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HERNDON TOWN COUNCIL
Tuesday
March 9, 2021

Pursuant to Virginia Code Section 2.2-3708.2, as amended; the Governor's Executive Orders, as amended; 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during Pandemic Disaster (COVID-19), as amended and readopted by the Herndon Town Council on September 8, 2020, which superseded previously adopted amendments, the regularly scheduled March 9, 2021 Herndon Town Council Public Hearing would be by electronic means.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, March 4, 2021. In attendance electronically were: Mayor Sheila A. Olem; Vice Mayor Cesar del Aguila; and Councilmembers Naila Alam; Pradip Dhakal; Signe Friedrichs; Sean M. Regan; and Jasbinder Singh.

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; and Margie C. Tacci, Deputy Town Clerk.

Announcements

Margie C. Tacci, Deputy Town Clerk, welcomed those listening to the March 9, 2021 Town Council public hearing 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

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- ❖ 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during Pandemic Disaster (COVID-19), as amended and readopted by the Herndon Town Council on September 8, 2020, which superseded previously adopted amendments.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 & Determination of Quorum

Mayor Olem called the public hearing by electronic means to order at 7:00 p.m. and asked Ms. Tacci to call the roll for attendance. Mayor Olem asked each Councilmember 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. All members were present electronically, with Mayor Olem presiding. As Ms. Tacci stated, the meeting that evening was being conducted pursuant to the appropriate laws associated with the COVID-19 pandemic disaster.

Mayor Olem asked that Council to observe meeting decorum by showing their hand to be recognized by the chair for comments and stating their last names before providing comments and when making or seconding motions. She reminded those participating to follow the town's Meeting Guidelines that were used for all government meetings to maintain good order, which included: refraining from participation unless and until recognized by the chair; being respectful in comments; refraining from threatening or intimidating language; profane, vulgar, obscene, or threatening remarks were not permitted; and attacks on the character, motive, or other harmful remarks against individual members of Council, town staff, or the public would not be tolerated.

AMEND THE AGENDA

Mayor Olem stated after the last week's work session, three resolutions were placed on that night's agenda for consideration as General items.

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With Council's concurrence, Mayor Olem asked that Council AMEND the agenda and move Resolutions 21-G-29, 21-G-30, and 21-G-31, to the Consent agenda for consideration later in the meeting, and that the agenda be so amended.

Councilmember Friedrichs moved that Council move Resolutions 21-G-29, 21-G-30, and 21-G-31, to the Consent agenda, and that the agenda be so amended. Councilmember Dhakal seconded the motion.

The question was called on the motion, which carried by unanimous roll call vote by electronic means. The vote was: Councilmembers Alam, Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye."

**Vote on January 26, 2021
Public Hearing Minutes**

On motion of Councilmember Dhakal, seconded by Councilmember Friedrichs, and carried by unanimous roll call vote by electronic means, the minutes of the January 26, 2021 public hearing were approved. The vote was: Councilmembers Alam, Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye."

2. COMMENTS FROM THE TOWN MANAGER

Mayor Olem recognized William H. Ashton II, Town Manager, for comments followed by questions of Council.

Mr. Ashton provided a COVID update. He shared that he met with Dr. Gloria Addo-Ayensu the prior Friday and had a Mayors and Chairs call, along with Mayor Olem, that Monday. He indicated he would provide a conglomeration of comments from those meetings. Mr. Ashton said vaccine supplies were increasing, and Johnson and Johnson sent 600,000 doses to Virginia with 4,000 going into the INOVA system. They were trying to weave those into clinic offerings. He reiterated the three types of vaccines were all effective at preventing disease and death. He also stated that Dr. Fauci was quoted as saying, "the best vaccine is the one available when you go to get it." Mr. Ashton also informed those listening of changes to operations for vaccination sites. The sites would be changing to a Monday through Saturday schedule, and they could probably process more vaccines that way. Fairfax County was starting to offer a mobile team for homebound individuals that could be coordinated through the health department. They were also looking at mobile point of distribution (POD) centers for April. They could vaccinate hundreds in a day from one of those, and the town was working with the Department of Health to bring a POD to Herndon. Mr. Ashton also shared that in Fairfax County 185,000 total vaccines had been distributed with 130,000 of those being first doses. That meant 55,000 people in the county were fully vaccinated, and that number grew each day.

