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**HERNDON TOWN COUNCIL
Work Session Meeting Minutes
Tuesday, December 6, 2022**

The Town Council held a work session meeting on Tuesday, December 6, 2022, at 7:00 p.m. in the Herndon Police Department (HPD) Community Room, 397 Herndon Parkway, Herndon. In attendance were: Mayor Sheila Olem, Vice Mayor Cesar del Aguila and Councilmembers Naila Alam and Signe Friedrichs.

Councilmember Sean M. Regan arrived at 7:03 p.m.

Councilmembers Pradip Dhakal and Jasbinder Singh were absent.

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Kirstyn Barr Jovanovich, Town Clerk; Lisa Gilleran, Director of Community Development; Page Kalapasev, Director of Information Technology; Marjorie Sloane, Director of Finance; Scott Robinson, Director of Public Works; Mike Mueller, Golf Course General Manager; Cindy Roeder, Director of Parks and Recreation; Bryce Perry, Deputy Director of Community Development; Dave Stromberg, Zoning Administrator; Dennis Holste, Economic Development Manager; Mark Duceman, Transportation Manager; Jaleh Moslehi, Capital Projects Planner; 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, with Councilmember Sean M. Regan having not yet arrived. Councilmembers Dhakal and Singh were absent.

Mayor Announcements

Mayor Olem wished everyone a Happy Holidays and encouraged attendance at holiday events happening in Herndon, which are posted on the Town's website and listed in the

Town's 2022 Calendar. She discussed the upcoming Herndon Wintermarkt, along with events that occurred that past weekend: the Holiday Homes Tour, Tree Lighting – which had approximately 400 attendees, and the Arts and Crafts Fair.

PUBLIC HEARINGS

2. Ordinance 22-O-28, to consider Development Plan DP#21-01, 555 Herndon Parkway, a development plan in the Planned Development-Transit Oriented Core zoning district with proffered conditions to allow redevelopment of the site with office, retail, and multi-family residential uses

Mayor Olem stated, for the record, that Councilmember Regan arrived at 7:03 p.m.

Bryce Perry, Deputy Director of Community Development, provided the staff report and PowerPoint dated December 6, 2022, which are on file in the Town Clerk's Office. He provided an overview of the application and explained the resubmission process. The proposed changes to the application would supersede the previously approved version and include: 1) one tower and one mid-rise building, constructed in two phases; 2) reduced FAR of 3.69; and 3) additional lined parking spaces. The following aspects will remain from the approved submission: 1) residential, office, and retail uses; 2) ground-level open space and streetscapes; and 3) a private road network.

Mr. Perry discussed the applicant's proposed interim conditions, which will be in place before the office building is constructed. He also discussed the proposed proffers and zoning modification requests. He stated that staff made some minor comments on the proffer statement that may require the applicant to update the proffers.

Mr. Perry stated that the Planning Commission recommended approval of the application, with several considerations that were included in their adopted resolution, dated November 14, 2022. Staff is withholding a recommendation to Council until the applicant fixes the FAR list on the GDP, which was not updated. Staff plans to provide an updated draft ordinance as part of the next regular meeting agenda once the applicant makes the corrections.

There was brief discussion between Council and staff.

Responding to Councilmember Friedrichs, Mr. Perry indicated that the final number of residential units may vary from what is proposed, but staff thought that the residential square footage was similar to the original proposal.

There was discussion between Councilmember Regan and Mr. Perry about the amount of space allocated for each use. Councilmember Regan expressed concern about the amount of retail space, stating that the applicant cannot create destination retail with 5,000 square feet. He thought the Council should ask for more retail space on these types of applications.

December 6, 2022 Meeting Minutes
Town Council Work Session

Responding to Vice Mayor del Aguila, Mr. Perry stated the applicant did not reference market trends as a reason to why they reduced the amount of office space. He encouraged Vice Mayor del Aguila to ask the applicant that question at next week's regular meeting.

Vice Mayor del Aguila expressed concern that employers may not bring back employees to the office in full capacity, which he thought would negatively affect this application, as well as the Metro Station area.

Responding to Vice Mayor del Aguila, Mr. Perry stated he could add a chart about what elements were already approved, along with what is being proposed, to the PowerPoint for next week's regular meeting.

Responding to Mayor Olem, Mr. Perry stated that the applicant was aware of the mistake in the FAR on the GDP, and he thought that they would update it before next week's regular meeting.

Responding to Councilmember Friedrichs, Mr. Perry stated that universal design accessibility standards were not required in this zoning district. He stated that staff could discuss this with the applicant.

Responding to Vice Mayor del Aguila, Mr. Perry stated that rezoning applications run with the land, and if approved, the applicant could utilize a by-right site plan. However, the Council would have to review any changes that were not in substantial conformance with what is approved.

GENERAL

- 3. Resolution 22-G-62, to authorize two applications to the Regional Jurisdiction and Agency Coordinating Committee (RJACC) of the Northern Virginia Transportation Authority (NVTA) for FY2029 Regional Surface Transportation Program (RSTP) and Congestion Mitigation - Air Quality (CMAQ) transportation funding**

Jaleh Moslehi, Capital Projects Planner, provided the staff report dated December 6, 2022, which is on file in the Town Clerk's Office. She outlined the RSTP application, which includes \$1.5 million toward the East Elden Street Widening Project, and the CMAQ application, which was \$750,000 for Town-wide sidewalk and trails improvements, to include ADA compliance. Staff recommends approval of the proposed resolution, as presented.

Responding to Vice Mayor del Aguila, Ms. Moslehi stated that staff is working on action plans to identify steps that would move other CIP projects forward. She stated that as funding opportunities arose, staff will apply for the applicable grants.

Vice Mayor del Aguila asked staff to consider bonding, when appropriate, for funding transportation projects.

