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**HERNDON TOWN COUNCIL
Work Session Meeting Minutes
Tuesday, July 5, 2022**

The Town Council held a work session meeting on Tuesday, July 5, 2022 at 7:00 p.m. in the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia. In attendance were: Mayor Sheila A. Olem; Vice Mayor Cesar del Aguila; and Councilmembers Naila Alam, Pradip Dhakal, Signe Friedrichs, Sean M. Regan, and Jasbinder Singh.

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Chief Maggie DeBoard, Herndon Police; Cindy Roeder, Director of Parks and Recreation; John Irish, Deputy Director of Public Works; Lauri Sigler, Deputy Town Attorney; Mark Duceman, Transportation Program Manager; Jaleh Moslehi, Capital Projects Planner; Dave Bracamonte, Systems Manager; and Margie Tacci, Deputy Town Clerk.

CALL TO ORDER

1. Roll Call & Determination of Quorum

Mayor Olem called the work session to order at 7:00 p.m. and asked the Deputy Town Clerk to call the roll for attendance. Following the roll call, Mayor Olem confirmed a quorum was present.

Mayor Olem asked Council to observe meeting decorum by showing their hand to be recognized by the chair for comments. She reminded those participating to follow the Meeting Guidelines, which include: refrain from threatening or intimidating language; profane, vulgar, obscene, or threatening remarks are not permitted; and attacks or harmful remarks against are not tolerated.

**July 5, 2022
(work session)**

Comments and Disclosures for the Record

Mayor Olem presented the Town's proclamation recognizing LGBTQ+ Pride Month at an event with the Dulles Triangles last week. She was proud that the Town has recognized Pride Month since 2014. The organization had been excited to receive the proclamation.

Mayor Olem enjoyed the Town's July 4th Celebration and fireworks yesterday. She expressed kudos to staff for putting up road closure signs to protect the spectators.

Mayor Olem asked Margie Tacci, Deputy Town Clerk, if she received comments for the record or Transactional Disclosure Declarations from Council on any items listed on that evening's agenda. Ms. Tacci stated that general comments were received for the record and that no additional public comments or disclosures from Council were received.

PUBLIC HEARING

2. Ordinance 22-O-17, to approve the conveyance and assignment of easements to Washington Metropolitan Area Transit Authority (WMATA) for construction and maintenance of rail facility improvements associated with the Herndon Metrorail Station that is part of the Dulles Corridor Metrorail Project Phase 2

Mayor Olem recognized Lauri Sigler, Deputy Town Attorney, who presented the staff report and PowerPoint dated July 5, 2022. The proposed ordinance and agreement would approve the conveyance of surface, utility, and pedestrian bridge easements over and across a town-owned parcel of land to the Washington Metropolitan Area Transit Authority (WMATA) for construction and maintenance of rail facility improvements.

Ms. Sigler reviewed owners of the easements and the easements the Town would convey, as well as maintenance responsibilities. There is no financial impact associated with the conveyance and assignment of the easements, but the Town was responsible for some of the maintenance costs. Staff recommends approval of the proposed ordinance, as presented.

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

Responding to Councilmember Friedrichs, John Irish, Deputy Director of Public Works, stated that a planned trail to Metro would connect to several of the easement areas.

In response to queries from Councilmember Regan, Ms. Sigler pointed out the promenade area and pedestrian access to the station.

**July 5, 2022
(work session)**

There was a brief question and answer session between Councilmember Singh and Ms. Sigler about bicycle facilities. Ms. Sigler pointed out bicycle racks and lockers that would be located on town property.

Mayor Olem clarified that the Council had reviewed the bicycle facilities at the last set of meetings and further information was included in the June agenda packets.

GENERAL

3. Resolution 22-G-42, to Adopt Parks and Recreation Fee Waiver Procedure

Cindy Roeder, Director of Parks and Recreation, presented the staff report dated July 5, 2022, which is on file in the Town Clerk's office. She outlined the Recreation Fee Waiver Policy, which started in 1991, along with the department's scholarship program. The Town paused the program during the pandemic and staff would like to reinstate it, with some proposed improvements.

The program offers a fee-waiver for participants enrolled in federally funded low-income programs. Prior to 2010, Northern Virginia Family Services, and later Reston Interfaith (now Cornerstones), processed the fee waiver eligibility and funding. Since 2010, Parks and Recreation staff has managed the program.