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Mr. Ashton then provided information about the county being early in Phase 1B and the recent development that they may skip having a Phase 1C and just move straight to eligibility for everyone after getting through those who were 65 and older or in certain occupational categories. Mr. Ashton also stated that Fairfax County had opted out of the state registration site, and residents needed to register through Fairfax County's website. Pharmacies were also coming online, and some were doing their own registrations. Giant, however, was not.

For Town of Herndon employees, Mr. Ashton reiterated at the last meeting he shared they had their first day of no COVID administrative leave the last week, but those had picked back up the next day. Three people were out at that time with either a positive test or family positive. He reminded those listening to social distance, mask, wash hands, quarantine, and answer calls from the Department of Health.

Questions from Council

Vice Mayor del Aguila asked about updates on things they had discussed in previous work sessions regarding the Strategic Initiatives.

Mr. Ashton stated staff was working on those.

Mayor Olem shared that they should inform the public that Council did get a memo that the next Strategic Initiatives Discussion would be on Thursday, May 6, 2021.

Vice Mayor del Aguila thought there was majority consent for Council getting weekly or biweekly updates about the Strategic Initiatives.

Mayor Olem commented that they had gone through this before, and they were going through an emergency, working on a budget, and had just lost their Director of Finance. She thought staff was working as fast as they could.

Vice Mayor del Aguila said he understood that but asked to reclaim his time. He said it had been two months, and he thought they could agree on 10 to 15 items on which to start getting weekly or biweekly updates. Even if the update was "no update" he wanted to formalize it so the Council and public could understand what they were focusing their efforts on. He thought they needed a more deliberate and systematic tracking system for the Strategic Initiatives. He reiterated he thought he had majority support and asked Council to direct the Town Manager, on a weekly or biweekly basis, to give updates. Vice Mayor del Aguila restated he was asking them to start tracking things in a more formal process.

Councilmember Singh asked Mr. Ashton if he had a written list of things they were going to do and said he thought they should have a list, staff, and deadlines to keep track of.

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Mr. Ashton stated he had a list of the 34 items that Council said they were interested in at the Strategic Initiatives Discussions. They were listed and staff had begun to look at some of them. He thought the intention was for them to do analysis and provide more information about costs and operational impacts, so they could understand the full scope and unintended consequences. His understanding was that he would submit that to Council before their May Strategic Initiatives Discussion so they could help him prioritize them for implementation. Mr. Ashton stated meeting the statutory deadline of the budget was the top priority, and he wanted to deliver analysis to Council with enough time for Council to digest and have a qualitative conversation in May at their next Strategic Initiative discussion.

Councilmember Friedrichs appreciated her colleagues' concern, but she thought the code required them to stick to the agenda and discuss items as they came up. She did not think this was the section where they should ask councilmembers for their comments. She asked to move according to the agenda.

Mayor Olem reiterated Council could ask questions of Mr. Ashton at that time on what he discussed in his comments. If they had a new subject, she asked them to hold them until Comments from the Town Council.

Councilmember Singh shared he had comments, and Mayor Olem stated if they were personal comments that would come up after the Town Manager Comments section.

Councilmember Singh continued saying that, as he understood, they had agreed on much less than 34 items. He asked Mr. Ashton if he had a list of whatever Council agreed to.

Mr. Ashton stated they had a list that was put together from his notes and video recording of the Strategic Initiatives Discussions. He had an itemized list he could put in a spreadsheet and get to them. Councilmember Singh felt a list would be helpful.

Councilmember Friedrichs reminded her colleagues this was a public hearing and asked that they move on with their agenda.

Councilmember Alam provided a question about the vaccines in the Giant pharmacies. Mr. Ashton shared it was his understanding that Giant locations had begun giving vaccines and people had to be registered through the county to get into a Giant location.

