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**HERNDON TOWN COUNCIL
Work Session
Tuesday, April 6, 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during Pandemic Disaster (COVID-19), as amended and readopted by the Herndon Town Council on September 8, 2020, which superseded previously adopted amendments, Mayor Olem has stated that the April 6, 2021 Herndon Town Council Work Session would be by electronic means.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, April 1, 2021. In attendance electronically were:

- Mayor Sheila A. Olem, presiding;
- Vice Mayor Cesar del Aguila;
- Councilmember Naila Alam (at 7:03, due to technical difficulties);
- Councilmember Pradip Dhakal;
- Councilmember Signe Friedrichs (at 7:17, due to technical difficulties); and
- Councilmember Sean M. Regan.
- Councilmember Jasbinder Singh was absent.

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Viki L. Wellershaus, Town Clerk; Maggie DeBoard, Chief of Police; Scott Robinson, Director of Public Works; Elizabeth Gilleran, Director of Community Development; Mike Mueller, Acting Director of Golf;

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Bryce Perry, Deputy Director of Community Development; John Irish, Deputy Director of Public Works; Maria Lee, Budget Manager; and Amanda M. Kertz, Chief Deputy Town Clerk.

ANNOUNCEMENTS

The Chief Deputy Town Clerk welcomed those listening to the April 6, 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during Pandemic Disaster (COVID-19), as amended and readopted by the Herndon Town Council on September 8, 2020, which superseded previously adopted amendments.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 April 6, 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. Mayor Olem stated that Councilmember Singh would be absent.

Following the roll call for attendance, Mayor Olem confirmed there was an electronic quorum present. All members were present electronically, except for Councilmember Singh who was absent and Councilmembers Alam and Friedrichs who had not yet joined the Webex due to technical difficulties, with Mayor Olem

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presiding. As the Chief Deputy Town Clerk stated, the meeting that evening was being conducted pursuant to the appropriate laws associated with the COVID-19 pandemic disaster.

Mayor Olem asked Council to observe meeting decorum by showing their hand to be recognized 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.

ANNOUNCEMENT

Mayor Olem stated that the town-wide Spring Clean-Up would take place from April 21 to April 23. This event would provide an opportunity for residents to place large or bulky items curbside for pick-up on their scheduled trash day. She encouraged those interested to find further information on the town's website.

Mayor Olem stated Councilmember Alam joined the Webex at 7:03 p.m.

2-4. Comments and Updates from the Town Manager

Mayor Olem recognized the Town Manager for his comments and updates.

COVID Update

The Town Manager shared that the Fairfax County Health District Director said they were on track for Phase 1c, and the goal was to move to Phase 2 by April 18, 2021. There would be two more community vaccination sites at Lord & Taylor in Tysons Corner and Babies 'R' Us in Chantilly. More Johnson & Johnson vaccines were also coming, but the supply chain could be affected in three to four weeks by spoiled vaccines coming out of the Baltimore plant. COVID cases were up in the county with more variants circulating. Up to 30 percent of the positive cases being seen were variant cases.

Fairfax County had received 400,000 vaccines and 392,000 shots had been given. The fastest way to register for a vaccine was through the government portal. Dr. Gloria Addo Ayensu made it clear that more people needed to get the word out and be myth busters to make people comfortable getting the vaccine. She referenced hesitancy, said that what leaders say matters, and encouraged town managers to share with their councils get the word out.

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The Town Manager stated at that time, there were three town employees out with either positive tests or symptoms, and three employees who had been out the prior two weeks were back at work.

Questions from Council

Mayor Olem shared that she did not have a negative reaction and encouraged getting the COVID vaccine.

Strategic Initiatives Update

The Town Manager stated IT let him know they were working with Councilmember Friedrichs to get her onto the Webex.

He had sent out a spreadsheet of initiative updates and where they stood with staff. He said the color coding on the spreadsheet was for him, and he could send them versions without it. Most of the items were being implemented because they seemed operational and could fit with what they were doing, presentation was pending, or analysis was ongoing. Over the past couple of weeks, an analysis template had been developed so that each initiative analysis would look the same, and he would provide those to Council in advance of May Strategic Initiatives Discussion. He asked if Council had reviewed the spreadsheet yet or if they wanted him to go through it.

Mayor Olem indicated she had gone through it.

Questions from Council

Vice Mayor del Aguila expressed appreciation for the color coding. He said it helped them align on what Council communicated, what the Town Manager heard, and what tasks were being handled. He said he sent the Town Manager two items that he did not see on the spreadsheet.

The Town Manager planned to provide updates that he would send Council each week so they could home in on what they wanted.

Mayor Olem inquired about prioritization, and the Town Manager indicated some things seemed operational without related costs. Some things they anticipated having a cost or time component, and those items were out for staff review. He shared he had a standardized input format for staff and that input would be shared with Council in a packet.

The Town Manager hoped for prioritization, putting the items in an order, and removing things they were not interested in at the May session.

The Town Manager referenced the conceptual/design, implementation, and post-implementation phases of projects. He indicated they were in the conceptual/design phase. He was hoping to help Council in understanding requirements, costs, and magnitude by presenting data to Council to make informed decisions.

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 comments were provided to Council and entered into the record for the proposed FY 2022 budget items; and for Ordinance 21-O-10, to amend Chapter 46 (OFFENSES) Firearms on Town-Owned Property.

