TOWN OF Herndon VIRGINIA

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**HERNDON TOWN COUNCIL**
**Work Session**
**Tuesday, April 2, 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, April 2, 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; Anne Curtis, Chief Communications Officer; Elizabeth Gilleran, Director of Community Development; Jennie Tripoli, Director of Finance; Page Kalapasev, Director of Information Technology; Cindy Roeder, Director of Parks and Recreation; Tanya Kendrick, Director of Human Resources; Bryce Perry, Deputy Director of Community Development; Tammy Chastain and John Irish, Deputy Directors of Public Works; John Cassella, Special Projects and Budget Manager; Officers Steve Phelps and Rick Musgrove, Herndon Police; and Amina Ait-Bella, Legislative Assistant.

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## ANNOUNCEMENT

Mayor Merkel announced that she had been advised that there is a need for Council to go into closed meeting under Section 2.2-3711(A)(19) of the Code of Virginia, to discuss plans related to the security of a governmental building or structure and safety of persons using that building. She asked for a motion to amend the agenda to include a closed meeting.

On motion of Councilmember del Aguila, seconded by Vice Mayor Olem, and carried by unanimous vote, the agenda was amended to include the aforementioned closed meeting. The vote was: Councilmembers Baker, del Aguila, Dhakal, Friedrichs, McKenna, Vice Mayor Olem and Mayor Merkel voting "Aye."

## PRESENTATIONS

1. **Proclamation, to recognize "National Autism Acceptance Month," April 2019;**

2. **Proclamation, to recognize "Distracted Driving Awareness Month," April 2019; and**

3. **Proclamation, to recognize "Nepalese American Heritage Day," April 20, 2019.**

   There was no discussion on the presentations, which were scheduled for the April 9, 2019 public hearing.

## PUBLIC HEARINGS

4. **Ordinance, to consider Development Plan DP #17-01, an application for a Herndon Transit-Oriented Core Development Plan to allow a mixed-use development located at 555 Herndon Parkway. Owner: 555 Herndon LLC; Representative: Frank J. Poli, Senior Vice President, Penzance Management, LLC.**

   Mayor Merkel stated that this item was continued from the Council's March 26 public hearing to allow additional time for review.

   Mayor Merkel stated that comments received on this item have been entered into the record.

   The Deputy Director of Community Development presented the staff report and PowerPoint dated April 2, which are on file in the Town Clerk's office. He stated

that following the public hearing last week, the applicant provided an update on the issues that were discussed. He stated that there were few changes, and that most of the comments from the public concerned parking.

The Deputy Director of Community Development reviewed the maximum and minimum height requirements and ratios of the residential and office buildings. He stated that there was no maximum for office, but there was a maximum for residential, as provided in the proffers. He stated that there was a minimum for each. Staff recommends approval of the DP #17-01, as presented.

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

In response to queries from Councilmember Friedrichs, Mr. Perry stated that staff had not received any subsequent comments.

5. **Ordinance, to Levy Taxes on Real Estate and Manufactured Homes, and Other Subjects for the Fiscal Year 2020 budget;**

6. **Ordinance, to amend Chapter 30 (FINANCE & TAXATION), Article IX (Meals Tax), Sec. 30-401 (Levy), for a possible increase in the meals tax up to 4.0 percent. (The current rate is 2.5 percent.);**

7. **An Ordinance, to amend Chapter 74 (UTILITIES), Article II (Sewers & Sewage Disposal), Division 5 (Sanitary Sewer System Rates & Charges), Section 74-262; and Article III (Water), Division 2 (Service), Section 74-326 (Schedule of Charges), to increase the usage charges for sanitary sewer and water, effective for meter readings taken on or after July 1, 2019;**

8. **Resolution, to adopt Fiscal Planning Resolution for the Fiscal Year 2020 budget; and**

9. **Ordinance, to Appropriate Funds to Implement the Fiscal Year 2020 budget, establishing the pay plan, and reserving on-going and capital funding for this fiscal year.**

## FY 2020 Proposed Budget

Mayor Merkel stated that the next five items on the agenda related to the Town Manager's proposed FY 2020 budget. She stated that comments received on this item have been entered into the record. She outlined the budget process and stated that public hearings on the Town Manager's proposed budget were scheduled for April 9 and April 23.

