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**HERNDON TOWN COUNCIL
Work Session
Tuesday, February 16, 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during Pandemic Disaster (COVID-19), as amended and readopted by the Herndon Town Council on September 8, 2020, which superseded previously adopted amendments, Mayor Olem has stated that the February 16, 2021 Herndon Town Council Work Session would be by electronic means. The meeting was broadcast and recorded through Cisco Webex and details for the meeting were made available to the public on Thursday, February 11, 2021. In attendance electronically were:

- Mayor Sheila A. Olem, presiding;
- Vice Mayor Cesar del Aguila;
- Councilmember Naila Alam;
- 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; David Stromberg, Zoning Administrator; and Amanda M. Kertz, Chief Deputy Town Clerk.

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ANNOUNCEMENTS

The Chief Deputy Clerk welcomed those listening to the February 16, 2021 work session and stated that night's regularly scheduled Herndon Town Council meeting was a virtual meeting, which was being conducted electronically pursuant to:

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during Pandemic Disaster (COVID-19), as amended and readopted by the Herndon Town Council on September 8, 2020, which superseded previously adopted amendments.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

CALL TO ORDER

1. Roll Call & Confirmation of Quorum

Mayor Olem called the February 16, 2021 work session to order at 7:00 p.m. and asked the Chief Deputy Town Clerk to call the roll for attendance. Mayor Olem asked each member of Council to respond by clearly stating their name and indicating they were present.

Following the roll call for attendance, Mayor Olem confirmed there was an electronic quorum present that evening. All members were present electronically, with Mayor Olem presiding. As stated by the Clerk, that night's meeting is conducted by electronic means pursuant to the appropriate laws.

Mayor Olem asked that all members of Council observe meeting decorum by showing their hand to be recognized by the chair for comments; and observe the meeting guidelines used for all government meetings to maintain good order. She asked those participating to observe good meeting decorum by refraining from

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threatening, intimidating language and from making attacks concerning motives of other council, staff, or the public.

Mayor Olem asked that those recognized by the Chair state their last names before providing comments and when making or seconding motions.

ANNOUNCEMENTS

Mayor Olem was pleased to report that, as Council furthered discussions on housing-related matters for the town, the Town Manager had scheduled a Third Housing Webex on Wednesday, February 24, 2021 beginning at 2:00 p.m. She encouraged those interested to mark their calendars.

Mayor Olem also gave the Department of Public Works (DPW) a shoutout for keeping roads clear the past few weeks.

Mayor Olem stated the Town Manager would provide additional information about the Third Housing Webex meeting.

2. Comments from the Town Manager

The Town Manager shared that the Third Housing Webex would be the following Wednesday, February 24, 2021, from 2:00 p.m. to 3:00 p.m. and would focus on the economics of affordable and workforce housing. Guest speakers would include Jim Edmondson, Principal, with the E&G Group; and Stephen Wilson, President-Principal, with the Stratford Capital Group Development, who were both deeply involved in affordable, workforce housing throughout the region. They would discuss how these things came to be as well as state and local government roles. He stated the Town Clerk would send the link to Council and those interested in participating and post the notice to meet state law requirements.

The Town Manager then provided a COVID-19 update. He said the vaccination percent for the population (age 16 and older) statewide was 15 percent and 11.9 percent (age 16 and older) had received their first dose in Fairfax County. Statewide, eight percent of the population had been fully vaccinated. In Fairfax County, 5.1 percent of the population had been fully vaccinated. The Town Manager also stated that 231,000 people were registered on the Fairfax County website for vaccination and 102 people were on the waiting list.

The 20170-zip code was running 11th out of 48 zip codes in Fairfax County in terms of COVID infection. The Town Manager said cases seemed to be declining, but the plateau after the holidays was much higher than the plateau the past summer. However, numbers were trending down. The percent positivity was also down at around seven to seven and a half percent.

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The Town Manager stated the town was still seeing staff positives and exposures, and staff were being put on administrative leave immediately. They were managing their way through, and he provided an update about a state labor and industry standard change which required employees to stay out longer than before.

He reminded those listening to wash hands, mask, social distance, answer calls from the Fairfax County Health Department, and quarantine. He also reminded those listening to continue wearing face masks, even after being vaccinated, for the foreseeable future.