- **Mayor Olem; Vice Mayor del Aguila; Councilmembers Dhakal and Friedrichs** each provided signed statements for the record that they are unpaid volunteers for various organizations in the community, some of which may receive funds or services from the town. Throughout the year, they may be invited to attend events hosted by these organizations as guests; and
- **Councilmember Singh** provided a signed statement for the record that throughout the year, he may be invited as a guest to attend events hosted by various organizations, some of which may receive funds or services from the town.

Each statement indicated the members are able to participate in the budget deliberations regarding non-profit organizations fairly, objectively, and in the public interest and all statements have been filed with the Town Clerk and Town Attorney.

PUBLIC HEARINGS

5. **Ordinance 21-O-06, to amend Chapter 74 (UTILITIES), Article II (Sewers & Sewage Disposal), Division 5 (Sanitary Sewer System Rates & Charges), Section 74-262 (Schedule of Rates); and Article III (Water), Division 2 (Service), Subdivision II (In-Town Service Charges), Section 74-326 (Schedule of Charges), to increase the usage charges for sanitary sewer and water, effective for meter readings taken on or after July 1, 2021.**

Mayor Olem recognized the Director of Public Works for the staff report. The Director of Public Works presented a PowerPoint dated April 6, 2021 which is on file in the Town Clerk's office.

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The Director of Public Works outlined the proposed 1.5 percent increase to three charges for service: sanitary sewer service usage, water usage, and water peak usage, beginning July 2021.

He then provided background information about the Water & Sewer Fund. He clarified it was an Enterprise Fund and operations should be covered by the user fees and not supplemented by the General Fund. The Director of Public Works further explained Water & Sewer Fund Revenues and Expenses, operating costs versus revenue & net operating loss, and showed they were projecting a net loss in coming years. The gap between operating costs and revenue was further explained.

The Director of Public Works stated the proposed Ordinance Changes and the fiscal impact of the increase. Staff recommended an increase of 1.5 percent for water service and 1.5 percent for sewer service they also recommended updating the rate study early in FY 2022. Staff was recommending approval of this item.

Responding to Councilmember Regan's question about the exact amount of increases to the various services mentioned, the Director of Public Works confirmed that the increases were all 1.5 percent across the board.

Mayor Olem stated that Councilmember Friedrichs joined the Webex at 7:17 p.m.

Vice Mayor del Aguila asked about historical trending data and how long it would take to close the gap, with the increase. The Director of Public Works said how quickly they closed the gap depended on rates and the commodity cases. He indicated, in the near-term, sewer would drive up the rate. Vice Mayor del Aguila asked if it would not necessarily close the gap soon. The Director of Public Works said a 1.5 percent change that year would not close the gap, but it would lessen the gap by around \$100,000. Vice Mayor del Aguila commented on not updating rates in a while and asked if people should be prepared for more upcoming rate increases. The Director of Public Works said Davenport recommended increases over several years. The Town Manager said after the Davenport study they did an immediate increase and had done three rate increases since the study. The Town Manager said they want to refine the plan and readjust the model to close the gap.

Vice Mayor del Aguila asked what it looked like if they did not have increases this year or next year. He thought they should consider public input.

Vice Mayor del Aguila asked the Town Manager to tell them if Council was asking for too much. He also asked if they could have different options going forward.

The Town Manager said they feared that by not covering depreciation, they could reach a point where they had to make some dramatic investments in the pipes

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they have—eroding capital. There were long-term fears of what this would do to the system. This was why they were asking for public comment. There were red flags. The 1.5 percent increase would put them in the right direction.

Vice Mayor del Aguila said he wanted to make sure they had all the data, and they have not been keeping up. He thought they should prepare people for increases and more data was better for Council and residents to make decisions. He reiterated needing data and told the Town Manager to let Council know if they were asking too much of staff.

Mayor Olem asked what the average increase would be to a \$150.00 bill with the new rate. The Director of Public Works said a bill that was \$150.00 would be around \$153.00 with the new rate.

Councilmember Alam indicated support for the small increase.

6. **Ordinance 21-O-07, to Levy Taxes on Real Estate and Manufactured Homes, and Other Subjects for the Fiscal Year 2022 Budget;**
7. **Resolution 21-G-37, to Adopt a Fiscal Planning Resolution for the Fiscal Year 2022 Budget for the Town of Herndon; and**
8. **Ordinance 21-O-08, to Appropriate Funds to implement the Fiscal Year 2022 Budget for the Town of Herndon, establishing the Pay Plan, and reserving on-going and Capital Funding for this Fiscal Year.**

FY 2022 Proposed Budget

Mayor Olem stated the next three public hearing items related to the FY 2022 proposed budget. There would be two public hearings scheduled on the proposed budget, on April 13 and April 27, 2021, with work sessions that evening and on April 20, 2021.

Mayor Olem recognized the Town Manager for the budget presentation.

The Town Manager thanked Karen Gagliano, the outgoing Budget Manager who was staying on as a consultant and Maria Lee, Budget Manager for their work.

The Town Manager provided background information about how the budget would continue changing over the coming months due to the American Recovery Act. He stated they would likely be back in May with an amendment, and that would free up some alternatives. Due to planning and austere revenue projections, they would not see community donations or support for some of the events they had in the past, but the American Recovery Act may allow for that with a future amendment after they received guidance. A third element that

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would be coming in a few weeks was the FY 2021 budget surplus which was due to strict spending, management, BPOL coming in over estimation, and better tax performance than expected. He then presented a PowerPoint dated April 6, 2021 which is on file in the Town Clerk's office.

