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**HERNDON TOWN COUNCIL
Work Session Meeting Minutes
Tuesday, October 18, 2022**

The Town Council held a work session meeting on Tuesday, October 18, 2022 at 7:00 p.m. in the Herndon Police Department (HPD) Community Room, 397 Herndon Parkway, Herndon. 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; Kirstyn Jovanovich, Town Clerk; Lisa Gilleran, Director of Community Development; Anne Curtis, Chief Communications Officer; Page Kalapasev, Director of Information Technology; Scott Robinson, Director of Public Works; Cindy Roeder, Director of Parks and Recreation; Tammy Chastain, Deputy Director of Public Works; David Stromberg, Zoning Administrator; Dennis Holste, Economic Development Manager; Dave Bracamonte, Systems Manager; and Amanda Kertz, Chief 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 Amanda Kertz, Chief 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.

Comments and Disclosures for the Record

Mayor Olem announced two upcoming events: 1) the Holiday Homes Tour of Herndon on Saturday, December 3; and 2) a free document shredding event on Saturday, October 29, 9:00 a.m. to 12:00 noon, at the Brightview Senior Living Center in Herndon.

Mayor Olem asked Ms. Kertz if she received comments for the record or Transactional Disclosure Declarations from Council. Ms. Kertz stated the Clerk had not received any comments for the record or disclosures from Council on any items listed on the agenda that evening.

AMEND THE AGENDA

Councilmember Dhakal moved to add item #8 to the agenda, discussion on Herndon Local Schools and a potential partnership with the community, and that the agenda be so amended. Motion seconded by Vice Mayor del Aguila.

The question was called on the motion, which carried by a 6-0 roll call vote. The vote was: Councilmembers Alam, Dhakal, Friedrichs, Regan, Vice Mayor del Aguila, and Mayor Olem voting "Aye." Councilmember Singh voting "Present."

PUBLIC HEARINGS

2. Ordinance 22-O-25, to consider Zoning Map Amendment, ZMA #21-02, 331 Victory Drive, an amendment to the existing proffered conditions and Generalized Development Plan to permit a new self-service storage facility within the PD-B, Planned Development – Business, zoning district

David Stromberg, Zoning Administrator, presented the staff report and PowerPoint dated October 18, 2022, which are on file in the Town Clerk's office. The applicant is permitted to build a self-service storage facility under the existing proffers. However, they are requesting a Proffered Condition Amendment and revised General Development Plan (GDP) to: 1) increase FAR (Floor Area Ratio) from 0.48 to 0.77; 2) change the building location, to include a decreased building setback and an increased parking setback; and 3) modify buffer requirements, which include using a solid fence and reducing the loading space setback.

Following his review of the application, Mr. Stromberg stated that the Planning Commission recommended approval with amendments to include a proffer for noise modification. The applicant agreed to include an additional proffer addressing noise from the rooftop units. Staff recommends approval of the proposed ordinance, as presented, which includes the most recent version of the proffers.

There was brief discussion between Council and staff.

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Councilmember Singh asked that the staff or applicant ensure that the facility uses the latest available technology to reduce the air conditioning unit noise.

Councilmember Regan asked staff to provide more information on the pedestrian connectivity plans for the area at the next regular Town Council meeting.

Responding to Councilmember Alam's question, Mr. Stromberg suggested that the applicant could provide information about landscaping at the next regular Town Council meeting.

GENERAL

3. Ordinance 22-O-26, to amend Chapter 63 (SOLID WASTE), Section 63-5 (Storage and maintenance) and Section 63-6 (Collection by town) to clarify requirements for collections

Tammy Chastain, Deputy Director of Public Works, presented the staff report dated October 18, 2022, which is on file in the Town Clerk's office. She stated that the Town is delivering refuse and recycling containers to areas in Town that did not previously have them over the next few weeks. In delivering the new containers, the code needs to be amended to include information concerning storing and maintaining the containers and about trash collection. Staff recommends approval of the proposed ordinance, as presented.

There was brief discussion between Council and staff.

Responding to Councilmember Friedrichs, Ms. Chastain stated staff could look into putting the Town's logo on the containers.

