief of Planning, Fairfax Connector, to provide a presentation on bus service to the Metrorail Silver Line Phase 2 stations. He stated that there would be two upcoming public outreach meetings, one on Saturday, January 26, 10:00 a.m., at the Reston Community Center at Lake Anne; and one at Herndon Middle School on Tuesday, January 29, 6:00 p.m.

Mr. Felschow presented a PowerPoint, which is on file in the Town Clerk's office. He reviewed the existing and planned bus routes and facilities in the Herndon area and discussed the Herndon-Reston Bus Service Planning Process. The Fairfax County Department of Transportation (FCDOT) would assess Fairfax Connector bus service in the Herndon-Reston area and gather public input to generate service improvement recommendations and develop a plan for service changes, including connections to the Metrorail Silver Line Phase 2 stations. With the information collected through public input and professional analysis, FCDOT would develop and test route alternatives; create service recommendations; and develop an implementation plan.

Mr. Felschow reviewed the timeline for the Herndon-Reston Bus Service Planning Process, as provided in the PowerPoint, and stated that improvements to the bus service would be ready when Phase 2 of the Silver Line opens. The first round of public outreach meetings was starting this week.

In summary, FCDOT is briefing governing bodies about FCDOT's process, the outreach plans and is requesting the town's help to promote the public input meetings and to encourage town residents to give feedback in all the ways available.

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

In response to queries from Councilmember del Aguila, Mr. Felschow stated that the county was concerned and was addressing the issue of providing information in different languages. There would be a Spanish-speaking translator on-site for the public meetings, and the survey has been translated into two different languages. The county would adjust for other languages that need to be accommodated.

**January 22, 2019
(work session)**

There was a brief question and answer period between Mr. Felschow and Councilmember McKenna about the timeline for the project.

There was a brief question and answer period between Mr. Felschow, county and town staff, and Vice Mayor Olem, about upcoming public meetings and outreach.

There was a brief question and answer period between Mr. Felschow and Councilmember Friedrichs about ridership and route efficiency.

There was a brief question and answer period between Mr. Felschow and Councilmember Baker about the study area, routes, efficiency, data analysis and the planning process.

Councilmember Baker suggested increasing the font size in the PowerPoint, so it was easier to read. She suggested that FCDOT focus on the timeline and on information to which the public would be most interested in for their public presentations next week.

In response to queries from Councilmember Baker, Mr. Felschow stated that FCDOT could move the link for the survey on the Fairfax Connector's website, so it was easier to find.

In response to queries from Councilmember Dhakal, Mr. Felschow stated that the county was considering bus routes from the Herndon area to the Fairfax County Government Center and George Mason University.

The Transportation Planner stated that the schedule recently changed for Fairfax Connector bus routes 924 and 926, to better coincide Herndon High School's bell schedule.

Mayor Merkel stated that she had previously discussed a circulator bus for the town with county staff. She suggested that the county contact Herndon Elementary and Clearview Elementary schools, who were working on outreach to the community in other languages.

Councilmember Baker stated that the survey link on the Fairfax Connector's website did not work on her device, while Vice Mayor Olem's link was working.

January 22, 2019
(work session)

PRESENTATIONS

2. **Proclamation, to recognize “African American History Month,” February 2019.**

In response to queries from Councilmember del Aguila, the Town Clerk stated that Vice Mayor Olem was reading this proclamation next week.

Mayor Merkel stated that Councilmembers request the proclamations they want to read at the public hearings.

The proclamation would be presented at the January 29, 2019 meeting.

PUBLIC HEARINGS

3. **Ordinance 18-O-35, to authorize the encroachment of the front stoops of 701, 703, 705, 707, 709 and 711 Monroe Street.**

(Note: this public hearing was continued from the Town Council’s public hearings on December 11, 2018, and January 15, 2019.)

The Town Attorney provided an update. She stated that the proposed ordinance had been continued from the Council’s January 15 public hearing by agreement of the town and counsel for the parties to permit amendments to the ordinance, as requested by Tradition Homes, LLC and Junction Square, LLC. She provided an overview of her memorandum to Council, dated January 18, which included several changes to the proposed ordinance. She stated that she had reviewed all of the proposed changes.

The Deputy Director of Public Works stated that the encroachments would be relatively small, resulting from the construction of the stoops overlapping with a streetscape easement. The ordinance would allow the units to have the encroachments and it would not interfere with the town’s ability to maintain the streetscape or public access.

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

Councilmember Friedrichs expressed concern over others thinking that encroachments were okay with the town.