Ms. Roeder reviewed staff's proposed changes to the program:

- Only residents would be eligible for the waiver (like other Northern Virginia jurisdictions);
- Provide a 50 percent fee reduction for participants ages 17 and under;
- Provide a 25 percent fee reduction for participants ages 18 and older;
- Declare that ten-visit admission passes are eligible for the fee reduction;
- Have the fee waiver available for programs and classes meeting three times or more, and not available for classes or programs meeting two times or less;
- Eligibility criteria could include a letter from Fairfax County or the State that shows the family's income falls below the Federal Poverty Level; and
- Staff would review documentation of eligibility and would not store those documents.

Ms. Roeder stated that from 2018 to 2019, 705 requests were processed and \$41,000 in fees were waived. The program was allocated \$10,000 in the FY 2023 budget. Ultimately, staff would like to end the scholarship program once the remaining funds

**July 5, 2022
(work session)**

are used, while continuing the Recreation Fee Waiver Policy program. Staff recommends approval of the proposed resolution, as presented.

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

In response to queries from Councilmember Friedrichs, Ms. Roeder said that typically, registration was comprised of 65 percent non-resident and 35 percent resident. The scholarship numbers have varied over the years, with most of the funding going toward summer camp programs. She stated that in the last few summers, Cornerstones paid the difference between the fee waiver and registration fee for the summer camps.

There was a brief question and answer session between Vice Mayor del Aguila, Ms. Roeder, and Mr. Ashton about administration and funding for the program.

In response to queries from Vice Mayor del Aguila, Ms. Roeder clarified that the funding for this program would come from the Department's budget to which Vice Mayor del Aguila recommended doubling the amount as the number of programs increased.

Responding to the discussion, Mr. Ashton stated that focusing the program on residents should free up some of the funding already allocated. He recommends seeing what the program looks like after one year and then assessing the situation. Regarding non-residents, Mr. Ashton stated that there were a lot of individuals who participated in the program from Fairfax and Loudoun counties. He suggested that the Council consider if town taxpayers should pay for nonresidents to take part in the fee waivers.

Vice Mayor del Aguila believed nonresidents who use town facilities would spend money elsewhere. He thought there was a middle ground between giving nonresidents the full discount and not allowing them to participate in the program.

Mayor Olem provided brief comments about nonresident participation in the program.

In response to queries from Councilmember Alam, Ms. Roeder stated that almost all other jurisdictions in the area limited the fee waiver program to their residents.

Councilmember Dhakal expressed support for increasing funding for the program to \$20,000 or \$21,000.

Responding to the discussion, Mr. Ashton stated he would like to keep the program at \$10,000 for now and have staff evaluate the situation after implementation. If necessary, he could transfer some funding to the program.

Councilmember Friedrichs thought that if every other jurisdiction offered the discount only to their residents, the Town should follow the same process. She supported not turning anyone away from the program, and for Mr. Ashton to come back to Council if they needed to authorize more funding.

**July 5, 2022
(work session)**

In response to Councilmember Singh, Mr. Ashton stated that staff was presenting these changes because they wanted the Council to review the program from a policy perspective.

Responding to queries from Councilmember Friedrichs about the scholarship fund, the Director of Parks and Recreation stated it was inconsistent and it was difficult for a member of staff ask the community for donations. Councilmember Friedrichs suggested that a nonprofit or civic group could take on the scholarship program, and Mr. Ashton agreed that the Town would welcome that assistance.

Following discussion and with the concurrence of Council, staff was directed to place this item on the Consent agenda for the next meeting.

4. Resolution 22-G-47, to endorse and approve the submission of a funding application to the Virginia Department of Transportation (VDOT) for FY26-FY27 Smart Scale Funding to be directed towards the project titled *'Herndon Parkway Improvements at Worldgate Drive Extension'*

Mayor Olem recognized Ms. Moslehi, Capital Projects Planner, who presented the staff report and PowerPoint dated July 5, 2022, which are on file in the Town Clerk's office. The proposed resolution will authorize a revised Smart-Scale funding application for multimodal improvements at Herndon Parkway and Worldgate Drive Extension intersection. The Council adopted a resolution authorizing a Smart-Scale grant for this project on May 24, 2022. Since then, the Virginia Department of Transportation (VDOT), who administers the funds, recommended that staff add projects in the application. This included the future Worldgate Drive Extension - connecting Van Buren Street to Herndon Parkway, signalized intersection of Herndon Parkway and Worldgate Drive Extension, and right-of-way acquisition costs. If adopted, the proposed resolution would supersede the previously adopted Resolution 22-G-37. The amount requested in the revised application would total \$22.1 million. The Town does not have to provide matching funds and staff recommends approval of the proposed resolution, as presented.