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The Council would conduct separate public hearings on the:

- Ordinance to levy real estate taxes;
- Ordinance, to amend Chapter 30 (FINANCE & TAXATION), for a possible increase in the meals tax; and
- Ordinance, to amend Chapter 74 (UTILITIES), to increase the usage charges for sanitary sewer and water.

Mayor Merkel stated that concurrent public hearings would be held on:

- A fiscal planning resolution to adopt the FY 2020 budget; and
- An ordinance to implement the FY 20209 budget; establish a pay plan and reserve on-going and capital funding for this fiscal year.

Following the public hearings on April 9, Mayor Merkel stated she would ask for a motion to continue the public hearings until April 23.

Mayor Merkel outlined the voting requirements on each item:

- Tax Levy requires a two-thirds vote of council, which is five and a roll call vote;
- Meals Tax requires a majority of Council, which is four and a roll call vote;
- Water & Sewer requires a majority of Council, which is four and a roll call;
- Fiscal Planning Resolution requires a majority of those present and voting, which is four, if all members of council are present; and
- Appropriation Ordinance requires a majority of the council, which is four and a roll call vote.

**Disclosures:**

- **Mayor Merkel and Councilmember Dhakal** stated, for the record, that throughout the year, they may be invited to attend events hosted by organizations, some of which may receive grants or in-kind benefits from the town. Both stated that they are able to participate in the budget deliberations regarding non-profit organizations fairly, objectively, and in the public interest, and that they have filed the appropriate disclosure with the Town Clerk and Town Attorney.

- **Vice Mayor Olem and Councilmembers Baker, del Aguila, Friedrichs and McKenna** stated, for the record, that they are unpaid volunteers for various organizations in the community, some of which may receive grants or in-kind benefits from the town. Throughout the year, they may be invited to attend events hosted by these organizations as guests. They all stated that they were able to participate in the budget deliberations regarding non-profit organizations fairly, objectively, and in the public interest, and that they have each filed the appropriate disclosure with the Town Clerk and Town Attorney.

The Town Manager provided an overview of the proposed FY 2020 budget and presented a PowerPoint, which is on file in the Town Clerk's office. He submitted the proposed budget on Friday, March 29, pursuant to state code.

The Town Manager reviewed the funded priorities, including the Parks and Recreation cost recovery model, the Capital Improvement Plan (CIP), and the Operations and General Fund. He stated that by the time he met with Councilmembers in two-by-two meetings, the Business, Professional, and Occupational License (BPOL) tax loss had to be offset significantly.

The Town Manager stated that the property tax had remained the same. The proposed budget included a one cent increase to the Real Estate tax.

The Town Manager stated that the General Assembly would be considering adding vaping products to the cigarette tax, which would help offset the decline of revenue from the cigarette tax.

The Town Manager reviewed the one percent increase to the meals tax. He believed it was appropriate because of the jurisdictions in Virginia that had a meals tax, the town was one of the lowest. The average meals tax of other jurisdictions was 4.25 percent; and the town's was currently 2.5 percent. He stated that it would address a capital, not an operations shortfall. He stated that the meals tax was mostly paid for by people who did not live in the town and it was the most stable revenue over time. He stated that the town does not take a restaurants "word" for remittance of the tax, and he reviewed the process that the town follows to collect it. Staff identified that only 1.5 percent of restaurants had an issue.

In response to an inquiry from Mayor Merkel, the Town Manager stated that the vehicle registration tax is remitted to the town by Fairfax County when residents submit their personal property tax to the county.

The Town Manager stated that a decrease in the budget reflected that the town would not be purchasing water capacity, an 11 percent decrease, or six million

dollars, and by scaling back several capital projects. He discussed the General Fund and recommended a 2.3 percent increase. This would include continued funding for the Neighborhood Improvement Coordinator. Other personnel increases would include a health insurance increase of seven percent, changes to the Virginia Retirement System, and proposed cost of living (COLA) adjustments. The proposed COLA increase would help offset the increased health insurance costs.

The Town Manager reviewed the town's police officer salaries relative to those of Fairfax County. He stated it was a priority adjust the sworn officer's pay and staff would try to address it in the base budget this year, if possible.

In response to Mayor Merkel, the Town Manager stated that the amount to make up the proposed increase in pay for sworn officers was $65,000.

The Town Manager reviewed the Operations and Management (O&M) major items, including paving and road needs, vehicles and equipment, and projects such as the tennis bubble.

**General Budget Discussion**

There was discussion amongst Council and staff on the Town Manager's proposed FY 2020 budget.

