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**HERNDON TOWN COUNCIL
Work Session
Tuesday, January 21, 2020**

At a regular meeting of the Town Council of the Town of Herndon, Virginia, held in the Herndon Council Chambers Building, at 765 Lynn Street, Herndon, Virginia, on Tuesday, January 21, 2020, 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;
- Councilmember Bill McKenna;
- Commissioner C. Melissa Jonas, Planning Commission Chair;
- Commissioner George Burke, Planning Commission Vice Chair;
- Commissioner Marcia M. Bouchard;
- Commissioner Paul C. LeReche;
- Commissioner Kevin G. Moses;
- Commissioner Sean Regan; and
- Commissioner Michael G. Romeo.

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Lauri Sigler, Deputy Town Attorney; Chief Maggie DeBoard, Herndon Police; Elizabeth Gilleran, Director of Community Development; Page Kalapasev, Director of Information Technology; Cindy Roeder, Director of Parks and Recreation; Scott Robinson, Director of Public Works; Tammy Chastain and John Irish, Deputy Directors of Public Works; Jennie Tripoli, Director of Finance; Anne Curtis, Chief Communications Officer; Dana Heiberg, Senior Planner; David Roscoe, Cemetery Manager; Mike Farr, Utility Manager; and Margie C. Tacci, Deputy Town Clerk.

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JOINT WORK SESSION WITH PLANNING COMMISSION

1. **Joint work session b/n Town Council and Planning Commission, six-month review of the FY 2020-2025 Capital Improvement Program (CIP) project status.**

Mayor Merkel welcomed Members of the Planning Commission. She recognized the Deputy Director of Public Works for the staff report.

The Deputy Director of Public Works presented a PowerPoint dated January 21, 2020, which is on file in the Town Clerk's office. He reviewed the town's project model, processes, and highlighted the 2019 CIP and non-CIP accomplishments, along with several projects that were underway. He stated that not all of the information applies to every CIP project, but does provide the general framework. He clarified that professional services refer to outside assistance from professional consultants such as engineers and architects. He stated most projects start very early in the CIP process and are meant to be reflective of the Comprehensive Plan of the town, and he gave an overview of how a project would get started and go through the processes.

The Deputy Director of Public Works highlighted CIP accomplishments from January 2019 to December 2019 which included: Downtown area projects, Metrorail improvement projects, VDOT projects, W&OD trail lighting, Herndon Municipal Center generator, downtown sidewalk replacement, Chandon Park trail, Herndon Police Department server room, HVAC upgrade, HMC Community Development Office, Sugarland Run, and completed projects as listed in staff's PowerPoint.

The Deputy Director of Public works also highlighted other non-CIP projects such as installing WIFI, a security initiative assessment, and paving. He also stated upcoming projects would include projects listed on the FY2025 project summary sheet and highlighted some including the downtown redevelopment and stream restoration in Sugarland Run.

The Deputy Director of Public Works reviewed the CIP chart and summary sheet included in the staff's PowerPoint. The PowerPoint detailed the projected status for the FY 2020-2025 CIP projects.

The Deputy Director of Public Works briefly reviewed the slide outlining the 2020-2025 downtown projects.

There was a brief question and answer session between the Deputy Director of Public Works and Councilmember McKenna about the price of signs, item #11.

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Councilmember Friedrichs asked for clarification on the location of a project and asked about the order of the CIP projects. In response to Councilmember Friedrichs queries, the Deputy Director of Public Works clarified that the numbers were historically sequential but were no longer listed sequentially but with numbers specific to the CIP.

The Senior Planner stated that they were working on using functional areas such as multi-modal, infrastructure, and Parks & Recreation.

The Town Manager stated he was unsure if they would group them by functional area.

Councilmember Friedrichs asked if the new numbers would be sequential, and the Deputy Director of Public Works and Town Manager stated that the numbers were for staff identification.

