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**HERNDON TOWN COUNCIL
Work Session
Tuesday, January 19, 2021**

Pursuant to Virginia Code Section 2.2-3708.2, as amended; the Governor's Executive Orders, as amended; and in accordance with Ordinance 20-O-23, Continuity of Governmental Operations during Pandemic Disaster (COVID-19), as amended and readopted by the Herndon Town Council on September 8, 2020, which superseded previously adopted amendments, Mayor Olem has stated that the January 19, 2021 Herndon Town Council Work Session would be by electronic means. The meeting was broadcast and recorded through Cisco Webex and details for the meeting were made available to the public on Wednesday, January 14, 2021. In attendance electronically were:

- Mayor Sheila A. Olem, presiding;
- Vice Mayor Cesar del Aguila;
- Councilmember Naila Alam;
- Councilmember Pradip Dhakal (left the meeting at 10:07 p.m.);
- Councilmember Signe Friedrichs;
- Councilmember Sean M. Regan; and
- Councilmember Jasbinder Singh (technical difficulties 7:05-7:26 p.m.).

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Jennie Tripoli, Director of Finance; Tammy Chastain, Deputy Director of Public Works; John Irish, Deputy Director of Public Works; David Stromberg, Zoning Administrator; Lauri Sigler, Deputy Town Attorney; and Margie C. Tacci, Deputy Town Clerk.

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ANNOUNCEMENTS

The Deputy Town Clerk welcomed those listening to the January 19, 2021 work session and stated that night's regularly scheduled Herndon Town Council meeting was a virtual meeting, which was being conducted electronically pursuant to:

- ❖ Virginia Code Section 2.2-3708.2, as amended;
- ❖ the Governor's Executive Orders, as amended; and
- ❖ in accordance with Ordinance 20-O-23, Continuity of Governmental Operations during Pandemic Disaster (COVID-19), as amended and readopted by the Herndon Town Council on September 8, 2020, which superseded previously adopted amendments.
- Proper notice of the electronic meeting was provided in accordance with the Code of Virginia;
- Agenda and meeting materials, along with information for viewing the meeting and submitting comments for the record are available on the town's website; and
- Electronic meetings will begin with a roll call to determine a quorum and all votes, including adjournment, will be by roll call vote.

CALL TO ORDER

1. Roll Call & Confirmation of Quorum

Mayor Olem called the January 19, 2021 work session to order at 7:00 p.m. and asked the Deputy Town Clerk to call the roll for attendance. Mayor Olem asked each member of Council to respond by clearly stating their name and indicating they were present.

Following the roll call for attendance, Mayor Olem confirmed there was an electronic quorum present that evening. All members were present electronically, with Mayor Olem presiding.

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Mayor Olem stated before they started, she would like to make a few comments. She stated that earlier that evening President-elect Biden asked everyone to join him for a national moment of unity and remembrance in honor of the 400,000

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American lives that have been lost due to COVID-19. She shared that the event was very moving. She requested a moment of personal privilege and asked all those listening to join her for a moment of silence to also remember those that have been lost due to COVID-19.

Additionally, as the Deputy Town Clerk had stated, the meeting that evening was being conducted pursuant to the appropriate laws associated with the COVID-19 pandemic disaster.

COMMENTS

2. Comments from the Town Manager

Mayor Olem recognized the Town Manager for comments and updates on the Second Housing Webex for Council.

The Town Manager stated they would be holding a Second Housing Webex on Tuesday, January 26, 2021 at 3:00 p.m. with guest speaker Fabrizio Fasulo, Director of Policy and Planning at Virginia Housing, responsible for the statewide HB 854 Housing Study. Mr. Fasulo would be a resource for that study and other information at the state level. The Town Manager stated that the Town Clerk's office would be sending out a link later that week and all notices would be posted to meet state law requirements. He reminded those listening that the public hearing that evening would be a separate meeting.

The Town Manager provided an update on COVID-19. He stated that his meetings with those at the state and local levels revealed there was a high disease burden with increasing trends and substantial community transmission. The case instance rate is high and continues to climb. Fairfax County was seeing around 300 new cases per day—an increase, by a factor of four to six, over the numbers in the fall.

The Town Manager stated that case instance rate is a leading indicator, and the lagging indicators are things like hospitalizations and deaths. COVID-19 rates were suspected to be up from the holidays and COVID fatigue with things like mask-wearing and social distancing. Herndon (20170 zip code) was now ranked 11th out of 47 zip codes in the county for number of cases per 100,000 people.

Fairfax County had administered around 43,000 vaccines with almost 4400 fully vaccinated. The Town Manager stated that 431,000 vaccinations were administered statewide with a little over 17,000 people fully vaccinated. He mentioned these numbers did not account for data entry lag time. At that time, he stated vaccine availability was the only limiting factor, and sites could not schedule vaccinations more than one week in advance. Fairfax County asked for 100,000 and they got about 80,000 that week. Two of five manufacturers have

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approval. Other supply issues include ingredient availability. Additional variants of the virus are causing the herd immunity percentage to rise. The Town Manager stated that vaccines are part of a layered approach, meaning those who were vaccinated should still wear masks and social distance.

The Town Manager stated that staff are still having positives which triggers mandatory leave. He stated that core services were still being provided but that was a challenge at times. He then stated that the Director of Human Resources shared that since the 10 months COVID-19 had been in the environment, staff had lost around 26,000 hours due to COVID which was roughly equivalent to losing 12 full time employees and about a five percent loss in productivity.

Questions from Council

In response to queries from Councilmember Friedrichs about the COVIDWISE app, The Town Manager stated that Dr. Gloria Addo-Ayensu, Fairfax County Health Department, had not mentioned the county having any trouble with contact tracing. He did state, however, that as cases rise to 300 per day, there was a strain with such a substantial rate. Fairfax County was looking at adding additional contact tracers. He also stated Fairfax County had some technical issues with vaccination registration the day prior.