In response to inquiries from Councilmember Friedrichs, the Director of Finance and the Budget and Special Projects Manager explained a bank stock fee, which is levied by the state and returned to the town.

In response to inquiries from Councilmember Friedrichs, the Town Manager stated that the Parking Enforcement Officer returned three times his salary in collections in the first year. He stated that this may decrease in the next year, and the town may purchase an electric vehicle for the position.

There was brief discussion between Vice Mayor Olem and the Director of Parks and Recreation about the tennis bubble.

Councilmember del Aguila asked about the average meals tax and the last time the Council raised it. He asked how many capital projects have moved out since 2012. He stated his concern was that the town was constantly "playing catch-up."

The Town Manager clarified that projects were moved or "played with" over time depending on priorities. He stated that he could not speak to anything past three years prior.

In response to queries from Councilmember del Aguila, the Town Manager stated that of the 44 projects the Pedestrian and Bicycle Advisory Committee (PBAC) identified, 18 were included in the CIP project list. He stated that he could send Councilmember del Aguila the project list.

In response to queries from Councilmember del Aguila, the Town Manager agreed that the town's meals tax rate was below the state average and it had not increased since 2012.

In response to queries from Councilmember Baker, the Town Manager discussed matching grants. He stated that the tennis bubble improvement would receive grants that would be matched by the town.

The Town Manager stated that he could send more information about the meals taxes in the state to Council.

Councilmember Baker stated that context for the proposed increase to the meals tax should be provided to the public. She stated that about 50 of the approximately 350 municipalities in the state levied a meals tax, and the average would be only from those that have the meals tax.

The Director of Finance stated that the Weldon-Cooper Center publishes the report on the meals tax, which staff could provide to Council.

There was further discussion amongst Council and staff about the meals tax.

In response to an inquiry from Mayor Merkel, the Town Attorney stated that a referendum only applies to counties, not cities and towns.

Vice Mayor Olem stated that the community was not in full understanding of the meals tax process. She asked if the explanation could be incorporated in the budget presentation.

The Town Manager explained the collection and remittance process for the meals tax.

Councilmember Dhakal echoed Vice Mayor Olem's comments. He stated that there was a contradiction between the town's intent and the perception of the public as to the proposed meals tax increase, where the purpose was to address a capital shortfall. He stated that the town should communicate this better.

There was further discussion amongst Council and staff.

Mayor Merkel requested the Town Clerk to forward an email exchange between the Town Manager and John Lane about the meals tax to the Council.

In response to Councilmember McKenna, the Town Manager explained intergovernmental funds.

In response to queries from Councilmember Friedrichs, the Town Manager stated that the town provides a six percent discount to restaurants that pay their meals tax on time.

In response to queries from Mayor Merkel, the Town Manager stated this was a typical practice for jurisdictions.

Councilmember del Aguila asked for further information on the six percent discount and stated that he thought the Council discussed ending that practice.

The Town Manager explained the rationale for providing the incentive to the businesses that paid the meals tax on time. He stated that the restaurants are doing the work on the town's behalf.

Councilmember del Aguila asked if the restaurants were manually calculating the meals tax or if it was a field in an application. He stated that the six percent discount was "insane."

The Director of Finance stated that there was a paper form that the businesses use, and Munis has the capability of taking this online, which was the last part of the Munis optimization. She stated that every month it is a self-reporting form and the town has a right to audit them, which is usually a paper audit in the form of a letter. She stated that the town's process is similar to other jurisdictions.

The Town Attorney stated that the state code permits it but does not require it.

Councilmember Friedrichs stated that she does not support the idea of raising the meals tax and taking away the incentive at the same time.

Mayor Merkel concurred with Councilmember Friedrichs.

Councilmember del Aguila stated the town could not raise the meals tax as much. He stated that six percent is six percent.

Councilmember Friedrichs stated that the restaurants have to go through the trouble of collecting taxes on the town's behalf.

Councilmember del Aguila asked if Councilmember Friedrichs had ever kept books in a business. He stated that it was a line item in an application of a quarterly report. He stated that they are not paying someone to calculate, that it is an application and they are probably using an accounting system.

The Director of Finance responded to an inquiry from Mayor Merkel about fees collected by the county. She stated that the county could collect fees on the vehicle license tax, but they do not; and they do collect transaction fees for the real estate tax. The Director of Finance stated that with the six percent discount, the town nets 2.53 percent and without the discount, the town nets 2.5 percent, which is approximately $30,000. She stated that most restaurants pay on time.