Councilmember Baker asked about estimated reserves, particularly in relation to item #10, and she and the Deputy Director of Public Works had a brief question and answer session about total costs and what has been spent so far. Councilmember Baker asked when the details of the chart would be updated, and the Deputy Director stated that the updates, since the last report, would be part of the mid-year CIP report and would reflect what has been accomplished.

Councilmember del Aguila asked questions about active stages on page three. The Deputy Director of Public Works responded that those should be active stages. Councilmember del Aguila suggested the addition of another column on page/slide 10 that would signify how long a project has been in a certain status.

The Deputy Director of Public Works stated that the CIP right now is formatted with a forward look to show projects that will happen in future years.

Councilmember del Aguila suggested a combination, of forward looking and looking back, be used to know what stage a project is in.

The Deputy Director of Public Works stated a piece of that information was in the CIP project sheets.

Councilmember del Aguila stated these additions would be helpful.

Mayor Merkel asked for clarification from Councilmember del Aguila and stated she agreed that, if it would be feasible to do that, it may be good to push forward, but she understood the document was more complicated than simple columns.

Chair Jonas stated that these projects are not exactly linear which could make that a difficult process.

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Councilmember del Aguila stated that he wanted to be able to see if a project was stuck in a certain stage for a reason for a long duration.

Mayor Merkel clarified their purpose at that time was to see what was done last year and what was coming up for the new budget. She suggested looking into the CIP comprehensively later.

The Deputy Director of Public Works stated their purpose that night was to present a snapshot of where they were in this fiscal year and does not go in-depth like the CIP report Council would see later.

Vice Mayor Olem stated that ten years in a municipality is a blink and referenced lighting on the W&OD trail. She stated she would not want to see things taken off just because they had been on the list for awhile.

Mayor Merkel stated she didn't think that was what was being suggested.

Commissioner Sean Regan asked questions about the trails and bus bay projects in the metro area and their start dates, one with a complete date in 2020 and the other with a start in 2020. He asked the Deputy Director of Public Works if he knew how long that construction duration would be.

The Deputy Director of Public stated the trail had been intended to be complete by 2020 and should take four to six months depending on the time of the year. He stated that bus bays will take much longer. The intent for the bus bays would be for bids mid-year in 2020. He stated that project should be substantially complete by the end of the year, but it could slide into the beginning of 2021.

Commissioner Regan asked if there was a contingency plan if the metro opens without bus bays there to receive buses. The Deputy Director did not have an answer for that question, but he stated he knew Community Development had conversations with Fairfax Connector. He stated he could find more information out for Commissioner Regan.

Commissioner Regan asked what the trigger for the Worldgate extension would be.

The Director of Community Development stated it was part of the Herndon Transit-Oriented Core (HTOC) development, and when you get to a certain point that shows you might have traffic failures. She also stated the fact there are three property owners involved would probably make that process timing uncertain.

Mayor Merkel thanked the Planning Commission for their input in the work session discussion.

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RECESS

At 7:27 p.m., Mayor Merkel called a brief recess, and at 7:30 p.m., the work session reconvened in Herndon Council Chambers Building, all members of the Town Council present, and with Mayor Merkel presiding.

PRESENTATIONS

1. **Certificate of Appreciation, to recognize Eric Fielding, member of the Architectural Review and Heritage Preservation Review Boards; and**
2. **Proclamation, to recognize "African American History Month," February 2020.**

There were no comments on the presentations, which were scheduled for the January 28, 2020 public hearing.

PUBLIC HEARINGS

3. **Ordinance, to authorize the use of eminent domain for the acquisition of temporary and power utility easements on property owned by James R. Lee, Tax Map #: 0162-22-0006 for public use by condemnation for transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway, Herndon;**
4. **Ordinance, to authorize the use of eminent domain for the acquisition of a temporary easement on property owned by Virgilio Vasquez and Maria L. Vasquez, Tax Map #: 0162-22-0005 for public use by condemnation for transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway, Herndon;**
5. **Ordinance, to authorize the use of eminent domain for the acquisition of a temporary easement on property owned by Virgilio Vasquez and Maria L. Vasquez, Tax Map #: 0162-02-0151A for public use by condemnation for transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway, Herndon;**
6. **Ordinance, to authorize the use of eminent domain for the acquisition of a fee simple interest and a temporary easement on property owned by Alvin J. Cosmo and Elise L. Cosmo, Tax Map #: 0162-22-0019 for public use by condemnation for transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway, Herndon;**

