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**HERNDON TOWN COUNCIL
Work Session
Wednesday, October 9, 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, October 9, 2019, at 7:00 p.m., there were present:

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

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Chief Maggie DeBoard, Herndon Police; Viki Wellershaus, Town Clerk; Page Kalapasev, Director of Information Technology; Jennie Tripoli, Director of Finance; Tammy Chastain and John Irish, Deputy Directors of Public Works; Dave Bracamonte, Operations Manager; and Margie C. Tacci, Deputy Town Clerk.

ANNOUNCEMENT

Mayor Merkel stated that there would be no presentations at next week's meeting.

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PUBLIC HEARINGS

1. **Ordinance, to authorize additional capital projects to be financed by the town's General Obligation Public Improvement Bonds, Series 2018B, by amending the provisions of a prior ordinance and prior resolution adopted by the Town Council on August 14, 2018.**

Mayor Merkel stated there would be a roll call vote on this item for next week's meeting.

The Director of Finance presented the staff report dated October 9, 2019. The proposed resolution would add language to the bond ordinance, specifically naming transportation and road improvements as viable projects for the bond funding. Some of the projects the town had borrowed for were delayed, and the proposed ordinance would broaden the purposes for which it could expend the Series 2018B Bond proceeds. She stated this was a housekeeping item and staff worked with bond counsel and the Town Attorney's office on it. Staff recommends approval of the proposed ordinance, as presented.

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

2. **Ordinance, to consider amending the Fiscal Year (FY) 2020 Adopted Budget.**

Mayor Merkel stated there would be a roll call vote on this item for next week's meeting.

The Director of Finance presented the staff report dated October 9, 2019. Typically, the Council acts on two amendments to the adopted budget for the current fiscal year. Staff was requesting an amendment of the Fiscal Year (FY) 2020 Adopted Budget in the second quarter of the fiscal year due for the following reasons: 1) awards of significant grants for paving and other capital projects 2) to request appropriations to implement General Fund projects that were given greater priority after the adoption of the FY 2020 budget 3) to transfer realized surpluses from the Information Systems Improvements Funds to the General Fund to partially fund such projects; and 4) to re-allocate funding to projects in the Capital Projects Fund, to reflect changes in expenditure estimates and timing. The Director of Finance reviewed the budget adjustments recommended for Council consideration. Staff recommends approval of the proposed ordinance, as presented.

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

In response to queries from Councilmember Friedrichs, the Director of Finance stated that there would be a small change in the fund balance. Staff was requesting approximately \$200,000 more in the General Fund for the security

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initiative and several other items. In the CIP fund, staff was primarily requesting movement of fund allocations.

The Town Manager stated that the town was receiving additional grants for repaving.

Vice Mayor Olem asked if staff could present a summary of the proposed increases and a line that showed where the money would come from. She asked if they could present this at next week's meeting.

The Director of Finance stated that a summary sheet was included in the legal advertisement for the newspaper and was in the staff report. She stated that she could display it at next week's meeting.

Councilmember McKenna thanked staff, especially the Town Manager and Director of Finance, for their hard work in streamlining the budget. He appreciated the way staff presented the information and stated that it was a better way to look at the town's finances.

3. Ordinance, to approve a lease of space in the Town's building at 397 Herndon Parkway to The Elden Street Players.

The Town Attorney presented the staff report dated October 9, 2019. The item was a proposed lease between the town and The Elden Street Players (aka NextStop Theatre) and a draft approving ordinance for consideration. The lease term would be for one year. The space would be used for rehearsals and rent for would be \$1.00 per term, consistent with leases for space in town buildings. Staff recommends approval of the proposed ordinance, as presented.

The Town Manager stated that NextStop has been using the lunch room in the Town Shop for a long time. There were concerns over insurance and over the group being in a secured space unaccompanied. He stated that the town had moved them to another space that was not reflective of the size of the stage. The space at 397 Herndon Parkway, which is also where Delegate Samirah has space, would meet the space requirements.

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

In response to queries from Vice Mayor Olem, the Town Manager explained the lay out of the building relative to this space and the Delegate's office.

There was a brief question and answer session between Councilmember Friedrichs, the Town Attorney, and Town Manager about the lease terms.

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Mayor Merkel stated that she spoke with Supervisor Foust about his office space at Old Town Hall. With the Risk Manager coming on board, the town would need the office space. He was aware that his liaison would be moving into space at this building as well.

The Town Attorney stated that she was not sure if Supervisor Foust's aide was aware of the new office arrangement.

Mayor Merkel stated that she spoke with Supervisor Foust earlier last week and he was going to advise his staff.