As Councilmember Friedrichs understood, COVIDWISE was an automatic tracing app. She asked that the Town Manager inquire about it during his next meeting. The Town Manager confirmed that he would.

COMMENTS & DISCLOSURES FOR THE RECORD

Mayor Olem asked the Deputy Town Clerk whether she had received comments for the record or Transactional Disclosure Declarations from Council on any items listed on that evening's agenda, and the Deputy Town Clerk stated that she had not received any comments or any transactional disclosures for that evening's meeting.

PUBLIC HEARINGS

3. **Resolution 21-G-18, to consider Special Exception SE #20-03, 763 Dranesville Road, to permit an accessory dwelling unit in an accessory structure associated with a single-family residence in an R-15, Residential Single Family District. Fairfax County Tax Map Number: 0104 03110006A. Applicant: Thomas J. O'Neil, O'Neil Architects, Inc. Property Owners: Leland D Ewers, Mary Jo Ewers.**

Mayor Olem recognized the Zoning Administrator for the staff report and PowerPoint dated January 19, 2021 which are on file in the Town Clerk's office.

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The Zoning Administrator provided Council with an overview of what constitutes a special exception and the requirements. After reviewing the background information about terms, the location, and necessary permits, the Zoning Administrator went over the proposal. He summarized the proposed conditions to the applicant's proposal, such as: conformance with submission materials, maximum size of 535 square feet, only allowing one accessory dwelling unit, complying with ownership and occupancy requirements, recording approval in the circuit court land records, and both providing and maintaining required parking. He stated there was also a condition of conversion back to a by-right use on change of property ownership. Staff recommended approval of this item with the proposed conditions.

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

Vice Mayor del Aguila asked what would happen when the owners try to sell if this were approved. The Zoning Administrator clarified that there was a conversion condition placed at that point, and it would have to convert to a by-right use. He further explained that this would mean removal of a portion of the kitchen area in the ADU including heavy-duty wiring, the stove, and drain lines.

Councilmember del Aguila stated he wanted this to be discussed during the strategic planning meetings because he did not think this made sense and the ADU added value for the property owner.

Councilmember Regan asked Vice Mayor del Aguila if his concern was the approval of this item or the undoing of this if the owner would sell because of the value added for the property owner.

Mayor Olem stated this was a time for questions of staff and that there would be a report given to the Planning Commission in February that might answer some questions.

Councilmember Singh shared Vice Mayor del Aguila's concerns. He expressed concern that someone would invest money into creating a unit and then have to remove the improvements.

Mayor Olem restated that there would be a Planning Commission meeting in February about ADUs and clarified they were talking about an item that was currently up for consideration.

Councilmember Singh stated he understood that and expressed frustration with the steps an applicant must take. Mayor Olem reminded Councilmember Singh that they were taking questions on the item before Council at that time.

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Councilmember Singh asked where these regulations came from, and he shared he felt they were bureaucratic. Mayor Olem stated they would see if staff could send him a copy of the regulations, so he could study them.

Responding to queries from Councilmember Friedrichs about an extra off-street parking space, the Zoning Administrator confirmed garage spaces and driveway spaces are included in that count. In response to further queries from Councilmember Friedrichs, the Zoning Administrator stated the Planning Commission did not express concerns over the parking. They did, however, share some concerns about the removal requirement and that was why the Chair of the Planning Commission requested a staff report about how other localities regulate ADUs. He stated that could become a future Zoning Text Amendment. He stated the way it was written now, if something changed in the future, an applicant would not be punished for having gone through the process before the possible change to the zoning ordinance. Councilmember Friedrichs expressed that she shared the concerns of her colleagues.

In response to queries from Councilmember Dhakal about Council's action on this item, the Zoning Administrator stated the staff recommendation was for the conditions as proposed. He stated Council does have the option to amend those conditions, could approve without conditions, continue the public hearing, or send back to the Planning Commission for further discussion.

Councilmember Dhakal felt that with the questions and concerns raised by Council, removing the conditions should be discussed.

In response to queries from Vice Mayor del Aguila about the Council's legal boundaries, the Town Attorney stated that a Zoning Ordinance Amendment would be something separate and would need to go through the initiation process to the Planning Commission and back to Council. Regarding this application, she thought it would be prudent to give staff a chance to explore and address the question Vice Mayor del Aguila was asking at the public hearing.

Councilmember Friedrichs inquired about whether the applicant had asked to have this requirement removed from their application, and the Zoning Administrator stated they could reach out to the applicant, but they had seemed okay with the list of conditions so far.

There was brief discussion between Vice Mayor del Aguila and Mayor Olem about a consensus for having staff explore, and Vice Mayor del Aguila asked if that was what staff was going to do. The Town Manager stated they were going to reach out to staff and have an alternative presented at the public hearing.

Councilmember Dhakal provided comments about knowing what the applicant wants earlier in the process during the staff presentations to help the applicants

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while following rules and procedures. Mayor Olem provided further comments about this item in relation to Councilmember Dhakal's comments.

Councilmember Friedrichs provided comments about the clarification of what Council was asking of staff.

Councilmember Singh expressed concern over the applicant process with the Planning Commission and Town Council and asked why these items had to go through the Planning Commission. Mayor Olem stated that perhaps staff could get back to him on those questions he wanted to explore, and Councilmember Singh expressed further concern with the process. Mayor Olem stated she thought Councilmember Singh was asking for some explanations of Zoning Ordinance Text Amendments and asked if the Town Attorney could provide some information.