In response to an inquiry from Councilmember Dhakal, the Town Manager and the Director of Finance explained the process of how the town notifies and collects late and non-payments for the meals tax.

Mayor Merkel stated that a majority was needed to waive the six percent discount. Seeing none, the discussion continued.

Councilmember Dhakal echoed Councilmember Friedrichs' comments, stating that the town should not take away the incentive and raise the meals tax at the same time. He stated that it could be an item on the next budget.

**Enterprise Funds**

The Town Manager stated that the enterprise funds were self-sustaining, and no tax dollars go toward the fund. He stated that this year, the town would not be purchasing water capacity which would amount to an 11 percent decrease in the fund. He reviewed water and sewer service and availability fees, which were previously planned and adopted as part of the town's rate plan. The total amount for the water and sewer CIP was $3.3 million ~ including water construction in the downtown, sewer pump station, and Sugarland Run main pipe. He reviewed the major projects in the fund.

There was a brief question and answer session between Councilmember Dhakal, the Town Manager and Director of Finance about the water and sewer systems and rates.

In response to queries from Councilmember Friedrichs, the Deputy Director of Public Works reviewed the Wilshire Drive design project.

Vice Mayor Olem suggested including a discussion of grant funds allocated to the town when reviewing the Herndon Transit Oriented Core (HTOC) projects.

The Town Manager briefly reviewed how the water and sewer fund operates and stated that at next week's meeting, he would emphasize that the enterprise funds are self-sustaining.

The Town Manager reviewed the following items, including requests and changes to the budgets:

- the Golf Course fund;
- the Cemetery fund;
- the downtown parking fund; and
- projects that contributed to sustainability.

There was a brief discussion amongst Council and staff about enterprise fund items.

**Town Council Priorities & Guidance**

The Town Manager continued the PowerPoint and reviewed how the proposed budget met the Town Council's priorities and guidelines. He first reviewed the activities that demonstrate a commitment and investment in the town's employees.

In response to queries from Councilmember Friedrichs, the Director of Human Resources stated that employees who complete the program are obligated to stay with the town for two years after the program.

The Town Manager stated that there was an increase of Herndon Police Department (HPD) officers that were interested in higher education. He stated that there were more reimbursements in the past six months than in his first six months as Town Manager.

The Town Manager stated that funding for additional training was also increased in the proposed budget.

The Town Manager reviewed the ways in which staff was working to update budgetary policy, including cost recovery models, life cycle maintenance for ongoing costs, separation of capital and operations costs, and better allocation for these funds.

The Town Manager discussed the BPOL budgeting process and how the loss of $400,000 would be absorbed this year.

The Town Manager further discussed macro-level budgeting issues addressed in the proposed budget, as provided in the PowerPoint.

In response to queries from Councilmember Dhakal, the Director of Human Resources discussed education reimbursement and the George Mason University (GMU) Master of Public Administration cohort program.

The Town Manager further explained the GMU cohort program.

The Town Manager stated that he would provide the same presentation to the public at next week's meeting.

Councilmember Friedrichs requested staff to define terms before stating the acronyms during the presentation.

**Community Donations**

The Town Manager continued the PowerPoint presentation and stated that community donations were listed as placeholders.

There was brief discussion amongst Council and staff on the community donations.

Mayor Merkel asked for clarification on the accounting for the donation requests. She stated that it appeared the town was at a $60,000 shortfall to fund the new grant requests.

The Town Manager stated that the Council should only consider the cash donation requests. He stated Mayor Merkel was correct that there was a shortfall between the budgeted and requested amounts, which was for Council discussion.

Councilmember Baker supported funding HCTV at $100,000. She suggested that the Council could potentially reduce funds for the Herndon Elementary School (HES) PTA to keep in line with other PTAs; eliminate the funds for All Ages Read Together; and reduce NextStop Theatre and ArtSpace Herndon to $30,000 each.

Vice Mayor Olem supported keeping the in-kind amount, but removing the cash donation for the Herndon Hospitality Association (JamBrew); considering revising the request from the Herndon Environmental Network; keeping the funding for the Herndon High School PTSA, which supported All-Night Grad; keeping enough funding for the HES PTA to provide for transportation; keeping the funding for All Ages Read Together; and stated that the arts organizations were already consolidated from three to two organizations. She provided

comments about the arts organizations and stated she would send the Council the list of the no cost events run by the arts organizations.

