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**HERNDON TOWN COUNCIL
Work Session
Wednesday, August 7, 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 Wednesday, August 7, 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; and
 - Councilmember Bill McKenna.
- Councilmembers Pradip Dhakal and Signe Friedrichs were absent.

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Captain Brad Anzengruber, Herndon Police; Elizabeth Gilleran, Director of Community Development; Anne Curtis, Chief Communications Officer; Page Kalapasev, Director of Information Technology; Bryce Perry, Deputy Director of Community Development; Scott Robinson, Director of Public Works; Tammy Chastain and John Irish, Deputy Directors of Public Works; David Stromberg, Zoning Administrator; and Amanda Morrow Kertz, Deputy Town Clerk.

ANNOUNCEMENT

Mayor Merkel stated that Councilmembers Dhakal and Friedrichs would be absent from tonight's meeting.

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PRESENTATION

1. **Proclamation, to recognize the 30th Anniversary of Dr. Finley's Family Eyecare.**

There was no comment on the presentation, which would be held at the August 13, 2019 public hearing.

PUBLIC HEARINGS

2. **Ordinance, to grant a ten-year telecommunications franchise to MCImetro Access Transmission Services of Virginia, Inc.**

Mayor Merkel stated that at next week's meeting, the Council would follow the bid process and that this item would require roll call vote. She recognized the Deputy Director of Public Works for the staff report.

The Deputy Director of Public Works presented the staff report dated August 7, 2019. This franchise agreement between MCImetro Access Transmission Services of Virginia, Inc. and the town would permit a 10-year franchise for maintenance of underground telecommunications facilities existing from their previous franchise with the town. The current agreement had expired and a new one was required for the lines in the town. Staff recommends approval of the proposed ordinance, as presented.

The Town Attorney stated that telecommunications companies typically extend their franchise agreements, but because this one had expired, the town had to provide a new franchise.

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

3. **Ordinance, to approve the conveyance of Town-owned property on Elden Street to the Virginia Department of Transportation (VDOT) for the widening of East Elden Street.**

Mayor Merkel stated that at next week's meeting, this item would require a roll call vote. She recognized the Deputy Director of Public Works for the staff report.

The Deputy Director of Public Works presented the staff report and PowerPoint dated August 7, 2019, which are on file in the Town Clerk's office. He stated that the proposed ordinance was a joint effort between himself and the Town Attorney. It would convey the necessary town and property rights to the state, acting by and through the Virginia Department of Transportation (VDOT), to widen or improve Elden Street. The town must grant the easements to VDOT for construction, who would then convey the easements back to the town at the end

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of the project. He discussed the location, property interests to be granted, and proposed improvements, as outlined in staff report and PowerPoint. Staff recommends approval of the proposed ordinance, as presented.

The Town Attorney echoed the Deputy Director of Public Works' comments. She stated that VDOT had to acquire many parcels along Elden Street. The town was one of the places VDOT was starting this because they thought the town would be cooperative and would like to see the road widened. She reviewed the documents that were included in the agenda and stated that in the 1990s, the town followed a similar process for widening Elden Street.

There was no discussion on this item.

4. Resolution, to approve a temporary license agreement to use a designated public space in the alley adjacent to Jimmy's Old Town Tavern for outdoor seating for an event.

The Town Attorney presented the staff report dated August 7, 2019, which is on file in the Town Clerk's office. The Council has approved similar agreements for Jimmy's Old Town Tavern ("Jimmy's") in the past. Jimmy's was seeking a Temporary Use Permit to use designated alley public space adjacent to Jimmy's for outdoor seating during an event on September 1, 2019. This resolution would authorize the Mayor to sign the necessary license agreement to permit Jimmy's to utilize the town's property. Staff recommends approval of the proposed resolution, as presented.

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

5. Resolution, to consider the Herndon Bicycle Network Master Plan to be used as a long-range planning document focused on improving bicycle service levels in the Town.

The Deputy Director of Community Development presented the staff report and PowerPoint dated August 7, 2019, which are on file in the Town Clerk's office. The Herndon Bicycle Network Master Plan would be the first official long-range document dedicated to bicycle planning. The plan would help improve the level of service for cyclists and the overall bicycle network. He reviewed the background, history ~ to include work with the Fairfax County ~ and purpose of the proposed master plan. This document was developed in coordination with Pedestrian and Bicycle Advisory Committee (PBAC) input and would build on the previous town endorsed Fairfax County Bicycle Master Plan. The proposed draft was recommended to the Town Council by PBAC and the Planning Commission.

The Deputy Director of Community Development reviewed the process and development of the plan. The plan was made of three principle parts and he discussed each in further detail, as provided in the PowerPoint: an articulation of

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the guiding principles and objectives for bicycle planning and design; an overview of the existing network and identification of the long-term planned network improvements; and a profile of the existing bicycle planning program and ongoing projects. Staff recommends approval of the proposed resolution to adopt the plan, as presented.