The Town Manager reviewed Town Council Budget Priorities & Guidance which included specific guidance such as funding activities that will advance the 2035 Vision by: providing a full budget with two levels of expenditure sequestration based on a range of revenue projections, establishing additional funding in contingency for Council priorities, continuing to fund core services and activities during uncertain times, continuing to demonstrate a commitment to and investment in town employees, continuing efforts to develop and maintain a strong fiscal position, exploring various funding strategies, such as use of the budget surpluses, reserve fund usage, or other revenue enhancements to sustain key resources through a short-term economic downturn, balancing water and sewer service revenue with operating costs; and addressing increasing problems with water and sewer. He outlined the various ways the proposed budget worked to address the guidance.

He also highlighted other critical components underlying the decision-making process including revenue not reaching pre-COVID-19 levels, recruiting issues linked to compensation levels, vehicle and equipment replacement, and critical capital projects.

The Town Manager informed the Council that the FY 2022 recommended budget total (approximately \$55.74 million) was around a nine percent decrease from the adopted FY 2021 budget. He provided an overview of the funds' respective increases or decreases.

He then went through each of the funds' (General Fund, Water and Sewer, Cemetery, Golf Course, Downtown Parking, and Capital Projects) recommended budgets to illustrate where the changes came from in both expenditures and revenues for the various categories. He began with the General Fund and then repeated the process with the other funds.

During his General Fund presentation, the Town Manager also highlighted: a decrease in Water and Sewer and increased operating costs, capital costs being pulled back, a Cemetery decrease, and a Golf Course increase of 12 percent due to capital needs. There was also a capital increase for the Downtown Parking Fund for the garage. Capital projects decreased 56 percent.

Other priorities included strategic vacancy savings and getting travel and training back online. The Town Manager explained that capital outlay, which was for new projects, was being pulled back a little bit, and there was 26 percent decrease in debt service after refinancing the debt the prior year.

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In terms of revenue, the Town Manager stated that residential property taxes increased substantially while commercial property taxes declined, which offset gains they might have received. For other local taxes (BPOL, meals, transient lodging) they were predicting a 17 percent decrease. They were not sure how much was one-time or a sustainable uptick and stayed with a conservative number by raising BPOL slightly.

Charges for Service was a \$3 million line item with a 19 percent decrease. This was largely due to Parks and Recreation fees, which were beginning to bring in revenue again through tennis, aquatics, and other usage.

Other things to consider included a slight decrease in Intergovernmental Revenue from state and federal funding in the form of grants. The Use of Fund balance necessary for capital items they wanted to accomplish in the next year would also be looked at after the American Recovery Act came in.

The Town Manager highlighted that the real estate property tax valuation fluctuations and other local tax rates that would not change.

Personnel recommendations and information included authorizing all 265 positions, with not all being filled, so they could manage the vacancies. The Town Manager shared there was a four percent decrease in health insurance cost, unchanged retirement, and pay for performance adjustments that would average three percent. He shared that COLA was one of the last items pulled from the budget, and they were managing vacancy savings.

The Town Manager provided information about Operations and Maintenance being \$8.24 million which was slightly less than the FY 2021 adopted budget. He also shared that they needed to get vehicle replacements for HPD and DPW back online. He indicated that Capital Improvement Program projects were funded by grants. He also specifically mentioned the HVAC system in the server room at HPD and the fuel tank at shop which will need to be replaced.

The Town Manager also spoke to unfunded priorities that did not fit when balancing the proposed budget including community donations, COLA (1/2 year), HPD vehicles, and frozen positions.

When discussing the Enterprise Funds the Town Manager highlighted that Enterprise Fund costs are covered through user fees.

The Town Manager also clarified the Downtown Parking Fund and debt service. The downtown parking garage was due to be under construction at end of this year or beginning of the next year.

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The Town Manager concluded the presentation of the Budget PowerPoint. He indicated that the Budget Manager was also available on the Webex, and they were still looking for a new Director of Finance.

General Discussion

There was discussion amongst Council and staff on the Town Manager's proposed budget.

Responding to queries from Vice Mayor del Aguila about slide 9, the Town Manager stated he believed all the critical capital projects were included in the presentation and he could verify that by the next meeting.

Vice Mayor del Aguila wanted to know if all 265 positions were being funded, regardless of being filled. The Town Manager clarified he was asking Council to authorize 265 positions that would be funded to a certain level with the vacancies being managed moving forward. They would not be fully funded. Vice Mayor del Aguila indicated he supported COLA increases, and he was excited about the Golf Course.

Vice Mayor del Aguila asked for clarification about the certainty of the downtown construction date at the end of the year. The Town Manager said there was significant activity between staff and the development partner that suggested actively working toward that date.

Councilmember Dhakal asked about the Capital Outlay category items featured on slide 14. He wanted to know what items were included.

Councilmember Dhakal thanked the Town Manager for clarifying information about the golf course. He indicated he had heard questions and comments from people thinking the golf course was operating at a loss. He also provided positive comments about managing vacancies.

The Town Manager asked to display slide 14, and Councilmember Dhakal asked what the Capital Outlay was and what activities and initiatives were included. The Town Manager clarified they were mainly vehicle replacements. Grants and donations were still to be determined.