Mayor Merkel stated that it might be nice, down the road, if the town could have all the local elected officials in one place, as it could create some synergy.

GENERAL

4. **Resolution 19-G-63, to accept the State of the Town Report, Fiscal Year 2019.**

[Note: This item was continued from the Town Council's meeting on September 24, 2019.]

The Town Manager would provide the full report at next week's public hearing. The brochure highlighting the report had been provided to residents in the mail.

Following discussion and with the concurrence of Council, Mayor Merkel asked staff to move this item first on the agenda for next week's meeting.

ROUNDTABLE

1. **Councilmember Friedrichs:** Provided comments on the Virginia Municipal League (VML) Conference that Members of Council attended last weekend. She stated that the talks on scooters and the opioid crisis were informative. She enjoyed talking with her colleagues from across the state.
2. **Councilmember McKenna:** Stated that he attended the Grand Opening of Sprouts Market at 6:50 a.m. on Wednesday, October 2. A lot of people, along with Councilmembers Baker and Dhakal, were there. He stated that many attended the soft opening the day prior as well.

Councilmember McKenna stated that he spoke to the Attorney General of Virginia about the opioid crisis in the state and it was a very sobering conversation.

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3. **Councilmember del Aguila:** Stated that he enjoyed attending Bark Bash, hosted by the town's Department of Parks and Recreation. He stated that it provided a good way to communicate to town residents. He asked if there were things staff could do differently to promote town events like Bark Bash, because several individuals asked him about communication for town events. He would like to see Herndon promoted a little more.
4. **Councilmember Baker:** Echoed Councilmember Friedrichs' comments regarding the VML Conference this year. She enjoyed meeting with her colleagues. One of the things she noticed, with Herndon being the third largest town in Virginia, is that there are a lot of differences between the town and other towns in the state. She stated that she was proud to be part of the town and its organization. She reviewed several highlights from this year's conference, summarized below:

- **Scooters** – Councilmember Baker enjoyed Lime Scooters participating in the VML Conference. She stated that they had been a company for two years and were already on five continents and all over the country. She stated that Fairfax County was working to have scooters and that this was going to be something for the town to consider. She was aware an ordinance for scooters was on the docket in a few weeks, and she was glad that VML provided information about this topic. She looked forward to that discussion and to receiving input from the public and town staff.

The Chief of Police stated that the Herndon Police Department had been working on the scooter issue.

- **Opioid Crisis** – Councilmember Baker stated that the topic of the opioid crisis was a big part of the VML Conference. She stated that the guest speaker, the Mayor of Huntington, West Virginia, was excellent. She stated that town of 50,000 people was considered somewhat the epicenter of the crisis. She stated that she knows this has affected the town, but the Appalachian/Blue Ridge Mountain area has seen a major hit from opioids. She stated that the lesson she learned from the Mayor of Huntington was to adapt and change to a situation. This mayor's first response was to arrest individuals, but more people came in. He then moved his focus toward compassion and criminal justice reform.
- **Criminal Justice Reform** – Councilmember Baker stated that Attorney General Herring also spoke about criminal justice reform.

Councilmember Friedrichs stated that Attorney General Herring talked about not accepting the settlement from Purdue Pharma, because it was not enough.

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Councilmember Baker stated that there was a recommendation from the legislative committee to remove criminal or civil penalties for having a half ounce or less of marijuana.

Councilmember Baker stated that there are many different views across the state. She thought this VML Conference was one of the better conferences for discussing and hearing about topics that would impact Herndon and other communities.

5. **Vice Mayor Olem**: Echoed her colleagues' comments on this year's VML Conference. She summarized several topics that were discussed at the conference and the VML Mayor's Conference including:

- **Opioid Crisis** – She stated that she had been attending meetings about opioids for two years now. She stated that some of the legislators from Wise and Lee Counties were not thrilled with the West Virginia Mayor stating that the opioid crisis started there because those two counties also have a tremendous problem.
- **Stormwater** – Vice Mayor Olem stated that her favorite discussion at the conference was about stormwater funding. She stated there was money that town could apply for from federal agencies to assist with stormwater issues. She discussed how Ashland was able to get a substantial amount of money for stream restoration and to remodel its police department. She asked staff to consider applying for funds under this program.
- **Housing** – Vice Mayor Olem stated that she and the Town Manager left the housing discussion because massive neighborhoods were being discussed that did not apply to the town. She found out there was a smaller discussion for housing at the conference, which she planned to download.
- **Green Initiatives** – Vice Mayor Olem enjoyed the talk with the Virginia Green Initiative. At this talk, they discussed little things that could be done, for example looking at the number of computers in town that are left on all night. She stated that the town had implemented a lot of the suggested ideas.
- **Various** – Vice Mayor Olem stated that she enjoyed listening to the Governor and Attorney General of Virginia.