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

Councilmember del Aguila, Chair of PBAC, provided brief comments. He thanked staff for their efforts and stated that he was excited about connecting neighborhoods through the plan.

Vice Mayor Olem, former Chair of PBAC, provided background comments.

In response to queries from Councilmember McKenna, the Deputy Director of Community Development stated that staff would consider Commissioner Bouchard's (the PBAC liaison for Planning Commission) comments that she made at the Planning Commission meeting, which included a bicycle dismount zone in the downtown, during the annual update of the plan. He stated that adding a dismount zone to the plan was not a universally shared opinion.

CONSENT AGENDA

6. **Ordinance, to amend Chapter 54 (PERSONNEL), Article V (Conflict of Interest), Section 54-111 (Disclosure by town officers and employees), to revise the positions required to complete a disclosure statement of personal interests.**

In response to queries from Mayor Merkel, the Town Attorney stated that the proposed change was not required by the General Assembly. The town was able to designate employees that were required to fill out disclosure statements. Staff wanted to make sure that all employees with equivalent duties were included.

The Town Manager echoed the Town Attorney's comments.

DISCUSSION

7. **Town Council Community Roundtables.**

The Chief Communications Officer stated that Council has hosted two successful community roundtables. The first one was held at the Herndon Municipal Center (HMC) on a Saturday morning. The most recent one was held at the Neighborhood Resource Center (NRC) on a Tuesday evening. Staff really enjoyed working with the NRC, who provided childcare during the event for attendees. It was her sense was that the NRC would be open to working with the town on

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another event. She asked the Council what they were looking for in the next event, and what they would like to see moving forward. October was the proposed month to schedule the next community roundtable.

There was brief discussion amongst Council and staff about the community roundtables.

In response to queries from Mayor Merkel, the Chief Communications Officer stated that there were approximately 50 people at each roundtable.

Mayor Merkel stated that she would like to meet those in the community that the town has not been able to reach out to yet.

Councilmember McKenna suggested holding a roundtable together with one of the larger or underserved homeowners associations (HOAs), many of which have community rooms where they could meet. He stated that several of the HOAs meet at the Herndon Police Station and he suggested that location as well.

Vice Mayor Olem agreed with considering HOAs as roundtable locations, but stated that the Four Seasons community room was not ADA accessible. She also noticed a lot of residents from Four Seasons at the last roundtable. She echoed Councilmember McKenna's suggestion of utilizing the police department.

Councilmember del Aguila stated that government buildings, like the police station, might be intimidating for some individuals. He stated that the crowd that attended the first roundtable at the HMC and those that attended the second one at the NRC were made up of different segments of the town's population.

The Chief Communications Officer stated that several businesses also attended the first roundtable.

Mayor Merkel suggested considering a local business or restaurant for the location.

Vice Mayor Olem asked if the Fairfax County learning center was still located in the "Kmart" Shopping Center, and if so, she suggested that location.

Councilmember McKenna stated that the adult learning center run by Fairfax County was still in that shopping center.

Mayor Merkel, Vice Mayor Olem and Councilmember Baker suggested the Herndon Fortnightly Library as a location.

Councilmember Baker stated that the community room at the library was fairly small, but that maybe other parts of the library could be used.

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Vice Mayor Olem stated that holding the next meeting at the library would be close to the HMC, where the first meeting was held.

The Chief Communications Officer asked the Council for their input the format of the community roundtables, which was informal.

Councilmembers del Aguila, McKenna, and Vice Mayor Olem provided comments supporting the current format, which they thought worked well.

Councilmember Baker suggested using a graph or chart where citizens could add a sticker to indicate the top priorities that they would like to discuss at the next meeting. This would provide a visual on what people are interested in discussing. The discussion would still be open, but this tool could help provide context.

Councilmember del Aguila stated that there needed to be a column for “anything else” that the citizens would like to talk about.

Councilmember McKenna stated that Senator Boysko has a similar tool for her town hall meetings, which includes an “other” section for topics that residents would like to discuss.

Mayor Merkel suggested holding a roundtable at the picnic tables in front of Old Town Hall, weather permitting.

Vice Mayor Olem was not sure there would be enough seating at the picnic tables.

Councilmember Baker liked that sitting at the picnic tables would be informal.

Councilmember del Aguila stated that he would like to meet the underserved communities and suggested selecting a location that would accomplish that.

Councilmember McKenna agreed with Councilmember del Aguila’s suggestion. He suggested meeting at a church in town.

