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**HERNDON TOWN COUNCIL
Work Session
Tuesday, July 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, July 2, 2019, at 7:00 p.m., there were present:

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

- Mayor Lisa C. Merkel was absent.

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Chief Maggie DeBoard, Herndon Police; Elizabeth Gilleran, Director of Community Development; Page Kalapasev, Director of Information Technology; Jennie Tripoli, Director of Finance; Cindy Roeder, Director of Parks and Recreation; Captain Brad Anzengruber, Herndon Police; Tammy Chastain and John Irish, Deputy Directors of Public Works; Bryce Perry, Deputy Director of Community Development; Senior Police Officer Adil Aftab, Herndon Police; Karen Gagliano, Budget Manager; David Stromberg, Zoning Administrator; and Amina Ait-Bella, Legislative Assistant.

ANNOUNCEMENT

Acting Mayor Olem stated that Mayor Merkel would be absent from tonight's meeting. As Vice Mayor, she would be chairing tonight's meeting.

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PRESENTATIONS

1. Proclamation, to recognize Northwest Federal Credit Union, 2019 Herndon Festival;
2. Proclamation, to recognize the 36th Annual "National Night Out," August 6, 2019;
3. Proclamation, to recognize "National Parks & Recreation Month," July 2019; and
4. Certificate of Congratulations, to recognize William "Billy" Duquette, 2018 Athlete of the Year, Special Olympics Virginia.

There were no comments on the presentations, which are scheduled for the July 9, 2019 public hearing.

PUBLIC HEARINGS

5. Resolution 19-G-42, to consider two additional chapters of the Urban Design & Architectural Guidelines for the Herndon Transit-Oriented Core (HTOC); one for signs within the HTOC, and the other for landscaping within the HTOC.

(Note: this item was continued from the Council's public hearing on May 28, 2019.)

Acting Mayor Olem stated that the public hearing had been continued from the Council's meeting on May 28. Comments received by Council on this item had been entered into the record. She recognized the Deputy Director of Community Development for the staff report.

The Deputy Director of Community Development presented the staff report dated May 21, 2019, which is on file in the Town Clerk's office. He stated that two additional chapters to the existing Urban Design and Architectural Guidelines for the Herndon Transit Oriented Core (HTOC) were ready for Council's further consideration. The proposed resolution would amend the HTOC Guidelines by adding new sections for landscaping and signage. The proposed chapters were reviewed and endorsed by the Architectural Review Board (ARB) and the Planning Commission. The Town Council continued this item at the request of one of the HTOC property owners, who wanted additional time to review the documents.

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The Deputy Director of Community Development stated that this past Wednesday, staff received substantial comments from the stakeholder previously referenced. Staff has not had time to evaluate the comments, which put staff in a bit of a bind. Staff wants to listen to all comments from the stakeholders, but they also need time to properly evaluate them. The property owners received the draft guidelines nine months ago and a few times since, with repeated requests for comments. He emphasized this resolution was a time sensitive item, since more HTOC development plans were expected in the near future. Staff recommends approval of the proposed draft guidelines, with the list of amendments provided in the staff report. Staff would also like the Council to include a direction to evaluate the comments received last week and return to the Council with recommendations for additional amendments to the HTOC Guidelines.

There was brief discussion amongst Council and staff on this item, including discussion on the recently submitted comments.

There was a brief question and answer period between Councilmember Friedrichs and the Deputy Director of Community Development regarding the comments that staff received from the stakeholder.

There was a brief question and answer period between Councilmember McKenna, the Director of Community Development, and the Deputy Director of Community Development, about the HTOC Guidelines process.

The Town Attorney stated that an analogy to this process would be the Town Code, which could be amended by Council.

Acting Mayor Olem stated that the Council could choose to continue the public hearing until August, or vote on the item next week. At some point, she stated that Council needed to adopt some guidelines, with the understanding that the document could be amended.

6. Ordinance, to consider Zoning Ordinance Text Amendment ZOTA #19-01, to amend Chapter 78 (ZONING), Planned Development – Urban Residential District, to create a new residential zoning district to implement the recommendations and standards of the “Adaptive Areas – Residential” land use category.

