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**HERNDON TOWN COUNCIL
Strategic Initiatives Discussion
Tuesday, February 2, 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during Pandemic Disaster (COVID-19), as amended and readopted by the Herndon Town Council on September 8, 2020, which superseded previously adopted amendments, Mayor Olem has stated that the Town Council meeting on February 2, 2021 will be by electronic means.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 27, 2021. In attendance electronically were:

- Mayor Sheila A. Olem, presiding;
- Vice Mayor Cesar del Aguila;
- Councilmember Naila Alam, arriving at 7:24 p.m. due to technical difficulties;
- Councilmember Pradip Dhakal;
- Councilmember Signe Friedrichs;
- Councilmember Sean M. Regan; and
- Councilmember Jasbinder Singh.

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Chief Maggie DeBoard, Herndon Police; and Amanda M. Kertz, Chief Deputy Town Clerk.

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ANNOUNCEMENTS

Amanda M. Kertz, Chief Deputy Clerk, welcomed those listening to the February 2, 2021 meeting 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during Pandemic Disaster (COVID-19), as amended and readopted by the Herndon Town Council on September 8, 2020, which superseded previously adopted amendments.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 February 2, 2021 Town Council meeting to order at 7:00 p.m. and asked the Chief Deputy 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, except for Councilmember Alam, who was late arriving due to technical difficulties, and with Mayor Olem presiding.

COMMENTS FOR THE RECORD

Mayor Olem asked the Chief Deputy Clerk, Ms. Kertz whether she had received comments for the record on the item listed on that evening's agenda, and Ms.

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Kertz stated that the Town Clerk's office received comments which were entered into the record and provided to Council.

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Mayor Olem stated that she had spoken to several members of Council about a hard stop time of 10:00 p.m. that evening, which the Council would try and meet.

TOWN MANAGER PRESENTATION

2. Strategic Initiatives Submitted by Council Members

Mayor Olem recognized William H. Ashton II, Town Manager, to open the discussion with his presentation dated February 2, 2021 which is on file in the Town Clerk's office.

Mr. Ashton stated this presentation was Council's, and he reviewed the history of this discussion which began with Vice Mayor del Aguila suggesting that Councilmembers send their priorities to Mr. Ashton.

Mr. Ashton shared with Council that the IT Department was working with Councilmember Alam to get her into the meeting.

He stated all the topics Council sent in were represented in five different "buckets" in this presentation. There were some topics he created a hybrid of, if they were similar, for the sake of brevity.

Mr. Ashton began his presentation and reminded Council this was their discussion. He hoped they could prioritize short-term, mid-term, and long-term goals, so that staff could begin to analyze and come back to Council with the impacts, implications, and possible alternatives.

He hoped this would become a resolution that would encapsulate their ideas, so they could begin putting them into place. He reiterated there were five areas all topics seemed to fall into which were: fiscal, transparency, inclusion, reform, and long-term.

Fiscal requests included: effective short-term and long-term budgeting to meet immediate priorities without overburdening future residents; focusing on vital services; avoiding tax raises, if possible; protecting staff from layoffs, if practicable; and utilizing reserves to offset budget shortfalls. After reviewing the main points, Mr. Ashton turned discussion over to Council.

Mayor Olem asked for discussion on the first topic, and Councilmember Regan asked procedural questions about if, in this type of meeting, back and forth

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conversation was acceptable or if the format was more rigid. Mayor Olem stated that during a normal retreat there was a moderator to facilitate and it may be cumbersome on the Webex. In response to further queries from Councilmember Regan, Mayor Olem confirmed they could ask questions of other members of Council.

Councilmember Regan's second question was if they could look at the five buckets initially and think about them sequentially to see if there was one they should discuss first.

Mr. Ashton indicated he was fine with however Council wanted to open discussion. He stated they could go through all the slides and then home in, if he wanted and all of Council agreed.

Councilmember Singh felt the discussion should begin with the person who submitted the topic, so they would know the thinking behind it. He wanted to look at what the priorities were.

Vice Mayor del Aguila suggested they invert the order. He felt that, until they identified other priorities, they could not say much about fiscal components. He thought this was the last thing they would want to discuss after identifying the higher topics. He agreed with Councilmember Singh about having the person who sent the topic in speak to it first. He thought they had about 30 minutes per topic, if they tried to cover them all that night.

Councilmember Friedrichs stated she liked Councilmember Regan's comments about going through everything. To Councilmember Singh's point, she stated they might not know which were theirs since Mr. Ashton had been able to combine some comments. She also stated she might agree with Vice Mayor del Aguila, but she thought fiscal was the structure on which everything relied. She reiterated Councilmember Regan's point about going through all the topics first for an overview, which she thought might help them identify priorities.

Councilmember Dhakal commented on other ways Council could indicate they wanted to speak, so it would be easier to be recognized. Mayor Olem stated she could not see Councilmember Dhakal, and Mr. Ashton stated he thought Councilmember Dhakal was having a bandwidth issue with his video.

Councilmember Dhakal agreed with Councilmember Regan's idea to go through everything first. He also agreed with Councilmember Singh's comments about Council discussing the topics they submitted. He felt the fiscal topic was important and that it might be helpful to have an overview first.

Mayor Olem felt that they should move forward with having Mr. Ashton present the rest of the Fiscal slide. Mr. Ashton presented the next topics for the Fiscal section which included points about: implementing best budget planning

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practices, analyzing the town's current financial health under three scenarios, and developing a post-COVID-19 return to "normal" plan.

Transparency requests: included audio and video recordings of all meetings, dedicated FOIA resources, making all records available to the public, memorializing meetings with Special Interests, and creating transcripts of Council meetings.

Inclusion requests: sponsor and encourage multicultural festivals, long term recruiting efforts for officials and staff representative of the diversity in town, building the town for excellence in vibrancy through multicultural activities and turning banks of waterways into picnic areas.