Councilmember Dhakal brought up Friday Night Live and provided comments about financial contributions they could give. The Town Manager confirmed they had an initial meeting about Friday Night Live where he was asked for guidance. He indicated Friday Night Live would be dictated by the Governor's orders and where they were with vaccinations. He indicated there were per week charges of what it cost from the town's perspective. He mentioned the costs of staff time, use

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of equipment, and overtime cost. Staff was working on a plan that would allow Council to fund that amount. Councilmember Dhakal indicated his support for any amount of time Friday Night Live was able to operate that summer.

Councilmember Friedrichs asked which of the 265 positions were not filled at that time. The Town Manager indicated that it varied and, they were down some employees in the HPD, DPW, and CD departments. He did not know current numbers, but he thought it was approximately 10-12 regular status General Fund employees and some Enterprise Fund employees for Water and Sewer and the Golf Course. He specifically mentioned Gene Fleming coming to work as Acting Deputy Town Manager, which he was doing a remarkable job at, while the Golf Course Superintendent filled his role as Acting Director of Golf. Superintendent filled his role as Acting Director of Golf. He also shared that the Chief of Police was working through the process of hiring someone. He said it was a fluid situation, and they were using the fluidity to their advantage to reallocate resources.

Councilmember Friedrichs also asked about the water availability fee schedule. The Town Manager clarified there was a schedule of charges based on meter size and that there were two sides of Water and Sewer which were operational and planning for future growth. He clarified they were focusing on the operational side and the depreciation related to aging infrastructure that needed to be addressed.

Councilmember Friedrichs also asked about the golf course and personnel costs in the different Enterprise Funds. The Town Manager clarified that user fees help pay for Enterprise Funds staff and the General Fund exacts a management fee that was being raised for the upcoming fiscal year.

Councilmember Alam liked the plan and wanted to hear from the public.

Councilmember Regan asked the Town Manager to help him understand the connection between some capital and debt items. He referenced the slide which Councilmember Dhakal asked about. He wanted to understand how the debt service line related to the capital projects and how that related to the capital project fund expenditure detail sheet of capital projects in the budget.

Responding to queries from Councilmember Regan about the connection between capital and debt and debt service, the Town Manager stated that debt service was several bond issues over the years that were not yet refunded. The Town Manager could get more specific information about the General Fund bond issues. The Town Manager stated they were refunded about \$6 million of those bonds the past year when they got a new rate.

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Councilmember Regan asked about those projects with values listed in FY 2022 column, he asked if that work was being paid for by the bonds the town was paying back. The Town Manager stated it was a mixed bag. He clarified that if they come to Council for bond issues, it would be reflected in the following year's budget.

Councilmember Regan referenced page 252 of the budget where he saw that very little was spent on recreation and park facilities. He asked if prioritizing, improving, or introducing new projects would be paid for with debt service in the next year's budget.

The Town Manager said that was part of a strategy he wanted to present in a couple of weeks when the American Recovery Act came in. He reiterated there could be a real estate correction in the coming years which could affect future budgets. He said they were surviving the pandemic through various means. He thought if they saw money from the American Recovery Act and made potential amendments, he would propose some strategic items to keep exposure on debt to a minimum, keep fund balances intact, and take some off the maintenance with that money to position themselves for being able to absorb another downturn. That was what he was hoping to bring to them in May. He thought there were some maintenance items they needed to stop deferring.

Mayor Olem appreciated the presentation and many of her colleague's comments. She said they were all waiting on what the Governor would say about capacities for the summer. She stated that town staff were looking out for the businesses. She commended staff for doing work to get to this point and provided comments about her early years on Council when they had to go without vehicle replacements.

Councilmember Friedrichs asked about community donations in relation to HCTV and money from Cox and Verizon. The Town Manager clarified they typically put that money in the community donations pot. He wanted to verify and was asking them to set that aside and tie directly to a revenue item that passes into an expenditure item. Cable franchise fees dictated the funds are collected and remitted for Public, Education, and Government (PEG) purposes. He stated the prior Director of Finance was going to release that money to HCTV once it was in, and he forgot to check with her before she left. He would look into what they had done with that. He wanted to make it a pass-through in the future. Councilmember Friedrichs provided comments about asking for money as a nonprofit.

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GENERAL

9. **Resolution 21-G-38, to ratify a Third Temporary Emergency Extension of Lease pursuant to Ordinance 20-O-23 Continuity of Governmental Operations, as amended, between the Town and Fairfax County School Board.**

Mayor Olem recognized the Director of Public Works for the staff report dated April 6, 2021 which is on file in the Town Clerk's office.

The Director of Public Works stated the Fairfax County School Board currently leased 13,593 square feet of office space in the Town's building at 397 Herndon Parkway. The lease also allows for use of the rear parking lot for overnight and weekend storage of its maintenance vehicles. The expiration date of the current lease was September 30, 2020. Due to the state of emergency and ongoing negotiations for a new lease, it was necessary to extend the expiration dates:

- 1st Emergency Extension - August 31, 2020: Expired December 31, 2020
- 2nd Emergency Extension - November 16, 2020: Expired March 31, 2021

Fairfax County determined they would still not have sufficient time to have a new lease negotiated, approved and signed by their Board before the expiration date of March 31, 2021 and requested that the lease expiration date be extended a third time to August 31, 2021.

