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**HERNDON TOWN COUNCIL
Meeting Minutes
Tuesday, October 25, 2022**

The Town Council met in regular session on Tuesday, October 25, 2022, at 7:00 p.m. in the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia. In attendance were: Mayor Sheila A. Olem; Vice Mayor Cesar del Aguila; and Councilmembers Naila Alam, Pradip Dhakal, Signe Friedrichs, Sean M. Regan, and Jasbinder Singh.

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Kirstyn Jovanovich, Town Clerk; Lisa Gilleran, Director of Community Development; Page Kalapasev, Director of Information Technology; Scott Robinson, Director of Public Works; David Stromberg, Zoning Administrator; Dave Bracamonte, Systems Manager; and Amanda Kertz, Chief Deputy Town Clerk.

CALL TO ORDER

1. Pledge of Allegiance

Mayor Olem led the Pledge of Allegiance.

2. Roll Call and Determination of Quorum

Mayor Olem called the meeting 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 reminded those participating to follow the Town's meeting guidelines, which are displayed in the Chambers.

APPROVAL OF MINUTES

Vote on July 5, 2022

Town Council Work Session Minutes

On motion of Councilmember Dhakal, seconded by Councilmember Friedrichs, and carried by unanimous roll call vote, the minutes of the July 5, 2022 Town Council Work Session were approved. The vote was: Councilmembers Alam, Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye."

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July 12, 2022
Town Council Public Hearing Minutes

On motion of Councilmember Friedrichs, seconded by Councilmember Regan, and carried by unanimous roll call vote, the minutes of the July 12, 2022 Town Council Public Hearing were approved. The vote was: Councilmembers Alam, Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye."

Mayor Announcements

Mayor Olem stated that last Friday, the Town was advised that the Virginia Department of Elections sent erroneous notices to Town voters that included incorrect polling place locations. Fairfax County is sending out mailers with the correct polling places, which will match information the County sent out in September. This information is posted on the Town's website, and she encouraged those with questions to contact the Fairfax County Office of Elections. Individuals can also check their voter registration status by visiting the Virginia Department of Election's website. Mayor Olem stated that early voting is available at the Herndon Fortnightly Library.

COMMENTS

3. Comments from the Town Manager

William H. Ashton II, Town Manager, introduced Kirstyn Jovanovich, Town Clerk, who had started at the Town earlier that month.

4. Comments from the Town Council

Councilmember Alam: Attended an event that past Saturday in Occoquan with other elected officials. She stated that she met the Mayor, who offered best wishes to Herndon's new Town Clerk.

Councilmember Dhakal: Asked Mr. Ashton for an update regarding the opening of Metro Silver Line Phase II. Mayor Olem stated that she will provide an update from the most recent Metro Monday during her comments.

Mr. Ashton yielded his comments on the Metro to Mayor Olem. He stated as of that afternoon, the Town completed all of its approvals and easements related to Metro. Tomorrow, the Metropolitan Washington Airports Authority (MWAA) is transferring the Silver Line Phase II project to Metro, who will operate it.

Mr. Ashton stated that the Town completed the Herndon Parkway Bus Bays project, and they are planning a ribbon cutting for the first week of November. County, state, and Northern Virginia Transportation Authority (NVTA) officials will be invited because of the funding and support they provided to the project.

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Councilmember Friedrichs: Wished a Happy Diwali to those that celebrate.

Councilmember Friedrichs stated that she enjoyed attending the Metro Monday meeting. She discussed the upcoming NVTa-Planning Coordination and Advisory Committee (PCAC) meeting that she will be attending. In December, the PCAC is voting on several major projects. Councilmember Friedrichs planned to update the Council following that meeting.

Councilmember Regan: No comments.

Councilmember Singh: No comments.

Vice Mayor del Aguila: Asked Mr. Ashton to clarify when Metro was opening in Herndon.

Mr. Ashton stated that he did not have a date for the metro opening. He clarified that in his earlier comments, he was referring to the Bus Bays project, which had just finished.

Vice Mayor del Aguila stated that he had the privilege to interact with several ESOL classes at Herndon High School and he felt it was a powerful experience. He offered kudos to Councilmember Dhakal, who brought up how the Town could support education opportunities at last week's work session meeting.