**January 22, 2019
(work session)**

4. **Ordinance, to approve and to authorize the Mayor to sign a second lease amendment to T-Mobile Northeast, LLC to revise the approved equipment list and increase the rent at the Town's Spring Knoll Drive Water Tower.**

The Town Attorney reviewed the leasing process, which is pursuant to the state code. She stated that the town has the authority to lease for less than 40 years. The general term of a lease for water towers was 15 years. Typically, when a lease is first granted, the town has to take bids. That would not be the case for this ordinance because it was an amendment to an existing lease.

There was brief discussion amongst Council and staff on the leasing process.

In response to queries from Mayor Merkel, the Town Attorney stated that there would be roll call votes for the lease items.

The Deputy Director of Public Works presented the staff report, which is on file in the Town Clerk's office. The second amendment to the deed of lease would approve the increase in the ground space of for the placement of a back-up generator and associated concrete pad and enclosure. The proposed lease amendment would also update the approved equipment list. Monthly rent would be increased by \$400 for the addition of the generator. Staff recommends approval of the proposed ordinance, as presented.

There was no further discussion on this item.

5. **Ordinance, to approve and to authorize the Mayor to sign a second lease amendment to T-Mobile Northeast, LLC for additional ground space, to revise the approved equipment list, and increase the rent at the Town's Alabama Drive Water Tower.**

The Deputy Director of Public Works presented the staff report, which is on file in the Town Clerk's office. The second amendment to the deed of lease would provide an updated equipment list; the addition of three hybrid cables; and a diesel generator. In addition, the amendment would revise the upper size limit of panel antennas, remote radio units and hybrid cables. Similar to the last item, the monthly rent would increase by \$400. Staff recommends approval of the proposed ordinance, as presented.

There was no discussion on this item.

January 22, 2019
(work session)

GENERAL

6. **Resolution, to provide the Town Manager with Town Council Guidance on the FY 2020 Budget.**

The Town Manager presented the staff report, which is on file in the Town Clerk's office. The proposed resolution was a continuation from the Council's discussion at its last work session. It would provide policy guidance parameters, as decided by Council, to guide staff in the development of the FY 2020 budget. The proposed resolution represents the starting process for the annual budget process.

Staff recommends approval of the proposed resolution, which:

- Directs the Town Manager to use the following guidance in preparing the FY 2020 budget:

Fund activities that will advance the 2035 Vision, to include:

- Advancing implementation of Council's sustainability plan;
- Advancing implementation of town's downtown redevelopment plan;
- Providing for development and operation of an arts center facility; and
- Maintaining the town's focus on the use of technology to support administration and service provision.

Fund activities that will demonstrate a commitment to, and investment in the town's employees, to include:

- Continuing employee skills development and education, with an emphasis on succession planning and leadership development; and
- Continuing emphasis on maintaining a competitive employment position in local market.

Continue efforts to develop and maintain a strong fiscal position, to include:

- At Council's direction, preparing an annual budget that addresses the rising costs associated with program and service delivery, along with the additional revenue appropriations needed to meet them;

**January 22, 2019
(work session)**

- At Council's direction, beginning with the FY 2020 budget cycle, the policy of linking the one percent increase in Meals Tax, initiated July 1, 2011, to address downtown development and various economic development initiatives, would no longer be in effect;
- Continuing forward looking at budget preparation in anticipation of impacts associated with Metrorail and downtown redevelopment projects; and
- Emphasizing the funding of life cycle maintenance that provides a comprehensive assessment of the town's overall exposure along with the revenue stream needed to properly maintain town assets.

The Town Manager continued his presentation and stated that if there was a need to address the tax rates, staff would look at it and bring it forward for Council's review. He stated that staff was trying to use the current tax rates for the budget, but if it came down to making difficult choices, the taxes might be looked at for an appropriate reason.

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

In response to queries from Mayor Merkel, the Town Manager stated that staff was still working on the preparing the expanded 2035 vision statement for Council.

In response to queries from Vice Mayor Olem, the Town Manager stated that Herndon Community Center's (HCC) revenue policy would be discussed with the budget.

In response to queries from Mayor Merkel, the Town Manager stated that staff was working on WiFi at HCC. He further explained how WiFi might be installed at the facility.

Vice Mayor Olem expressed support for WiFi at HCC.

In response to queries from Councilmember del Aguila, the Town Manager explained the two-by-two meetings that the budget team holds with Council. At these meetings, staff would review general revenue and expenditure projections and would take Council's input. A few weeks after that, staff would have a better picture of the town's revenue and would ask for additional input from Council.

There was further discussion amongst Council and staff on the budget process.

**January 22, 2019
(work session)**

The Town Manager stated that advertising was the main issue for considering a change in tax rates, since two-time advertisements with the newspaper are required.

In response to queries from Vice Mayor Olem, the Town Manager stated that he could discuss having a “no change” option on small business permits with the Director of Finance.