Mayor Olem provided comments about masks and the site to register with the state. She offered to share the link.

COMMENTS & DISCLOSURES FOR THE RECORD

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

PUBLIC HEARINGS

3. **Resolution 21-G-26, to consider a special exception, SE #20-04, 459 Herndon Parkway, suites 7 & 8, Christ Fellowship Church, to permit a religious institution with a capacity of 300 or fewer persons.**

Mayor Olem recognized the Zoning Administrator, who presented the staff report and PowerPoint dated February 16, 2021, which are on file in the Town Clerk's office.

The Zoning Administrator provided a synopsis of special exception requirements from the Zoning Ordinance which vary for the different zoning districts. The town could also add conditions to prevent negative effects on adjacent properties. He also reviewed requirements for religious institution use requirements for capacities over and under 300 people.

The Zoning Administrator stated the applicant was requesting to operate a religious facility within a portion of an existing office building in the Office and Light Industrial (O&LI) Zoning District. The Zoning Administrator provided information on the site location and size; land use designation in line with the 2030 Comprehensive Plan; background of the project; the proposal given; and staff's analysis. He then provided Council with information about the

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Planning Commission's recommendation, staff's recommendation and proposed conditions, and Council's alternatives. Staff recommended approval of this item with proposed staff conditions.

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

Councilmember Singh commented on the congregation size and potential violations, if capacity was exceeded. He felt the condition was restrictive and provided comments about the special exception stating any condition should be roughly proportional to the impact it would make. He wanted to propose/make a motion to increase the number of people who could worship there.

Mayor Olem asked Councilmember Singh to clarify his question. Councilmember Singh stated he made a statement, but his question would be if the applicant could be in violation as soon as they started.

The Zoning Administrator stated the applicant's congregation was about 40-50 people, and they only expected to have the highest number present at Easter and Christmas. The applicant was aware of the condition. The Zoning Administrator also provided information about the parking spaces and how both the applicant and condominium association did not want parking to conflict. The 44-person capacity number was based on the parking allocated with no guaranteed additional spaces.

Responding to queries from Councilmember Dhakal, the Zoning Administrator confirmed the applicant was aware of the conditions. He also stated this case had been continued twice by the Planning Commission so the applicant could meet with the condominium association and revise the floor plan they included in their application. He reiterated they were aware of the conditions.

In response to further queries from Councilmember Dhakal, the Zoning Administrator confirmed again that the applicant was okay with the conditions and had provided the floor plan for their application showing the 44 seats.

Councilmember Friedrichs asked the Zoning Administrator if anyone had passed this by the neighboring businesses. She expressed concern about potentially conflicting busy times with existing businesses and asked about fire marshal involvement. Responding, the Zoning Administrator stated the fire concern was based on restrooms and doors, and the next threshold was around 50 people. He stated there were different factors that came mostly from building and fire codes. The 44-person number came from the zoning ordinance to stay in compliance with parking requirements.

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Mayor Olem asked if the number of parking spaces was also controlled by the condominium association. The Zoning Administrator confirmed the spaces were on common association property and clarified that individual condos were not deeded specific spaces.

Councilmember Singh stated he understood the applicant's request and was okay with the conditions. He asked if they were also allowed to park anywhere among the 136 spaces, and the Zoning Administrator confirmed. He asked if they would have anyone enforce parking, if there were more people. The Zoning Administrator said they would do an inspection. The Zoning Administrator also stated that restrictions were on the condominium unit and not the parking lot. He further clarified the conditions would be on the actual space.

Councilmember Singh asked what they would lose allowing them room to grow and use the space, without being in violation. The Zoning Administrator stated that was initially how staff went through the application, to allow expansion. After additional input, they revised the original plan which was designed for growth.

Vice Mayor del Aguila had a question for the Town Attorney about Council's direct volunteering activities. He asked if they needed to disclose involvement and how they needed to do that.