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

4. Resolution 22-G-61, to award Contract, IFB #23-02, Multi-family Refuse & Recyclables Collection

Tammy Chastain, Deputy Director of Public Works, presented the staff report dated October 18, 2022, which is on file in the Town Clerk's office. The proposed ordinance would award a contract to a qualified refuse and recyclables collector for four multi-family condominium buildings and five town buildings. Staff recommends that the contract be awarded to Republic Services of Virginia, LLC, and that the Town be authorized to enter into four additional one-year contracts for their refuse and recycling services.

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

5. Ordinance 22-O-27, to amend Chapter 66 (STREETS, SIDEWALKS AND CERTAIN OTHER PUBLIC PLACES) of the Town Code, to add a new Article VII entitled “Designated Outdoor Refreshment Areas”

Lesa Yeatts, Town Attorney, presented the staff report and PowerPoint dated October 18, 2022, which are on file in the Town Clerk’s office. In 2021, the General Assembly passed enabling legislation allowing localities to establish Designated Outdoor Refreshment Areas (DORA), which authorizes the public consumption of alcoholic beverages under certain circumstances. The Code of Virginia requires that any locality adopting such a district set certain regulations, including time limitations, a public safety plan, and ABC licensing rules in its ordinance.

The fiscal impact of enacting a DORA will depend on how many events are held and whether a private organization sponsors a DORA, as permitted under state code. Once the events are designed, the Council will need to discuss the number of events that staff can realistically support. Staff recommends approval of the proposed ordinance, as presented, which has an effective date of January 1, 2023.

There was discussion amongst Council and staff.

Responding to Vice Mayor del Aguila, Mr. Ashton stated that staff first wanted to establish a baseline area that would include the downtown restaurants. He indicated that the actual DORA application would likely be a smaller footprint.

Responding to Councilmember Dhakal, Ms. Yeatts agreed that there could be up to three DORAs in Town, but she was not sure if there was support for it in other areas of Town.

Dennis Holste, Economic Development Manager, clarified that DORAs apply to public land. If the businesses in one of the shopping centers in Town wanted to have an outdoor refreshment area, for instance, they have to apply for a separate ABC license.

Councilmember Friedrichs expressed concern that the adjacent residential property owners are apprehensive about public alcohol consumption.

Councilmember Friedrichs asked if it were possible to have reusable plastic cups under DORA, to which Mr. Ashton replied that he was not opposed to the idea, but he thought Virginia ABC would be concerned about individuals filling up reusable cups on their own.

Ms. Yeatts stated that Virginia ABC requires disposable cups in a DORA, similar to the 16-ounce Solo Cups.

Responding to Councilmember Regan, Mr. Holste stated that a Business Improvement District (BID) was something the Town could explore. He stated that other BIDs in Fairfax County operate and manage DORAs. Ms. Yeatts indicated that even with a BID, the Town would have to approve the application and provide public safety resources for the event.

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Councilmember Friedrichs expressed concern about the cost of events to the Town under DORA. Mr. Ashton stated that staff would have a better idea of the resources that would be needed by the time they are putting together the FY 24 budget.

Responding to Vice Mayor Del Aguila, Mr. Ashton stated he needed to check how much funding was left in the line item for Town Council Initiatives in FY 23.

Following up on Vice Mayor del Aguila's request to include the Town Green in the DORA, Mr. Ashton stated that the map can be amended later to include it. Ms. Yeatts stated that while the Council could include the Town Green, staff did not see that area being activated for some time due to safety and staffing concerns.

DISCUSSION

6. Potential partnership with George Mason University, to operate an economic development accelerator program

Mr. Holste introduced Tim Johnson with George Mason University (GMU); Vijay Vaswani with Small Business Community Business Partnership; and Martin Gruszka, with Office Evolution - who had been working with him on the accelerator program.

Mr. Holste presented a PowerPoint dated October 18, 2022, which is on file in the Town Clerk's office. The partnership would include a business training and mentoring program through GMU, their Small Business Development Center (SBDC), and Office Evolution. The program would use Office Evolution as the location for training and mentoring programs. Mr. Holste recognized Mr. Johnson to discuss the programs that GMU would offer through the partnership.