7. **Resolution, to consider amending the existing Tyler Technologies contract, #13-04, to add the EnerGov module.**

The Director of Information Technology presented the staff report, which is on file in the Town Clerk's office. In 2018, staff identified the need to replace its existing building inspections and permitting system. The proposed EnerGov system would bring the services online and allow for a paperless, more efficient module, that would improve citizen engagement. The system would tie into the town's existing Tyler Technologies software.

The Director of Information Technology reviewed how the system would benefit citizens and stated that it would allow staff to be mobile and conduct the inspections in the field. He reviewed the process for narrowing down the software solutions and discussed the costs. He stated that the integration would take approximately one year, which would include time for Tyler to tie the existing data into the new system. Staff recommends approval of the proposed resolution, as presented.

The Town Manager stated that the annual maintenance costs would be offset because the town was letting its old system, Navaline, expire. He stated that the EnerGov system would help solve some planning and zoning issues.

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

Following a brief question and answer period between Councilmember del Aguila and the Director of Information Technology, Councilmember del Aguila suggested that staff should include budgeting for implementation costs after upgrades as part of the request.

There was further discussion amongst Council and staff.

January 22, 2019
(work session)

CONSENT AGENDA

8. Resolution, to reappoint Raymond Geier as a Member of the Building Board of Appeals;
9. Resolution, to reappoint Jay Donahue as a Member of the Board of Zoning Appeals;
10. Resolution, to appoint the Town of Herndon's "Principal" and "Alternate" members as Advisory Directors to the Committee for Dulles Board of Directors;
11. Resolution, to appoint the Town of Herndon's "Principal" and "Alternate" members to the Dulles Area Transportation Association Board of Directors;
12. Resolution, to reinstate the Herndon Town Council's Economic Development Advisory Committee;
13. Resolution, to reinstate and to reappoint members to the Herndon Town Council's Grant Oversight Committee;
14. Resolution, to reinstate the Herndon Town Council's Herndon Youth Advisory Council;
15. Resolution, to appoint members of the Herndon Town Council to the Inter-Jurisdictional Committee;
16. Resolution, to reinstate the Herndon Town Council's Interview Subcommittee;
17. Resolution, to reinstate and to appoint members to the Herndon Town Council's Investment and Auditing Advisory Committee;
18. Resolution, to appoint Town of Herndon Elected Officials to serve on the Northern Virginia Regional Commission;
19. Resolution, to appoint the Town of Herndon's 'Principal' member to the Northern Virginia Transportation Authority's Planning Coordination Advisory Committee (NVTA PCAC);
20. Resolution, to reinstate the Herndon Town Council's Pedestrian and Bicycle Advisory Committee; and

January 22, 2019
(work session)

21. **Resolution, to appoint the Town of Herndon's representative to the Phase II District Commission.**

In response to queries from Vice Mayor Olem, the Town Manager stated that the Resolution to Reinstate the Herndon Town Council's Interview Subcommittee could be revised to remove the naming of the chair for that body.

ROUNDTABLE

1. **Councilmember McKenna:** Stated that he found the commentary provided at last week's public hearing informative. He asked for further information about Jeff Smith's suggestion to defer bills, like water, for Federal Government employees during the shutdown.

The Town Manager stated that the code does not give the town latitude to provide relief on water bills. He could waive interest and late fees, which he would gladly do, but could not waive the water bill. Staff also surveyed eight agencies that could help Federal Government employees during this time.

Councilmember McKenna asked that the Town Manager communicate his comments about assistance to Federal Government employees to citizens. He stated that Cox Communications was offering relief during the shutdown as well.

Councilmember McKenna asked for information on Mr. Mundt's suggestion to require businesses and homeowners to shovel snow from their sidewalks, which was made at last week's public hearing.

The Town Manager stated that this requirement exists for commercial entities and that staff talked with Mr. Mundt. While it is suggested that homeowners clear sidewalks, it is not required.

Councilmember Baker stated that one of the reasons the Council has not approved this requirement for homeowners was because it would place a burden on the Herndon Police Department (HPD) to write tickets.

Councilmember McKenna asked about streamlining the homebased daycare process, which was also brought up by citizens at last week's public hearing.

Mayor Merkel stated that the previous Council and Town Attorney had discussed having the Board of Zoning Appeals (BZA) approve some of the special exceptions. The county follows this process for several special exceptions. She stated that if the Council would like to look at this, it could help reduce the wait time for homebased daycare businesses. She asked the Town Attorney for more information on this process.

**January 22, 2019
(work session)**

The Town Attorney stated that the Council would need to initiate a zoning ordinance text amendment, which would be reviewed by the Planning Commission, who would make a recommendation back to the Council. Council could then adopt the amendment. This process could take approximately two months. It would be a streamlined process to train the BZA to handle these special exceptions.