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7. Ordinance, to authorize the use of eminent domain for the acquisition of a fee simple interest, permanent and temporary easements on property owned by Tu-Anh N. Nguyen, Tax Map #: 0162-22-0020 for public use by condemnation for transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway, Herndon;
8. Ordinance, to authorize the use of eminent domain for the acquisition of temporary, permanent, and power utility easements on property owned by St. Timothy's Church, Episcopal, Tax Map #:0162-02-0153 for public use by condemnation for transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway, Herndon;
9. Ordinance, to authorize the use of eminent domain for the acquisition of temporary and power utility easements on property owned by Nichole F. Lopes and Patrick T. Lopes, Tax Map #:0162-06-0002 for public use by condemnation for transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway, Herndon;
10. Ordinance, to authorize the use of eminent domain for the acquisition of a permanent easement on property owned by James Passmore and Alia M. Bowen, Tax Map #: 0162-06-0001 for public use by condemnation for transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway, Herndon;
11. Ordinance, to authorize the use of eminent domain for the acquisition of a temporary easement on property owned by Cleveland Woods Jr. and Sheila S. Woods, Tax Map #:0162-06-0016 for public use by condemnation for transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway, Herndon;
12. Ordinance, to authorize the use of eminent domain for the acquisition of a temporary easement on property owned by Bernice Miller and Stephanie Miller Crum, Tax Map #:0162-02-0141A for public use by condemnation for transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway, Herndon;
13. Ordinance, to authorize the use of eminent domain for the acquisition of a temporary easement on property owned by Bernice Miller and Stephanie Miller Crum, Tax Map #:0162-02-0141D for public use by condemnation for transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway, Herndon; and

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14. **Ordinance, to authorize the use of eminent domain for the acquisition of a temporary easement on property owned by Prasad Alapati and Santi Yarlagadda, Tax Map #:0162-02-0312C for public use by condemnation for transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway, Herndon.**

Mayor Merkel stated that the next 12 ordinances related to transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway. She would ask staff for concurrent staff reports on all 12 items at the work session and at the public hearing, with separate public hearings and roll call votes at next week's meeting.

The proposed ordinances were to authorize the use of eminent domain for the acquisition of temporary and power utility easements for Van Buren Street from Spring Street to Herndon Parkway, on property owned by:

- James R. Lee, Tax Map 0162-22-0006 ;
- Virgilio Vasquez & Maria L. Vasquez, Tax Map 0162-22-0005;
- Virgilio Vasquez & Maria L. Vasquez, Tax Map 0162-02-0151A;
- Alvin J. Cosmo & Elise L. Cosmo, Tax Map 0162-22-0019;
- Tu-Anh N. Nguyen, Tax Map 0162-22-0020;
- St. Timothy's Episcopal Church, Tax Map 0162-02-0153;
- Nichole F. Lopes & Patrick T. Lopes, Tax Map 0162-06-0002;
- James Passmore & Alia M. Bowen, Tax Map 0162-06-0001;
- Cleveland Woods Jr. & Sheila S. Woods, Tax Map 0162-06-0016;
- Bernice Miller & Stephanie Miller Crum, Tax Map 0162-02-0141A;
- Bernice Miller & Stephanie Miller Crum, Tax Map #:0162-02-0141D; and
- Prasad Alapati & Santi Yarlagadda, Tax Map 0162-02-0312C.

Mayor Merkel recognized the Deputy Director of Public Works for the staff report. The Deputy Director of Public Works presented the staff reports concurrently dated January 21, 2020, which are on file in the Town Clerk's Office. He provided an overview of the projects, utility relocation, and timeline.