The Town Attorney stated she planned to provide an explanation of the Zoning Ordinance Text Amendment, how that works, and why it is necessary for the new members of Council. She felt that Councilmember Singh was asking why ZOTAs had to go to the Planning Commission first before going to Council. She indicated that she could explain that now or later when it came up in the agenda.

Mayor Olem concluded the discussion.

4. Ordinance 21-O-01, to approve the dedication of right of way for public street purposes on Town-owned property located in the northeast quadrant of the intersection of Herndon Parkway and Van Buren Street, known as Haley M. Smith Park at 320 and 324 Van Buren Street, Fairfax County Tax Map #: 0164-02-0002.

Mayor Olem recognized the Deputy Director of Public Works and the Deputy Town Attorney for the staff report and PowerPoint dated January 19, 2021 which are on file in the Town Clerk's office.

The Deputy Director of Public Works provided an overview of the project and the related ordinance. He stated this was one of many projects to provide multimodal transportation. He discussed the scope of the project, the background of right-of-way easements acquired, the location of the property, and how the use would be changed.

The Deputy Town Attorney continued the staff report. The proposed ordinance would re-designate the use of the property, and she explained that any item concerning the widening of roads had to first go to the Planning Commission and then be approved by the Council. She stated this project was a longstanding CIP item that had already been approved and been updated most recently in the past year. She stated the Council needed to have a public hearing to convey this

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property. The Deputy Town Attorney also clarified that the actual square footage is 1469 square feet. She stated the staff report erroneously stated 1489 square feet, but the ordinance and deed were both correct.

The Deputy Town Attorney reiterated that the deed would designate this location for public road purposes. She stated that reclassifying would allow the town to issue right-of-way permits in the future. Staff recommended approving the ordinance, which approves the deed and authorizes the Mayor to sign the deed.

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

There was a brief question and answer session between Councilmember Singh and the Deputy Director of Public Works about the property's location and uses.

Councilmember Singh questioned if that area had some other use. The Deputy Director of Public Works confirmed that the area Councilmember Singh was referring to was part of the right-of-way because of a bike path and intersecting sidewalks which creates need to include the pedestrian signal.

5. **Ordinance 21-O-02, to approve and authorize the Mayor to sign a Fifth Lease Amendment with T-Mobile Northeast LLC, successor-in-interest to Omnipoint Communications CAP Operations, LLC to revise the premises description, approved equipment list, drawings, monthly rent, and Town contact information at the Town's 3rd Street Water Tower.**

Mayor Olem recognized the Deputy Director of Public Works who presented the staff report dated January 19, 2021 which is on file in the Town Clerk's office.

The Deputy Director of Public Works stated that before Council was an Ordinance to approve and authorize a Fifth Lease Amendment between the Town and T-Mobile Northeast LLC. Staff was requesting that the Town Council approve this Fifth Amendment that revises the premises description, approved equipment list, drawings, monthly rent, and Town contact information at the Town's 3rd Street Water Tower. She stated many of the current equipment items will be removed and replaced with new updated equipment. She stated all equipment changes are subject to and must comply with zoning and permit approvals.

The next step for this amendment, if approved, would be for the applicant to submit the changes to Community Development to begin the Architectural Review Board process. Once that process is complete, the next step is to submit applicable paperwork for a building permit. She stated they would also have to stay within all town ordinances.

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The amended lease will increase the monthly rent by \$1,200.00 due to the addition of eight antennas. The new rent will be \$5,505.13 per month and will be subject to the annual three percent escalation provided for in the original lease. Staff recommended approval of this resolution, as presented.

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

Councilmember Singh expressed concern over the item and related expenses.

6. **Ordinance 21-O-03, to approve and authorize the Mayor to sign a Third Lease Amendment with New Cingular Wireless PCS, LLC d/b/a AT&T Mobility Corporation to revise the premises description, approved equipment list, use of premises, drawings, and the Town's contact information at the Town's Alabama Drive Water Tower.**

Mayor Olem recognized the Deputy Director of Public Works who presented the staff report dated January 19, 2021 which is on file in the Town Clerk's office.

The Deputy Director of Public Works reviewed the background and the scope of the proposed ordinance to approve and authorize a third lease amendment between the Town and AT&T Mobility Corporation. This third amendment would revise the premises description, approved equipment list, use of premises, drawings, and the town's contact information at the Alabama Drive Water Tower.

The Deputy Director of Public works reviewed the proposed changes and stated that any changes above these limits or to the quantities would require another lease amendment. The next steps in the process, if this ordinance is approved, is to submit information to Community Development as part of the Architectural Review Board process. Upon completion of that process, the proper paperwork would be submitted for a building permit.

The current monthly rent is \$3,857.10 and will remain unchanged. However, the lease will remain subject to an annual three percent escalation provided for in the lease. Staff recommended approval of this item, as presented.

There were no questions from Council.

GENERAL

7. **Resolution 21-G-07, to ratify a Temporary License Agreement between the Town of Herndon and Teryanna, LLC dba Mile 20 at Mediterranean Breeze for use of public property or public right-of-way for temporary outdoor dining (deferred from January 12, 2021)**

[Note: this item was continued from the Council's meeting on January 12, 2021.]

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Mayor Olem recognized the Town Attorney who presented the staff report dated January 19, 2021 which is on file in the Town Clerk's office.

The Town Attorney stated this item was continued from the last meeting, pending additional information. The proposed resolution would ratify a temporary outdoor dining license for Mile 20 that had been signed by the Town Manager pursuant to Ordinance 20-O-23, as amended.

The Town Attorney outlined the background of the outdoor dining permits, which occurred in response to Governor Northam's phased reopening of Virginia in May 2020. Staff moved quickly to assist town businesses with re-opening and developed a comprehensive application for free Temporary Outdoor Dining Permits that streamlined the requirements and the approval process. To further streamline this process, Ordinance 20-O-23, Continuity of Governmental Operations during Pandemic Disaster (COVID-19), as amended, authorized the Town Manager to approve and sign certain instruments. Such instruments are subject to final consideration and ratification by the Town Council.