Reform (Housing) requests: HDRB reform, gaining a better understanding of the range of housing prices currently in the Town and the tools towns have to implement housing policy, benchmarking housing stock against Fairfax County, and invest in existing neighborhoods.

Reform (Operational) requests: retraining and redeployment of staff, evaluating police department reporting and update to include information about demographics where possible, modernizing staff presentations, subjecting enforcement practices to Council review, examining Community Development regulations, continuing to support federal, state, and county COVID management and vaccination programs, timing lights to improve traffic flow.

Reform (Council): voting districts and how Council operates and empowering Council to set its agenda.

Long-term requests: 2035 Vision update and funding of top CIP projects.

Mr. Ashton reiterated these were what Council sent in, and he just formatted them for the presentation and discussion. He said they could start wherever Council wanted.

Mayor Olem requested they begin with transparency.

At 7:24 p.m., Lesa Yeatts, Town Attorney, confirmed that Councilmember Alam had signed onto the meeting by telephone and was able to participate.

Transparency

Councilmember Singh provided comments about audio and video recordings of closed meetings. He felt certain things during his prior time on Council would not have happened if they had been recorded. He believed people would be mindful if they were being recorded, that it was necessary, and that people would be afraid of saying certain things.

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In regard to FOIA, he indicated that if you wanted to get documents, they had been relatively inexpensive in the past, but when he tried to get information, he felt staff made it almost impossible and did not justify numbers. He felt those practices had to change, and the public needed to know information on an ongoing basis. He stated he could give many examples. He was most concerned with the practices that had been there that he felt were taken away over the past eight years. He wanted to reverse those things.

He also discussed memorializing meetings with special interests so that Council knew what was going on and could ask questions. He was talking specifically about “builders.” He thought Council did not know about negotiations going on and thought those meetings should not be confidential and should be recorded. He expressed that he could go into detail about specific cases. Councilmember Singh also felt they should have transcripts of the meetings because he thought many people used to use transcripts for information. He felt it was impossible to find out what was going on by watching the videos of meetings. He wanted them to go back to practices they used to have and move forward so they have the best practices in the state.

Councilmember Friedrichs wanted to go through each topic individually. She referenced Councilmember Singh’s request to record closed meetings. He confirmed there was an emphasis on closed meetings, and Councilmember Friedrichs stated she would be in favor, but she did think it could result in a lessening of development in the town. She had heard from several elected officials that this was a tool they use, and Councilmember Singh stated he did not think this would affect developers coming into the town.

Councilmember Friedrichs clarified that she did not mean they would get less developers she was just saying that it might have a “chilling effect” which would not necessarily be a bad thing.

Vice Mayor del Aguila agreed with the transparency initiative and stated he did submit a few of the topics. He referenced the project the past year and expressed that he was not worried about developers or officials, but he was concerned about the residents being able to hear what went on in the meetings. He stated, when appropriate and legally possible, he thought closed-door meetings should have been recorded and made available at an appropriate time. Vice Mayor del Aguila thought this was imperative going forward because there was so much anxiety around that project. It was his opinion that people were questioning their ethics. He thought personnel issues could stay private. He thought if they were truly supportive of transparency, they should do this. He also stated he did not just want to discuss these things. If there was consensus, he wanted to either move on these or put them on the backburner.

Councilmember Dhakal felt these were straightforward points and that they would encourage public engagement. He said they had a Parliamentarian who

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could tell them what they could do legally, and he mentioned he was part of the team when they came up with ideas for transparency. He said if they disclose what they discuss in closed meetings while in negotiation it would change things, but they could disclose later so the public understands the process. He felt FOIA should be available through the website, and if something was available through FOIA, people should be able to get the information through a dedicated resource or some other way.

Councilmember Regan felt encouraged to be more specific by Vice Mayor del Aguila's comments about moving forward. Councilmember Regan suggested he would like to see the first topic presented in an "Option A or Option B" format. He stated if they were talking about recording closed sessions that was one bucket to look at, but if by "all meetings" they were talking about any meeting with a property owner, that was different. He felt he might struggle more than others over terms such as "developer" and "special interest." He indicated that he frequently talks to people who are interested in changing things about their homes, so he did not know how those types of conversations would be recorded. He reiterated he would appreciate looking at the first topic in the two different "buckets" he mentioned.

Councilmember Alam had no comments at that time.

Mayor Olem's biggest concern was memorializing all meetings. She stated individuals often talk with town staff and want those conversations kept private. She thought that would squash some forthcoming opportunities after referencing research done in the past by a current business owner.

In relation to employee evaluations, she indicated Council only conducts those for the Town Manager and the Town Attorney. As far as broadcasting those, she did not think any other company, nonprofit, or government agency did that. She stated if there were issues with employment, they had closed meetings. She would hope the Town Attorney could send them some confidential information to discuss those types of things. Mayor Olem then discussed other types of meetings that are held in closed meetings such as those for boards and commissions. She expressed that people might not want to have those conversations if those meetings were public.

Councilmember Singh reiterated he felt that some of the meetings which were closed should not be. He said that he spoke with Ms. Yeatts, and she indicated that Councilmembers had to object if they did not agree it should be a closed meeting. He felt it should be the Town Attorney's responsibility to determine if the meeting should be closed or not. He felt some closed-door meetings he had been in should not have been closed. He also talked about special interest meetings with builders and stated any developer should have their plans noted. Mr. Singh said the "Downtown Master Plan was low level then suddenly went up to four to five stories and nobody has any idea how that actually happened

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whether Mayor Merkel met with Comstock or met with other people..." He felt it was important they knew the meetings took place and what they were about.

Mayor Olem clarified that her comments were about memorializing all meetings with special interests, not specifically closed-door meetings. She was discussing when staff would sometimes meet with someone considering doing something, even if it was a homeowner.