Vice Mayor del Aguila thanked members for attending the most recent Pedestrian and Bicycle and Advisory Committee (PBAC) meeting, which he chaired. Through Vice Mayor del Aguila, PBAC planned to submit formal requests to the Council soon. PBAC wants the Town to look at how to complete sidewalks in Town to ensure ADA compliance.

Mayor Olem: Stated that she presented an award to the Herndon-Reston Rotary Club at the Northwest Fairfax County Distinguished Citizen and Organization Evening, hosted by the Powhatan district Boy Scouts of America. She congratulated Danny Vargas, who also received an award at the event.

Mayor Olem echoed Councilmember Friedrichs' comments about Metro Monday, where they received an update on several projects planned for the Herndon Metro Station area. Mayor Olem gave a presentation on the business growth in the Town at the event, which included updates on the planned redevelopment in Herndon's downtown and several businesses that have opened in the past year. Also at Metro Monday, Mayor Olem discussed Designated Outdoor Refreshment Areas (DORA), development in the Transit Related Growth (TRG) area, and the Town's incubator program with George Mason University.

Mayor Olem congratulated staff on the Bus Bays project and working with the Town's funding partners to make it happen. She is looking forward to the ribbon and the new Fairfax Connector bus routes that will open with the Metro.

Comments and Disclosures for the Record

Ms. Kertz entered into the record comments that were received on Item #7, Ordinance 22-O-27, to amend Chapter 66, Designated Outdoor Refreshment Areas. The Clerk did not receive additional public comments or statements from Council for any other items listed on the agenda.

5. Comments from the Audience

Mayor Olem reviewed the process and asked those who wanted to provide Comments from the Audience to come forward.

The following individuals provided comments:

- Jay Hadlock, 515 Alabama Drive, discussed affordable housing and addressing the “missing middle” in the housing market. He provided comments on a planned project at 555 Herndon Parkway and on General item #7, Ordinance 22-O-27, to amend Chapter 66, DORAs.
- Stevan Porter, 905 Vine Street, expressed support for General item #7, Ordinance 22-O-27, to amend Chapter 66, DORAs.

PUBLIC HEARINGS

6. 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

Certificates of Publication were filed from the Editor of the *Fairfax County Times Newspapers*, showing that notice of said public hearing item had been duly advertised in the Friday, October 7 and October 14, 2022 issues.

Mayor Olem opened the public hearing and recognized David Stromberg, Zoning Administrator, who presented the staff report and PowerPoint dated October 25, 2022, which are on file in the Town Clerk’s office. He reviewed the property, which is located in the Reston-Herndon Business Park and zoned Planned Development Business. The applicant is 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, an increased parking setback, and to eliminate rear parking, loading, and the drive aisle; and 3) modify buffer. Mr. Stromberg also discussed the parking requirements and analysis.

Mr. Stromberg stated that the Council discussed landscaping on the property at last week’s work session meeting. The applicant plans to save approximately 30 trees, plant 40 new trees, and add more shrubs on the property.

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Mr. Stromberg stated that the Planning Commission recommended approval, to include a proffer for noise modification. The applicant added a proffer addressing noise from the rooftop units. Staff recommends approval of the proposed ordinance, as presented, with the proffers dated October 11, 2022.

There was brief discussion between Council and staff.

Responding to Councilmember Regan's question about when the draft TRG plan will be available, Mr. Stromberg stated he did not have the date for Planning Commission review yet. Mr. Ashton thought it might happen around June 2023.

Responding to Councilmember Singh's questions about the noise levels, Mr. Stromberg stated that as part of the additional proffer, the Town had the ability to require a sound study prior to issuing the Certificate of Occupancy. Councilmember Singh stated that he still wanted to require the applicant to use the latest technology to reduce the noise.

Responding to Vice Mayor del Aguila, Mr. Stromberg confirmed that the Ordinance had not changed since last week's work session meeting.

Mayor Olem recognized Kelly Posusney, with Walsh Colucci Lubeley and Walsh, applicant's agent, to provide comments.

- Ms. Posusney presented a PowerPoint, which is on file in the Town Clerk's office. She reviewed the application, location relative to the nearby residential areas, and outlined the plan to demolish the existing building and build a new facility.

There was brief discussion between Council and Ms. Posusney.

Ms. Posusney introduced Rebecca Brown, with bwdarchitects, to address questions about the possibility of the facility being used as a data center. Ms. Brown stated that neither the existing facility nor the proposed new building could be used as a data center in their current forms.