The Town Attorney stated that the original Temporary Outdoor Dining licenses were set to expire on November 30, 2020. As the state and town remained in a State of Emergency and restrictions on indoor dining remain in effect, the town required that all restaurants that wanted to continue temporary outdoor seating submit a new application for permit. The new application was amended with additional language included to be more specific to the current situation. The Town Attorney also discussed how the town was using jersey barriers to help protect establishments that were close to traffic. These would remain for businesses that submitted applications and received approved permits.

The new Outdoor Dining License Agreement for Mile 20 was signed by the Town Manager on December 8, 2020. If ratified by Town Council, this new license will expire on May 10, 2021, or 10 days from the lifting or repeal of any Executive Order limiting or prohibiting indoor dining service at the Applicant's business, whichever occurs first. If Council does not ratify the license, it becomes void and the restaurant cannot operate outdoor dining on town property. Staff recommended approval of this item, as presented.

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

In response to queries from Councilmember Singh, the Town Attorney stated there were diagrams and photos of the application attached to the license which were included in the Council's packets.

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In response to queries from Councilmember Friedrichs about why this was not approved at the previous meeting, the Town Attorney stated she could communicate confidentially with Council.

8. Resolution 21-G-19, to ratify a Temporary Emergency Extension of Lease pursuant to Ordinance 20-O-23, Continuity of Governmental Operations, as amended between the Town and Evince Analytics, Inc.

Mayor Olem recognized the Director of Public Works for the staff report who presented the staff report dated January 19, 2021 which is on file in the Town Clerk's office.

The Director of Public Works stated the proposed resolution would ratify a Temporary Emergency Extension of Lease between the town and Evince Analytics, Inc., signed by the Town Manager pursuant to Ordinance 20-O-23, as amended. Staff was recommending ratification of the lease extension.

The town is currently party to a one-year lease with Evince Analytics, Inc. for 3,512 square feet of office space in the town's building at 397 Herndon Parkway. This lease was set to expire on December 31, 2020. Evince Analytics had recently determined that their space needs have changed, and they would like to re-negotiate a new lease. However, since the current lease would expire before this process could be completed, the town and Evince Analytics agreed that a temporary extension of the current lease would be the best option to allow meaningful negotiations to occur. This instrument extends the expiration date to June 30, 2021 to allow for the necessary time to process a new lease agreement. The rent for this space would remain \$5,000 per month, which is consistent with current market rates.

Staff recommended approval of this item, as presented.

There were no questions of Council.

9. Resolution 21-G-20, to provide guidance to the Town Manager on the development of the FY 2022 Budget.

Mayor Olem recognized the Town Manager, who began the budget guidance resolution report and presented the PowerPoint dated January 19, 2021 which is on file in the Town Clerk's office. The Town Manager gave an overview of what was included in the budget guidance resolution before Council and stated the Director of Finance and Budget Manager were also available.

The Town Manager stated the proposed resolution would guide tough decisions that would come close to Council guidance. Revenues and expenditure requests would be reviewed on a one on one basis with Council. He reviewed some of the

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things discussed in previous meetings and stated this would be for broad, executive-level guidance.

Next, he reviewed the "Therefore be it Resolved" section of the proposed resolution. He stated Council was interested in staff looking at an array of expenditure options, including minimum, midpoint, and maximum. He had not received any new data since the last conversation, so staff was considering a full budget with multiple levels of sequestration. Funding for core services and activities focused on health, safety, welfare, and statutory requirements were emphasized. Staff would provide Council with an array of budget projections.

He stated investment in employees was important, and the town was still competing to keep and attract staff. He stated additional movement was expected in healthcare. The Town Manager stated it was the second year of retirement actuarial, which would not go up this year. He expressed that funding training was important from the perspective that certain people need certifications and adequate training to meet the challenges and requirements of their jobs.

The Town Manager highlighted developing and maintaining a strong fiscal position and said they were looking to do that through the multiple levels of expenditure control and multi-year revenue and expenditure forecasting.

The Town Manager discussed exploring funding strategies and other revenue enhancements such as a raising a tax rate. He was trying to emphasize not letting short-term issues affect long-term positioning as they manage through the crisis, and two areas that could be used were the 2020 surplus and potential revenue increases through tax rate increases.

He stated one area that needed to be addressed was balancing water and sewer service revenue with operating cost. The town rates had been artificially low, and they were on a five-year plan to correct that, but that had been paused that during COVID-19. The Town Manager stated there was a structural issue with rates that needed to be corrected and infrastructure issues staff wanted to address. In this budget they were looking to begin correcting some of that.

There was discussion amongst Council and staff on this item.

Councilmember Singh felt that Council was elected on certain platforms and his question was to what extent or how those things would be accounted for. He also stated it was difficult to do the budget guidance and discussed ways to see department priorities in a department by department budget.

The Town Manager asked if Councilmember Singh was referring to the strategic initiatives Vice Mayor del Aguila had discussed at the past two meetings, and Councilmember Singh confirmed.

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The Town Manager stated the department compositions were in the budget every year, and they can add something else if they want. Staff goes into the budget expenditures with individual departments. Right now, they were trying to look at broader items like tax rates, something with employment, or raises for employees. Once Council goes into their individual budget meetings, staff would put together a broad-based balanced series of budget sheets to review, but staff could give a broad overview briefing if they want.

