



This does not represent a verbatim transcript of the Town Council meeting. Visit www.herndon-va.gov "agendas & minutes" to view agendas and videos. Copies of videotapes of the public hearing meetings are available on request by contacting HCTV at 703-689-2323. Work sessions are not videotaped, but audio files are available. Individuals not having access to the town's website may contact the Town Clerk's office at 703-435-6804 or town.clerk@herndon-va.gov.

**HERNDON TOWN COUNCIL
Work Session
Tuesday, February 4, 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, February 4, 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; and
- Councilmember Bill McKenna.

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Captain Brad Anzengruber; Herndon Police; Elizabeth Gilleran, Director of Community Development; Page Kalapasev, Director of Information Technology; Scott Robinson, Director of Public Works; Tammy Chastain and John Irish, Deputy Directors of Public Works; Jennie Tripoli, Director of Finance; and Margie C. Tacci, Deputy Town Clerk.

ANNOUNCEMENT

Mayor Merkel thanked Vice Mayor Olem for chairing last week's public hearing.

February 4, 2020
(work session)

PUBLIC HEARINGS

1. **Resolution, to solicit public comment for consideration during the development of the Town Manager's proposed budget for Fiscal Year 2021.**

Mayor Merkel stated that comments received by Council on this item had been entered into the record. She recognized the Town Manager for comments.

The Town Manager stated that the proposed resolution would request citizen input for the development of the FY 2021 budget. At next week's meeting, he would discuss the budget process and then turn it over to public comment. He stated that following next week's public hearing, individuals would be encouraged to continue providing comments on the budget. As it is each year, the proposed budget would be available for public review after April 1 and a Citizen's Guide to the Proposed Budget would be mailed to all town residents the first week in April. Staff recommends approval of the proposed resolution, as presented.

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

Mayor Merkel stated that this was not the only time for public comment, but it would be opening the door for people to start coming forward.

Councilmember McKenna thanked staff and discussed prior budget processes in which he participated. He stated that he appreciated the transparency of this Council and how the process was open to everyone.

In response to a query from Vice Mayor Olem about trash comparisons, the Town Manager responded that he was meeting with someone about it the next day.

Mayor Merkel asked Vice Mayor Olem to clarify her question.

Vice Mayor Olem stated that her question was about comparing staff costs to additional new trucks. She stated that citizens were telling her that they would like to have their glass picked up. She asked if there could be some kind of cost report. She wanted people to be aware that this would be another truck and crew and to let them know how much it would cost.

In response to Vice Mayor Olem, The Town Manager agreed that another truck and crew would be needed. He also stated that he would share the answers to these questions as he received them.

Mayor Merkel concurred and stated that she, too, often heard people asking the town to pick up glass recycling.

**February 4, 2020
(work session)**

The Town Manager, Mayor Merkel, and Vice Mayor Olem agreed that it was a question of how much that service would cost the town.

There was further discussion.

2. Ordinance, to approve and authorize the Mayor to sign a Lease Agreement between the Town and The Elden Street Players, for space at 717 Lynn Street.

The Town Attorney presented the staff report dated February 4, 2020, which is on file in the Town Clerk's office. The town is currently party to a two-year lease with the Elden Street Players (NextStop Theatre Company) for space at 717 Lynn Street (the Depot). The lease has options for two one-year extensions. The lease would expire on February 28, 2020. The rent would remain at \$1.00 and the term would be month-to-month beginning on March 1, 2020 ~ expiring on February 28, 2023. Staff recommends approval of the proposed ordinance, as presented.

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

There was a brief question and answer session between Councilmember Friedrichs and the Town Attorney about the use for the space and the lease terms. The Town Attorney also stated that space was limited by a land lease with the park authority.

Vice Mayor Olem asked if the triangle area where the Depot is located was part of the W&OD Trail land.

The Town Attorney stated she did not want to answer that question without looking at ownership, and she suggested that Vice Mayor Olem could sketch out for her what land she was referring to exactly.