Mayor Olem asked Mr. Ashton if he had any information about the numbers and costs for FOIA requests per year so they could discuss that. She expressed there seemed to be a misconception that everything was expensive.

Mr. Ashton had staff do a cursory review of FOIAs (that were not related to the Herndon Police Department (HPD) because those go directly to HPD). He had not tasked them with coming up with any numbers. Traditionally, he indicated, routine requests go to the various departments and were primarily for the departments of Community Development and Public Works. Occasionally, requests were for Parks and Recreation, Finance, or HR. Over the past three years, there were roughly 250 routine requests, annually, which equated to about 19-20 requests a month. He stated those were all free because they did not go through the formal FOIA process.

Of the formal FOIA requests which have to be analyzed, in 2018 of 22 total, 8 exceeded \$200; in 2019 of 12 total, 5 exceeded \$200; and in 2020 of 16 total, 5 exceeded \$200.

Vice Mayor del Aguila felt \$200 was outrageous, and he did not think it should cost anything to get information. He referenced a FOIA request he had done that was around \$1200. He felt it was unacceptable and that information should not cost. He thought they should bake the cost in and indicated that was why he liked the resource idea. He also briefly touched on possible abuse of the situation.

Councilmember Friedrichs asked Mr. Ashton what caused FOIA requests to be expensive.

Mr. Ashton stated he could not speak to Vice Mayor del Aguila or Councilmember Singh's specific cases they referenced, but traditionally people would have a law firm who would call and ask for broad-based records. He stated any Virginia resident could make a FOIA request of the town, and he referenced a recent request submitted for all vehicle accident data. He indicated that high price FOIAs were generally broad-based requests that took a lot of resources to gather. Mr. Ashton stated they tell the recipient the price and offer to narrow the focus to drive costs down, but that did not usually happen. He shared that the process is based on state code, and he agreed with Vice Mayor del Aguila that he

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did not want to see abuse, but he did not know of any other way to control for that besides the cost, since every Virginia resident could make requests.

Councilmember Regan indicated that he was reluctant to create a situation where the town was exposed to limitless costs that they could not project. They would not know the cost going in. He did not know if it was practicable to put a cap on it, and he stated he would probably defer to the Town Attorney.

Councilmember Dhakal echoed Councilmember Regan's comments about exposure and abuse that he had not been aware of it. He thought potentially people could just come ask. He provided comments about when the public requests information and how they need to make sure they are giving information with minimal cost. He mentioned a problem with FOIA was that they could not ask why they need the information they are requesting. He felt that was something they needed to discuss as well.

Councilmember Singh detailed his personal experience. He referenced the documents and indicated that he thought they were not given to him because staff did not want to give them to him. He felt it was not burdensome and a deliberate effort to not give him the documents.

Councilmember Singh said the reports were produced by Community Development, and they know where they are and should create a log, so they are readily available. He felt this should be routine. He referenced the material on file for his building and said Community Development creates those documents and makes them available. He said he was talking about his experience on a daily basis and information that he felt should be readily available. Should be open looking for the transparency that decisions can see where the data came from for those decisions.

Mr. Ashton stated he wanted to get actionable items out of their discussion, so that staff can do the work for Council. He asked if they agreed staff should investigate the following: analysis of closed meeting recordings (what it would look like) and eventual work session recordings when they begin meeting in person again; technology to record work sessions as they had been during the State of Emergency; and for FOIAs allow staff to look at what they can do to improve the process while keeping a governor on institutionalized requests that would eat up staff time.

Vice Mayor del Aguila asked if there was a way to segment town residents from outside residents to only charge those from out of town. Ms. Yeatts stated they could see if that was an option. She was unaware of any jurisdiction that did that and clarified that the question was if they could not charge town residents. Mr. Ashton indicated he took that note down to investigate.

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Councilmember Dhakal asked if they could distinguish individual requests from institutional requests, and Ms. Yeatts stated that FOIA did not permit that.

Mr. Ashton thought they should look a little further as well and mentioned what would go into things like videos with innocent victims whose identities would need to be redacted from HPD videos. He stated memorialized meetings with “special interest” was a term that needed to be defined. He asked to table this and the transcripts while they worked on the first three items.

Vice Mayor del Aguila stated, related to meetings with special interest, that he was fine with anyone being able to see his meeting calendar. He felt that was a step in the right direction. With the meeting transcripts, he thought that was just a “technology thing” and cited YouTube and Google producing transcripts. That was second tier, in his opinion.

Mr. Ashton concurred with Vice Mayor del Aguila’s sentiment about being willing to share his calendar. He indicated they would start with the first three topics on the Transparency slide and park the last two to revisit later.

Councilmember Singh provided further comments about transcripts. He did not think it was difficult and felt they should consider it now and see what technologies were available. It was Councilmember Singh’s opinion that it was difficult to summarize, but transcripts themselves would be easy. He also stated he was mostly talking about staff recording when someone met with them. He was not prepared to drop the last two topics because Mr. Ashton did not think they were important. Many people had told him they did not want to watch videos and they wanted something to read quickly.

Mayor Olem stated there were state limitations and requirements of where they would store records. They would need prices on things like storage and possibly morphing these things to much larger documents.

Mayor Olem concluded discussion on this topic.

Inclusion

Mr. Ashton outlined the inclusion topics that came in on: multicultural festivals, enacting long-term recruiting efforts for officials and staff representative of the cultural diversity in the town, building the town for excellence and vibrancy through unique multicultural activities, and turning banks of waterways into picnic areas.

Councilmember Dhakal expressed that he supported the multicultural board which could be called diversity committee, or any names suggested. He commented on Herndon as a minority-majority community and indicated Council wanted to celebrate and create a unity in that diversity. He emphasized

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empowering people to come forward and stated that when diverse ideas came forward it would help move the town forward as well. That was the rationale to celebrate the diversity and bring them together to celebrate culture, language, custom to create more tolerance. He stated the more you know about other cultures the more tolerance you have. He felt the board would essentially celebrate diversity and potentially advise Council to recruit and appoint more people to serve different boards, commissions, and affect hiring practices for staff. He thought they could also advise management to go more into inclusion and diversity while hiring people to serve the town.