The Town Manager had signed the Third Temporary Emergency Extension of Lease pursuant to the Town's Continuity of Government Ordinance. The Town Council must now consider ratification of the Third Temporary Emergency Extension of Lease to Fairfax County School Board in order to extend the expiration date to August 31, 2021 to finalize its approval.

Staff recommended approval of the resolution as proposed.

There was brief discussion amongst Council and staff.

Following discussion and with the concurrence of Council, Mayor Olem asked staff to place this item on the Consent agenda for next week's meeting.

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10. **Ordinance 21-O-09, to amend Chapter 30 (FINANCE AND TAXATION), Article VIII (Fiscal Procedures), Division 2 (Procurement), Section 30-309 (Competitive Negotiation) to update public notice language and architectural and professional engineering project sum and fee limitations consistent with the Virginia Public Procurement Act.**

Mayor Olem recognized the Deputy Director of Public Works for the staff report dated April 6, 2021, which is on file in the Town Clerk's office.

The proposed ordinance would amend the town's procurement procedures to make them consistent with the Virginia Public Procurement Act (VPPA) by increasing the architectural and professional engineering contract fee limits for the one-year sum and single project fees and by allowing advertising in a printed newspaper to be a local choice and not a requirement.

The VPPA was amended by the General Assembly in 2017. The amendments increased the sum of all projects performed in a one-year contract term from \$500,000 to \$750,000, and the fee for any single project from a maximum of \$100,000 to a maximum of \$150,000. Additionally, the amendments changed the public notification requirement in printed newspapers from a "shall" condition to a "may".

Due to the State of Emergency, Continuity of Government procedures and related workload, this proposed change to the town procurement code was delayed in being presented for adoption. Staff recommends Town Council approve the Ordinance to remain consistent with the VPPA.

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

Councilmember Dhakal asked if they saw any downsides or future implication from changing the word from "shall" to "may." He asked if that gave the town any type of advantage and indicated he was anxious about the word change. The Deputy Director of Public Works deferred to the Town Attorney, who said they should normally be worried when the wording was changed from "shall" to "may", but in this case they did not need to be concerned. Because Virginia is a Dillon Rule, the General Assembly could change the language. Practically, there were very few contractors who consult newspapers for requests for proposals.

There was a brief question and answer session between Councilmember Regan and the Deputy Director of Public Works about best value procurements and the procurement process. The Deputy Director of Public Works reviewed the professional services bid process and confirmed it was a two-step process where you could not do an initial solicitation with price component evaluated with qualifications. He explained that a pre-qualification element must be established

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as a policy and if it was in place, it could be used to narrow down the pool of pre-qualified contractors who could bid. The ultimate way to determine a successful bidder was lowest cost, which was still an element of the state.

Following further queries, Councilmember Regan stated that he may email the Town Attorney and the Deputy Director of Public Works about access to guaranteed maximum price contract.

Following discussion and with the concurrence of Council, Mayor Olem asked staff to place this item on the Consent agenda for next week's meeting.

11. Resolution 21-G-39, to award contract IFB #21-07, Legal Advertisement Services.

Mayor Olem recognized the Town Clerk for the staff report.

The Town Clerk stated legal advertisements for the town must be published in newspapers that meet the requirements of the Code of Virginia. The Code of Virginia also mandates which newspapers may be used. In February, the town advertised an invitation for bids on the town site and eVA the state's procurement site. Bid packages were also emailed to 26 additional local contacts. Two bids were received with the *Fairfax County Times* found to be the lowest responsible and responsive bidder.

Staff recommended the Council award a contract to the *Fairfax County Times* for the town's legal advertisement services. The Town Clerk stated the town's Purchasing Agent and Chief Deputy Town Clerk were also available for any questions.

Responding to queries from Councilmember Friedrichs, the Town Clerk confirmed that they did not receive a bid from *Herndon Connection*.

Following discussion and with the concurrence of Council, Mayor Olem asked staff to place this item on the Consent agenda for next week's meeting.

12. Ordinance 21-O-10, to amend Chapter 46 (OFFENSES), Article II (Firearms, Crossbows, and Pneumatic Guns), to amend definitions and to create a new Section 46-60 (Possession of Firearms on Town Property), to prohibit the possession, carrying, or transportation of any firearms, ammunition, or components or combination thereof on Town property, in Town buildings or on certain other areas owned by the Town.

Mayor Olem recognized the Town Attorney for the staff report, who presented a PowerPoint dated April 6, 2021 which is on file in the Town Clerk's office.

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This ordinance was drafted for Council's consideration based on Council's specific request for a draft firearms ordinance similar to Fairfax County's.

The enabling legislation is found in legislation adopted by the 2020 General Assembly. This legislation was codified in the code of Virginia and became effective July 1, 2020.

The Town Attorney listed other localities in Northern Virginia and around the state that had adopted similar legislation.

The Town Attorney read directly from the code, which stated.

"Section §15.2-915 of the Code of Virginia authorizes any locality to prohibit the possession, carrying or transportation of firearms, ammunition, or components or any combination thereof in (i) any building, or part thereof, owned or used by the locality, or by any authority or local governmental entity created or controlled by the locality, for governmental purposes; (ii) in any public park owned or operated by the locality, or by any authority or local governmental entity created or controlled by the locality; (iii) in any recreation or community center facility operated by the locality, or by any authority or local governmental entity created or controlled by the locality; or (iv) in any public street, road, alley, or sidewalk or public right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit."