The Deputy Director of Public Works stated the majority of these are needed for right-of-way and temporary construction easements, and the plan is to advertise construction in late spring with the project being complete by winter of 2021.

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The Deputy Director of Public Works turned over the report to the Deputy Town Attorney. She provided an overview of the certificates and deeds of the properties. She stated that original offer letters were sent in the end of August and beginning of September in 2019. The Deputy Town Attorney stated the mortgage lenders need to sign off for residents and there were several owners having trouble getting the paperwork turned over. She further detailed the requirements and the process that had been followed thus far. The transaction thus far had been ineffectual, so staff recommended going forward with condemnation.

The Deputy Town Attorney detailed the process and the timeline necessary and stated a notice of the intent to file a certificate of take had been sent January 9, 2020. She stated that the earliest the certificate could be filed would be between February 10, 2020 and February 21, 2020. The Deputy Town Attorney also stated other outreach had been provided in the form of letters that went out December 5, 2019.

The Town Manager stated there had been other, informal communication between the town and the property owners in addition to the formal, legal letters. He stated Phase 1 must be secure before Phase 2 can get started.

Councilmember Friedrichs provided comments on the terminology used in the letters.

Mayor Merkel clarified that the mortgage companies were the main hang up in the process.

In response to queries from Councilmember Baker concerning St. Timothy's and timing, the Deputy Town Attorney clarified a church is owned by trustees and how eventual court orders would be needed before they could move forward. The Deputy Director of Public Works answered Councilmember Baker's questions about timing and the process.

Councilmember McKenna provided comments on eminent domain laws in Virginia for those listening at home.

In response to queries from Councilmember del Aguila about how many of the properties listed were being held up because of the mortgage lenders, the Deputy Town Attorney confirmed all of the listed properties were being held up, and she clarified the procedures and code being followed.

There were further comments from Council and staff about the process being followed.

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GENERAL

15. **Resolution 20-G-01, to accept the Planning Commission's findings and recommendations of the Commission's five-year review of the Comprehensive Plan, confirming the direction and providing staff with guidance for future Comprehensive Plan amendments and studies.**

[Note: This item was continued from the Council's January 14 public hearing.]

The Senior Planner presented the staff report dated January 16, 2020, which is on file in the Town Clerk's office. He discussed language changes, amplification, and clarifications. He also stated changes that would be made to future land use maps to include language discussed at prior work sessions.

Staff recommended approval of the proposed resolution, as presented.

Councilmember Friedrichs provided comments on the new term "adaptive redevelopment area" and asked a question about the term "heritage" versus "historical."

The Town Manager stated staff would get back to her about that question.

16. **Resolution, to provide the Town Manager with Town Council Guidance on the FY 2021 Budget.**

Mayor Merkel stated that Council discussed this item at its January 7, 2020 work session, with guidance to staff to return with a resolution for council consideration. She recognized the Director of Finance to outline the proposed resolution.

The Director of Finance presented an overview of the resolution. She stated priorities include impacts of transportation projects and redevelopment, the arts center, advancing the sustainability plan, use of technology, investment in employees to maintain competitive employment, and maintaining a strong fiscal position. All of these needing to be balanced with rising costs and increased infrastructure involved in water and sewer.

Staff recommended approval of the proposed resolution, as presented.

The Town Manager stated that transportation was moved up to the top of the list because it would be significant in the future. He stated water and sewer revenue operating costs would continue to go up as commodity costs go up. He stated budget adjustments will probably be more aggressive than had originally been anticipated.

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Councilmember Friedrichs asked about water main breaks. She wanted to know if there was a schedule of when things were put in and how old they are.

The Town Manager stated that, unfortunately, a lot has not been properly memorialized. He used the Crestview Drive break as an example, and he stated there are holes in the knowledge. He said the upcoming budget would show more investment in GIS to start filling some of those gaps.

Councilmember Friedrichs asked how GIS would help, and the Town Manager responded that GIS, inventory, and data gathering would allow for more detailed knowledge.

Councilmember del Aguila stated that they can proactively assume that things will break and asked how they are budgeting for that.