Vice Mayor Olem stated she was referring to where the grass was green, and that someone had told her they should put a building there.

The Town Attorney stated she would be happy to answer that more completely.

There was further discussion on this item.

GENERAL

3. Resolution, to amend resolution 16-G-03, adopted January 12, 2016, which established a policy for the disbursement of town funds to non-profit organizations.

**February 4, 2020
(work session)**

Mayor Merkel stated that this item was the result from the Council's discussions at the December 3, 2019 and January 21, 2020 work sessions. She recognized the Director of Finance for the staff report.

The Director of Finance presented the staff report dated February 4, 2020, which is on file in the Town Clerk's office. The proposed resolution would help simplify the process through which community non-profit organizations receive cash donations. This amendment to resolution 16-G-03 would remove the mid-year reporting requirements and permit payment of approved cash donations in one lump sum at the beginning of the fiscal year that the funds were appropriated. The proposed amendment would remove language related to in-kind resources and town sponsorship requests. A separate resolution covering these types of requests would be brought for Town Council consideration in the next few weeks. Staff recommends approval of the proposed resolution, as presented.

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

ROUNDTABLE

1. **Councilmember McKenna**: Shared that he had gotten engaged to Melissa Jonas and thanked everyone for their well-wishes. He stated he moved to Herndon in 2012, and that has been a blessing.
2. **Councilmember Friedrichs**: Stated she attended a meeting of the internal Fairfax County Economic Development Commission for the Board of Supervisors where they had interesting conversations about affordable housing, paying for affordable housing, and presentations on entrepreneurship. She also gave a shout-out to staff and previous Councils because the town was already doing everything that was suggested. She stated that Dennis Holste was at the meeting as well, and they were inspired.
3. **Councilmember del Aguila**: Shared his congratulations to Councilmember McKenna, and stated he hoped they would be neighbors. He also stated there was a Pedestrian and Bicycle Advisory Committee (PBAC) community meeting, and there was a lot of excitement about what could potentially happen with the budget. He stated that PBAC may be bringing forward a "wishlist" during the budget discussion.

The Town Manager stated that he received Councilmember del Aguila's note about PBAC minutes and agendas being posted on Granicus, which staff was currently working on.

Councilmember del Aguila also stated that they were going for Bronze Certification.

**February 4, 2020
(work session)**

4. **Vice Mayor Olem:** Stated she had the opportunity to meet the new Hunter Mill Supervisor, Walter Alcorn and the new supervisor of Ashburn. She stated that she spoke with them about working together.
5. **Mayor Merkel:** Stated that Victor Hoskins with the Fairfax EDA has put together a task force with 10 different localities across Northern Virginia to collaborate. The Town Association of Northern Virginia invited him to come to their meeting and he's very open to the possibility of including towns.

Mayor Merkel stated she would be headed to the Virginia Municipal League (VML) Executive Board meeting. She also shared she would attend VML Legislative Day on Thursday and be meeting with the senator and delegate.

Mayor Merkel also that Kwame Alexander won the Caldecott Award and a Newbury Honor Award for his book "The Undefeated."

COMMENTS FROM THE TOWN MANAGER

The Town Manager discussed the collective bargaining bill that was happening at the state level. He stated that he and other members of the senior management team were troubled by the bill because the General Assembly was looking at from the perspective of the state and larger locality governments and were not considering the magnified effects on smaller jurisdictions.

The Town Manager stated that the Director of Public Works had spent time managing a union shop, and he advised the Town Manager that in a small workforce such as the town, the labor group may not be represented by a union that understands it. For example, the Director of Public Works had managed a fire station that was represented by the food workers' union.

The Town Manager stated that staff had spoken with Davenport about what this would do to the town's credit rating, and he was advised that this could affect credit ratings for small localities in the commonwealth. He discussed the impact the bill would have on the town's credit ratings. He provided Moody's as a specific example, who "provides all local governments with their highest possible institutional framework score due to the fact that Virginia local governments have greater budgetary control over their personnel expenditures than local governments with collective bargaining agreements."