Acting Mayor Olem stated that comments received by Council on this item had been entered into the record. She recognized the Zoning Administrator for the staff report.

The Zoning Administrator presented the staff report and PowerPoint, dated July 2, 2019, which are on file in the Town Clerk’s office. The purpose of this zoning ordinance text amendment (ZOTA) was to create a new zoning district, Planned

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Development–Urban Residential (PD-UR), to accommodate redevelopment of some areas designated as Residential – Adaptive in the town’s 2030 Comprehensive Plan. The town’s area plans are more specific on how land should be used in certain areas. The recently adopted South Elden Area Plan (Comprehensive Plan Amendment CPA #18-01) identified properties where and under what circumstances residential redevelopment would be appropriate. The Zoning Administrator reviewed the PD-UR process; intent; uses; requirements; and standards for the district, as provided in staff’s PowerPoint. He emphasized that in the standards, the HVAC units should be either on the roof, incorporated into the façade, or a combination of the two.

At its June 24 public hearing, the Planning Commission recommended approval of the proposed ZOTA. This draft included several staff changes, based on the Planning Commission’s feedback. Staff also recommends approval, as presented.

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

There was a brief question and answer period between Councilmember del Aguila and the Zoning Administrator about the term “high quality developments,” along with discussion of density, driveways, and parking.

In response to queries from Councilmember McKenna, the Zoning Administrator stated that he was not sure, but it would be difficult from an administrative perspective to wait to add the sidewalks until after the development was in place.

There was a brief question and answer session between Councilmember Friedrichs and the Zoning Administrator about stacked and non-stacked residential homes.

Acting Mayor Olem provided comments on the letter to the town from Cooley regarding the HVAC unit placement.

7. Resolution, to consider a special exception, SE #19-04, 1037 Sterling Road, Suite 101, to allow a vocational school, Divine Healthtech Institute, on property zoned CO, Commercial Office; Applicant: Rev. Leonard Chukwujioko; Property Owner: Ferhan C Ege.

The Zoning Administrator presented the staff report dated July 2, 2019, which is on file in the Town Clerk’s office. This special exception would permit a vocational school for entry level health care fields in the Crossroads of Dulles office park, located at 1037 Sterling Road, Suite 101. The site is zoned Commercial Office (CO) district. He reviewed the application, including the location, use, operating hours, traffic impacts, and conditions.

The Planning Commission and Town Council followed staff’s recommendation to deny the previous special exception (SE #17-07) request at this location. The

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proposed use in SE #17-07 was for a retail mini mart. Staff recommended disapproval in that application due to the higher traffic volumes generated by retail uses compared to office uses. Staff was also concerned about having two separate uses in one condominium suite.

With the condition that limits the maximum number of students at any one time to five and the fact that the Crossroads of Dulles was developed with more parking than is required by the code, the Commission recommended that the special exception be approved with the conditions included in the staff report. Staff recommends approval of the special exception with the conditions.

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

8. **Resolution, to authorize the reserve of Fiscal Year 2019 funding for capital, on-going, and new or expanded projects and for outstanding encumbrances at June 30, 2019; and**
9. **Ordinance, to amend the Fiscal Year (FY) 2020 Adopted Budget by recognizing the outstanding encumbrances and authorized reserved amounts for FY 2019 as appropriated amounts for FY 2020.**

Acting Mayor Olem stated that the next two items on the agenda are related to reserving FY 2019 funding and amending the FY 2020 adopted budget. At tonight's work session, staff would present the items concurrently. Next week, Council would conduct separate public hearings, followed by separate action on each item. The ordinance would require a majority and a roll call vote. Acting Mayor Olem recognized the Director of Finance for the staff report.

The Director of Finance introduced Karen Gagliano, the town's new Budget Manager, who had just started with the town.