In response to Councilmember Friedrichs' query about the FY 2020 Budget surplus amount, the Director of Finance stated that it was a bit more than \$2 million dollars. She further clarified that the surplus was due to using CARES Act funds for public safety salaries and that made room in the General Fund. They preserved other monies by doing that, so there is about a \$2 million surplus mainly from salary vacancy and disciplined, strict spending measures that were implemented at the onset of COVID-19 including restricting transfers to CIP to preserve cash and avoid long-term decisions in the short term.

Councilmember Friedrichs provided further commentary about being many millions down on the budget at that time because of BPOL and asked about the current status of BPOL. The Director of Finance stated that BPOL at highest was approximately \$5.7 million and staff had budgeted approximately \$4.6 million. She thought they might have even dropped the budget estimate to \$4.2 million. She stated the shortfall anticipated for FY 2021 was couple million short, but not necessarily \$8 million.

The Director of Finance thought Councilmember Friedrichs may be asking if they would use their FY 2020 budget surplus in FY 2021, and she stated it was possible, but the town has the unassigned fund balance, along with the revenue stabilization fund and mechanisms to potentially utilize in the short term.

The Town Manager discussed the fund balances and the amount of money that staff anticipated from the BPOL returns, which had not yet been paid, other tax sources, and grants.

Councilmember Friedrichs stated it was her understanding that the town might have to take approximately \$400,000 from the "rainy-day fund." The Director of Finance clarified that it looked like in FY 2021, there might be a \$400,000 surplus if they keep expenditures locked down and revenues meet projections.

Councilmember Friedrichs also asked about the status of the grant from Fairfax County to offset water and sewer bills, and the Director of Finance stated that they were still processing the \$50,000 that would be used to wipe receivables off the books for those who qualify, and she outlined the process they had to follow.

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Responding to further queries from Councilmember Friedrichs concerning water and sewer rates and the \$50,000 to offset, the Director of Finance stated they were still processing applications and attestation forms. Ultimately if people did not apply, the town would have to return that money. She stated the deadline had been moved to February, and they had not yet received the money from Fairfax County. Once all applications were together, they could see them and allocate it out that way.

The Town Manager stated he wanted to add a finer point to not confuse the structural issues the town was facing with the amount of money they were charging for the service, while the cost of the commodity had risen. The rates had not been raised, so they were continuing along the trajectory to keep this fund healthy.

Vice Mayor del Aguila thought there would be a housing bubble soon, and they should plan on it. He mentioned water rates from 2009-2018 as an example of how Council had been reactive. He felt this Council wanted to be proactive and this was a great point to take into their strategic meetings. He stated Council had not had time to prioritize their initiatives that they think are mandatory, and in his opinion this discussion was too operational. Vice Mayor del Aguila also stated he felt there was support for taking this in a more strategic direction and then the Town Manager could reallocate staff and resources to do what is important for Council.

Councilmember Regan asked the Town Manager if these budget guidance resolutions had been done in past years and stated he would appreciate seeing the past couple of years of them. The Town Manager stated staff could certainly provide those, and he reviewed the historic purpose of the resolution to give guidance and as part of budget awards application. He would review the GFOA Budget Award further into the budget process.

Councilmember Singh provided comments about the water and sewer rates and about passing those costs through to citizens. He also mentioned concerns with the number of police the town has, and he stated he would like to discuss these things with specific departments. He also expressed confusion with the revenue stabilization fund and that they may need a discussion about that fund.

The Town Manager reviewed the water distribution process and stated that even if the town followed the projected rate increases to break even, they would still have the lowest rates in the region.

To bring Council up to date, the Town Manager stated that when they took a deep dive into the financial policies and the revenue stabilization fund in 2017/2018, they found that in the way it was structured, it practically could not be used. Staff worked with financial analysts to revamp the financial policies to change the

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triggering mechanisms to make the fund more useable. It currently sits fully funded to its highest level as it was created.

In response to Councilmember Singh's comments, the Town Manager stated that the revenue stabilization fund was not being used.

Councilmember Singh provided further comments about the water and sewer charges.

Mayor Olem stated asked staff to send Councilmember Singh the comprehensive study they did that led to increasing water and sewer rates.

The Town Manager stated he could provide the water and sewer rate study, which would correct some of the assumptions about costs being added, along with copies of the financial policies.

10. Ordinance, to affirm corrections to Ordinance 20-O-59 for Zoning Map Amendment, ZMA #20-01, 450, 455, 460, 465, 470, 475, 480, and 485 Springpark Place, approving a zoning map amendment for a Unified Commercial Subdivision.

Mayor Olem recognized the Zoning Administrator who presented the staff report and PowerPoint dated January 18, 2021, which are on file in the Town Clerk's office.

The Zoning Administrator stated the proposed ordinance would affirm corrections to Ordinance 20-O-59 for a Zoning Map Amendment. Staff was requesting that Council approve the corrected draft Ordinance 20-O-59, as proposed.

The Zoning Administrator explained that at the October 27, 2020 Public Hearing, Council approved Ordinance 20-O-59 for ZMA #20-01, 450, 455, 460, 465, 470, 475, 480, and 485 Springpark Place, for a Unified Commercial Subdivision in accordance with the Generalized Development Plan. The rezoning allowed for the subdivision of four parcels into eight parcels with each parcel containing a building and associated improvements. The Ordinance also approved five modifications to different sections of the zoning regulations, as allowed under Section 78-50.2(d) of the Zoning Ordinance. One of the modifications allowed a lower amount of required parking spaces on certain lots.

The applicant requested a modification to allow a lower amount of required parking spaces on a total of five lots, Lots 1A, 1B, 3A, 3B and 4A. A table listing the requested modifications on Sheet C-05 of the approved Generalized Development Plan also listed the same five lots. The version of Ordinance 20-O-59 that was approved by the Town Council October 27, 2020, inadvertently

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omitted Lot 3B from the parking space modification and only listed Lots 1A, 1B, 3A, and 4A. The Ordinance with the corrected modification including all five lots, Lots 1A, 1B, 3A, 3B and 4A. No other changes to the ordinance have been made.