There were no comments from the audience. Mayor Olem closed the public hearing and moved to Council level for discussion and action.

Councilmember Friedrichs moved to approve Ordinance 22-O-25, to approve an amendment to permit a new self-service storage facility, 331 Victory Drive, in accordance with the signed Proffer Statement dated October 11, 2022, and the Generalized Development Plan dated July 28, 2022, as presented. Motion seconded by Councilmember Alam.

Vice Mayor del Aguila asked the applicant to provide feedback on the Town's processes.

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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.”

GENERAL

7. 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 25, 2022, which are on file in the Town Clerk’s office. The General Assembly recently passed legislation allowing local governments to establish Designated Outdoor Refreshment Areas (DORA), which permits the public consumption of alcoholic beverages under certain circumstances. The Code of Virginia requires that any locality adopting such a district adopt a public safety plan and post appropriate signage showing the boundaries of the DORA. Virginia ABC has the regulatory authority to approve a DORA, which will likely be located in entertainment or downtown districts. Staff recommends approval of the proposed ordinance, as presented, which will be effective on January 1, 2023.

Responding to Councilmember Dhakal, Mr. Ashton stated that right now, he was not certain of how DORAs would impact the Town until staff had applied for the ABC license and started the planning process.

Councilmember Singh stated that he wanted more input from the public, along with more information on event costs before the Council acts on DORAs.

Councilmembers Singh and Alam expressed concern over individuals consuming alcohol in public spaces and potential problems, like drunk driving.

Responding to Councilmember Friedrichs, Ms. Yeatts confirmed that the State Code language requires disposable cups. She stated that staff could talk with ABC about using biodegradable materials for cups.

Mayor Olem stated that she received a lot of questions from residents about where DORAs would be located. She emphasized that businesses on private property can apply for a different type of ABC license to allow alcohol on their property that did not require a DORA.

Responding to Councilmember Singh, Mr. Ashton stated he did not have data showing how DORAs would impact economic development at that time. He thought DORAs would impact on sales, BPOL, and meals tax revenue.

Responding to Councilmember Dhakal, Mr. Ashton stated that staff is planning to obtain the ABC license that allows up to 16 DORA events per year. It is possible to apply for the license that allows more than 16 events in the future, which would be more likely if a

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private group took over managing the DORAs. Mr. Ashton stated that staff would come back to the Council to review any significant budgetary changes related to the DORA events.

Vice Mayor del Aguila moved to approve Ordinance 22-O-27, to amend Chapter 66, to add a new Article VII "Designated Outdoor Refreshment Areas," as presented. Motion seconded by Councilmember Regan.

There were brief comments from Council.

Vice Mayor del Aguila stated, for the record, that this item started as a Town Council Strategic Initiative and had moved through the legislative process. He said that the Council had discussed this matter thoroughly.

The question was called on the motion, which carried by a 5-2 roll call vote. The vote was: Councilmembers Dhakal, Friedrichs, Regan, Vice Mayor del Aguila, and Mayor Olem voting "Aye." Councilmembers Singh and Alam voting "No."

CONSENT

- 8. 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**
- 9. Resolution 22-G-61, to award Contract, IFB #23-02, Multi-family Refuse & Recyclables Collection**

On motion of Councilmember Friedrichs, seconded by Councilmember Dhakal, the Consent agenda items were approved and carried by unanimous roll call vote, without comment. The vote was: Councilmembers Alam, Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye."

ADJOURNMENT

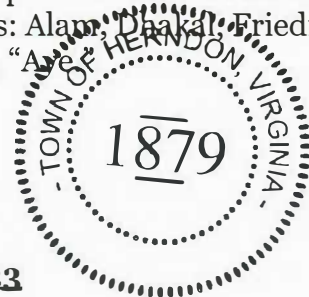
Vice Mayor del Aguila moved to adjourn the October 25, 2022 regular meeting at 9:09 p.m., and Councilmember Friedrichs seconded the motion. The question was called on the motion, which carried by unanimous roll call vote. The vote was: Alam, Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye."

Amanda E. Monan Kertz

Amanda E.M. Kertz, Chief Deputy Town Clerk

Minutes approved by Town Council: January 10, 2023

[Note: Approved resolutions and ordinances are on file in the Town Clerk's office]



NOTE:

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