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

Councilmember Singh expressed concern about the traffic in the area and asked for an updated traffic analysis. Mr. Ashton said that staff could look at what had been done in the past and advise the Council.

Vice Mayor del Aguila thought the improvements would be helpful in the area and asked about the funds coming from CMAQ, to which Mr. Duceman stated it was \$3.4 million.

Responding to the discussion, Mr. Ashton stated that the Northern Virginia Transportation Authority (NVTA) has a federal approval process for congestion mitigation.

**July 5, 2022
(work session)**

Councilmember Singh requested a copy of the current traffic analysis.

Following discussion and with the concurrence of Council, staff was directed to place this item to the Consent agenda on the next meeting agenda.

DISCUSSION

5. Options for Changing Town Elections

Mayor Olem recognized Lesa Yeatts, Town Attorney, who presented a PowerPoint dated July 5, 2022, which is on file in the Town Clerk's office. She provided an overview of the following potential changes to the Town's elected terms of office:

- increasing terms of office;
- staggering terms of office;
- term limits; and
- creating town voting districts.

Ms. Yeatts briefly reviewed the charter amendment process, which was needed for several of the proposed changes. The Council could amend the charter by referendum or through the public hearing process, which was the step that she recommended.

In tonight's discussion, Ms. Yeatts requested Council's direction on any of the proposed changes and/or continuing research on the possibilities that she presented. She indicated that Councilmember Singh put forward an idea to have six Councilmembers, with the mayor running at-large. She would have to research that possibility, and while it was a bit unusual, she believed it could be done.

Vice Mayor del Aguila discussed voting districts, which he believed were about representation. He liked the choice on its merits, but he thought that the Town would use the three existing precincts as districts.

Councilmember Dhakal echoed Vice Mayor del Aguila's comments on representation through voting districts. However, he questioned how much value voting districts would add to a town that is 4.2 square miles.

Councilmember Regan was not sure how he felt about these options. He wanted to know what the citizens thought about any election changes.

Councilmember Friedrichs stated that she was not in favor of dividing the Town into wards. While she understood the purpose, she thought it was too complicated for a small town. She hoped that more people from different areas of town would run for Council, and she thought it was moving in that direction. She stated that she had not heard anyone outside of the Council talk about this.

**July 5, 2022
(work session)**

Mayor Olem discussed how issues in one area apply across the Town. She thought that splitting the Town into districts would divide the town and believes that setting up voting districts would be detrimental to the Town.

Councilmember Singh stated that he heard citizens in the "outlying areas" say they felt like they were not represented. It was his opinion that, "Once you have these districts, there will be less emphasis on the teams, because then it's a negotiation between the districts and the people representing them." He thought it would be a more positive direction for the Town.

Mayor Olem stated that the Council had to agree before proceeding with any changes. She asked Council if they wanted to move forward with: (1) increasing the terms, (2) staggering terms, (3) limiting terms, and/or (4) voting districts. She understood that any of these changes would take considerable staff time and energy. She asked Ms. Yeatts when these items could potentially be ready for Council's review.

Responding to Mayor Olem, Ms. Yeatts stated it would be several months before any of these items could be ready for Council's review.

Mayor Olem asked if members of Council wanted to increase the terms and if that included staggered terms.

Councilmember Friedrichs wanted to ask the residents if they wanted longer terms and/or staggered terms. She would need a lot of input from the residents with any election change.

Vice Mayor del Aguila liked the idea of putting these questions on the ballot. Councilmember Friedrichs asked if he was suggesting a special election.

Vice Mayor del Aguila stated he wanted to ask citizens directly if they want four-year terms, staggered terms of office, or voting districts. He thought that using a referendum would take some of the burden off staff. Councilmember Friedrichs asked for clarification on how that would lessen staff's burden.