The Town Attorney confirmed that any volunteer relationship with any organization that came before Council needed to be disclosed as soon as the agenda went out, or ideally beforehand. It must be communicated to the Town Clerk's Office. She knew many on Council had done this before due to living in the historic district. She stated it would be reduced to writing for Council to read at the public hearing and a written, signed record would have to be filed with both the Town Attorney and Town Clerk. She indicated it was upon the individual Councilmembers to make disclosures once they knew what items were on the agenda on Friday afternoons. She stated that, particularly with volunteering, staff would not know of Council involvement.

Vice Mayor del Aguila thought that was a good reminder for everyone, and Mayor Olem provided brief comments about providing disclosures.

4. Resolution 21-G-27, to solicit public comment for consideration during the development of the Town Manager's proposed budget for fiscal year 2022.

Mayor Olem called on the Town Manager, who provided comments on the FY 2022 budget.

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The Town Manager stated this was the start of the annual public facing portion of budget production because waiting until the April public hearing was a little late to make meaningful changes after public input. He indicated they began soliciting comments from the public at the beginning of the process, so they could consider them when crafting the budget.

He indicated these were unusual times and they were in an austere place with limited options. He stated they always had this solicitation of public comment and it was on the agenda for the public to inform Council what was on their minds.

The Town Manager indicated individual Councilmember meetings would begin that week to discuss where numbers were. He stated that the summary numbers were more specific and would drive the budget. Those numbers would be printed and delivered by April 1, per statute requirements.

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

Councilmember Dhakal asked if the Town Manager would be sending Council numbers beforehand. The Town Manager informed them that he could not release numbers Fairfax County had not yet released, but he agreed with the sentiment. He also mentioned meeting with Councilmember Friedrichs, and he informed Council he was looking for a redacted version to provide them with.

Mayor Olem provided brief comments about Councilmembers' upcoming meetings with the Town Manager.

GENERAL

5. **Ordinance 21-O-04, to approve and authorize the Mayor to sign a Lease Agreement between the Town and The Herndon Historical Society, for space at 717 Lynn Street, commonly known as the Depot.**

Mayor Olem recognized the Town Attorney, who presented the staff report dated February 16, 2021, which is on file in the Town Clerk's office.

The Town Attorney stated this was a new proposed lease between the town and The Herndon Historical Society for the Herndon Depot. She provided the historical background of the Depot and clarified the property was not owned by the town. The property was licensed by the town from the Northern Virginia Regional Park Authority and had been since 1982. The town owned the building but not the land. The current lease was for use of the building. The Town Attorney stated there were two tenants, and one tenant was NextStop Theatre Company whose new lease had recently been approved.

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This would be a new lease to replace the current five-year lease The Herndon Historical Society had with the town. They used the building to run a train-based museum that was open once or twice a month. Their current lease would expire at the end of the month. The new proposed lease would be month to month for a three-year term beginning March 1, 2021 and expiring on February 29, 2024. Rent was proposed to remain \$1.00 per year.

The Town Attorney stated prorating the amount based on an early move out would be up to the Town Manager and Director of Finance in response to Mayor Olem's query.

There were no additional questions from Council.

DISCUSSION

6. Presentation by Davenport & Company.

Mayor Olem recognized the Town Manager, who introduced the town's financial consultants from Davenport & Company: David Rose; Kyle Laux; and Griffin Moore.

The Town Manager stated several current Councilmembers were on Council when he started as Town Manager. After he began his role, they discovered some outdated financial policies, troubling things about bond ratings, and some reserve structure issues. He indicated that Davenport had done a great deal of work, and he felt they were probably the leading public sector financial consultant in Virginia. He stated they came in to assist and had been indispensable to himself and the Director of Finance in bringing things up to date and modernizing both policies and reserve structures. He wanted to remind Council that when they talk about the austere budget they are talking about inflow and outflow each year. The flipside was the capitalization and that was an area where the town was very strong. As much as they pay attention to the year by year, they had a lot sitting in the bank. He indicated the representatives from Davenport could further explain.

Mr. Rose presented a PowerPoint dated February 16, 2021 which is on file in the Town Clerk's Office to provide a financial update/status report. He mentioned his colleagues who had been working with him as a team and stated this was his 25th year with Davenport. He provided his personal background and how he obtained his position.

Mr. Rose provided an overview of Davenport's role as Financial Advisors. He stated they were fiduciaries and required, by securities laws, to put their clients first. They were there to take what the client wanted and help them do that most appropriately or let them know if they saw issues with their goals.