Vice Mayor del Aguila supported Councilmember Dhakal's comments about the town's diversity as a strength and added it was the beauty of their town. He wanted to look at specific events and suggested possibly changing Friday Night Live (FNL) if the town would invest in and sponsor it. He stated he wanted to see diverse music, cultures, and foods. He stated both Councilmembers Dhakal and Alam had spoken to bringing the beauty of these different cultures and showcasing them. He indicated his complete support.

Councilmember Regan referred to Councilmember Dhakal's comments and stated that perhaps creating the Multicultural Board should be first on their list. Councilmember Regan indicated that he loved the idea and that it becomes a part of all the other things they were considering like creating town leadership that looks like the town. Councilmember Regan asked Mr. Ashton to add that bullet point in the next iteration of the presentation. He indicated that the second bullet point for this discussion either came from him or was something a lot like what came from him. He felt if they were serious about it, there needed to be a long-term, deep effort they were all committed to in terms of promoting from within and enabling cultural differences to be heard at senior levels. He felt that a board could be the framework to hold Council accountable.

Councilmember Singh provided comments about being exposed to different music and traditions and how that enriched his life. His thinking was to bring different traditions and music to the town so people can see what other cultures offer. He wanted to see long-term vision and felt involvement could take a great deal of effort. It was not clear to him if this needs to compete with FNL or could be a separate issue the town could help set up. He felt that immigrants are hungry to see something they are familiar with, and he thought all could enjoy things from all parts of the world.

Councilmember Friedrichs voiced her support. She stated that Councilmember Dhakal pointed her to the Leesburg Diversity Commission which she looked at. She indicated that she had struggled to appeal to this audience for years in a nonprofit, and she thought what was missing was people from the different religious and ethnic communities buying into. She shared that ArtSpace had an amazing South American musician who brought in friends and that event was well attended. However, she felt there was a feeling of disconnection and that

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people were not willing to interact because they either did not know about events or did not feel like a part of the town. Her initial thought was to have a committee doing some cultural and regulatory aspects like the one in Leesburg, and she thanked Councilmember Dhakal for pointing her in that direction.

Councilmember Alam expressed her support for this so that different communities could come together and have better understanding of each other.

Mayor Olem shared that she moved to Herndon in 1990 because of the diversity she found in her neighborhood in Four Seasons. She specifically referenced the diversity in Hutchison Elementary School where her sons attended. Mayor Olem also provided personal comments about her experience in Mexico City. She also provided comments about attending the event with the musicians from South American countries referenced by Councilmember Friedrichs which she said was another one of Lester Zidel's great events. She shared that the resource center had long been a place to see multicultural events and stated The Rotary Club of Herndon's current president was from Argentina and has had events with Argentinian dancing. Mayor Olem also mentioned the Herndon Chamber of Commerce holding a Hispanic festival. She indicated they had long had these things and mentioned nonprofits that could help get people more engaged. She stated they can also do things in neighborhoods and events such as potlucks as ways to get to know each other.

Mayor Olem thought Council needed to know exactly what this committee would do, so the committee would have a purpose when they met. She mentioned various existing community groups who she thought would be willing to help, and cited Nature Fest as an example of an existing event with a lot of diversity represented.

Mr. Ashton recapped the section by stating Council was interested in pursuing a Multicultural Board following Leesburg as a model. He also mentioned looking into something being created in Fairfax City. With information gathered, they wanted to create an actionable item to enact this board, and staff would do brainstorming on a festival and activities. He indicated it might be possible for Parks and Recreation to do something like the Wintermarkt where the Chamber of Commerce was in charge, but staff assisted. He mentioned the possibility of institutionalizing that model, so staff could help other groups in a similar way. He also stated they would look at how to increase outreach to nonprofits and look internally at ways to be more multicultural in the Herndon Festival to alter food, music, and activities options into the celebration of who they are as a town. He reiterated these points as the takeaways from this section.

Councilmember Singh felt the festival should be an annual event and should be announced to make an impact on the entire community as a start.

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Councilmember Dhakal appreciated Mr. Ashton's summary and agreed about incorporating these ideas into the Herndon Festival. He thought that would increase both participation and attendance. He stated they want to create the board first because the board itself could come up with how to include those elements from the multicultural perspective to enhance what they have.

Mr. Ashton sees having that element of the multicultural board coming and being made "Herndon-ized" while they brainstorm other things and then of course the input from that board would help refine that brainstorming.

Mayor Olem concluded discussion on this topic.

Reform

There were three categories of reform that came up with a lot of interest.

Housing

Mr. Ashton stated the Historic District Review Board (HDRB) got a lot of interest, and he reviewed the name change from heritage to historic. He indicated that some topics ranged to many areas, but he tried to encapsulate them. First, they could analyze definitions and regulations. Then, they would look at what is necessary to maintain historic district status. Then do information gathering to enter discussion of reforming with the goal to allow greater latitude for homeowners within the bounds of the district.

He discussed gaining a better understands of the current housing crisis through information gathering sessions. This included: accessory, workforce, and affordable housing allowance for first responders and teachers. He was also asked to benchmark housing stock. He mentioned the concept of investing in existing neighborhoods which would need further definition moving forward and opened the discussion for Council.

Councilmember Friedrichs mentioned an earlier request she made with Mr. Ashton about making the town more affordable for first responders and teachers and stated she thought he had said it was not possible for them to provide housing allowances for some people and not others. She had suggested tax rebates to make this a better place for teachers and first responders to live. She asked which tools were available that were different from what they discussed.