Vice Mayor Olem discussed the Mayor's Conference that was held prior to the VML Conference, where communication was discussed. She shared at the conference that the town had been successful at implementing community roundtables.

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6. **Mayor Merkel:** Echoed her colleagues' comments about this year's VML Conference. She summarized several topics that were discussed at the conference and the VML Mayor's Conference including:
- **Emergency Management** – Mayor Merkel stated that there were two sessions on emergency management that she attended with Vice Mayor Olem, and the Town Manager joined them on Sunday. She found the second talk to be especially informative. Other smaller jurisdictions may not have the same staff for emergencies as a place like the town. She stated that, however, these jurisdictions have the same FOIA requirements and mandates from the Commonwealth as the town. She stated that she does not know how they do it and looking at it from that perspective made her realize that the town was very fortunate.
 - **Town Section Chair** – Mayor Merkel stated that, surprisingly to her, she was elected as the Town Section Chair for VML. She stated she would represent the town and other Virginia towns well. She would like to look how VML could help smaller towns across the state.

Mayor Merkel stated that she missed the Sprouts Grand Opening, but she was really excited that they donated \$5,000 to Food for Neighbors.

Mayor Merkel asked staff about the new rules from Fairfax County regarding glass recycling. She stated that she has heard a lot from citizens who were concerned about it. She was aware that the county was looking for new "purple bin" locations, where residents could recycle glass, and she hoped that town could have one.

The Town Manager stated that the logistics of the purple bins were the issue for the county. He stated that county residents from Chantilly have to drive to the Reston location to recycle their bottles. He stated it was the logistics of the county picking up the glass from Herndon that made it difficult to have a location here.

Mayor Merkel asked if there was anything she and the Council could do about the situation.

Vice Mayor Olem stated that putting glass in the trash every once in a while could help to raise the temperature for the incinerators.

In response to queries from Councilmember Baker, the Town Manager stated that the glass policy was effective immediately.

Vice Mayor Olem stated that the town received no notice about the change.

Mayor Merkel stated that the change happened fast because she asked a question about the policy for a citizen, and then had to change her response two days later.

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In response to queries from Councilmember Baker, the Deputy Director of Public Works stated that if residents could put their glass in the refuse bins, that would be easier for her staff with the change in the county's policy.

COMMENTS FROM THE TOWN MANAGER

The Town Manager also discussed his experience at the VML Conference this year. He enjoyed the conference and found the sessions to be very informative. He stated that he missed the stormwater session, and as difficult as the opioids discussion was, even more so was the discussion he attended about police mental health. He stated that 265 law enforcement officers take their lives each year. He stated that it is a crisis. Fairfax County was working to create a culture that destigmatizes those that seek mental health help and counseling. They want officers to know that, if they do that, they are not going to lose their badge and gun. At the VML session, a video was shown of an Arlington County Police Officer who went to take his life, but did not, and he was able to get the help he needed to continue doing his job. He stated this was a topic that was worth keeping an eye on.

The Town Manager stated that of all the sessions he attended, the best idea he had the entire weekend was on sponsor night, when he was hanging out with the City of Roanoke Department of Public Works staff. He stated they gave him a great idea on refuse routes that he passed along to the town staff.

CLOSED MEETING

On motion of Councilmember McKenna, seconded by Vice Mayor Olem, and carried by unanimous vote, the Herndon Town Council went into Closed Meeting at 7:30 p.m., under Section 2.2-3711(A)(1), of the Code of Virginia, for discussion of prospective candidates relative to appointments to boards & commissions.

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

RECESS

At 7:30 p.m., Mayor Merkel called a brief recess, and at 7:39 p.m., the closed meeting reconvened in Herndon Council Chambers Building, all members present and with Mayor Merkel presiding.

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CLOSED MEETING (CONTINUED)

On motion of Vice Mayor Olem, seconded by Councilmember Baker, and carried by unanimous vote, the Herndon Town Council reconvened in public session at 8:01 p.m.

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

On motion of Vice Mayor Olem, seconded by Councilmember Friedrichs, and carried by unanimous vote, the Herndon Town Council approved the following Certification of Closed Meeting.

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

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

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ADJOURNMENT

There being no further business, the meeting adjourned at 8:02 p.m.



Lisa C. Merkel
Mayor



Amanda M. Kertz
Deputy Town Clerk



Minutes approved by Town Council: October 29, 2019.