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He stated there were three national credit rating agencies and they were independent and nobody's friend. He indicated that, with local governments, they had become more powerful and important than ever before. Herndon had the highest rating (AAA) from all three credits agencies. He indicated they had good capital resources which were very important in the thick of the COVID crisis.

Mr. Rose provided background information about other AAA rated groups he worked with and said a AAA was investment grade. He then provided examples of how the different agencies look at credit and what aspects they could control and policies they could adhere to.

He then went over restraints, challenges, and factors that could lead to a rating upgrade or downgrade. He appreciated the conservatism put into the town's budget and the healthy reserve levels that could help them withstand surprises.

He went over Moody, Standard & Poor's, and Fitch rating agency commentaries, which were all positive, and provided brief information about how the General Fund and Enterprise Funds worked in the town. He indicated the town did not have one fund subsidizing the other, which was a best practice they should continue. He said they had a consistently, structurally balanced budget.

Mr. Rose then discussed fund balances and town policies. He stated they amended the fund balance policy in the past because they knew how rating agencies and investors thought. They wanted to see Unassigned General Fund balance untouched, and the town's was solid. He would rather see them go into the Stabilization Fund to avoid raising taxes than have them touch the Unassigned Fund balance.

He detailed where the town's money fund balances were and then went over the town's debt, policies, and capacity. He said they had roughly \$12 million outstanding. He compared it to having a home mortgage. He said the town had very little debt outstanding after 10 years, and Herndon was in a particularly strong position. He also indicated the town has a policy that outstanding debt should not be more than 1.5 percent of the assessed value of the town.

Mr. Rose summarized and provided Council with takeaways. He said the budget was well-managed and they were not taking things for granted and remaining cautious.

Mayor Olem provided positive comments about the report and asked if Council had questions.

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Councilmember Regan asked for a copy of the PowerPoint presentation and both Mr. Rose and the Town Manager confirmed they could get one to him. He also asked the Town Manager if they could go over specific questions in their individual sessions, which the Town Manger confirmed.

Councilmember Friedrichs asked if Mr. Rose was up to speed on planned expenditures for the downtown. Mr. Rose indicated he had talked to staff about it. He made a note to follow up with them. Councilmember Friedrichs had further questions about sequestering money that the town usually spent. She asked if it was a wise decision and, with that much of a surplus—even with their policy—if they could fulfill their budget.

The Town Manager thought Councilmember Friedrichs was conflating numbers and clarified that Mr. Rose's presentation included audited numbers from FY 2020 that ended on June 30, 2020 where they came out with a surplus. They were not anticipating that surplus this fiscal year.

Councilmember Singh said he was the one who proposed creating the revenue stabilization fund after coming off the financial crisis in 2008-2009 when staff salaries were really restricted, and they were losing people. He reiterated that he proposed that, and it was created. He asked if they could submit questions to Mr. Rose or the Town Manager so they could have time to think over the issues. Mr. Rose suggested sending questions to the Town Manager for him to send Davenport.

Vice Mayor del Aguila indicated he wanted to put on the contrarian view. He asked where their exposure was and for Mr. Rose to keep that in mind. Vice Mayor del Aguila stated his financial advisors indicated there would be a pullback in the economy. He asked where they could be proactive and reiterated, he wanted to know what exposure they had, where they had it, and how they could head it out and circumvent it.

Mr. Rose said they had exposure in the General Fund where there were sensitive revenues, and they could not eliminate that exposure. He stated they could keep the reserve levels substantially above minimum thresholds. They could then think about what type of refinancing they had for debt, if they had a dramatic problem. They could also do some testing of major revenues and what might lead to having increased tax rates. He said they could do analyses to look at that, and Council could decide how they felt. He indicated the town was not recession-proof and offered to do that analysis with the Town Manager and Finance.

Vice Mayor del Aguila thought they were headed that way and appreciated Mr. Rose's guidance.

Councilmember Dhakal stated he had lost video but was back.

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Responding to Councilmember Dhakal, Mr. Rose confirmed the rating agency he mentioned did not rate local governments. Councilmember Dhakal then asked about exposures and trends with remote working and potential office downsizing. He also mentioned that people eating at home would affect restaurant eating and future revenues. He asked for advice on mitigating revenue impacts of those trends.