Mr. Ashton stated he did not remember their conversation. Responding to further question from Councilmember Friedrichs, Mr. Ashton clarified he put topics on the list regardless of feasibility, and they would analyze and identify if they were legal as well as risks, prices, etc. after Council made decisions to staff items.

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Councilmember Dhakal stated they wanted to make sure Housing was addressed. He mentioned the function of the HDRB which also impacted things such as pricing. He stated they wanted to make sure they have the right numbers for pricing, income, and affordability for workforce and affordable housing. He wanted them to know about the housing stock in respect to Fairfax County. He agreed with the initiative for teacher and first responder housing but stated he would defer to Vice Mayor del Aguila so he could explain his rationale for the first, since it was his suggestion. He felt they would want teachers and first responders to stay in the community rather than commuting from other states.

Vice Mayor del Aguila agreed with all the points mentioned. Starting with the Historic Overlay District, he mentioned the censuses taken since then and referenced redrawing districts. His understanding was that they were not bound to never update it. He felt they would make it better, not destroy it and that it was a huge part of their housing stock. He thought they should look at how it has made an impact and will impact in the future. He shared that updating and redefining was the feedback he received.

Regarding the housing allowance, he mentioned the future of policing, and stated responders and teachers also seem to have a different approach when they are in the community. He wanted to see more police walking than in patrol cars and thought them living in the community was good. He indicated he was in favor of exploring options to make this more palatable for them and wanted to investigate the legality that Councilmember Friedrichs mentioned. He mentioned concerns from an immigrant, Latino perspective, and he indicated a good relationship with the police and the future of policing affects them all. He stated they would only have more demands as Metro came and brought more people. He was anxious to set priorities and get some initiatives underway.

Councilmember Singh supported Vice Mayor del Aguila's comments. He thought the HDRB had gone through two different changes and he asked Mr. Ashton to provide written documentation of those changes so he could see them. He asked what they were trying to preserve and felt that issue was never clear. He felt that any changes frustrate people, so they needed to take a hard look at the regulations and how they should be changed. He questioned if they should even have a board and asked what they want to preserve. He stated he had positions. Regarding first responders and teachers, he felt it was useful to have that community but asked, in a small town, how much they could subsidize. He felt this was a critical question and they should look at what had been done elsewhere and the success so that Council knew what they were facing. Regarding investing in existing neighborhoods, he stated that when he was campaigning, many people said nobody came to their neighborhoods and asked how they could be improved. He felt many areas needed improvement and effort was needed to see the needs of the community. He felt that for new people, visuals mattered. He voiced frustration about what he thought were ugly fences everywhere in the town that were eyesores. He reiterated the feel of neighborhoods to outsiders was

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important to attract people to the town, and they should make the neighborhoods attractive.

Councilmember Alam agreed with Councilmember Singh about meeting with neighbors to see what they need, and expressed she felt it was a beautiful town and that could be even better.

Councilmember Regan shared that he was excited to get feedback from those listening. He saw short-term actionable items and felt when they summarize at the end it would be clear what they should do next.

Mayor Olem stated her sons were fortunate enough to be coached by some HPD officers who lived in the town. They were interested in participating in sports and that was how her sons met officers. She shared that they have ongoing communication when they see them, and some of her son's teachers lived in town as well. She stated they just did the HDRB reorganization and new guidelines in December, which was a long-term project, so they could bring funding together. She would like to see how citizens are working with that, and expressed they needed to know how they would pay for this. She thought this looked expensive. As far as investing in existing neighborhoods, she stated first time home buyers have a resource available at the Neighborhood Resource Center which was funded by Fairfax County.

Mayor Olem asked if Mr. Ashton needed more information or if there were further comments from Council.

Councilmember Friedrichs stated that she had gone through the website that day looking at processes for different zoning actions. She shared she found two web pages. One was a Neighborhood Inspection Program which did not appear to be in use but was intended to have a staff person work with the neighborhood on appearance and significant problems. However, no neighborhoods were in the program. She shared there was also a rental inspection district where staff would work with an area of town with many rentals to keep inspections up to date. She shared a personal anecdote about being cited over their garage door appearance within six months of moving to Herndon and how they replaced it, at great expense. Her question was why they were not utilizing these tools. She agreed with Councilmember Singh's concerns.

Councilmember Singh responded to both Mayor Olem and Councilmember Friedrichs' comments. He felt these things were started because of rundown townhouses. He was not talking about those programs she referenced. He was talking about the visuals and improvement. He felt Councilmember Friedrichs' comments were completely different. He also expressed that he completely disagreed with Mayor Olem's comments about the resource program. He said the neighborhood resource program was useful for poor people and education it was not close to what he was talking about for the appearance of the town. He stated

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the programs were for very specific people. He reiterated he felt their comments were not even close to what he was talking about.

Mr. Ashton recapped this section to make sure Council was on the same page. He reiterated that Council created these, and he only ordered them to set up a conversation.

He reviewed the HDRB topics which were for information gathering. He restated Councilmember Singh's request for a compare/contrast with changes and mentioned the possibilities of reforming and/or redrawing the district. He asked Council to indulge staff to put together an informational discussion item for a future work session to lay out groundwork to refine other aspects based on that conversation. He also mentioned engaging outside entities to benchmark and get more information because this is a longer-term strategy to address these needs. He stated they would stay the course for what they are doing currently with housing and discuss goals more openly. Regarding housing allowances, they would make comparisons to other places in the country and include a level of analysis of what is happening elsewhere. He also mentioned polling police officers to see, if they did something like that, what the level of interest would be. He stated they could fiscally examine this and bring a report back in the future. For investing in neighborhoods, he agreed that visuals do matter and asked what Council's role was. He asked them to allow staff to do some brainstorming to refine these points.