Staff recommended approval of this item, as presented.

There were no questions from Council.

11. **Resolution 21-G-21, to consider an extension of Special Exception, SE#19-02, to allow a telecommunications facility with a freestanding monopole on a property improved with an electrical substation and zoned CS, Commercial Service and O&LI, Office & Light Industrial.**

Mayor Olem recognized the Deputy Director of Community Development, who presented the staff report and PowerPoint dated January 19, 2021 which are on file in the Town Clerk's office.

The Deputy Director of Community Development stated the proposed resolution extended an already approved special exception for an existing monopole. He reviewed the special exception standards, background, and extension. He stated that construction had not begun, which was triggering the need for the extension. The site was also rezoned to allow telecommunications facility as proposed. He stated the project has not changed since its original approval and reviewed the project, location, and impacts of the project.

The Deputy Director of Community Development then reviewed the two primary reasons given for the delay of the project which included the merging of Sprint and T-Mobile and the administrative and processing delays related to the pandemic. Staff found these to be justified reasons and stated the applicant, who has been working with staff. He also stated the project was still meeting all standards and if granted the six-month extension, the special exception would remain active until April 23, 2021.

Staff recommended approval of this item, as presented.

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

Responding to Councilmember Regan's query about whether the Special Exception Extension request was sent to the Planning Commission for approval, the Deputy Director of Community Development stated it came straight to Council as a General item. If the extension was granted and they still could not meet the deadline, they would need a new special exception or amendment which would go back to the Planning Commission.

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The Deputy Director of Community Development then clarified that the project itself and the design of enclosure went to the Architectural Review Board (ARB). The ARB had nothing to do with the extension.

Councilmember Singh expressed concerns about the appearance of the towers. The Deputy Director of Community Development stated there was support for this location in proximity to existing towers and, from a design standpoint, it was like previously approved monopoles. Councilmember Singh provided further comments about the appearance of the monopoles.

Councilmember Friedrichs asked if the Town Attorney could elucidate on the question Councilmember Singh asked. The Town Attorney stated there were multiple limitations they must operate within. She stated the Deputy Director of Community Development could probably provide more information at the public hearing. She stated there are federal and state laws controlling what criteria they can use regarding monopoles.

Mayor Olem asked about the reasons for the extension and the Deputy Director of Community Development confirmed the reasons were due to a merger and the pandemic.

There was brief further discussion.

12. Resolution 21-G-22, to initiate consideration of a zoning ordinance text amendment ZOTA #21-01 to amend Chapter 78 (ZONING), Article IV (Business Districts), Section 78-40.2 (CS – Commercial Services District), to reduce the minimum front setback requirement in the CS zoning district.

Mayor Olem recognized the Town Attorney who stated that she was providing information for new members of Council about what happens with a Zoning Text Amendment Ordinance to clear up confusion and give a brief discussion. The Zoning Administrator would provide the staff report.

The Town Attorney outlined how Zoning Ordinances should be initiated and the process the application and amendment must go through between the Council and the Planning Commission before coming back to Council for a public hearing. The Town Attorney also clarified that the amendment would detail the text to be amended as well as the reasoning and justification.

She stated, at the close of the eventual Town Council Public Hearing, Council could adopt, continue, refer the item back to the Planning Commission, or disapprove the item. The Town Attorney stated that the item before Council was the beginning of the process where they would forward to the Planning Commission who would later forward it back to Council.

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The Zoning Administrator then presented the staff report dated January 19, 2021 which is on file in the Town Clerk's office and provided an overview of Town of Herndon Zoning Ordinances. He stated zoning came from Chapter 78 of the Town Code and could only be changed by legislative action with authority that came from the Code of Virginia. He reviewed the ZOTA process, and he clarified the roles of Council and staff with Zoning Text Amendments.

The Zoning Administrator stated that, if approved, this initiating resolution would refer ZOTA #21-01 to the Planning Commission for consideration and recommendation. Following Planning Commission review, this text amendment would return to Council for final action. He stated this amendment was one of several that needed to be made to implement the South Elden Area Plan which was adopted by the town council on February 12, 2019. This plan encouraged the reuse or redevelopment of existing commercial sites and further explained the reasoning. He then outlined the location of the parcels and summarized all the changes related to this proposal which included reducing the front setback requirement in the CS, Commercial Services, zoning district. Staff recommended that Council approve the item, as presented to send it to the Planning Commission.

There was a brief question and answer between Councilmember Friedrichs, and the Zoning Administrator about the distance of the setback requirement and Councilmember Friedrichs asked about a comparable location. The Zoning Administrator explained where the 25 feet would be measured from and that streetscape could be in right-of-way.

Councilmember Singh asked if the applicant could build a larger building. The Zoning Administrator stated the density requirements would be the same, but this would give them more flexibility on the location of the building on the lot.

DISCUSSION

13. Logistics Planning - Quarterly Strategic Review Meeting

The Town Manager opened the discussion by stating he wanted to hear from Council about the meetings' set up and dates. He indicated he knew they would need to have one soon but asked about how they would like to have future meetings scheduled. He further discussed some timeframes and other scheduling parameters.

The Town Manager also wanted a better understanding of who Council wanted in those meeting from staff, if they wanted the meetings moderated, and what format they would like to follow. He also inquired about any other items they would like to address, besides those on the Vice Mayor's Strategic Initiatives

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presentation. The Town Manager also asked how Council would like to have these meetings memorialized and stated he was trying to get a sense of the vision and expectations for these meetings.

Vice Mayor del Aguila felt that all the initiatives were in the presentation. He felt they should have ranked the priorities, and he stated some of his priorities had come up that evening. He wanted to have the first planning meeting as early as possible and then have the others two weeks after the close of the quarters.