Mayor Olem provided positive comments about the Johnson and Johnson vaccine being available and reiterated the earlier statement that the best vaccine was the one available when you went to get yours. She asked those who planned to take vacations for spring break to social distance, wear masks, and register for the vaccine.

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3. COMMENTS FROM THE TOWN COUNCIL

Vice Mayor del Aguila: Asked Mr. Ashton to share his list, even if it was a rough draft, for Council to have an organic, working product to work through week by week. He looked forward to working through that the next week. He also gave a shoutout to the Fairfax County Sheriff's Department where he volunteered as a Reserve Deputy Sheriff. He was able to receive the vaccine there and would be getting his second Pfizer vaccine the following day. He said he would share the effects the second shot had on him.

Councilmember Dhakal: Commented he felt they were not on the same page with the Strategic Initiatives, and they also received comments from residents. He had some ideas of what they could agree to which included: having weekly or biweekly updates, agreeing on a date to begin those updates, and understanding that, with the number of Strategic Initiatives, it was not feasible to get updates on all the items every week. He suggested possibly having an update on one item every two weeks.

Councilmember Dhakal felt a lot of people thought they already agreed on the items and were implementing them. He clarified that they agreed those items were worth discussing. When town staff researched, analyzed, and presented information, Council would use that information to understand budgetary, financial, legal, or statutory impacts. Then, based on that, they could decide what to approve or disapprove. At that time, they just wanted to have the discussion.

He stated he understood the budget was the priority. He wanted them to set forth a timeline and agree on frequency of updates. He also hoped they could create a registry of the items and see research, analysis, and who had been assigned the item for more transparency with Council. He reiterated it was not a one-week process and that they wanted staff to do research, analysis, and recommendations. They could bring this item up in work session and have discussions to approve or disapprove. He restated he agreed the budget was the priority, and he thought they wanted to agree to see updates.

Councilmember Regan: Shared that he had various conversations with three town residents about parking issues in different areas of the town including metro, downtown, and parking in residential neighborhoods. He indicated the theory for the last one was people driving into Herndon and leaving their cars to carpool somewhere else. After thinking about those things, he decided to take it upon himself to learn how other jurisdictions handle parking and if they were effective. He hoped to share what he learned in the next few weeks.

Councilmember Alam: Thanked staff for the Council Handbook which she said was a great resource.

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Councilmember Singh: Shared that he got an email from a resident about a voting bill that passed the state House of Delegates. The email also talked about minority votes in Herndon and whether they should go to voting districts. He said he did not have enough information and he would let the Town Manager know this question came in.

Mayor Olem: Thanked a resident who was complimentary and appreciative of town staff's assistance for their comments.

Mayor Olem also provided information about an email from an Eagle Scout who was working on something for the community. She said his thought process was very impressive and this would be worked on with staff and the Fairfax County Board of Education.

COMMENTS & DISCLOSURES FOR THE RECORD

Mayor Olem asked Ms. Tacci whether she had received comments for the record or Transactional Disclosure Declarations from Council on any items listed on that evening's agenda, and Ms. Tacci stated that she had received comments on the public hearing on the solicitation of public comment during the development of the Town Manager's proposed budget. All comments have been provided to Council.

Ms. Tacci stated that no disclosures were received from Council for any item on the agenda that evening.

4. COMMENTS FROM THE AUDIENCE

Mayor Olem asked Ms. Tacci if there were any registered speakers that evening during Comments from the Audience, and Ms. Tacci stated there was one registered speaker.

Mayor Olem outlined the participation process for Webex. She stated that Council would use a speakers list to call on those who have registered to provide "Comments from the Audience" to address Council on any matter that was not listed as a public hearing item on that night's agenda. She would call on each person that signed up to speak and would also announce the name of the next speaker. She would then pause briefly while staff enabled the speaker's ability to address Council. Speakers would have up to three minutes and should state their name and address for the record. Comments from the Audience were limited to 45 minutes or approximately 15 speakers.

