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**HERNDON TOWN COUNCIL
Work Session
Tuesday, June 7, 2022**

At a regular meeting of the Town Council of the Town of Herndon, Virginia, held in the Herndon Police Department Community Room, 397 Herndon Parkway, Herndon, Virginia, on Tuesday, June 7, at 5:30 p.m., there were present:

- Mayor Sheila A. Olem, presiding;
- Vice Mayor Cesar del Aguila – arrived at 5:50 p.m.;
- Councilmember Naila Alam;
- Councilmember Pradip Dhakal – left at 5:49 p.m.;
- Councilmember Signe Friedrichs;
- Councilmember Sean M. Regan; and
- Councilmember Jasbinder Singh.

CALL TO ORDER

1. Roll Call & Determination of Quorum

Mayor Olem called the work session to order at 5:35 p.m. and stated that she would call the roll for attendance. Following the roll call, Mayor Olem confirmed there was a quorum present, with Vice Mayor del Aguila having not yet arrived.

2. CLOSED MEETING

On motion of Councilmember Singh, seconded by Councilmember Friedrichs, and carried by a 6-0 roll call vote, the Herndon Town Council went into Closed Meeting at 5:39 p.m., under Section 2.2-3711(A)(1) of the Code of Virginia,

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pertaining to discussion of specific public employee relative to annual performance review. The Closed Meeting was held in the Herndon Police Department Community Room, 397 Herndon Parkway, Herndon, Virginia. The appropriate meeting notices were provided in accordance with state law.

Vote: Councilmembers Alam, Dhakal, Friedrichs, Regan, Singh, and Mayor Olem voting "Aye." Vice Mayor del Aguila having not yet arrived.

On motion of Councilmember Friedrichs, seconded by Vice Mayor del Aguila, and carried by a 6-0 roll call vote, the Herndon Town Council reconvened in public session at 6:48 p.m.

Vote: Councilmembers Alam, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye." Councilmember Dhakal was absent, having left during the Closed Meeting.

On motion of Singh, seconded by Councilmember Alam, and carried by a 6-0 roll call vote, the Herndon Town Council approved the following Certification of Closed Meeting.

Vote: Councilmembers Alam, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye." Councilmember Dhakal was absent, having left during the Closed Meeting.

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 – 6

Nays – 0

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ABSENT DURING VOTE: 1

ABSENT DURING MEETING: 1 (Councilmember Dhakal left at 5:49 p.m.)

RECESS

At 6:50 p.m., Mayor Olem called a brief recess; and at 7:10 p.m., the meeting reconvened in the Herndon Police Department Community Room, all members present, except Councilmember Dhakal who was absent, and with Mayor Olem presiding.

WORK SESSION

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Chief Maggie DeBoard, Herndon Police; Viki Wellershaus, Town Clerk; Scott Robinson, Director of Public Works; Page Kalapasev, Director of Information Technology; Lisa Gilleran, Director of Community Development; Cindy Roeder, Director of Parks and Recreation; John Irish, Deputy Director of Public Works; David Stromberg, Zoning Administrator; Dave Bracamonte, Systems Manager; and Margie Tacci, Deputy Town Clerk.

ANNOUNCEMENT

Mayor Olem announced that Council had previously met in a closed meeting pursuant to state code requirements.

RECONVENE THE MEETING

Roll Call & Determination of Quorum

Mayor Olem asked the Deputy Town Clerk to call the roll for attendance. Following the roll call, Mayor Olem confirmed there was a quorum present, with Councilmember Dhakal being absent, having left during the closed meeting.

Mayor Olem reminded those participating in that night's work session to follow the town's Meeting Guidelines that were used for all government meetings to maintain good order, which included: refraining from participation unless and until recognized by the chair; being respectful in comments; refraining from threatening or intimidating language; profane, vulgar, obscene, or threatening remarks were not permitted; and attacks on the character, motive, or other harmful remarks against individual members of Council, staff, or the public would not be tolerated.

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ANNOUNCEMENTS

Mayor Olem stated there was a proclamation on the Consent agenda naming June as LGBTQ+ Pride Month. She asked the Town Clerk's office to prepare a proclamation and add it to the Consent agenda for the June meetings. This was because last year, the Dulles Triangles asked her to come to their anniversary event and present a proclamation, and they asked for it again this year. Mayor Olem stated that she also asked for this proclamation to affirm the town's support for Pride Month. Herndon has recognized Pride Month since 2014, and she stated that they would continue to support diversity and the LGBTQ+ community.