Vice Mayor del Aguila indicated that moderation was important, and he anticipated a pretty lengthy discussion they could not have in work sessions. He expressed that one of his ideas was to not have as many work sessions or public hearings in a month so they would not be adding additional meetings. He stated it was imperative to take time to go through these items and that there would not be unanimous support to move forward on the initiatives. He would like to update and review the initiatives going forward.

The Town Manager stated that was a good start for some of his questions.

Councilmember Singh suggested that the first discussion should be limited to certain topics, like focusing on one department at the meeting.

Councilmember Friedrichs stated it was her understanding that the discussion was to plan for Council's priorities. She did not understand the Councilmember Singh's comments about focusing on one department.

Councilmember Singh stated he suggested focusing the discussions on one department or by some other means to focus the meetings.

Councilmember Dhakal thought the purpose of these strategic sessions was to prioritize what Council wanted to accomplish in the long-term and short-term. He suggested starting the first session by talking about the initiatives they have, and to accomplish some of the items, they would need to discuss the budget. Councilmember Dhakal stated they could be agile and see what they accomplish. At that time, they did not know how much time it would take or what the agenda was. He also mentioned not having some meetings to use that time for these sessions as well. He thought perhaps they should start with the Town Manager, Town Attorney, and department heads.

Councilmember Regan provided comments about looking at items with a budgetary impact. In terms of process, he asked if Council could write ideas down and send them to the Town Manager. The Town Manager stated they could be sent to him, and he would distribute to the rest of Council or they could mention items in discussion.

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Councilmember Singh stated that since this was a new area it would be good to see if other towns and cities had done something similar. The Town Manager stated he had inquired with several counterparts. At that point, he had not found any who did something quite like what Council had asked, but he still had several inquiries out.

Vice Mayor del Aguila was concerned that strategic planning was “so groundbreaking.” He commented on the problems with a reactive mindset. He asked the Town Manager to review the initiatives he presented and stated that Council could also send him their top three discussion points. The budget was most important to him, and his best guidance was to block out some time. Vice Mayor del Aguila shared that, in the corporate world, something like this usually took place over a couple of days. He reiterated Councilmember Dhakal’s comments about being agile.

The Town Manager stated this had been done in the town before in the format of a retreat, but they could not do that over Zoom or Webex. He asked Council to send him their priorities to be more time efficient and to focus on what was truly important and had budgetary impacts.

Councilmember Singh stated the framework could be the 2035 Vision. In his opinion, the Vision had not been moved on. Initially, he thought they needed to say where they want to go and then figure out what to do. He also stated that with budget considerations, they could say when to start certain items, whether that be this year or the next year.

The Town Manager responded that he met with Vice Mayor del Aguila recently, and they draw initiatives toward the Vision. He stated when they created the Vision, they failed to create points of review at five-year intervals and the Town Manager said he was open to looking at 2035 Vision to create five-year plans.

Councilmember Singh stated that they needed to start with a framework.

Councilmember Regan stated it was difficult to find five hours on 10 peoples’ schedules on short notice. He was intrigued by using the work session time but did not know how that would work. He asked to get a date for this first one and then suggested meeting quarterly. He emphasized the importance of setting the schedule. The Town Manager stated he thought scheduling the first one would be the most difficult.

The Town Manager stated staff was looking further down the schedule and plugging dates in. He stated that packing things into one night for public hearings may create very long meetings. The Town Manager stated staff could work to schedule the first one in the next few days.

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Councilmember Dhakal thought everyone wanted this to happen. He mentioned breaking down the structure to create a tangible, achievable goal for a quarter or six-month time frames. He echoed Vice Mayor del Aguila's earlier sentiments about how it would take time. He stated even if they fail, he felt they would be one step closer to their mission and failing forward with the ability to refine, adapt, and inspect.

Vice Mayor del Aguila thought that mid-February would be the latest they should have the first meeting and they need to be quarterly.

It was Vice Mayor del Aguila's opinion that the last Mayor did not want retreats. Mayor Olem stated that was not totally correct and that they had only did not have a retreat the last term. Mayor Olem asked Vice Mayor del Aguila to not disparage anyone.

Vice Mayor del Aguila commented that it was not the sentiment of the previous Council or the previous Mayor, and he thought they were behind with major holes in the budget and things they need to prioritize. He stated majority votes would carry and the Town Manager would see how to adjust. He thought Council's role was to set the vision for the Town Manager to carry out.

Mayor Olem stated that staff would look into schedules and that the work sessions and public hearings were scheduled for some time. She also provided comments about the use of staff resources.

14. Consider the establishment of a Herndon Multicultural Board

Mayor Olem recognized the Town Attorney to begin the discussion.

The Town Attorney stated she would generally address how ad hoc committees were created by Council. She stated there are certain committees, boards, and commissions required by the town charter, Code of Virginia, or town code, such as the Planning Commission and Board of Zoning Appeals (BZA). Other boards and commissions are referred to as ad hoc committees. She shared this topic was brought forward by Vice Mayor del Aguila for discussion.

The Town Attorney explained what was expected pursuant to the ad hoc committee policy Council had adopted. She stated after discussion and concurrence of Council, a draft resolution would be prepared with the mission, goals, and composition of the proposed advisory committee. She further explained that all committees are advisory to Council, except for the BZA.

She stated a resolution would then be placed on an agenda for Council review and action. Applications would then be solicited through the established process and

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Council would review those applications and make appointments to the new committee. Appropriate staff would be identified as ex-officio members to provide primary and technical support.

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

Vice Mayor del Aguila said he would defer to his colleagues, but he fully supported this and thought it was imperative to establish a multicultural board to make Herndon a home for everyone to feel comfortable.