The Town Manager stated he was unsure if we had enough data to know if we are using the right pace for that, and more data is needed.

Councilmember del Aguila stated he thought it would be good to be aggressive with that to address it, and the Town Manager agreed with his statement.

Councilmember McKenna provided comments on how previous councils had planned for those situations.

17. Resolution, Amendment to Fee Schedule – Chestnut Grove Cemetery.

The Cemetery Manager presented the staff report, which is on file in the Town Clerk's office. He also provided a chart of the fee changes for Council. He stated they do a three-year review of fees among eight cemeteries in the area. They look at the services provided and compare where they are with the rest of the industry. He stated the biggest changes would be showing up in cremation and land site.

Councilmember Dhakal provided comments.

Councilmember Friedrichs asked what the long-term plan for the land would be, and the Cemetery Manager stated there were three acres of land they could develop in the future to extend the lifecycle and revenue of the cemetery.

Councilmember del Aguila asked about skewing the numbers lower, and the Cemetery Manager stated that the cemetery was meant to be a service entity. He also stated there was a lot of heritage in the cemetery.

There was a brief question and answer session between Mayor Merkel and the Cemetery Manager about municipal cemeteries, and Vice Mayor Olem stated how the town acquired the cemetery.

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Staff recommended approval of the proposed resolution, as presented.

[This item was later placed on the CONSENT agenda for next week's meeting.]

18. Resolution, to amend the Parks and Recreation Fees – Special Facilities Use and Facility Rental Fees.

The Director of Parks and Recreation presented the staff report dated, January 21, 2020, which is on file in the Town Clerk's office. She stated this would only be for the indoor tennis center, and across the board of all fees there would be a \$2 per hour price increase which would be in line with other facilities across the region. She also stated the last price increase was three years ago.

Staff recommended approval of the proposed resolution, as presented.

[This item was later placed on the CONSENT agenda for next week's meeting.]

19. Resolution, Award of Contract IFB #20-06, Facility of Marketing of Recyclable Materials.

The Deputy Director of Public Works presented the staff report and PowerPoint dated January 21, 2020, which are on file in the Town Clerk's office. She provided an overview of the recycling process, challenges in relation to recycling, increased rates, and the town's recycling rate percentage which had to be at least 25 percent.

In response to Councilmember Friedrichs queries about the 25 percent total, the Deputy Director of Public Works and Town Manager clarified that that number encompasses what percentage of all the trash picked up at a house can be recycled.

The Deputy Director of Public Works stated that the town is no longer receiving a rebate, and the new contract that was being presented before the Council would cost about \$50,000 more than previously.

Mayor Merkel asked if difficulty with recycling was an issue that everyone was facing, and the Deputy Director of Public Works confirmed that it was an issue across the board.

There was a question and answer session between the Deputy Director of Public Works and Councilmember Friedrichs about the recycling bins and glass.

Vice Mayor Olem provided comments about recycling and a video she would forward to Council.

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Councilmember Baker asked if recycling was costing the town but costing less than taking the trash to the landfill, and the Deputy Director of Public Works confirmed.

Mayor Merkel and Vice Mayor Olem provided further comments on recycling.

CONSENT AGENDA

20. Resolution, Award of Contract for July 4th Fireworks Displays – RFP 20-03.

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

DISCUSSION

21. Community donations process

[Discussion on this item was continued from the December 3, 2019 work session.]

Mayor Merkel stated that Council discussed this item in December 2019. She recognized the Director of Finance to start the discussion.

The Director of Finance presented the PowerPoint dated January 21, 2020. She also provided a handout on suggestions for the amended resolution. She stated there had been a consensus to simplify the reporting requirements.

The Director of Finance stated the full resolution referred to those eligibility requirements listed on the handout, and she had re-ordered the application process. She stated the transmittal letter would be the main communication of the organization's programs and objectives.

The Director of Finance also stated there would be a section of the resolution for budget that would state what the money was being spent on and where other revenue was coming from. Organizations who had already gone through the process would not need to continue to re-submit certain documents.