COMMENTS & DISCLOSURES

Mayor Olem asked the Deputy Town Clerk if there were any comments or disclosures for the record. The Deputy Town Clerk stated that Vice Mayor del Aguila and Councilmember Regan filed Transactional Disclosure Declaration statements with the Town Clerk.

Vice Mayor del Aguila indicated that he met with the applicants and applicants' agent representing public hearing items #3 and #4, which are ZMA #21-01 and SE #22-01, in April of 2021, to discuss affordable housing.

Councilmember Regan indicated that he communicated with the group that owned 315 Elden Street in December of 2021. He did not know if the owners are the same. His communication was in the hours and days after the 698 Park Avenue apartment building fire, and he connected them with Cornerstones to see if they could provide discounted hotel rooms for displaced families. He did not profit from this arrangement in any way and felt that he could evaluate the 315 Elden Street applications without bias.

Both stated that they are able to participate in the discussions regarding these applications fairly, objectively, and in the public interest. The signed statements have been entered into the record and are on file with the Town Clerk and Town Attorney.

The Town Clerk received no additional public comments or statements from Council to enter into the record.

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PUBLIC HEARINGS

3. **Ordinance 22-O-13, to consider Zoning Map Amendment ZMA #21-01, 315 Elden Street, from CS (Commercial Services) to PD-UR (Planned Development – Urban Residential) with proffered conditions, to allow the conversion of an existing hotel to multi-family residential with a workforce housing component; and**
4. **Resolution 22-G-34, to consider Special Exception Application SE #22-01, 315 Elden Street, to allow for development in the FPO (Floodplain Overlay District), subject to approval of Zoning Map Amendment ZMA #21-01, which is being reviewed concurrently with this case.**

[Note: these items were continued from the May 24, 2022 public hearing.]

Mayor Olem stated that these items were continued from the last Town Council public hearing and asked if Council had additional questions for staff.

In response to queries from Mayor Olem, the Town Manager confirmed nothing had changed from the last public hearing.

Seeing no additional discussion, Mayor Olem moved to the next item on the agenda.

5. **Ordinance 22-O-14, to amend and reenact Chapter 42 (MOTOR VEHICLES AND TRAFFIC), of the Code of Herndon, Article IV (Stopping, Standing, Parking), Division 4 (Residential Permit Parking), Section 42-223 (Designated Residential Parking Zones), to designate a new residential parking zone to be known as the “Leona Lane Zone.”**

Mayor Olem recognized the Town Manager, who presented the staff report and a visual map of the area, dated June 7, 2022, which is on file in the Town Clerk's office. The proposed ordinance would authorize the Town Manager to establish a residential parking permit zone for the legal spaces on Leona Lane, from its intersection with Marjorie Lane, continuing southward and eastward to cul-de-sac where Leona Lane ends, from 12:00 a.m. to 7:00 a.m. daily.

The Town Manager reviewed the residential parking permit program process. He stated that a resident, Mary Mann, contacted the Town Manager's office earlier that year with several parking problems routinely occurring on Leona Lane. The impacts of the parking issues on the Runnymede Manor neighborhood were outlined in the staff report and included safety, litter, difficulty obtaining town

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and emergency services, and inability to obtain adequate curbside parking near residences.

After evaluating the area, staff recommended that the Town Manager add a no parking area on the interior of Leona Lane and the cul-de-sac so that emergency vehicles had enough room to navigate the street. Once the no parking area went into effect, 22 legal spaces would exist in the proposed residential parking permit zone. This would allow the application to meet all of the criteria for the parking permit zone with 90 percent of the available spaces being occupied overnight.

Staff recommends approval of the proposed ordinance. The Town Manager would continue to work with the homeowners in the neighborhood to expand or modify the parking zone as needed.

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

Responding to queries from Mayor Olem, the Town Manager indicated that the cul-de-sac configuration was similar to Madison Street. He emphasized that with parking in that area, staff observed that there was not enough space for a fire truck to turn around.

Responding to queries from Vice Mayor del Aguila, the Town Manager stated that Pine Street was a commercial zone, which had different regulations. He confirmed that the residents asked for the maximum allocation, and he thought they would be happy with the proposed ordinance, given the conversations he had with them.