Mayor Olem stated that a timer would appear on the Webex screen and encouraged speakers to wrap up when there were 30 seconds left on the timer. She then called on the following individual, who provided comments:

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- Ann Vayda Null, 631 Oak St., Herndon: Provided comments about what she felt were Council's jobs and best practices they should implement. Ms. Null provided a written copy of her comments which are on file in the Town Clerk's office.

PUBLIC HEARING

5. Solicitation of public comment for consideration during the development of the Town Manager's proposed budget for Fiscal Year 2022.

Certificates of Publication were filed from the Editor of the *Fairfax County Times Newspapers*, showing that notice of said public hearing item had been duly advertised in the Friday, March 5, 2021 issue.

Mayor Olem recognized William H. Ashton II, Town Manager who provided an overview.

Mr. Ashton's overview included the budget solicitation and the challenges COVID presented for the budget. He indicated the town was still dealing with significant effects from a tax standpoint. Additionally, the current Director of Finance, Jennie Tripoli would be leaving the town and they were currently working through that as well. At the next week's meeting, he indicated he would discuss Enterprise Funds with Council.

Mr. Ashton stated that a few items staff were tracking included BPOL receipts, which did come in significantly over budget. Due to this, staff was preparing a resolution for Council to release a certain number of items from sequestration. They were not going to be able to bring that to Council before April. They wanted to get the budget out by the April 1st deadline. Early in April, they would come to Council with that request.

Another element was what was being put in the latest COVID relief bill, which was in the United States Senate at that time, for local government support, which could include revenue stabilization and premium pay for frontline employees. Staff was beginning to consider what it would take to access those funds. This structure would have every locality go directly to the U.S. Treasury for funding and would have less requirements for how the money would be used. The guidance from Congressman Connelly and the two senators was they should treat it as a one-time revenue source. Mr. Ashton indicated the town could potentially use it to catch up on equipment purchases, vehicle replacements, and capital programs. He was not sure how much would end up being in it, but they would have to apply within 60 days. He indicated this could be a problem since they would not have a Director of Finance. Moving forward they would see the base budget and once federal money was in the mix, Council could make a budget adjustment. Council would also be asked to release money from sequester.

He reiterated this was an opportunity for residents to chime in on the budget.

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

Councilmember Friedrichs asked Mr. Ashton about the timeline he laid out. Mr. Ashton confirmed that the General Fund section of the provisional budget was almost ready, and the Enterprise Fund sections would be discussed the following week. The proposed budget would go to print in about the next week and a half to two weeks.

Councilmember Friedrichs followed up by asking if the public comments would be for a future iteration of that budget document. Mr. Ashton clarified that, depending what was being asked, they had a lot of potential to tweak things in a minor way or as a future adjustment.

Councilmember Friedrichs also asked if, after six months, they would look at the budget again to adjust. Mr. Ashton confirmed that, in a normal year, that was correct. However, at that time they were looking at the budget and finances constantly to manage their way through with close monitoring. Councilmember Friedrichs continued by asking if he would bring Council information in six months about where they were and what they could add to the budget. He hoped they would have that conversation sooner than six months. Federal money would change the conversations they could have if they could shift money. He would update Council around December about how the year was going. Mr. Ashton also mentioned that they were about to give Council another update about the current fiscal year in April.

Councilmember Dhakal asked Mr. Ashton if he knew an approximate financial impact for the one percent Market Rate Adjustment (MRA). Mr. Ashton stated the financial impact would be around \$260,000 if it would begin on July 1, or around \$130,000 if it began January 1. They were open to discussing it later. Councilmember Dhakal provided further comments about mild to moderate inflation and the effect that could have on staff, which he encouraged his colleagues to consider. He reiterated the staff are public facing, and he felt they should consider this. Mr. Ashton asked Councilmember Dhakal to let him see what numbers come out of the COVID relief bill in Congress. They could delve more deeply into the premium pay for frontline employees, which could help, for a period, and they could come back when they might be in better fiscal shape.

Councilmember Singh provided comments on looking at bond yields.