The Director of Finance presented the staff reports dated July 2, 2019, concurrently, which are on file in the Town Clerk's office. As is the town's fiscal practice, outstanding purchase orders as of June 30, 2019 would be recorded as a Reserve for Encumbrances in the General Fund and re-appropriated as part of the town's FY 2020 adopted budget. Attached to the staff report were listings of the recommended reserves and estimated encumbrances as of June 30, 2019, which were Schedule 1 – Operations & Maintenance (O&M) Reserves; Schedule 2 – Capital Reserves; and Schedule 3 – Estimated Outstanding Encumbrances at June 30, 2019, by Fund. She discussed Schedules 1-3 in further detail, as provided in the staff report.

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The Director of Finance stated that if the Council approves the resolution next week, the ordinance would take the same amounts as the resolution and make them legal appropriations. Staff recommends approval of the proposed resolution and ordinance, as presented.

There was no discussion on these items.

10. **Resolution, to authorize a license to Vivacity DC, Inc. to use designated public property in the downtown for the installation and maintenance of equipment and facilities for public use in accordance with the Pilot Program Agreement dated June 12, 2018 and as thereafter amended.**

Acting Mayor Olem stated that following the public hearing next week, action on this item would require a roll call vote. She recognized the Town Manager for the staff report.

The Town Manager presented the staff report dated July 2, 2019, which is on file in the Town Clerk's office. This proposed resolution would authorize the granting of a license to Vivacity DC, Inc. and authorize the mayor to sign the License Agreement and any associated documents. He reviewed the agreement between the town and Vivacity, which was first signed in June 2018 to explore and evaluate the impact of smart city technologies and services through the installation of equipment and facilities in downtown. The project would commence in a day or two after the proposed resolution is approved. He recognized the Town Attorney for additional comments.

The Town Attorney stated that because the site plan was approved, the license would permit the location of other facilities, including the updated streetlights, which were necessary in the pilot agreement. As has been discussed, the State Code requires that local governments authorize the use of the property. The property was not only the town's right-of-way, but the town's real estate, as well.

The Town Manager stated that vehicle charging stations were not included in this agreement. The town was still negotiating with Vivacity DC, Inc., but staff needed to get this item to Council because of Vivacity's deadlines. While not part of this agreement, the charging stations would still occur.

There was no discussion on this item.

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GENERAL

11. Ordinance, to approve a lease of space in the Town's building at 397 Herndon Parkway to Delegate Samirah.

The Town Attorney presented the staff report dated July 2, 2019, which is on file in the Town Clerk's office. The proposed ordinance would lease space in the town's building at 397 Herndon Parkway to Delegate Samirah. She stated it is the same lease staff uses for Town Hall. To be consistent with the Delegate's term, this lease expires on December 31, 2019. If re-elected, the rental of this space can be taken up again in December. The rent for this space would be \$1.00 per year, consistent with leases for office space at Town Hall for the former Delegate Boysko. The Delegate was comfortable with this location and staff recommends approval of the proposed ordinance, as presented.

There was no discussion on this item.

CONSENT AGENDA

12. Resolution, to reappoint members to the Herndon Planning Commission;

13. Resolution, to reappoint members to the Architectural Review and Heritage Preservation Review Boards;

14. Resolution, to authorize a Business, Professional, Occupational License (BPOL) tax refund; and

15. Resolution, to appoint a Deputy Town Attorney.

There were no comments on the Consent agenda.

ROUNDTABLE

- 1. Councilmember McKenna:** Stated that last week, he went to Herndon Middle School, where Herndon High School (HHS) held a briefing on a situation with a former teacher. About 50 people attended and he thought that HHS Principal Dr. Noto and Fairfax County officials did a good job. He stated that several students were also there.

Councilmember McKenna attended the Northern Virginia Regional Commission meeting last Thursday, June 27. He found their philanthropy, which was the different areas that received donations, to be fascinating.

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Councilmember McKenna wished those present a Happy Fourth of July. He provided cupcakes for the occasion and for Councilmember del Aguila's birthday.