Responding to queries from Councilmember Friedrichs, the Town Manager confirmed the residents petitioned for the zone, which had to be submitted to start the residential parking zone process.

Councilmember Friedrichs stated she received a complaint about safety and parking issues on Bond Street. Responding, the Town Manager asked her to send him the information and he could follow up with the Traffic Engineering Improvements Committee (TEIC).

Responding to queries from Councilmember Singh, the Town Manager reviewed the parking zone application process and the issues staff found in the neighborhood. Councilmember Singh said he was concerned about excluding individuals from parking spaces.

The Town Manager stated that staff re-engineered the parking permit process approximately four or so years ago so that it was more flexible. He emphasized that the town's qualified engineers reviewed the applications.

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Councilmember Singh further discussed his concerns over the application and proposed parking permit zone.

There was a brief question and answer session between Councilmember Regan and the Town Manager, where they discussed the parking permit process and the specific application. Councilmember Regan stated that he was interested to hear if the commercial vehicle limitations was affecting on-street parking.

Responding to Councilmember Regan, the Town Manager stated he talked with the Chief of Police, and the feedback they received regarding on-street commercial vehicle parking had been anecdotal. In their discussions, it seemed like it the limitations had helped alleviate some of the town's on-street parking issues, but more concrete data was needed. He also explained that each residence received two residential parking permits.

Responding to Councilmember Regan, the Town Attorney stated that to receive a parking permit, the vehicle had to meet all requirements to legally operate in Virginia.

Responding to queries from Councilmember Alam, the Town Manager explained how the town would implement and enforce the zone.

Responding to queries from Vice Mayor del Aguila, the Town Manager reviewed how the parking permits were administered. He stated staff would consider Vice Mayor del Aguila's suggestion to paint lines for the parking spaces.

Councilmember Friedrichs expressed concern that the only neighborhoods she observed requesting the parking permit zones were "fairly wealthy neighborhoods, with fairly wide streets, with lots of space." She did not have a problem with this application, but she wanted to point it out. She also highlighted that this application was only for overnight parking. She discussed where she was concerned with sight lines and stated that painting lines for parking spaces, as Vice Mayor del Aguila suggested, would be helpful in some of the neighborhoods.

The Town Manager stated staff was sensitive to sight line and safety issues, especially on Ferndale Avenue as Councilmember Friedrichs had pointed out. He said several changes had been made, but staff could look at it further. He stated there was a potential "aggressive plan" for this area that could be considered.

Councilmember Friedrichs did not like to be aggressive, but she did not want individuals to get lax in their behavior.

The Town Manager stated the one option was to add no parking areas to Ferndale Avenue. Councilmember Friedrichs agreed that was a difficult area to see around the parked cars.

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In response to queries from Councilmember Regan, the Town Manager confirmed he was able to expand or change the zone under the code as parking behavior changes.

Councilmember Singh expressed concern about adding no parking areas to Ferndale Avenue because the townhouses needed to use it. The Town Manager stated that would have to be addressed.

Mayor Olem agreed with her colleagues' concerns about sight lines and parking issues in town.

CONSENT AGENDA

6. **Resolution 22-G-43, to award a Contract for Smart City Services RFP #22-12;**
7. **Resolution 22-G-44, to approve and authorize the Mayor to sign a Second Sublicense Extension between Town of Herndon and Arts Herndon, Inc., to extend the expiration date to June 30, 2023 for space at 750 Center Street;**
8. **Resolution 22-G-45, to approve and authorize the Mayor to sign a Second Sublicense Extension between Town of Herndon and The Elden Street Players d/b/a NextStop Theatre Company, to extend the expiration date to June 30, 2023 for space at 750 Center Street;**
9. **Ordinance 22-O-15, to approve and authorize the Mayor to sign a Third Lease Extension between Town of Herndon and The Elden Street Players d/b/a NextStop Theatre Company, to extend the expiration date to June 30, 2023 for space at 397 Herndon Parkway for rehearsal;**

Councilmember Friedrichs asked about the Smart City contract. She recalled that the town initially received the Smart City services at no cost, and she asked if that had changed.