Mr. Ashton agreed with Councilmember Singh's comments. He thought they should look at where inflation was occurring at that time which was in equity markets and asset class. He talked with economists and, if interest rates ticked up, there might be inflationary pressure. At that point, they may need to look at an MRA.

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Vice Mayor del Aguila said in Council's two-by-two meetings with Mr. Ashton they asked for year over year trends on certain items. Mr. Ashton confirmed that at the next meeting staff would present a graph that charted water and sewer revenues and expenditures and the town's loss. They would also see where the lines start to come together and why.

Councilmember Friedrichs suggested that they were not giving their staff the MRA, but they were putting \$200,000 to support the Strategic Initiative plans. She suggested putting that off for six months because other localities were cutting taxes and giving raises and Herndon was not doing that. She indicated she meant no disrespect and referenced a list she was given by residents. She felt many of the items could wait. She would prefer to spend that money, in the short term, on staff and come back with money for Strategic Initiatives mid-year.

Mr. Ashton reminded Council he was proposing a three percent merit pay for the next year and encouraged them to see how the bill in the Senate went which could give them some flexibility. If his interpretation was correct, it would be significant for them over the next three years. He would prefer to take the narrow approach and let other things elaborate further.

Mayor Olem provided comments about the significant and devastating effects of the pandemic on all the local economies in the region and said Herndon was experiencing decreases on most of the revenues. They needed to continue focusing on core services.

Mayor Olem reviewed the public comments process and asked Margie Tacci, Deputy Town Clerk, if there were any speakers registered for this item. Ms. Tacci confirmed there was one speaker registered.

- Ann Vayda Null, 631 Oak St., Herndon: Provided comments about best business practices and the town budget, along with her thoughts on town services and the town's Historic District.

Mayor Olem stated the budget would be released on April 1, 2021, and there would be public hearings on April 13, 2021 and April 27, 2021. She thanked everyone who had commented and provided input about the budget. Mayor Olem encouraged individuals to put their comments in writing for everyone to see.

CONSENT AGENDA

6. **Resolution 21-G-29, to appoint Dua'a Elbarasse to the Board of Zoning Appeals;**
7. **Resolution 21-G-30, to appoint Lauren Edmondson as the 'Historic Preservationist' to the Historic District Review Board; and**

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8. Resolution 21-G-31, to appoint Melody Fetske as the ‘town resident’ member to the Architectural Review/Historic District Review Boards.

On motion of Councilmember Friedrichs, seconded by Councilmember Regan, the Consent agenda item was approved by unanimous roll call vote by electronic means, without comment. The vote was: Councilmembers Alam, Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting “Aye.”

Resolution 21-G-29, to appoint Dua’a Elbarasse to the Board of Zoning Appeals.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby appoints Dua’a Elbarasse to the Board of Zoning Appeals to fill an unexpired five-year term ending December 31, 2023.

Resolution 21-G-30, to appoint Lauren Edmondson as the ‘Historic Preservationist’ to the Historic District Review Board.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby appoints Lauren Edmondson as the ‘Historic Preservationist’ member to the Historic District Review Board to fill an unexpired three-year term ending February 28, 2022.

Resolution 21-G-31, to appoint Melody Fetske as the ‘town resident’ member to the Architectural Review/Historic District Review Boards.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby appoints Melody Fetske as a ‘town resident’ member to the Architectural Review/Historic District Review Boards to fill an unexpired three-year term ending June 30, 2023.

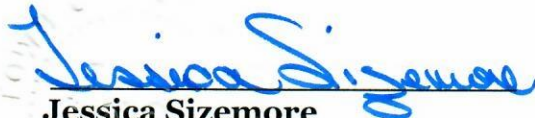
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9. ADJOURNMENT

Councilmember Friedrichs moved to adjourn the meeting of the March 9, 2021 public hearing, and Councilmember Alam seconded the motion. The question was called on the motion which carried by unanimous roll call vote by electronic means, and the meeting of the March 9, 2021 public hearing adjourned at 7:59 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 27, 2021.