Responding to the discussion, Ms. Yeatts stated that a referendum would still take a significant amount of staff time. While the election is carried out by Fairfax County, staff must set up the referendum and present it to the public. There was not enough time to put the matter on the ballot for the upcoming November election.

Responding to Councilmember Singh's queries, Ms. Yeatts stated that any potential changes would probably be determined by the incoming Council. The two things that the sitting Council could consider acting on would be increased and staggered terms.

In response to Councilmember Friedrichs' queries, Ms. Yeatts replied that the incoming Council would have discretion over anything that this Council set up for the future. She

**July 5, 2022
(work session)**

thought that the current Council could get started on any of the options being discussed that evening.

In response to queries from Councilmember Dhakal, Ms. Yeatts outlined the referendum process. Staff would need to understand what the Council wanted to pursue, follow the state code processes, and publish the text in the newspaper prior to the election. Staff would have to write the related ordinances, except for the one that required an amendment to the constitution.

Mayor Olem reminded Council if they would like to see any of the changes, the Council must verbalize it to staff. She reviewed the potential four-year staggered term process, which included the Councilmembers with the three lowest votes serving a two-year term, and then in two years, those seats would be up for a four-year term. After that, every election was a four-year term, with the elections occurring every two years. The mayor would run once every four years and then half the Council would run every two years. Ms. Yeatts agreed that was the most accepted process.

Councilmember Regan wanted to follow the will of the people, which he believed could be done through a ballot initiative. He understood there was a lot of work involved, and he thought the Council needed to understand what the citizens wanted. He suggested holding a public discussion, but he also wanted to consider other ways to ascertain public opinion.

Mayor Olem asked Council to give their opinions on four-year terms.

Councilmember Singh believed that four-year terms would be more stable and thought the Council should act on it.

Mayor Olem clarified that moving forward with an item meant staff would gather more information and possibly place it on an agenda for Council's consideration.

Responding to Mayor Olem's comments, Ms. Yeatts thought that moving an item forward meant that staff would bring an ordinance to the Council in September or October. If that were approved, the Town's state representatives would have to propose it at the General Assembly.

In response to queries from Mayor Olem, Ms. Yeatts stated that the Council could start the processes for the other options but could not finalize them. Any items passed by the General Assembly would take effect in July 2023, and an increased and staggered term would not apply until 2024.

Councilmember Friedrichs thought that four-year staggered terms were reasonable, but she wanted to hold public discussions before a referendum.

**July 5, 2022
(work session)**

Mayor Olem gathered that the Council was discussing having staff bring forward the four-year staggered term option to the Council this fall. She asked if the Council wanted to discuss other options that want to bring forward.

Councilmember Dhakal asked about the election districts, to which Councilmember Singh stated that he prefers it, but it depends on what the entire Council thought. Vice Mayor del Aguila highlighted the complexity of adding election districts.

Councilmember Friedrichs thought that the next Council should consider the matter of districts, since it would be a significant change.

Councilmember Regan thought the sitting Council could begin the four-year staggered term process and potentially hold a public hearing. He suggested that could call attention to the matter for the incoming Council.

In response to queries from Mayor Olem and Councilmember Friedrichs, Ms. Yeatts stated that the succeeding Council can pull the bill, even if the current Council sends it to the General Assembly. She cautioned that could waste some of the Town's political capital.

Councilmember Friedrichs did not think a future Council would want to withdraw a bill that the current Council sent to the General Assembly, but she emphasized that the Council should not proceed with anything that the citizens did not support.

Mayor Olem asked Ms. Yeatts if she had enough direction to move forward.

Ms. Yeatts stated her understanding was that staff would bring forward ordinances this fall regarding four-year staggered terms as discussed, and the other items were tabled.

Councilmember Singh understood that the other options would be under the next Council's purview.

ROUNDTABLE

Councilmember Dhakal: Wished those in attendance a Happy Independence Day. He enjoyed the Town's July 4th Celebration and expressed kudos to staff for a great event.

Councilmember Alam: Stated that she attended a recent Taekwondo Championship on behalf of the Town.