She indicated she read that because every word was important. They also had to provide a definition of ammunition because it was undefined in the state code.

The Town Attorney further laid out where the restrictions could prohibit or restrict. She stated localities could adopt their own legislation. Pursuant to Virginia Code Section 15.2-915 (E) a violation would be a Class 1 Misdemeanor.

The Town Attorney then reviewed who would be subject to the prohibition and which areas the prohibition would apply to. She further clarified that the ordinance before Council was modeled after Fairfax County's, and she reviewed exemptions of who the ordinance does not apply to as currently drafted.

She also outlined a comparison chart of exemptions provided in the PowerPoint which included jurisdictions in Northern Virginia.

If approved, the ordinance would be effective on the date of adoption.

The enabling legislation would also allow for increased security measures, such as security guards or metal detectors, to prevent unauthorized access to those areas. The legislation further mandates that notice of the ordinance be posted at

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entrances to the areas where the prohibition is in effect, including at all building and park entrances, as well as appropriate places of ingress and egress to permitted events, events that would otherwise require a permit, and adjacent areas.

The proposed ordinance would use the enabling authority to its full extent. Firearms, ammunition, components or combination thereof would be prohibited in buildings, parks, recreation and community centers owned or used by the town, or authorities and entities created or controlled by the town. The prohibition would also be in effect at permitted events, events that would otherwise require a permit, and areas adjacent to those events, provided those events take place on a public street, road, alley, sidewalk or public right-of-way, or any other place of whatever nature that is open to the public. Appropriate signage must be posted in order to enforce the prohibition.

The Town Attorney stated costs for signage and enforcement had not yet been identified. She also stated this matter was brought before previous Council in September 2020. The comments received at that time were included in the record along with any written comments received to date. In September 2020, there was concern that more public input was desired. Staff was not instructed to conduct public outreach, nor had they been provided with any further public comments.

The Town Attorney outlined Council alternatives stating they could: adopt the proposed ordinance, as presented; defer consideration until budgetary impacts are identified and confirmed; direct the Town Manager to advertise a public hearing to solicit public comments; or provide other direction.

There was discussion amongst Council and staff on this item.

Councilmember Friedrichs indicated there were frequent questions about cost. She knew staff had not figured out the exact costs, but she asked for a quick description of what would be involved in the cost.

The Town Manager responded to Councilmember Friedrichs saying the cost would include items such as: signage for identified facilities they wanted to restrict, magnetometers, security personnel, other boards and committees, and staff protection. He indicated all of this would be dependent on the requirements Council would put in place. He recognized the Chief of Police to provide her input.

The Chief of Police provided a few points for Council to consider. She thought the main thing that should be discussed first was what they were trying to accomplish with this legislation. She indicated that was very important because if the purpose was the protection of employees and those doing business, that would make sense, and the cost would be significant.

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She indicated signage and legislation would not prevent criminals or those with mental health issues from committing crime. They would need magnetometers, ballistic glass, and those types of measures. She asked if they would do that in all buildings open to the public.

The Chief of Police stated that, if their purpose was to diminish gun violence and crime in Herndon, she did not think this would accomplish that.

The Chief of Police provided some statistics for Council. She stated there was low gun violence in Herndon. From 2017-2020, they had two shootings and one police shooting. She stated there were 18 cases of display of firearms with robberies and seven other cases where a community issue happened with evidence of a firearm being discharged. She indicated that concealed weapons and stolen firearms happen everywhere, and this legislation would not affect those crimes.

The Chief of Police said that open carry is intimidating for many people in the community, and they have had open carry at the Herndon Festival. The concern was that, even with this legislation in place, they do not know who is carrying a firearm and who is not.

The Chief of Police said people who have legally obtained a firearm and concealed carry permit have had some training to qualify. She also mentioned concern about banning concealed weapons for those people living in fear, of domestic violence or stalking, not having the ability to protect themselves. She indicated that in her work over the past year on police reform, she had seen that victims were not being considered in the legislation, and she felt they are an important part of the community. She thought there should be consideration about people who have the right to protect themselves.

The Chief of Police said that legislation and signs do not always work and misdemeanors mean nothing to people who want to harm others.

Mayor Olem provided comments about victims who were afraid to go places without their weapon for protection.

Vice Mayor del Aguila asked if this ordinance would not prohibit people from open carry or concealed carry from walking down the sidewalk.

Vice Mayor del Aguila confirmed with the Town Attorney that there would be signage letting people know they were entering a zone. He wanted to clarify they were not talking about taking someone's gun if they were walking or driving through town.

The Town Attorney confirmed it was about town buildings.

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Vice Mayor del Aguila interjected and agreed it was town building and parks. He asked if this would be over, under, or equal to Fairfax County.

The Town Attorney said it was identical except for certain facilities the county has that the town does not.

Vice Mayor del Aguila asked if it was on par with what the county passed, and the Town Attorney said it was, as presented.

Vice Mayor del Aguila said the only time they must consider is if they walk into a town building or park.

The Town Attorney confirmed and stated there could be some places where there would be an event or other specifically identified areas. She confirmed signage was required.

Vice Mayor del Aguila stated Herndon holds traffic court on Wednesdays, and the Town Attorney clarified that Fairfax County held traffic court in Herndon on Wednesdays.

Vice Mayor del Aguila said people could not enter traffic court with a firearm. The Town Attorney confirmed.