Councilmember Friedrichs supported funding HCTV, All Ages Read Together, Herndon Environmental Network, Friday Night Live and JamBrew. She stated that the value the organizations provide was something that the government could not provide at a low cost as effectively. She supported the arts organizations, but suggested reducing the donation amounts to about $47,000, which was what she thought the town provided last year.

The Budget and Special Projects Manager stated that the amount from last year was $47,250.

Councilmember McKenna stated that he would like to see a formula based on the donations provided in previous years.

Mayor Merkel stated that if the grants to the arts organizations were reduced to $47,250 and All Ages Read Together was removed, there would only be a $10,000 gap.

**Unfunded Priorities**

The Town Manager reviewed items that were unfunded in the proposed budget, as provided in the PowerPoint.

In response to a query from Councilmember Friedrichs, the Town Attorney stated that currently, contractor costs for the Assistant Town Attorney are $300-$600 per hour. She estimated that over the last year that cost the town approximately $80-90,000.

The Town Manager stated that an Assistant Town Attorney would supplant some of the costs, but the town would utilize a specialized attorney when needed.

The Town Manager continued his review of the unfunded priorities and suggested two options for addressing the projects with either a $0.25 or $0.50 increase in the meals tax.

In response to queries from Mayor Merkel, the Town Manager stated that some of the requested PBAC projects were included in the CIP.

In response to an inquiry from Mayor Merkel, the Director of Park and Recreation provided clarification on the Kids at Hope line item.

Mayor Merkel stated that to her, the two key unfunded items were the sworn officer's adjustment and the Assistant Town Attorney. She was open to discussing the meals tax increase.

Councilmember Baker echoed the Mayor Merkel's comments on the priorities. She stated that she would like to keep the meals tax increase as close to one percent as possible.

Councilmember del Aguila asked staff to define "priority". He reviewed examples of infrastructure issues in the town that PBAC identified. He discussed the PBAC project requests and stated that many of them were priority items.

The Town Manager stated that he received a list of Tier 1 priority items at 4:30 p.m. that day from PBAC. He would send the list to the Council.

Councilmember del Aguila stated that four percent meals tax was still below the state average.

Mayor Merkel clarified that the advertised rate was the amount at which it was possible for the Council to raise the tax. The proposed budget included a one percent increase in the meals tax.

There was further discussion among Council and staff about the meals tax.

In response to queries from Councilmember Friedrichs, the Director of Parks and Recreation agreed that the Kids at Hope funding goes to Title 1 schools. She stated that the funds help with transportation.

Councilmember Friedrichs expressed support for funding the PBAC projects, sworn officer's adjustment, Assistant Town Attorney and downtown events.

There was further discussion amongst Council and staff.

## GENERAL

**10. Ordinance, to amend Chapter 2 (ADMINISTRATION), Article I (In General), Section 2.5, to add a preamble, additional language to ethical responsibilities, and specific references to the Town Charter and Town Code.**

Mayor Merkel stated that comments received on this item have been entered into the record.

The Town Attorney presented the staff report dated April 2, which is on file in the Town Clerk's office. She stated that this is the third time this has been presented.

The proposed ordinance would amend Section 2.5, as follows:

- Add a preamble reflecting the values of the town;
- Create numbered paragraphs for ethical responsibilities;
- Add specific language consistent with town values; and
- Add cites to applicable Town Charter and Town Code sections.

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

Councilmember Friedrichs stated that she liked the changes.

In response to queries from Councilmember del Aguila regarding the term "independent," the Town Attorney stated that she took it from reference. The Council may use it to guide themselves. She stated that legal precedent is to use the common definition of a term in the absence of a definition.

Councilmember del Aguila stated that he thought the use of independent "was weird."

Mayor Merkel stated that she understood it, but that it might not be clear to everyone.

Councilmember Dhakal asked if it meant non-partisan.

The Town Attorney stated that she would not define it, but the body using it may.

Mayor Merkel stated that the danger of listing the specific definition of a term is that it could give the impression that if it is not stated, it is allowed.

Vice Mayor Olem stated that what it speaks to is not representing an outside influence. She stated that she does not take issue with this phrase.

Councilmember McKenna echoed Vice Mayor Olem's comments.

Councilmember Baker asked if the intent was only applicable to meeting as a public body.