Vice Mayor del Aguila added in context with the housing allowance, for him, it was meant to be more of a transformational initiative. He stated all due respect to those who have been around awhile, but he did not think they could tip the scale for those people. He thought this was more for the future and emerging people in the career and thought they needed to think about funding and layering. If there was interest, he questioned what level and what would they fund.

Mr. Ashton thanked him for defining and said it might be more attractive to younger officers. He also mentioned talking to officers about what would move the needle for them in terms of working for the town.

Vice Mayor del Aguila indicated he did not know if he would use that term. He felt there would be people interested and people who would not. Mr. Ashton stated he thought they could fashion this to get where Vice Mayor del Aguila was trying to go.

Councilmember Singh stated they might have a session on how the Historic District might change and he thought they should also have one on how regulations could be simplified. He mentioned they should invest in existing neighborhood, and he agreed they need to define problems and consider which issues should come first. Councilmember Singh provided further comments.

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Mayor Olem concluded the discussion on this topic.

Councilmember Singh asked for a five-minute break, and Councilmember Friedrichs agreed.

Mayor Olem stated they could take a three-minute break and started a timer.

3. RECESS

At 9:03 p.m., Mayor Olem called a brief recess, and at 9:08 p.m., the Town Council meeting reconvened by electronic meeting using Cisco Webex.

Mayor Olem recognized the Ms. Kertz to take attendance by roll call, and all members were present, with Mayor Olem presiding.

4. Continued ~ Strategic Initiatives Submitted by Council Members

Reform (Operational)

Mr. Ashton thanked the Council for the break and then outlined the category which included: staff retraining and redeployment, evaluation of the police department reporting of demographics, modernizing town staff presentations, subjecting enforcement practices to Council review, examining CD regulations, continuing support of federal, state, and county COVID management and vaccination programs. Advocating for town residents within those frameworks, and timing of light to improve cross-town flow.

Councilmember Dhakal touched on a few things such as police department reporting. When looking at the annual report he felt it did not contain information on race, ethnicity, age, gender, etc. He asked for more information. He thought 30-35 percent of Herndon was Hispanic and the report should be further divided into Caucasian, Hispanic, Asian, etc. He thought providing information would be good and could help with police reform.

For staff presentations, he wanted more comparison of what was asked and what staff recommended. He asked that there always be two recommendations and the rationale and support behind them. He also mentioned including what are other jurisdictions doing to help Council make a better decision.

He indicated support for national, state, and local vaccination efforts. Councilmember Dhakal also touched on the timing of lights in the downtown. He felt if they were more efficient, they could better manage traffic, and he indicated this was a longstanding issue continually brought up by residents.

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Councilmember Singh indicated he felt there were many issues, and he mentioned modernization of town staff presentations. He referenced being a consultant and shared that he would say, "you have only one minute...tell me what I should know. In those two minutes or ten seconds or whatever time I have I will tell you which things are important, why they're important, how they affect their decisions." He felt that was "missing from a lot of the town staff presentation and that has been an issue for a very long time" and "has been very frustrating." Councilmember Singh indicated that with "30 minutes to present, you will never miss what is important, you will get every piece of information and how it is developed, where the information comes from, what the assumptions were, what you should be careful about."

Councilmember Singh reiterated that he felt that was missing and specifically referenced a recent special exception from a prior meeting. Councilmember Singh said, "...staff came up and said we can give these special exceptions under this and this regulation. Of course, we have no idea what the regulations are. I went into the regulations; I spent my time reading." Councilmember Singh indicated he that once you give a special exception, "you find what impact[s] on the community are and then devise your conditions. You have to mitigate those impacts in the community, and you have to define precisely how these conditions will mitigate those impacts." He felt that was "missing completely from the town staff presentations..." and that they "...need to go back and revisit that particular case and to make the right decision."

Councilmember Singh also said, "...I have heard that town staff makes these presentations to get to five votes. You know, so that whether they change the data, or they present the staff they want to get to four votes, I'm sorry five votes. And that is not their job, their job is for them to present unvarnished data...It is we who are selected to make the decisions, we take the risks, not them. So, there may be other reasons for the presentations not to be as revealing as they should be. I think we need to take a look at those things and make sure that councilmembers' work is simplified, and councilmember[s] can be held accountable to whatever decisions are made." At that time, Councilmember Singh indicated he was unsure he wanted to be "held accountable for making decisions based on those presentations." He indicated he could talk more with Mr. Ashton about that.

Councilmember Singh mentioned Council compensation saying, "...you know we are paid nothing" and that to go over the regulations he "spent maybe two days" and he felt they "essentially...eat up an entire year's salary as a town official, town councilmember." He felt it was "very hard for people, town councilmembers to really investigate everything" and they had to "depend on the town staff presentations." Councilmember Singh then provided comments about going to Fairfax County for data which he said he was given "in minutes and when they've asked them to present or discuss something they've discussed the key things in minutes, but our staff is not doing that...and it's very, very frustrating."

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Councilmember Singh reiterated his frustration and indicated he had comments about the police and CD regulations as well. He also stated "I think former Councilmember Connie Hutchinson said 'Well I'm not going to support you in this election because you want to look at those regulations and some of the stuff and get rid of the things that really interest us.'" Councilmember Singh shared that he said "By all means don't support me" and asked her to, "Ask yourself why is it in this town that you have to cover your cars that are parked in front of the house so that people can't see the car... many people all over the town have covered their cars and people have to... and then we hire an enforcement people to go there and enforce against that. If they are not covered, if there are too many cars. Some of those are old regulations that came from overcrowding day. And they hinder us. They took our resources, and I think we just need [to] go over some of those enforcement regulations we used to have, we still have on the books and some of those are designed to harass Hispanics and other immigrants. We must get rid of them in order for our town to be more vibrant and to make sense." He reiterated he would be happy to talk about this in more detail and that those were his comments.