There was discussion between Vice Mayor del Aguila and the Town Attorney about not being able to enter town buildings with a weapon.

Vice Mayor del Aguila specifically referenced the metal detector used for traffic court. The Chief of Police clarified that the metal detector was used and staffed by Fairfax County. Responding to further queries from Vice Mayor del Aguila, the Chief of Police confirmed the use of a metal detector and staff to man it was similar to the procedure they would need to use.

There was discussion between Councilmember Regan and the Chief of Police about the specific gun-related cases she provided statistics about earlier in the discussion. Councilmember Regan further inquired if the legislation had been tested in the courts at all since it passed. The Town Attorney stated she was only aware of one case in Fairfax County (LaFave v. County of Fairfax) which was based on concealed carry prohibition in parks and adjacent to events which was filed about six months prior.

Councilmember Friedrichs asked the Town Attorney about an email from an attorney who was offering to represent people, free of charge, who were in violation. She asked the Town Attorney about their exposure and lawsuits. The Town Attorney thought it would be premature for her to give an opinion about

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possible legal situations for something only under consideration. The one case targeted on two specific passages as being unconstitutional. She thought it would be premature to comment at that time.

Councilmember Friedrichs also asked the Chief of Police how this would be enforced at the parks. The Chief of Police said they could only enforce if it were visible. Otherwise, they would have no knowledge. Councilmember Friedrichs asked about if someone was open carrying right now, and the Chief of Police said they do not step in where they do not have the authority to detain.

Mayor Olem asked what they were trying to accomplish. She summarized what she thought this could accomplish. She commented on lawsuits and how enforcement would require metal detectors.

The Chief of Police confirmed they would need to fence perimeters and check people going in and out of the Herndon Festival.

Mayor Olem provided further comments about needing metal detectors.

The Chief of Police said in high security zones there are barriers. They do not know who has weapons and who does not unless they have magnetometers.

Mayor Olem asked what they were going to accomplish by doing this.

Vice Mayor del Aguila thought there was a lot of speculation. He said he thought they were talking about safety for staff. He thought people would see what they want in terms of value. He also felt that the immigrant community valued this. He thought they should ask the Town Manager about how much they thought it would cost. He thought the outcome was doing something proactively. He reiterated being in line with the county and having public hearings about it.

Councilmember Friedrichs asked if there was any regulation about events with alcohol and children. Given the costs and discussions with staff and friends on both sides of the issue, she requested that if people agree, they not adopt the entirety of the proposed ordinance, but rather start with the Council Chambers. She thought they were underestimating how much this would all cost. She did not think patrolling the parks would have any practical effect. She was in favor of gun control and wanted it to be effective. Given the current situation, financially and given people who were upset, she thought everyone could agree being at the dais or in the Hoover Room was frightening when there was an upset individual in front of them. She thought physical measures would be more effective. She proposed they pare this down and focus on the Council Chambers.

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The Chief of Police agreed they worked hard on the security for town buildings. The biggest concern they faced was from town employees with very little protection at counters. She referenced the Virginia Beach shooting and COVID. She said there was a sense of security with glass. The public areas and employees feeling safe in their workplace was important.

Councilmember Friedrichs said staff she talked to felt safer but not safe. She thought a magnetometer might be more cost effective in the Herndon Municipal Center lobby. She reiterated she did not know about this for the parks and all buildings.

Mayor Olem asked if they had a lot of employees who were concerned and wanted this passed. She thought they just wanted to make sure the place was secure.

The Town Manager thought this was not really on staff's radar screen at that point. He stated that they do feel safer with some improvements, and other improvements were needed where staff were exposed. He thought there was work to be done and this would magnify that.

Mayor Olem clarified that they are still working on security measures at town buildings, and the Town Manager confirmed there were still things they were working on.

Mayor Olem provided comments about being at a Chamber event where the Chief of Police spoke about active shooter issues and recommendations.

The Chief of Police said they have some subject matter experts, and she was meeting with people to discuss what a response would look like. They would be reactive and try to mitigate damage.

Mayor Olem clarified they needed to determine if they wanted the Town Manager to get financial information on pricing for metal detectors, signs, etc. They also needed to know if this was for all buildings, town buildings, some building, or all town buildings and parks.

Councilmember Dhakal indicated that this needed further discussion and public input. He supported having two public hearings and felt it would be good to know the budgetary impact. He wanted to know the financial impact if they kept what was presented that day in-tact. Once they knew the financial impact, he indicated they would be in a better position to see if they could do everything, add or remove elements, or negotiate.

Councilmember Friedrichs also mentioned that if Friday Night Live had to have this, they would need to know the financial implications for that as well.

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Mayor Olem asked the Town Manager if it would be possible to have this information presented in the May Strategic Initiatives Discussion and whether that would be enough time to gather information.

The Town Manager said he would reserve that until having time to talk with the Chief of Police, Director of Public Works, Deputy Director of Public Works, and other critical players to see how much of what was already done could be repurposed and what other areas they needed to gather costs on. He could send a correspondence out to Council after gathering that information. It was the Town Manager's understanding that he would cost out the current draft ordinance, as it existed at that time, and he would try to a la carte some items. That would not give them economy of scale, but it would be enough to drop certain elements into play. He could let them know by the end of that week.

The Town Attorney asked if, for the next week's meeting, the Mayor wanted to have this item on the agenda. She also asked if Council wanted staff to identify tentative public hearing dates.