Councilmember Friedrichs: Stated that several Councilmembers heard from citizens who were disappointed with recent changes to the Golf Course fee schedule. She reviewed some of the fees mentioned in staff's presentation on March 28, where she thought that residents were supposed to receive a ten percent discount. She asked for clarification and asked if this were a policy they could reinstate.

**July 5, 2022
(work session)**

Mr. Ashton said that he would work with staff to answer Councilmember Friedrichs' questions.

Councilmember Friedrichs also heard that seniors were not receiving the discount they used to get at the pro shop. She stated, for the record, that Council did not remove that. Mr. Ashton agreed.

Councilmember Friedrichs asked Mr. Ashton if it would fit into the Town's budget to reinstate the resident discount.

Mayor Olem recalled there was a lot of discussion about the discounted fees for residents.

Councilmember Friedrichs thought some of the confusion came from the difference between day and annual passes.

Councilmember Singh: Stated that he thought the golf course fees was a discussion item. He echoed Councilmember Friedrichs' comments about the golf course fees for seniors and residents.

Councilmember Singh stated that he was able to see the Town's fireworks from a spot near his house and he enjoyed the display.

Councilmember Regan: Echoed Councilmembers Friedrichs' and Singh's concerns about the golf course rates. During the conversation on this topic, he stated that he was very focused on the residents' daily rate, so he did not think a lot about the annual rate. At that time, he had not noticed if there had been a change in what staff had proposed.

Vice Mayor del Aguila: Echoed his colleagues' comments and stated that he wanted to correct the golf course fees.

Vice Mayor del Aguila echoed his colleagues' comments about the fireworks display. He said that several residents were concerned about the traffic pattern on Lynn Street during the fireworks, and he told them he would bring it up during a Council meeting.

Mayor Olem: Stated that she was pleased to announce that her grandson had been born that afternoon.

Comments from the Town Manager

Mr. Ashton shared that the Town's fireworks display almost had not happened due to a shipment delay in New York. Staff had been scrambling, but thankfully, it worked out.

Mr. Ashton relayed that staff was working with the Department of Environmental Quality (DEQ) on mitigation. He reported that the engineering staff was going ahead with the mitigation program exactly how the DEQ prescribed.

**July 5, 2022
(work session)**

Mr. Ashton stated that staff planned to have several road projects completed by the end of July. This included handicap ramps at Center and Elden streets, stormwater management, and utility installation. He stated that the bus bays project at the Herndon Metro Station was almost complete. Staff was waiting on Dominion Virginia Power to energize the lights. He offered kudos to staff for their work on these projects.

Additionally, Mr. Ashton stated that the Silver Line had been turned over from the Metropolitan Washington Airports Authority (MWAA) to the WMATA. This was a signal that the line was moving to the testing phase and would hopefully open soon.

Mr. Ashton stated that he received questions about flags not being displayed in town. The flags had not been flown on the Town's poles for years, and he thought it was potentially a labor shortage issue. He was looking into the matter and would give Council an update.

Vice Mayor del Aguila asked what the cost would be to display the flags, and the Town Manager replied he had to figure out the labor costs.

Mayor Olem stated that the flags were not displayed at the Exxon station in town anymore because the building had changed ownership.

Mr. Ashton stated that one of the emails asked about residents flying their own flags, which was not necessarily a town issue.

Councilmember Friedrichs shared that she responded to one of the emails, and the citizen affirmed that the flags had been flown on town posts. Mr. Ashton replied that had not been done for several years.

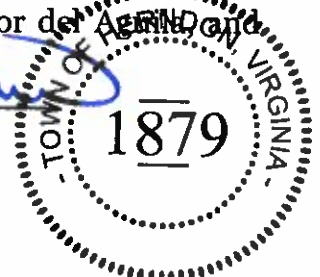
Mayor Olem recalled that the flags were put up after September 11, and Mr. Ashton stated they could look into putting up the flags again.

ADJOURNMENT

Councilmember Friedrichs moved to adjourn the meeting of the July 5, 2022 work session at 9:43 p.m., and Councilmember Dhakal seconded the motion. The question was called on the motion which carried by unanimous roll call vote. The vote was: Councilmembers Alam, Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye."


Sheila A. Olem
Mayor


Amanda E.M. Kertz
Chief Deputy Town Clerk



Minutes approved by Town Council: October 25, 2022

**July 5, 2022
(work session)**

NOTE:

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