Responding to Councilmember Friedrichs, the Town Manager stated that Smart City started as a free pilot program, which was supposed to end during the pandemic. It was extended because Vivacity did not have enough data due to COVID. The contract would now expire at the end of June and staff had sent it out to bid because of state procurement laws. There were two bids, and after the bid process, staff recommended to award the contract to Vivacity, who had sponsored the pilot program. He recognized the Director of Information Technology (IT) for further comments.

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Responding to queries from Councilmember Friedrichs about the electric vehicle (EV) charging stations, the Director of IT confirmed that was included with the pilot program. The EV station was advertised on the town's website, used the town's electricity, and the town received money back for the service. He stated the use of the charging station had improved over time, but staff could look into signage to make the EV station stand out.

Responding to queries from Councilmember Singh, the Director of IT outlined the services that were included in the pilot program and what would be part of the contract. The Director of IT could share a map of wi-fi availability in the downtown from Vivacity for those interested.

Responding to queries from Vice Mayor del Aguila about how they could energize the program, the Director of IT stated the first step was the infrastructure foundation. He indicated that staff had thought about extending the wi-fi services to near the Herndon Metro Station. Once the infrastructure was in place, the town could consider expanding services.

The Town Manager provided information about how the program enabled the town to create a "small cell" in the downtown area. The technology equipment was underground and ventilated through the trashcans. This set an example of how to create a network without having visible equipment. The Director of IT agreed, stating other jurisdictions had visited the town to see how the small cell was structured.

10. Ordinance 22-O-16, to approve and authorize the Mayor to sign a Lease Extension between Town of Herndon and The Elden Street Players d/b/a NextStop Theatre Company, to extend the expiration date to June 30, 2023 for space at 397 Herndon Parkway for storage;

Councilmember Singh asked for more information on the space the Elden Street Players were leasing. The Town Manager responded, stating that for long time, the town leased a rehearsal space to the Elden Street Players at the town shop. A few years ago, he realized that was not the most secure or safe space for them to be, so they moved to another town space at 397 Herndon Parkway.

Responding to Councilmember Singh's query about cost, the Town Attorney believed the market value of the space was approximately \$21.54 per square foot. They would be renting 1275 square feet.

Councilmember Singh thought that was around \$24,000 to \$25,000 to which the Town Manager agreed. Councilmember Singh asked if that information was provided to the Elden Street Players, and the Town Manager replied that was something for the Council to determine.

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Vice Mayor del Aguila stated this was a non-profit group and the Council had the discretion to rent out the space.

Following the discussion, the Town Manager reviewed the space that the Elden Street Players were leasing.

11. **Proclamation, to recognize Lesbian, Gay, Bisexual & Transgender (LGBTQ+) Pride Month, June 2022; and**
12. **Resolution 22-G-46, to approve and authorize the Mayor to sign the Operation and Maintenance Agreement for Phase 2 Facilities for the Herndon Metrorail Station.**

There was no discussion on the other Consent agenda items.

ROUNDTABLE

1. **Councilmember Singh:** No comments.
2. **Councilmember Alam:** No comments.
3. **Councilmember Regan:** No comments.
4. **Councilmember Friedrichs:** Shared that she was reappointed to the Virginia Municipal League's (VML) Committee on Cities and Towns as the Vice Chair. The committee was looking at VML's policy positions on relevant issues. Once available, she would provide Council with the policy statement for review, and she asked them to let her know if they had anything to add.
5. **Vice Mayor del Aguila:**

Fortnightly Square HOA Community Meeting

Thanked the Chief of Police and the Herndon Police Department (HPD) for hosting a neighborhood meeting with the Fortnightly Square HOA. The neighbors enjoyed the conversation, but it had not been recorded. He asked whether it was a policy or a practice not to record the meeting.

The Chief of Police stated it was her practice not to record these types of meetings, largely because HPD likes to have open interaction with the citizens. When a meeting is recorded, it becomes a record that could be released and possibly be taken out of context. She observed that the interaction and communication were not the same when she announces that the meeting was being recorded.

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Vice Mayor del Aguila understood her points, but he did not think it would have hurt to record the meeting to send to those who could not attend. He thought they should get into the practice of making these meetings “completely open.”

The Chief of Police agreed that they could not stop someone from recording the meeting themselves, but she could control HPD’s official record. She emphasized that she thought the conversations were more open when meetings were not being recorded.

Vice Mayor del Aguila stated they would disagree on this topic, and it was his opinion that the recording would have been helpful.