2. **Councilmember Baker:** Stated that Herndon Elementary School's Principal Teresa Fennessy was named principal of the year, which was a great accomplishment. She was not sure if the town had reached out to Principal Fennessy yet or not.
3. **Councilmember Friedrichs:** Stated that she attended Fairfax County's Diversity Inclusion Conference on Saturday, June 30. It was co-sponsored by the Arc of Northern Virginia and the Fairfax County Board of Supervisors. She found it to be an amazing conference and the keynote speaker was Frank Stevens. She provided comments about the conference, where she met a lot of people and learned many new things. She found the discussion on how to better include those with disabilities particularly impactful.
4. **Councilmember del Aguila:** Provided comments about the Women's World Cup tournament and the United States Women's National Soccer Team. He stated that he shares a birthday with Alex Morgan, one of the team's top players.

Councilmember del Aguila stated that he thought the recent Town Council Roundtable was amazing and that it surpassed the first one. He received positive feedback and he looked forward to the next one.

Councilmember del Aguila asked the Town Manager if the topics for discussion from the Roundtable would be available.

The Town Manager stated that he received a little feedback, including notes from Councilmember Friedrichs. One of the lessons from the first Roundtable was that the notes taken were hard to follow and were uneven. Staff pulled back from the notetaking, because the focus of the event was the interaction between the Councilmembers and citizens.

Councilmember del Aguila stated that he would submit his notes.

The Town Manager stated that at the August work session, he planned to discuss the Roundtables with Council.

Councilmember del Aguila stated that the Pedestrian and Bicycle Advisory Committee (PBAC) was working on a draft plan. This included a discussion of electric vehicles. He stated that Council has until the end of the year to pass something if it wanted to regulate electric vehicles.

The Town Attorney stated that there was information on this in the legislative packet a few weeks ago.

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Councilmember del Aguila stated that he had not been aware the deadline was so soon. He stated that the trend was less about e-bikes and more about e-scooters.

The Town Manager stated that the City of Fairfax was testing out a pilot program for e-scooters, which the town would observe.

Councilmember Friedrichs stated that her niece is a physical therapist and she sees a lot of head injuries from individuals using scooters.

Councilmember del Aguila stated that scooters were a concern, and PBAC would keep everyone updated.

Councilmember Dhakal stated that he suffered a head injury while riding a motor scooter in West Virginia.

5. **Acting Mayor Olem:** Echoed Councilmember del Aguila's comments about the Town Council Roundtable. She did not receive as many questions this time that she had to find the answers too. She stated that these meetings have been successful, especially because citizens can have discussions with Councilmembers. She stated that they cannot easily do this at Town Council meetings.

Acting Mayor Olem discussed the Metro Monday event hosted by the Dulles Regional Chamber of Commerce on Monday, June 24. She represented the town at the event. Former Mayor and Former Delegate Tom Rust was there, along with Loudoun County Board of Supervisors Chair Phyllis Randall, and Fairfax County Board of Supervisors Chair Sharon Bulova.

Acting Mayor Olem wished those present a Happy Fourth of July.

COMMENTS FROM THE TOWN MANAGER

The Town Manager stated that he would be out of town tomorrow through the morning of July 9. He stated that Chief DeBoard would be Acting Town Manager and that the Assistant to the Town Manager would also be available during that time.

Councilmember Dhakal wished those present a Happy Fourth of July, along with a Happy Birthday to Councilmember del Aguila, and a Happy Birthday to his wife.

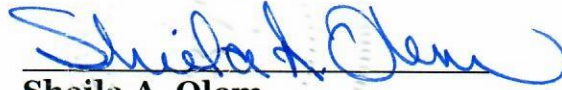
Several members of Council echoed Councilmember Dhakal's statements.

Acting Mayor Olem stated that Gracie's birthday was on Sunday.

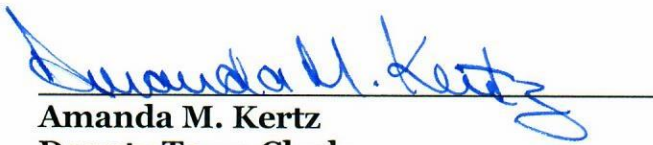
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ADJOURNMENT

There being no further business, the meeting adjourned at 7:59 p.m.



Sheila A. Olem
Acting Mayor



Amanda M. Kertz
Deputy Town Clerk



Minutes approved by Town Council: August 13, 2019.