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-63, to approve a Memorandum of Agreement between the Town and George Mason University for the creation, funding, and operation of the Mason Enterprise Center – Herndon

Dennis Holste, Economic Development Manager, provided the staff report dated December 6, 2022, which is on file in the Town Clerk's Office. The proposed resolution was a follow-up to a discussion the Council had in October about an incubator program in Town. In this resolution, the agreement between the Town and George Mason University (GMU) will begin on February 1, 2023. Businesses that participate will have access to the Mason Enterprise Center–Herndon (MECH), which includes several programs. The participants can also take part in training, counseling, and mentorship opportunities. GMU will provide semi-annual reports about programs and participants to the Town. He stated that the agreement will cost \$55,000 for GMU and \$10,000 a year for Office Evolution, which will serve as the location for the program. Staff recommends approval of the proposed resolution, as presented.

There was brief discussion between Council and Staff.

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. Resolution 22-G-64, to initiate consideration of a Zoning Ordinance Text Amendment ZOTA #22-01 to amend Chapter 78 (ZONING), Article XIV (Signs), Section 78-141.4 (Sign Standards for Commercial Districts), to increase the maximum number of freestanding signs permitted with a drive-through use

David Stromberg, Zoning Administrator, provided the staff report and PowerPoint dated December 6, 2022, which are on file in the Town Clerk's Office. The draft text was submitted by Pollo Campero and would start the process of amending the Town's Zoning Ordinance to allow signs at drive-throughs. If the proposed initiating resolution is approved, the Planning Commission will review it and provide a recommendation to the Town Council. Mr. Stromberg stated that staff will work closely with Pollo Campero and the Planning Commission on drafting revised language for the ZOTA.

Mr. Stromberg explained how the ZOTA had to be consistent with a 2015 United States Supreme Court decision of Reed versus the Town of Gilbert, Arizona, which significantly

December 6, 2022 Meeting Minutes
Town Council Work Session

expanded what is considered “regulating content.” He stated that the proposed language complies with the Reed decision and staff recommends approval of the proposed initiating resolution.

There was brief discussion between Council and Staff.

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.

6. Resolution 22-G-65, to award a contract for Concession Food Services, Herndon Centennial Golf Course, RFP #23-02

Mike Mueller, Golf Course General Manager, provided the staff report dated December 6, 2022, which is on file in the Town Clerk’s Office. He reviewed the procurement process for concession services at the Golf Course, which included issuing a Request For Proposals (RFP) that was reviewed by an evaluation committee, holding interviews with staff, and negotiating the contract. The proposed agreement is between the Town and Herndon Donuts LLC, from January 1, 2023 to December 31, 2023, with four one-year renewal options. Staff recommends approval of the proposed resolution, as presented.

There was brief discussion between Council and Staff.

Responding to Councilmember Friedrichs’ concern about a one-year contract, Mr. Mueller and Mr. Ashton both stated that it provides the Town with leverage so that the vendor keeps their customer service standards high. Mr. Ashton emphasized that there are four one-year renewals available to the vendor.

Responding to Councilmember Alam, Mr. Mueller explained that the vendor decides the type of food they have on their menu. He indicated he could ask the vendor about vegan and Halal options.

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.

ROUNDTABLE

Councilmember Regan: No comments.

Councilmember Friedrichs: Stated that she enjoyed participating in the Tree Lighting and singalong at Town Hall Square.

Councilmember Friedrichs was excited to share that the NVTa awarded the Town \$4.6 million toward the Worldgate Drive extension. She stated that she serves on the NVTa-PCAC, who made the funding recommendations to the NVTa.

December 6, 2022 Meeting Minutes
Town Council Work Session

Councilmember Alam: No comments.

Vice Mayor del Aguila: Echoed his colleagues' comments about the Tree Lighting. He also stated that citizens had asked him how to make the tree more vibrant.

Responding, Mr. Ashton stated that the Council would need to budget for a professional company to decorate the tree if they wanted it to be brighter. Vice Mayor del Aguila stated he will submit that as a Town Council Strategic Initiative.

Mayor Olem: Stated that she enjoyed the Herndon Metro opening events in November. She enjoyed hearing the Herndon High School Pride of Herndon Marching Band at that event and at the Tree Lighting. She thanked Town staff and the event sponsors for their efforts.

Mayor Olem stated that last evening, she served on a committee for a Strategic Initiative Meeting for Fairfax County Public Schools (FCPS). She shared that there will be approximately 10,000 individuals on 11 committees from across the community taking part in the process with FCPS. She encouraged those interested to visit FCPS' website for more information, and she complimented the teachers that work in Herndon's schools.

William H. Ashton II, Town Manager: Stated that the auditors are presenting the Town's annual audit at the beginning of next week's regular Town Council meeting. He indicated that it was an unqualified opinion, but there were a few details the Council should pay to attention in the Management Letter.

Mr. Ashton gave kudos to the Department of Public Works staff for finishing the sidewalks and bike lanes on Van Buren Street. He stated that staff was working to complete the Van Buren Street project, and the next steps included adding streetlights and finalizing the intersection improvements.

Mayor Olem echoed Mr. Ashton's kudos to staff for their work on Van Buren Street.

ADJOURNMENT

Councilmember Friedrichs moved to adjourn the meeting of the December 6, 2022, work session at 8:56 p.m., and Councilmember Regan seconded the motion. The question was called on the motion which carried by a 5-0 roll call vote. The vote was: Councilmembers Friedrichs, Regan, Vice Mayor del Aguila, and Mayor Olem, voting "Aye." Councilmembers Dhakal and Singh were absent.

Amanda E. Monahan Kertz

Amanda E.M. Kertz, Chief Deputy Town Clerk

Minutes approved by Town Council: January 10, 2023