Councilmember Regan had two comments. He stated the COVID topic was his, and they could strike it. He also indicated that some of the other points were so broad it seemed pointless to spend a lot of time on them. For modernizing staff presentations, he suggested one or two Councilmembers should meet with Mr. Ashton, key staff, and show them how a presentation could be easier to understand if it were presented differently. Councilmember Regan indicated he was hesitant to comment on things like CD regulations because they were so broad. He specifically asked about actionable items to give Mr. Ashton.

Councilmember Singh wanted to provide more comments in response to Councilmember Regan, and Mayor Olem asked to have others who had not yet commented first.

Vice Mayor del Aguila agreed with Councilmember Regan that what they were discussing was broad, and stated he felt it was a broader conversation to bring down to a point. He felt the staff points were about making sure they had a well-funded pipeline of development for training and education of staff to do lateral or upward moves, and he felt they should continue that investment. He indicated it was budgetary and considered where they might need resources in the future. To him, this meant one or two different openings may come up for staff.

Vice Mayor del Aguila stated he was all for collecting data. He questioned what modernizing staff presentations meant. He mentioned seeing data and then a recommendation and that maybe staff should give them facts and let Council come up with recommendations.

Mayor Olem asked those not speaking to be on mute to minimize feedback on the Webex.

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Vice Mayor del Aguila stated they should research and see data rather than relying on staff so they could work some things out on their own. He added that the timing of lights speaks to an issue and areas in the town can have that addressed. It was his opinion that neither Lynn nor Pine Streets should be two ways. He mentioned cars being sideswiped.

Councilmember Friedrichs agreed with Vice Mayor del Aguila about staff retraining and redeployment as a line item and felt they should possibly increase it.

She felt that police reporting was something for staff to advise on. She shared that she had heard ethnicity was not something they can know from looking at someone and that might be a negative thing to have a police officer ask. She indicated she would defer to others on that question.

Councilmember Friedrichs also expressed support for modernizing staff presentations and shared that her biggest issue with them was the language. She felt the presentations should speak to everyone and not use specialized language. She felt staff presentations should be understandable to a high school graduate, and she indicated she had learned that sometimes it did not matter what staff recommended. She felt sometimes staff gave information that was not germane and due to this, Council would become curious about things addressed by another body. For example, she mentioned when they stamp something with approval to go to the Planning Commission. She expressed frustration that they get an entire packet, go into the details, and waste a session discussing things that Council would not address. She felt it would be helpful for staff to focus on the question being asked of Council. She expressed support for examining CD regulations and timing of lights.

Councilmember Alam had no comments on this topic.

Mayor Olem felt they needed to get back to continuing education for staff after putting it off the past year. She felt they could lose employees if they did not see the town as a place they can progress. Mayor Olem shared she has had conversations with HPD, and if they cannot recognize someone's ethnicity they are not supposed to ask. She also stated the Commonwealth dictated what information they gather. She indicated that she was not as concerned about the jargon used by staff and did not understand the enforcement practices topic listed. She shared that since she has lived in town things had changed quite a bit. She agreed they needed to work with federal, state, and local efforts to get out of the COVID-19 pandemic. She thought they were doing ongoing work with things like the timing of lights.

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Councilmember Dhakal clarified they wanted presentations to be easier to understand for Council so that a layman could understand, like Councilmember Friedrichs said. He also expressed he did not want to undermine the presentations staff had been doing.

He referenced data on police reports and specifically that residents were looking for Hispanic data. He indicated he looked for this information and did not see it. He agreed with Councilmember Friedrichs, and he provided personal anecdotes about experiences with citations from police and the ethnicity field. He felt demographics would be nice to see.

The other topic was the timing of lights, and he thought it was a great idea to make Monroe and Station one-way streets. He stated this idea came from Vicky Robertson before she passed away. He stated it would cause some difficulties for people who live there, but it would help problems. He asked staff to do research and analysis on that.

Mayor Olem asked Mr. Ashton to recap this section.

Mr. Ashton stated he saw things they could discuss that were already underway such as staff retraining and redeployment. He had expanded a lot of these programs since he started. Mr. Ashton also shared they had released a lot of those programs again to demonstrate interest in staff gaining more responsibilities in the future. He offered to provide a detailed presentation on that and stated he fully anticipates getting back to those programs. He also mentioned past discussions about traffic flow improvement.

He stated there was interest in changing timing to improve traffic flow with the lights Downtown. He shared they were undertaking two intersection projects that year. Mr. Ashton also indicated that, at that time, the lights were not synchronized, because of the way the control boxes work, and they were holding off until they finished on Monroe and Elden. Pine Street was something they had been talking about, and he mentioned that Lynn and Pine are not necessarily in a grid. Removing one side of parking on those streets was something they could move forward on. He mentioned discussions he had with Vicky Robertson about one-way streets as well. He felt, if they had a grid pattern, it would work well. He was unsure about Monroe and Station streets, but he would give that to staff for traffic analysis.

As for evaluating HPD reporting, Mr. Ashton stated he would ask Chief DeBoard to explain that in a moment. He relayed the fact that reporting had changed in Virginia and stated all reporting, to date, was designed to report to State Police in accordance with the state code. He explained that systems were changing to meet the new law and that would happen over time.

Mr. Ashton recognized Chief DeBoard, HPD, for comments.

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Chief DeBoard stated she wanted to alleviate concerns about data. She indicated HPD reports what the state police ask for, and she shared that Hispanic data had never been part of reporting to state police until the past year, when that changed in a special session. That data would now be included as well as data about the use of force against and toward law enforcement. She indicated this new data set will not be complete until July 2021. Chief DeBoard also shared that they are as interested as Council in that data. Chief DeBoard further explained they started collecting that data October 1, 2020 and that the new law went into effect in July 1, 2020. She stated almost no agencies were set up to collect that data at that point. It would be the end of 2021 before they have a full year of that data, and she clarified that gender identity was not part of the data.