Mr. Rose advised continuing to have that cushion and provided further comments on the situations Councilmember Dhakal referenced about changing trends with workforce and dining situations altered by COVID-19. He reiterated that having extra reserves was his suggestion along with being extra cautious.

Councilmember Alam provided appreciative comments about the presentation.

Mayor Olem provided brief comments and thanked Mr. Rose for his report.

Councilmember Regan asked Mr. Rose about developing a cushion. He asked if he evaluated jurisdictions based on elasticity and if some were better at being elastic on the expense side.

Mr. Rose indicated there were and provided brief explanations and examples about certain jurisdictions' elasticity being affected by things such as public schools and how that indicated, for some jurisdictions, how much they could amend future budgets. That would make them less elastic. Mr. Rose indicated that Davenport was aware of jurisdictions and their relative elasticity.

Mayor Olem reminded Council they did refinance the town's debt in 2020.

Councilmember Singh said many of his questions had been asked and he was coming from the perspective of arranging finances and felt they had to think of where they were. He indicated Councilmembers had proposed long-term initiatives and then were told they have no money. He mentioned park and roads expenditures. He thought they needed to consider priorities, and he also mentioned facing a dire situation after COVID-19 and looking beyond for managing their budget.

Mr. Rose said Davenport's role was why he used and spent time with the rating agencies, since their wealth does not change based on their ratings, and why he emphasized best practices. Mr. Rose thought Council was being cautious, conservative, and asking good questions. He thought staff did a good job putting them in this position. He shared that his firm represented over 500 local governments and they saw a lot of bad practices, and Herndon was not one of those.

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Councilmember Singh provided further comments about looking at 2010 and 2011 to see why they were in the shape they were with cutting staff salary and not spending money. Mr. Rose responded that where the town was in 2010, regarding reserve levels and structural balance, was not a strong position. He indicated they found several questionable things and that other things may not have been adhered to either. He said the town was a “far cry” from where it used to be.

Mayor Olem provided brief comments about being on Council in 2010 and how far they had come.

ROUNDTABLE

1. **Councilmember Dhakal:** Shared that he and Councilmember Friedrichs both joined the Fairfax County Economic Advisory Commission’s first meeting. He mentioned a market assessment study done on Richmond Highway to revitalize that area. He thought it was a good study and said he could forward the findings. Councilmember Dhakal stated they had received many comments about their Strategic Initiative Discussions, and he indicated he wanted to clear confusion. He stated they were just talking about what and why at that time and based on study findings, they would find out what was feasible. He reiterated the Strategic Initiative Discussions were about what Council priorities were and why. The how would be discussed when they had more details. He stated the Strategic Initiative Discussions were for high level discussion about what Council hoped to accomplish.
2. **Councilmember Friedrichs:** Stated she had comments that arose from conversations with staff and members of the community.

Councilmember Friedrichs shared it had come to her attention that staff had very poor morale at that time. In recent meetings some Councilmembers had said things they should not about town employees. Councilmember Friedrichs stated she would not repeat what they said because the statements were hurtful. She wanted to bring it to their attention that some town management had advised staff not to watch their meetings because they were bad for staff morale. She knew that was not their intention, but she did not want to be on a Council that did not care about staff morale. She reemphasized that staff could not contradict them in public, and they did not have an equal power relationship. She hoped they were not intending to put them on the spot with no defense. Councilmember Friedrichs stated they had a talented staff and Town Manager. She also stated their Town Attorney was amazing and had a depth of knowledge. She indicated they were the envy of other towns. Staff was well educated and good at their jobs, from DPW to the highest levels of their staff. They had consultants with credentials, amazing engineers, and police with bachelor’s degrees and often advanced degrees. Their police were educated, and their Police Chief was known

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nationwide for her progressive approach and dedication to equitable policing. These were deliberate things Council cared about.