The Director of Finance drew the Council's attention to page three of the handout to show reporting requirements they wanted to remove, and she stated that distribution would be in July when the fiscal year starts. She also stated that, for now, the in-kind sections would be left alone.

Staff recommended approval of the proposed resolution, as presented.

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Vice Mayor Olem stated she thought this would save time for both town staff and non-profit volunteers.

Councilmember Dhakal asked how these grants are provided and if they were on a first-come first-serve basis.

Mayor Merkel stated it was a judgement call by Council, and the Director of Finance stated that once the letter would be approved, it would be sent out, and then applications would be received and provided to Council.

Councilmember Dhakal suggested having an application received by date, and the Director of Finance responded that date information would be in the letter.

The Town Manager stated that the date would be coordinated with the budget process, and there was brief discussion between Council and staff about the deadline for applications.

Mayor Merkel stated Council had faced criticism in the past based on criteria, and this council had decided to try to make the process more predictable for organizations who generally receive funding every year.

Mayor Merkel commented on the HCTV exemptions for the services they provide, and she asked about having Friday Night Live! apply for support due to the fact that the Department of Public Works and Herndon Police would both be needed for support.

The Town Manager stated that he agreed and that staff had been generous in accounting for those events. He stated the policy decision would be coming from Council, but he wanted to provide the council with the true numbers for them to make their decision.

There was brief discussion between Council and the Town Manager about numbers which would be presented to Council and which events' numbers were being looked at to determine actual costs.

The Town Manager stated that all events, internal and external, were being considered in an analysis.

The Mayor and Council provided further comments on events and costs being looked at in the analysis and how that information would be shared with the public.

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Mayor Merkel asked if the resolution would be on a future agenda, and the Director of Finance stated they wanted to put this item on the agenda for the January 28, 2020 public hearing to give those in the community enough time to apply after the letters would be sent out.

Mayor Merkel asked if this resolution had been advertised, and the Town Attorney stated this item appeared on the agenda as a discussion item.

Mayor Merkel stated she would like to move the resolution to the first public hearing in February.

Councilmember Baker asked if the resolution would be adjusted at the council's next work session.

The Town Manager stated they needed Council approval on the reporting requirements to send the letters, and the other numbers would not be ready by the February meeting.

Councilmember Baker provided further comments.

Mayor Merkel clarified they were discussing two separate items. One was the policy for how to get a donation to an organization and the other was that support staff was costing more than they had thought.

There was brief discussion between Mayor Merkel and the Director of Finance about when the letters would be sent out.

Councilmember del Aguila asked about a hypothetical increase in costs and where that budget increase would be seen. The Town Manager answered that the increase in cost would likely be seen in the Department of Public Works and the Herndon Police Department.

ROUNDTABLE

1. **Councilmember Friedrichs:** Stated that she threw an 80th birthday party for her mom the prior weekend, and there was a fancy French chicken at the party. She also stated her voice sounded very similar to Councilmember Baker's on the recordings.
2. **Vice Mayor Olem:** Stated that "The Mountaintop" performance at NextStop was excellent. She stated that she has Bilah back in her house.

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CLOSED MEETING

On motion of Vice Mayor Olem, seconded by Councilmember Friedrichs, and carried by unanimous vote, the Herndon Town Council went into Closed Meeting at 8:46 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 8:46 p.m. Mayor Merkel called a brief recess, and at 8:50 p.m., the closed meeting reconvened in Herndon Council Chambers Building, all members present and with Mayor Merkel presiding.

CLOSED MEETING (CONTINUED)

On motion of Councilmember Friedrichs, seconded by Councilmember Baker, and carried by unanimous vote, the Herndon Town Council reconvened in public session at 9:00 p.m.

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

On motion of Councilmember Baker, seconded by Vice Mayor Olem, 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

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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

ADJOURNMENT

There being no further business, the meeting adjourned at 9:01 p.m.



**Lisa C. Merkel
Mayor**



**Jessica Sizemore
Deputy Town Clerk**



Minutes approved by Town Council: February 11, 2020.