Mr. Johnson discussed the Mason Enterprise Centers run by GMU and reviewed the services they offer, which include mentoring, training, counseling, and discounts on office services and software programs.

Responding to Vice Mayor del Aguila, Mr. Holste stated that the funding estimate is approximately \$65,000 to support contracts with both partners (GMU and Office Evolution) for one year.

Mr. Vaswani came forward to discuss the programs he would oversee as part of the accelerator program through SBDC. He reviewed how previous clients have benefitted SBDC services and what they planned to do in the Town.

Following discussion, it was the consensus of Council to move this program forward. Staff will come back to Council with an agreement to authorize the funding.

RECESS

At 9:03 p.m., Mayor Olem called a brief recess; and at 9:08 p.m., the meeting reconvened in the Herndon Police Department Community Room, all members present, and with Mayor Olem presiding.

7. Rebranding Initiative and Process

Anne Curtis, Chief Communications Officer, presented a PowerPoint dated October 18, 2022, which is on file in the Town Clerk's office. She stated that she is presenting this because Council asked to review the Town's previous branding process from 2012-2013 and discuss rebranding. Ms. Curtis reviewed the past process and stated a rebranding initiative would be similar, to include extensive research, outreach, and surveys to gather input from the public on their preferences.

Ms. Curtis asked Councilmember Regan, who served on the original branding advisory committee, to provide input. Councilmember Regan provided comments and emphasized how much time the committee spent reviewing the Town's demographic information. He would like to include demographic information in the rebranding process.

Ms. Curtis discussed factors the Council should consider over the next year. She stated that the brand flows from the Council's vision, and she thought it might make sense for the incoming Council to hold their retreat first before focusing on rebranding.

There was brief discussion between Council and staff.

Vice Mayor del Aguila discussed bringing in the arts community to help design the brand and updating the Town flag as part of the process. He thought that future Councils should review the brand every two to five years. He wanted the process to include representation from across the community.

Councilmember Dhakal echoed Vice Mayor del Aguila's comments about future Councils reviewing the brand every couple of years and engaging the arts community in the design process.

Councilmember Friedrichs agreed with her colleagues on working with artists, but not for the purpose of saving money. She asked Council to focus on what they were trying to solve by revising the brand.

Mayor Olem also discussed the prior branding process and stated that she is supportive of rebranding.

Following discussion, it was the consensus of Council to move this program forward. Mr. Ashton stated that staff would set up a vision exercise for the incoming Town Council. After that, staff would pursue the budgetary process for a rebranding initiative.

8. Herndon Local Schools and a potential partnership with the community

Mayor Olem recognized Councilmember Dhakal to begin the discussion.

Councilmember Dhakal stated it was his understanding that a lot of residents were concerned about local Herndon schools having low ratings on school ranking websites. He stated it is not due to lack of resources, or having qualified teachers, but more about the demographics of the area. He stated there are a lot of children who speak a language other than English in their homes. He thought that could be one reason the school ratings are low. He understood that schools are outside the Town's purview, but he wanted to discuss it and see if there was anything that Town could do to help.

There was brief discussion between Council and staff.

Mayor Olem stated she has been very involved in the Fairfax County school system for many years. She went over how several community organizations are actively involved in supporting Herndon-area schools.

Councilmember Dhakal stated that he spoke with community groups to brainstorm how to improve Herndon schools. From that discussion, he had a few ideas he wanted to propose, which included: 1) providing transportation to extracurricular activities; 2) the Town establishing a nonprofit to introduce science, technology, engineering, and math (STEM) education to students; and 3) community outreach.

There was discussion amongst Council about how to support area schools and the research and discussion that was needed on this topic.

Councilmember Friedrichs did not think it was Council's place to establish a nonprofit, but she encouraged her colleagues to engage in the community and work with groups who are actively involved with Herndon's youth.

Vice Mayor del Aguila stated that he would support Councilmember Dhakal's initiative. He also thought that either a non or for-profit organization could work with the students.

Councilmember Singh thought the Council should look further into why the schools had low test scores and ratings on a larger scale.

Councilmember Dhakal suggested introducing his idea as a Town Council Strategic Initiative.