The Town Attorney stated that the Council can use the policy how they want to.

There was further brief discussion.

Vice Mayor Olem reviewed examples of past Councilmember's behavior. She stated that every example could not be listed here.

In response to an inquiry from Councilmember del Aguila, the Town Attorney reviewed the remedies to address behavior that were listed in the state and Town Codes and Town Charter.

Councilmember Friedrichs stated that a citizen had recently made comments at public hearings stating that the town's contracts were invalid because there was no code of conduct. She asked the Town Attorney if this was true.

The Town Attorney stated that she had never seen this precedent. She stated that this was covered under the state.

Councilmember Friedrichs expressed support for updating the code. She stated that it was helpful to her, and it was really important. She looked forward to the social media policy.

The Town Attorney stated that she recently attended a conference in Washington, D.C. in which a draft model ordinance of a social media policy was discussed.

There was brief discussion amongst Council and staff about a social media policy.

## CONSENT AGENDA

**11. Proclamation, to honor Mani Fierro on posthumously being named the 53rd Herndon Rotary Citizen of the Year.**

Mayor Merkel stated that Vice Mayor Olem would present the framed proclamation on behalf of the town to the Fierro family at the Herndon Rotary Citizen of the Year banquet on Thursday, April 11.

There was no discussion on this item.

**12. Resolution, to award contract IFB #19-09, Asphalt Concrete Paving & Milling.**

There was no discussion on this item.

## ROUNDTABLE

1. Councilmember Friedrichs: Stated that she went to the opening of a coworking space, at which Evan Hoffman sang.

2. Councilmember Dhakal: Stated that he enjoyed the Herndon Police Department's (HPD) awards dinner. He thanked HPD for a great evening.

3. Councilmember McKenna: Stated that he attended a meeting to discuss Dulles Phase 1 and 2 of the metro. He provided updates on the Herndon Station and Innovation Station garage openings.

4. Councilmember Baker: Thanked Councilmember McKenna for announcing the reminder of former Councilmember Jeff Davidson's passing. In response to a citizen's comment at the March 26 public hearing, she asked how the Council could memorialize former Councilmember Davidson.

   The Town Manager stated that it depends on what they are trying to do. He stated he could ask for staff input.

   Mayor Merkel stated that Mr. Davidson was involved with the Carroll Cabin.

   The Town Manager asked staff to remind him of this request at the next management team meeting.

   In response to Vice Mayor Olem, the Director of Parks and Recreation stated that previous councilmembers have had trees planted at town parks.

5. Vice Mayor Olem: Stated that she attended the Committee for Dulles meeting that the Leesburg Regional Airport, where they toured private jets.

   Vice Mayor Olem echoed Councilmember Dhakal's comments about the HPD awards dinner. She enjoyed that there was discussion of Herndon Elementary School.

6. Mayor Merkel: Stated that one of the first friends she made when she moved to Northern Virginia was Noelle Abrams, whose grandfather was in the military and served in Vietnam. She stated that she went to his internment at Arlington National Cemetery that day, and that it was very touching. It reminded her of the Vietnam Veterans Day proclamation.

   Mayor Merkel stated that Auburn University was in the NCAA Final Four.

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## COMMENTS FROM THE TOWN MANAGER

The Town Manager stated that he enjoyed the HPD awards ceremony. He stated that there were many good stories of traditional and non-traditional police methods. He congratulated HPD.

The Town Manager stated that Comstock has submitted the fifth version of the site plan for the downtown redevelopment project. He stated that hopefully this is the final one, and that staff wanted to get it right.

## CLOSED MEETING

On motion of Mayor Merkel, seconded by Vice Mayor Olem, and carried by unanimous vote, the Herndon Town Council went into Closed Meeting at 9:51 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."

## RECESS

At 9:51 p.m., Mayor Merkel called a brief recess and at 9:57 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 Vice Mayor Olem, seconded by Councilmember Friedrichs, and carried by unanimous vote, the Herndon Town Council reconvened in public session at 10:20 p.m.

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

On motion of Councilmember Friedrichs, seconded by Vice Mayor Olem, 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."

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**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 10:21 p.m.

Lisa C. Merkel

**Lisa C. Merkel**
**Mayor**

TOWN OF HERNDON, VIRGINIA 1879

Amina Ait-Bella

**Amina Ait-Bella**
**Legislative Assistant**

**Minutes approved by Town Council: May 28, 2019.**