The Town Manager highlighted his concerns about the bill. He stated there was no local government representation on the control board, and he thought there should be large and small local government representation because small local governments have special needs. He was concerned because the bill would have a significant financial impact on the town. This could be seen on the state's

**February 4, 2020
(work session)**

Legislative Information System site, where various jurisdictions were reporting millions of dollars in estimated impact to their budgets.

The Town Manager further discussed his concerns about the bill and stated that addressing some employee issues might become problematic. He provided examples of how it would be harder to remove employees that were creating an unsafe work environment or causing a major burden on the town.

The Town Manager stated that although there was no direct collective bargaining power connected to wages in the bill, personnel costs would increase. He stated that the flexibility to move employees to other events or jobs would be gone which would also increase personnel costs.

The Town Manager stated that these issues were deeply magnified in a jurisdiction the size of Herndon, and he felt for the jurisdictions in Southwest Virginia who were even smaller and had to deal with the same issues.

The Town Manager stated that this bill was trying to give employees a "seat at the table", but he questioned if employees would be better represented by a union official hundreds of miles away. The Town Manager stated that the bill was troubling to the Chief of Police, along with the Directors of Human Resources, Finance, and Public Works, who were making their concerns known. He stated that this issue required more study and that the fiscal pressures would be significant.

There was brief discussion amongst Council and staff.

In response to queries from Councilmember McKenna, the Town Manager said one of the earlier versions of the bill had an exception for smaller jurisdictions, and as it went through further study that piece was removed. He was unsure where that stood currently, but it was in at one point.

In response to a query from Vice Mayor Olem, the Town Manager stated that VML was opposed to the bill.

The Town Attorney clarified the bill being discussed was Senate Bill 1022, and staff was trying to get confirmation as to whether or not the bill would retain the local choice option. She stated this was a very contentious bill.

There was a brief question and answer session between the Town Manager and Mayor Merkel.

In response to queries from Councilmember del Aguila, the Town Manager stated he was putting this out to Council for their knowledge.

**February 4, 2020
(work session)**

Councilmember del Aguila asked if all the fiscal pressures were known, and the Town Manager turned his question over to the Director of Finance, who then shared some points of reference from the impact statement estimates.

The Town Manager then summarized key points the town would need to look at including AAA bond rating, engaging labor lawyers, not being able to let employees go, protections for law enforcement officers, and benefits to employees. He also stated labor laws and protections were already built in and followed.

In response to queries from Councilmember del Aguila, the Town Manager clarified that Davenport was the town's financial advisors and confirmed their opinions.

There was brief discussion amongst Council and the Town Manager about the senators named on the bill.

Councilmember del Aguila stated he thought it would be good to have a discussion, and the Town Manager concurred.

The Town Attorney provided further comments on the bill, there was further brief discussion from Council, and then the Town Manager provided closing comments.

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 7:37 p.m., under:

- Section 2.2-3711 (A)(3) to consider the disposition of publicly held real estate in the downtown where discussion in an open meeting would adversely affect the bargaining position or negotiation strategy of the public body.

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

RECESS

At 7:37 p.m. Mayor Merkel called a brief recess, and at 7:43 p.m., the closed meeting reconvened in Herndon Council Chambers Building, all members present and with Mayor Merkel presiding.

**February 4, 2020
(work session)**

CLOSED MEETING (CONTINUED)

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

**February 4, 2020
(work session)**

ADJOURNMENT

There being no further business, the meeting adjourned at 9:02 p.m.



**Lisa C. Merkel
Mayor**



**Amanda M. Kertz
Deputy Town Clerk**



Minutes approved by Town Council: February 25, 2020.

**February 4, 2020
(work session)**

NOTE:

This page was intentionally left blank