Following discussion and with the concurrence of Council, staff was requested to include a discussion item about the BZA reviewing homebased daycare special exceptions for a future work session.

2. **Councilmember Dhakal:** Stated that he enjoyed the first public hearing of the year last week.

Councilmember Dhakal stated that he visited a business in Leesburg with a commercial kitchen. He stated that the process to obtain a license to run a business for food out of one's home is difficult, and this business allows individuals to instead lease space in the commercial kitchen. He stated that it would be nice to have a similar business in the town.

Councilmember Dhakal stated that he was invited to a meeting by Herndon entrepreneurs, who were working to inspire others to open businesses. He was glad to be a part of the meeting and appreciated all the ideas that were discussed. He would like the town to streamline the licensing and process for opening a homebased business.

3. **Councilmember Friedrichs:** Echoed Councilmember Dhakal's comments about the difficulty of opening a homebased business. She suggested that the Economic Development Advisory Committee could be tasked to help the Council with improving the process. She stated that Rachel with the Elden Street Tea Shop had sent in a list of questions that would be a good starting point. She suggested creating a handbook that would help small businesses with the town's processes.

The Town Manager stated that staff reviewed the homebased business process in the past and he understood the ongoing concerns. He stated that he would talk to the Economic Development Manager and report back.

Councilmember Friedrichs suggested that this topic could be a part of one of the Council's community roundtable meetings.

Mayor Merkel stated that some of the town's existing small businesses could be a resource for newer businesses.

**January 22, 2019
(work session)**

Councilmember Friedrichs stated that she had spoken with the George Mason University incubator program, who indicated that they could help with education and preparation for small businesses.

Councilmember Dhakal stated that the business in Leesburg he referenced was called "Chefscape."

4. **Councilmember del Aguila:** Thanked staff for making the Council work sessions audio available. He questioned if providing the audio only was in compliance with the Americans with Disabilities Act (ADA).

The Town Manager stated that staff would check on ADA compliance.

The Town Attorney stated that this was discussed previously, and she could provide that information to Council.

Councilmember del Aguila stated that with transparency, there could also be too much information. He suggested that when a Councilmember was not at a meeting, it should not be announced or included in the minutes that they are out of town.

Mayor Merkel stated that this had been done in the past, with the permission of the Councilmember. The reason was often provided to explain the absence from the meeting.

Councilmember del Aguila asked his colleagues to consider whether it was always necessary to comment. He stated that he would not "talk just to talk."

5. **Councilmember Baker:** Stated that she was sorry that she missed last week's meeting, as she was attending a global sales meeting.

Mayor Merkel stated that she liked having the diversity of experience on Council and that everyone would have to miss a meeting for something.

6. **Vice Mayor Olem:** Stated that she received a compliment for the Department of Community Development. A citizen received a letter from zoning regarding an addition that had not been completed. The resident who received the letter was having a difficult few weeks. Staff allowed him time to get the addition completed and were understanding of the situation. The resident was very appreciative for how polite and empathetic staff was toward him.

Vice Mayor Olem stated that she had received many phone calls about citizens who were worried about having parties. She encouraged those citizens to contact the Town Manager's office for noise permits.

**January 22, 2019
(work session)**

Councilmember Baker asked if this had to do with a zoning violation that was before the BZA, which she stated did not start as a noise complaint.

Vice Mayor Olem stated that the comments dealt more with noise. She advised these residents that having an individual party was not a zoning violation.

Vice Mayor Olem thanked DPW for all their efforts in plowing snow so far this year.

CLOSED MEETING

On motion of Councilmember del Aguila, seconded by Councilmember Baker, and carried by unanimous vote, the Herndon Town Council went into Closed Meeting at 8:40 p.m. under:

- Section 2.2-3711(A)(1) of the Code of Virginia 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."

RECESS

At 8:40 p.m., Mayor Merkel called a brief recess, and at 8:44 p.m., the closed meeting reconvened in Herndon Council Chambers Building, all members present, and with Mayor Merkel presiding.

CLOSED MEETING (CONTINUED)

On motion of Councilmember Friedrichs, seconded by Councilmember McKenna, and carried by unanimous vote, the Herndon Town Council reconvened in public session at 9:10 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."

January 22, 2019
(work session)

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

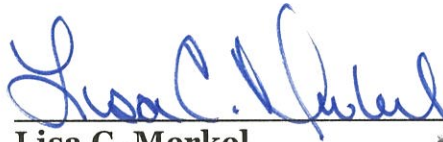
Nays – 0

ABSENT DURING VOTE: 0

ABSENT DURING MEETING: 0

ADJOURNMENT

There being no further business, the meeting adjourned at 9:10 p.m.



Lisa C. Merkel
Mayor





Amanda M. Kertz
Deputy Town Clerk

Minutes approved by Town Council: February 12, 2019