Councilmember Dhakal stated this was close to his heart and stated Herndon was a diverse majority-minority town. He shared his personal experiences and expressed that while people may come to them from different cultural backgrounds, Council also needed reach out to them. He thought this board would help with community outreach and provide Council with ideas to advise and recruit diversity for staff, boards, and commissions. He stated the diversity makes Herndon beautiful and if they are recognized they can bring more to the town. In his opinion, this was the reason for the board.

Councilmember Singh suggested that the ideas for the board should come from the public and the need for an objective, like a timeframe. He provided further comments on what he thought the Council should do for community participation.

Councilmember Friedrichs stated she liked where this was going and agreed they need a lot more conversation to refine it. As someone who worked in the arts, she felt she had tried to do what Councilmember Dhakal was talking about in the past with limited success. She encouraged Council to narrow the scope to see what ideas they would be giving them.

Councilmember Friedrichs thought that Councilmember Dhakal's ideas about festivals could fit in various ways, like through the Department of Parks and Recreation. Another idea she had was about including all types of diversity. Councilmember Friedrichs expressed that she loved the idea and reiterated reaching out, so everyone feels at home. She thought this topic needed lots of discussion, and she hoped they could come up with something.

Mayor Olem concurred with many of the comments made and stated when they form a committee, they would need some objectives and functions of what it would do. She stated there were a lot of groups in the community that had stepped up and worked on these things. Mayor Olem mentioned her late friend Lester Zidel who frequently had multicultural events, as well the as Nature Fest at Runnymede Park. She emphasized the need for objectives for the committee and stated that there may not be many opportunities with the pandemic.

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Councilmember Dhakal provided further comments stating this would be driven with the objective of community outreach to celebrate diversity. He suggested they consider modeling it after other multicultural boards in the region.

Councilmember Singh provided further comments about multicultural events he had attended in the past. He echoed Councilmember Dhakal's comments about looking at different models to bring people together, whether it happen this year or next year. He believed it would require a tremendous amount of organizing and someone had to do the work.

Mayor Olem concluded the discussion by stating they would need more input from the staff and the public to make this committee successful.

ROUNDTABLE

1. **Councilmember Friedrichs:** Stated she had a discussion earlier that day with Councilmember Alam about committees and she confirmed to Mayor Olem that she was providing Roundtable comments. She thought that Councilmember Alam would be wonderful to fill the position on the NVT-PCAC and hoped Council would support her.
2. **Mayor Olem:** Shared she attended the Herndon Chamber meeting and she thought it was excellent. She encouraged others to attend to find out more about the business community in Herndon.

Mayor Olem highlighted the volunteers who started "Herndon Cares," through which people banded together to get donations and purchased 63 meals from Herndon's restaurants. The group kept growing, and they have now served thousands of meals to people who lost their jobs due to COVID by supporting Herndon's restaurants.

Mayor Olem mentioned the "Stuff the Bus" campaign with Fairfax County. She stated that individuals and organizations in the community were constantly collecting food donations. The closest location to Herndon was the Hunter Mill District location.

Mayor Olem stated that the Northern Virginia Regional Commission sent a letter to Senators Warner, Kaine, and Representative Connolly, asking to increase the vaccines and to provide extra funding for schools to open safely. In the letter, \$350 billion was requested for local government support.

[Note: Councilmember Dhakal left the meeting at 10:07 p.m.]

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CLOSED MEETING

Mayor Olem stated that the Council had a need to go into a closed meeting and that the Town Clerk had posted and filed the appropriate notices.

Mayor Olem stated, as a reminder, only public business matters lawfully exempted from open meeting requirements by Virginia law can be discussed by council in closed meeting. These matters must be clearly stated in the motion to convene in the closed meeting.

On motion of Councilmember Friedrichs, seconded by Councilmember Regan, and carried by a 6-0 roll call vote by electronic means, the Herndon Town Council went into Closed Meeting at 10:08 p.m., under Section 2.2-3711(A)(1) of the Code of Virginia for discussion of prospective candidates relative to appointments to boards and commissions.

Vote: Councilmembers Alam, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye." Councilmember Dhakal was absent, having left the meeting.

RECESS

At 10:09 p.m. Mayor Olem called a brief recess, and at 10:17 p.m., the closed meeting reconvened by electronic meeting using Cisco Webex.

Mayor Olem recognized the Town Clerk to take attendance by roll call, and all members were present, except Councilmember Dhakal, who had left the meeting, and with Mayor Olem presiding.

Mayor Olem asked if there was anyone present whose name she did not call. Hearing none, the closed meeting continued.

CLOSED MEETING

On motion of Councilmember Friedrichs, seconded by Councilmember Singh, and carried by 6-0 roll call vote by electronic means, the Herndon Town Council reconvened in public session at 11:12 p.m.

Vote: Councilmembers Alam, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye." Councilmember Dhakal was absent, having left the meeting.

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On motion of Councilmember Friedrichs, seconded by Councilmember Regan, and carried by 6-0 roll call vote by electronic means, the Herndon Town Council approved the following Certification of Closed Meeting.

Vote: Councilmembers Alam, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye." Councilmember Dhakal was absent, having left the meeting.

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 – 6

Nays – 0

ABSENT DURING VOTE: 1

ABSENT DURING MEETING: 1

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15. ADJOURNMENT

On motion of Councilmember Friedrichs, seconded by Councilmember Regan, and carried by 6-0 roll call vote by electronic means, the meeting of the January 19, 2021 work session was adjourned at 11:15 p.m. The vote was: Councilmembers Alam, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye." Councilmember Dhakal was absent, having left the meeting.


**Sheila A. Olem
Mayor**




**Jessica Sizemore
Legislative Assistant**

Minutes approved by Town Council: February 23, 2021.