She also stated that a reference had been made to staff “excusing themselves” for not doing what was asked of them. Councilmember Friedrichs asked her colleagues to remember that staff was constrained in ways Council was not. They could not say anything they wanted like Councilmembers could. There were legal requirements for all their statements and actions, and some staff were required to enforce ordinances and should not be denigrated for doing so. They needed Council support, and it was a tough job. Like every person in the world, sometimes members of staff made mistakes. She asked her colleagues to speak to the Town Manager when that was the case and not to speak publicly about their personal interactions with staff. She stated reckless and conspiratorial statements about staff not only made them feel helpless and hopeless, they also undermined respect for the town and people were watching.

She knew that some members of Council had personal experiences with staff that did not go their way or that made them feel that their needs were being ignored. She shared that during her time on Council she had sometimes felt the same way. She now realized that many of those instances occurred because she did not understand the constraints staff were under and expected them to understand what she meant, not what she said.

She indicated she would not be a part of a Council that made staff feel unappreciated and caused them to leave. Councilmember Friedrichs indicated new, talented staff were not easy to come by, and they fulfill the requirements Townspeople expect—they clear the snow, pick up trash and recycling, make sure the streets are maintained, provide water and sewer services, aid when a crime is committed, and protect and defend the town. Some use their advanced degrees to plan the future of our town, to manage our funds, to defend the town when we must go to court. Without staff there would be no need to have a Council.

She pledged, and she hoped Council would join her, to respect the staff while continuing to ask probing questions, kindly. She pledged to speak up when other members of Council treated staff poorly and to ensure our staff was treated professionally and with respect. She encouraged them to check themselves. She reiterated they had amazing staff and that was the least a so-called Progressive Council could do. She stated it was important to treat staff kindly, and they have no protection against Council.

Mayor Olem expressed appreciation for Councilmember Friedrichs’ comments.

3. **Mayor Olem:** Shared that someone came to her with questions about a project they thought was part of the downtown redevelopment. The Town Manager went over it with her again, and it was totally separate. She shared that it was a \$1.8

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million dollar project, but with the funding coming in, they were only paying \$200,000. She gave a big shoutout to a lot of different departments and said the project should be completed by the end of 2021, notwithstanding natural disasters and weather.

The Town Manager shared he had no additional comments that evening, but he let Mayor Olem know he had weekly meeting with projects team and the Center Elden Street bid would be prepared for mid-March.

CLOSED MEETING

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

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

On motion of Councilmember Singh, seconded by Councilmember Regan, and carried by unanimous roll call vote by electronic means, the Herndon Town Council went into Closed Meeting at 8:54 p.m., under:

- Section 2.2-3711 (A)(8) of the Code of Virginia to consult with legal counsel regarding the acquisition of an interest in real property located in the PD-TOC for a public purpose where such discussion or consultation in an open meeting would adversely affect the bargaining position, negotiating strategy or litigating posture of the Council; and
- Section 2.2-3711(A)(1) of the Code of Virginia for discussion of prospective candidates relative to appointments to boards & commissions.

Vote: Councilmembers Alam, Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye."

RECESS

At 8:54 p.m. Mayor Olem called a brief recess, and at 8:58 p.m., the closed meeting reconvened by electronic meeting using Cisco Webex.

Mayor Olem took attendance by roll call, and all members were present, with Mayor Olem presiding.

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

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CLOSED MEETING

On motion of Councilmember Friedrichs, seconded by Councilmember Dhakal, and carried by unanimous roll call vote by electronic means, the Herndon Town Council reconvened in public session at 10:05 p.m.

Vote: Councilmembers Alam, Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye."

On motion of Councilmember Dhakal, seconded by Vice Mayor del Aguila, and carried by unanimous roll call vote by electronic means, the Herndon Town Council approved the following Certification of Closed Meeting.

Vote: Councilmembers Alam, Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye."

Certification of Closed Meeting

WHEREAS, the Town Council of the Town of Herndon has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by this Town Council that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Closed Meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the Closed Meeting were heard, discussed, or considered by the Town Council.

VOTE:

Ayes – 7

Nays – 0

ABSENT DURING VOTE: 0

ABSENT DURING MEETING: 0

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7. ADJOURNMENT

On motion of Councilmember Friedrichs, seconded by Vice Mayor del Aguila, and carried by unanimous roll call vote by electronic means, the meeting of the February 16, 2021 work session was adjourned at 10:07 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: April 13, 2021.