Chief DeBoard stated that if an officer stops someone and can determine their ethnicity, they answer on a drop-down menu. However, if they cannot visually ascertain, they do not ask so the stop does not become contentious or make it seem like someone was stopped because of a racial issue. She stated that about 90 percent of the time, between documentation and visuals, they can make that assertion. She further explained that the guidelines from state police were that if they cannot tell, they mark "unknown." Chief DeBoard stated the code section requires them to post the data annually even if they would decide not to release an annual report and all agencies must publicly post data on an annual basis.

Mayor Olem provided brief comments.

Mr. Ashton agreed there was room for improvement with staff presentations. He also stated he wanted to be perfectly clear that, at no point in staff conversation about any agenda, do staff talk about the political calculus of whether an item will pass Council. The data is put out and Council decides.

He wanted to make Council comfortable and give them information so they could make solid, defensible, legal, ethical, and best practice decisions. He would talk to them individually about what they want to see and come up with a format they can present to staff to get them there. He indicated he needed to help Council be effective and successful. He stated he wanted to poll them and come up with a format that meets their expectations and requested feedback about what they like or could see improvement on regarding staff presentations. He asked them to email him or call them with feedback after meetings and presentations so they would be comfortable moving forward.

Mr. Ashton had no notes on the enforcement topic based on Council discussion.

He felt they could all benefit from examining CD regulations, examining how things were done in the long-term. He asked to circle back with staff on how to present that. He stated the most effort at that time would be on staff presentations, regulations, and he would bring it back for discussion.

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Vice Mayor del Aguila stated he would send Mr. Ashton a few points about enforcement.

Reform (Council)

Mr. Ashton stated this topic's discussion included voting districts, changing how Council operates, and allowing Council to set their own agenda.

Councilmember Singh said he would be happy to talk specifically with Mr. Ashton. He referenced Councilmember Regan's comment about the topics being vague, and he stated he brought up creating voting districts and had been thinking a lot about elections. He indicated that people have complained they do not have a say and the center of town says everything. He mentioned voting districts being divided into the three town precincts and having two people run from each precinct rather than running for the entire town. He felt many people were disenfranchised, and he thought many cities worked this way. He thought they should consider how Council operates with staff presentations and so forth.

He felt Council should be empowered to set their agenda and that was what they were doing that day. He thought they were trying to find a way to have input from everybody, and he felt that they should not let the Mayor alone set the agenda to do whatever they want. He stated the town was not a city and to promote cohesiveness, everyone should have a say of what was important. He felt this would be good for the town.

Councilmember Dhakal also mentioned Council being empowered to set their agenda. He felt people wanted this Council because they are proactive. He stated the idea for Council creating voting districts and changing how Council operates, as he remembered, came from Vice Mayor del Aguila. He also shared that on previous Council there were five Councilmembers from one district.

Vice Mayor del Aguila indicated he was not sure whose idea it was, but that it was an observation that there were three precincts in the town and five of the Councilmembers from the past year lived in Precinct Herndon #2, while none lived in Precinct Herndon #1. To him, that was not real representation. He was not sure how to address it, but stated he was struck by it as an odd nuance. He wondered if there was a way to have precinct representation, with the Mayor or maybe half of Council at large. He stated if you look at growth and density growth those were not in Precinct Herndon #1, and he welcomed a discussion.

Councilmember Regan stated this was an interesting topic. His first reaction was that he was proud the seven of them represented the whole town, and he was reluctant to think he was only representing a small part. He felt the real question was if they should have a good conversation, and he indicated that he wanted to have the conversation even if he was uncomfortable and it might not work out

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well for him, personally. He reiterated he thought they should have the conversation and let the best ideas succeed.

Councilmember Alam had no comments on this topic.

Councilmember Friedrichs liked the idea of Council being empowered to set their agenda, and she agreed about having a discussion over voting districts. She also felt the logistics were frightening. Not only did they live in the same district, most lived in the same housing. She felt they needed to figure out ways for unrepresented parts of town to have representation. She felt that was part of the goal of a diversity board to increase participation from people who do not live in the center of town. She was glad they were having the conversation, and that she felt it was a step in the right direction. She also felt she had brought up similar discussions in the past that had been squashed and now those things seemed to matter. She felt they were moving in the right direction, but she did not agree with everything. Councilmember Friedrichs indicated these conversations were good because they were exposed to other thoughts and could learn new things. She expressed appreciation that they were doing this and reiterated that she felt empowering the Council was great.

Mayor Olem stated when she moved in town, she went from Herndon Precinct #2 to Herndon Precinct #3. She found she would still want to be engaged in the whole community. Mayor Olem stated that Herndon is only 4.2 square miles, and she mentioned parks throughout the town which are there to explore and find. She thought of Herndon as a whole and would not want to fraction the town. She also discussed working and talking with Councilmembers until items were added to the agendas.

Mr. Ashton recapped Council's wishes for this section including setting their own agenda and creating voting districts. He stated creating voting districts would be a longer-term initiative they would present for discussion and have a conversation to fully vet it.

There was brief discussion amongst Council of the 10:00 p.m. stop time discussed at the beginning of the meeting.

Councilmember Dhakal wanted to finish the discussion that night, if feasible. However, Councilmembers Friedrichs, Regan, Singh and Vice Mayor del Aguila voiced support for ending their discussion for the night and picking it back up at next week's meeting.

Mr. Ashton thanked Council for their input and asked them to send him any other topics before their next discussion.

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5. ADJOURNMENT

On motion of Councilmember Friedrichs, seconded by Councilmember Regan, and carried unanimous roll call vote by electronic means, the meeting of the February 2, 2021, Town Council Meeting was adjourned at 10:05 p.m. The vote was: Councilmembers Alam, Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye."



Sheila A. Olem
Mayor



Jessica Sizemore
Legislative Assistant



Minutes approved by Town Council: March 23, 2021.

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NOTE:

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