Following discussion, it was the consensus of Council that more research was needed on this topic, including what other localities are doing to support afterschool activities.

ROUNDTABLE

Councilmember Singh: No comments.

Councilmember Dhakal: Asked the Town Manager for an update on a traffic light at the intersection of Herndon Parkway and Queens Row Street, which used to be a speed-activated light.

Mr. Ashton stated that the light components for this intersection are backordered due to supply chain issues. Staff believes the lights will be installed by the end of the year.

Councilmember Dhakal asked if there were other traffic lights in Town activated by speed. Mr. Ashton stated he would need look into it.

Councilmember Dhakal asked the Town Manager for an update on a recent pedestrian-involved accident on Elden Street.

Mr. Ashton stated that the incident was currently under investigation, but they knew that speed was not a factor.

Councilmember Friedrichs: Stated that she attended a talk from Dr. Reid, Superintendent of Fairfax County Public Schools, at Herndon High School, where parents discussed their concerns. Some of the parents felt the standards were not high enough at Herndon High School, which Councilmember Friedrichs did not necessarily agree with. She thought that one thing the Council could do in looking at how to support local schools is talk to Dr. Reid.

Councilmember Alam: No comments.

Vice Mayor del Aguila: Asked if the Town Manager had an update on downtown redevelopment.

Mr. Ashton stated that he did not have an additional update from what he said at last week's regular meeting.

Vice Mayor del Aguila stated he wanted Comstock to come to a Council meeting, which he thought could be a closed session. Ms. Yeatts explained the legal requirements for closed meetings and the exemptions that must apply to hold one.

Vice Mayor del Aguila stated that he thought there was consensus to ask for a closed meeting with Comstock.

Councilmembers Regan, Singh, and Mayor Olem did not express support for a closed meeting with Comstock.

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Councilmember Regan stated that he would like to meet with the Town's internal team before they met with the developer. Vice Mayor del Aguila stated that he would agree with Councilmember Regan's suggestion if the majority of Council also agreed.

Following discussion, Mr. Ashton stated that the Council would likely be able to go into a closed meeting with the internal team to discuss downtown redevelopment.

Vice Mayor del Aguila stated, for the record, that he would like to address speeding in the following intersections: 1) Park and Branch Avenues; 2) Alabama Drive and Florida Avenue; and 3) Herndon Parkway and Stanton Park. Mr. Ashton noted these requests.

Vice Mayor del Aguila stated that he spent one morning last week at Herndon High School talking with the English to Speakers of Other Languages (ESOL) classes.

Councilmember Regan: Stated that Fall Clean-up was this week and encouraged residents to put out their large and bulky items for pick-up on their trash day.

Councilmember Regan asked for an update on staff's response to several the issues that were occurring at the Bready Park soccer fields.

Chief Maggie DeBoard, Herndon Police, stated that she is trying to set up a meeting with one of the coaches for the soccer teams that use Bready Park, but they have not been very responsive.

Responding to Councilmember Regan, Mr. Ashton stated that the Department of Parks and Recreation was responsible for the field. However, Mr. Ashton said that he encourages staff to call HPD so they do not get involved in any incidents on the fields. Mr. Ashton, Chief DeBoard, and Cindy Roeder, Director of Parks and Recreation, stated that they all encourage the coaches or Town staff to call the non-emergency HPD number with any concerns.

Councilmember Regan thought that if the system was not working, it should be changed, to which Ms. Roeder indicated that this was a larger trend and not just happening in the Town.

Chief DeBoard stated that most of the time, teams will leave the fields once another team shows up to play soccer.

Responding to Councilmember Regan's request to track incidents that occur at Bready Park, Chief DeBoard agreed that they could track those that call HPD, but they cannot track incidents if the police are not called.

Mayor Olem: Stated she was excited about Fall Clean-up.

William H. Ashton II, Town Manager: No comments.

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ADJOURNMENT

Vice Mayor del Aguila moved to adjourn the meeting of the October 18, 2022 work session at 10:41 p.m., and Councilmember Alam 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."



Amanda E.M. Kertz
Chief Deputy Town Clerk



Minutes approved by Town Council: ~~January 10, 2023~~ **January 10, 2023**