Mayor Merkel thought it would be possible to meet at a church. Regarding meeting with HOAs, she thought it would be difficult to meet with all of them in a roundtable event. In addition to the community roundtables, she thought the Councilmembers might want to meet with the HOAs individually. She suggested holding a community roundtable at Berkdale Apartments or at other apartment communities, especially if they were already hosting an event, like what the Council saw last night at National Night Out.

Vice Mayor Olem stated that the chair of the Worldgate Condominium Association indicated that they were willing to host an event with the town.

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The Chief Communications Officer confirmed with the majority of Council present that October was a good month to hold the next roundtable.

The Town Manager stated that staff would have to find a location first and then they would provide the Council with possible dates.

Mayor Merkel stated that October was a busy month, with the Virginia Municipal League Conference and the Herndon Homecoming Parade being two of the main events to consider when scheduling the next roundtable.

Mayor Merkel asked if the Council preferred the roundtables to be on the weekday or the weekend.

Councilmember McKenna stated that he would be fine with either option.

Councilmember Baker thought that weeknights seemed to work best for most residents. She thought the Council might want to incorporate one weekend roundtable every third meeting.

In response to Councilmember Baker's suggestion for holding the roundtable at ArtSpace, the Chief Communications Officer agreed that it might be a good space.

Mayor Merkel stated that Trinity Presbyterian Church provides a lot of outreach to the Latino community including a weekly "lunch for the soul." She suggested checking with Trinity about being the location for the roundtable and about the Council possibly attending their weekly events.

The Chief Communications Officer stated that the NRC was very helpful in distributing information to the community. She stated that St. Timothy's also provides outreach to the Hispanic community.

The Town Manager emphasized how the NRC helped the town, especially by marketing the event and providing childcare during the last roundtable.

Vice Mayor Olem supporting Mayor Merkel's suggestion of checking with Trinity, because holding it there could attract different residents from other parts of town. She suggested reaching out to Cornerstones to see if they would still be able to help with this roundtable.

In summary, the Chief Communications Officer stated that staff would:

- Contact Trinity Presbyterian Church about serving as the location for the next roundtable in October;
- If they are not able to, staff would contact St. Timothy's Church;

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- If neither church is available, staff would ask the NRC; and
- Once the location is determined, staff would advise Council of possible dates.

In response to queries from Mayor Merkel about providing transportation to the roundtable, the Town Manager stated that staff would inquire about it.

ROUNDTABLE

1. **Councilmember McKenna:** Provided comments about the recent Herndon Youth Advisory (HYAC) meeting. The subject of the meeting was urban planning and the town's 2030 Comprehensive Plan. The Director of Community Development and the Senior Planner gave presentations and the students asked questions, which he thought went well. He thanked staff for their work.
2. **Councilmember Baker:** Welcomed the town's new Director of Public Works, Scott Robinson.

Councilmember Baker provided comments about last night's National Night Out (NNO). She thanked Captain Anzengruber and all the Herndon Police Department officers for a great event. She enjoyed the new format this year, where Council ended NNO in different neighborhoods.

3. **Councilmember del Aguila:** Stated that he and Vice Mayor Olem met with Supervisor John Foust to discuss affordable housing and housing alternatives in the area. He thought there would be opportunities for the town to look at this more closely. He would continue researching and would provide updates as he learned more.

Mayor Merkel stated that Supervisor Foust followed up with her after Councilmember del Aguila and Vice Mayor Olem's meeting and suggested that they all meet with Tom Fleetwood, Housing Chairman for Fairfax County, to see what would be possible for the town and county.

The Town Manager stated that staff was putting together a presentation for Council, which would likely be at the second work session in September. Staff planned to bring in representatives from the county and the Virginia Municipal League to have a comprehensive, robust discussion about housing, so that all involved were on the same page.

4. **Vice Mayor Olem:** Echoed Councilmember del Aguila's comments about housing and stated that they had talked to the Town Manager about giving a presentation before Council on this topic, since the town is different than the county. She emphasized the importance of affordable housing with rezoning and changes occurring in town.

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Vice Mayor Olem echoed Councilmember Baker's comments about NNO, which she really enjoyed.

There was brief discussion amongst Council and staff about NNO.

Vice Mayor Olem asked for updates from the Town Manager on the following:

- Downtown development;
- Watermain breaks in town; and
- Aslin Brewery.

The Town Manager provided updates on these topics during his comments.

5. **Mayor Merkel:** Stated that on Monday, August 5, she and the Economic Development Manager went on a bus tour with the Washington Metropolitan Area Transit Association (WMATA) marketing staff, who were visiting the Metro Phase 2 Stations. She was excited to see that the Herndon Metro Station's pylon was in place. She stated that one of the first things she remembered doing on Council in 2010 was helping to install a sign indicating where the Herndon Metro station was going to be located.