The Town Manager asked if they needed to host another community meeting, and Vice Mayor del Aguila thought that they should. The Chief of Police stated that HPD was available for that.

Traffic Calming

Vice Mayor del Aguila said that sadly, two teens were killed and three were injured that morning in a car crash nearby. He wanted to discuss traffic calming solutions for the town, stating it was a regional problem that was getting worse.

Councilmember Singh heard from a number of residents who thought the town should install speed cameras. The Town Manager stated they could not do that under state code.

Regarding traffic calming, the Town Manager stated they had to start with engineering and look at possible solutions that met the Virginia Department of Transportation (VDOT) standards. They could look at a “road diet,” which would include traffic calming measures to encourage vehicles to slow down. Enforcement was the second part of the equation. He stated that the town was looking at both aspects of this issue.

The Chief of Police stated traffic safety concerns were a statewide and nationwide issue, with the number of death and injuries at an all-time high. She had observed a change in driver behavior since COVID and thought that drivers were bolder. Public safety personnel staffing was also a concern across the country. For example, she referenced an article that stated traffic enforcement in the county was down 70 percent. HPD had not been impacted as much and they were being very proactive in writing tickets. HPD was still short-staffed, but other jurisdictions were facing greater shortages.

Responding to Vice Mayor del Aguila’s query about ideal traffic solutions, the Chief of Police said that she wanted to have enough officers dedicated to traffic enforcement and would like to optimize technology, like using the speed cameras

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that are used in other states. However, the town could not use speed cameras because of state legislation.

Vice Mayor del Aguila thought the Council should look at having more officers. He wanted to address the issue sooner rather than later.

The Town Manager agreed, and he thought it would also be worth looking at promoting legislation to allow speed cameras. He stated there were only certain places that HPD could do radar checks, and speed cameras would have a greater impact.

The Chief of Police added that speed cameras take bias completely out of who was stopped for potential violations.

Downtown Redevelopment

Vice Mayor del Aguila asked about an email the Council received about downtown redevelopment, and the Town Manager responded saying that staff would find it and put together a response.

Golf Course Rates

Vice Mayor del Aguila received an email about the golf course rates. He asked about the daily greens fee and the annual pass fee on behalf of that individual.

The Town Manager stated that he received a similar question. He reached out to the General Manager of the Golf Course, who said that Council adopted a 25 percent discount for residents on the daily rate for greens fees. It was the largest discount offered to town residents and the daily rate had been raised for non-residents to make up the difference. Regarding the annual pass, it is a flat rate, and price per round would depend on the number of rounds played. The annual pass rate fee structure had not changed, and it did not include a discount.

6. Mayor Olem:

Memorial Day

Appreciated the Memorial Day Observance at Chestnut Grove Cemetery, where she was joined by Councilmembers Friedrichs, Regan, and Singh. She went back to the cemetery later that day to see the Avenue of Flags and talked about how they took the flags down with reverence. Mayor Olem stated they would have the Avenue of Flags again in November for Veterans Day.

Councilmember Singh stated the display was quite majestic.

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Herndon High School (HHS) Graduation

Mayor Olem enjoyed attending HHS' graduation on June 1. She had missed having the event last year.

Herndon Carnival

Mayor Olem shared that she had a great time at the Herndon Carnival and stated that the weather had been great. She gave kudos to parks and recreation, public works, and HPD staff for working at the event. She also thanked Northwest Federal Credit Union, where the carnival was held.

COMMENTS FROM THE TOWN MANAGER

The Town Manager shared an update on the Center-Elden Street project, which should be completed in July. However, the streetlights would be delayed.

The Town Manager stated that the Sugarland Run stream restoration project was ready to be sent out for bid, but the town was notified that the federal government mandated a wood turtle assessment in the area. If these animals were found, the stream could only be worked on during one month of the year, which would likely stop the project. They were waiting for the assessment to determine next steps.

ADJOURNMENT

On motion of Councilmember Friedrichs, seconded by Councilmember Singh, and carried by a 6-0 roll call vote, the meeting of the June 7, 2022 work session was adjourned at 8:16 p.m. The vote was: Councilmembers Alam, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye." Councilmember Dhakal was absent.


Sheila A. Olem
Mayor


Amanda E.M. Kertz
Chief Deputy Town Clerk



Minutes approved by Town Council: September 13, 2022.

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NOTE:

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