Vice Mayor Olem stated that it was time to take down the indicator sign, since the actual Metro sign was there. Mayor Merkel agreed.

Mayor Merkel stated that today was her Granny's 97th birthday.

COMMENTS FROM THE TOWN MANAGER

The Town Manager introduced Scott Robinson, the town's new Director of Public Works.

The Town Manager stated that Amina Ait-Bella, Legislative Assistant and Communications Assistant, would be leaving the town on Friday, August 9, for a job with the Arlington County Board of Supervisors. He stated that Lindsey Jones, System Technician with the Department of Parks and Recreation, would be filling in the duties of the Administrative Assistant to the Town Manager, which Ms. Ait-Bella had been covering, starting Monday, August 12.

The Town Manager provided an update on the watermain break at Crestview Drive. He stated that after temporarily providing water on Saturday, August 3, town crews worked on the repair all day and night. The town was unable to secure a contractor to repair the damage on Monday, August 5, so staff replaced 25 feet of pipe in the ground. The repairs on Crestview Drive were completed.

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The Town Manager stated that while the town was dealing with the watermain break on Crestview Drive, another one occurred at Lisa Court that impacted about 15 homes. Staff could not find the leak for this break until 2:00 p.m. this afternoon. Staff contacted each of the 15 homes that were affected by both watermain breaks and offered them a hotel to stay in last night. Staff also provided water to the residents. The Town Manager thanked staff for showing the initiative to put this together for the residents. He asked the Deputy Director of Public Works for an update on the status of Lisa Court.

The Deputy Director of Public Works stated that everyone on Lisa Court has water now. Staff would repair the valve tomorrow.

There were brief comments from Council on the watermain breaks.

Regarding the downtown, the Town Manager stated that not a lot has changed since he last spoke with Council about it. He stated that Comstock hired a new attorney who would be handling the town's issues. Staff planned to meet with the new attorney soon.

For Aslin Brewery, the Town Manager stated that the ball was in their court. He stated that nothing was holding them up from moving forward.

Vice Mayor Olem stated that someone had asked her and Councilmember del Aguila about Aslin's status in the downtown.

Councilmember del Aguila stated that there was an article that blamed the town for the situation.

The Town Manager stated that it sounded like the article was a stark departure from fact.

Vice Mayor Olem stated that she and her neighbors remembered to put their recycling out on Monday.

In response to queries from Councilmember Baker, the Deputy Director of Public Works stated that the new trash and recycling schedule was going well and the majority of residents remembered their new days. A few residents had reached out to the town and staff would work to resolve any outstanding issues.

The Town Manager stated that he was impressed by Scott Keebaugh, Utility Work Crew Supervisor, who had been observing residents that put their cans out on the wrong day, so they could circle back to them. He offered kudos to the Department of Public Works staff for handling this change well and stated that the town's outreach in various formats made a big difference. He stated that so far, his office had not received any complaints about the changes in trash and recycling pick up.

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Mayor Merkel was pleased with the Town Manager's comments about the trash and recycling changes and she was glad the outreach had worked so well.

CLOSED MEETING

On motion of Councilmember McKenna, seconded by Vice Mayor Olem, and carried by a 5-0 vote, the Herndon Town Council went into Closed Meeting at 7:57 p.m., under Section 2.2-3711(A)(1) and (A)(8) of the Code of Virginia, to consult with legal counsel and to discuss and consider the acquisition of real property within the Herndon Transit Oriented Core for a public purpose where such discussion or consultation in an open meeting would adversely affect the negotiating or litigating posture of the Council.

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

RECESS

At 7:57 p.m., Mayor Merkel called a brief recess, and at 8:04 p.m., the closed meeting reconvened in Herndon Council Chambers Building, all members present with the exception of Councilmembers Dhakal and Friedrichs, and with Mayor Merkel presiding.

CLOSED MEETING (CONTINUED)

On motion of Vice Mayor Olem, seconded by Councilmember Baker, and carried by a 5-0 vote, the Herndon Town Council reconvened in public session at 8:35 p.m.

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

On motion of Councilmember Baker, seconded by Vice Mayor Olem, and carried by a 5-0 vote, the Herndon Town Council approved the following Certification of Closed Meeting.

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

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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 – 5

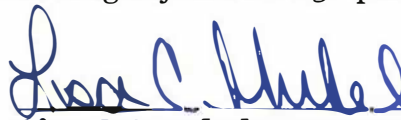
Nays – 0

ABSENT DURING VOTE: 2

ABSENT DURING MEETING: 2

ADJOURNMENT

There being no further business, the meeting adjourned 8:36 p.m.


Lisa C. Merkel, Mayor


Amanda M. Kertz, Deputy Town Clerk



Minutes approved by Town Council: September 10, 2019.