Mayor Olem thought the Town Manager would investigate costing these things out so they could have a discussion with the public, with all that information on the table.

The Town Attorney stated she just wanted to make sure the Mayor did not want the public hearing dates presented the following week.

Councilmember Dhakal shared his position was that because they already started discussion, he wanted to keep it open for the first public hearing and then by the second public hearing they may have more information.

The Town Attorney clarified that the item on the agenda for the following week's public hearing was not a public hearing item, and the public would not be permitted to speak because it was a general item. They would have to advertise ahead of time to make it a public hearing item.

Councilmember Dhakal indicated he understood and asked that they have the general item the following week and then two public hearing items in the future. He hoped by then they would have a clearer picture to make better informed decisions.

Mayor Olem summarized that the Town Manager would bring those numbers to Council at the May Strategic Initiatives Discussion after meeting with the Chief of Police and Department of Public Works to know what needed to be done and price those things out.

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Vice Mayor del Aguila clarified that the public could comment on the issue at any time through email or phone calls. It was his understanding that people could come to the public hearing and comment on any item whether it was on the agenda or not.

The Town Attorney clarified that anyone could comment at any time during the public comment portion of a Public Hearing, but there was not a specific time set aside like during a legally defined Public Hearing.

Vice Mayor del Aguila interjected saying that was correct.

The Town Attorney continued saying that was the case during a public hearing that had been advertised as a public hearing.

Vice Mayor del Aguila interjected again saying that was correct.

The Town Attorney continued saying that Council had asked for two public hearings, and she thought that was what they meant to have specific time they could speak about the item. She reiterated that the public could speak at any time.

Vice Mayor del Aguila again interjected saying that was what they wanted to encourage. He said people did not have to wait to comment or give feedback. They could register for the next public meeting and speak on this topic. They did not have to wait until May when Council had more information.

The Town Attorney confirmed and asked Vice Mayor del Aguila what he intended by having two public hearings.

Vice Mayor del Aguila said that if they were going to act on this, but it seemed they were going to give the Town Manager time to put numbers to it, they would have in parallel or inflight to hold two public hearings. He thought if they were going to instruct the Town Manager to do something over the next two public meetings, they would have to do something then. He said it was okay to wait until May, but he stated that people could still comment.

The Town Attorney confirmed that people could comment by writing in or coming virtually to the meeting, signing up to comment during the public comment period of the Public Hearing Meeting, or communicating with Councilmembers at any time.

Mayor Olem concluded that the Town Manager was going to get with the staff to come up with what they needed to do.

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Following Councilmember Friedrichs comments about postponing the discussion items, Mayor Olem stated the Council would take a brief three-minute recess.

RECESS

At 9:59 p.m. Mayor Olem called a brief recess, and at 10:03 p.m., the work session meeting reconvened by electronic meeting using Cisco Webex.

ROLL CALL

The Chief Deputy Town Clerk took attendance by roll call, with all members present except for Councilmember Singh, who was absent, and with Mayor Olem presiding.

DISCUSSION

13. Informational Update, 555 Herndon Parkway – Penzance Development.

Mayor Olem recognized the Director of Community Development.

The Director of Community Development presented a PowerPoint dated April 6, 2021 which is on file in the Town Clerk's Office. She then provided an update on the 555 Herndon Parkway Penzance Development.

The Director of Community Development stated they wanted to make some changes that would require a public hearing. She wanted to make Council aware of the changes to see if they had significant concerns to pass on to the owner. She provided background on the property and provided a debriefing on the meeting they had with the owner of the property.

She provided information about the location and zoning, the existing site, current entitlement approved by Council on April 9, 2019, and the approved plan.

The Director of Community Development then outlined the owner's proposed changes including:

- Reducing the height of the residential Building C (the tower) to be similar to residential Building A;
- Potential increase in the number of residential units;
- Office still meeting or exceeding approved minimum;

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- Rearrangement of the buildings and open space; and
- No changes to the proffers are being proposed.

She stated it was being driven by market forces and some issues the market was posing at that time. She then asked for questions or comments from Council.

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

Councilmember Friedrichs stated she was excited by the appearance that had been approved. She asked for clarification if the costs of cement and steel were affecting this, and the Director of Community Development confirmed that was one of the factors. Responding to further queries from Councilmember Friedrichs about the quality of the building, the Director of Community Development stated it was hard for her to say and the owner may be able to answer. Staff was asking that question and they were hearing it was not the intent to come in with a cheaper, lower-quality product.

Councilmember Regan provided comments about the height of the building changing while keeping the same number of units. The Director of Community Development stated they were not going to all micro units, nothing formal was submitted. Only a preliminary yield study had been shown. She also provided comments about the footprint and the space.

There was further discussion between the Director of Community Development and Councilmember Regan about the future site plans and phase timing. The Director of Community Development opined that all the residential would be built in the same phase and provided additional information about the site and phases.

Vice Mayor del Aguila stated he knew the answer but had to ask the Town Attorney if there was an opportunity for potentially guiding them to address workforce units.

The Town Attorney stated she probably needed to confer with the Director of Community Development and the town could make the owner aware that was something the town was interested in throughout the town. Vice Mayor del Aguila stated he did not want to step on any "legal toes." The Town Attorney stated that at that point it was just a discussion about future plans and confirmed with the Director of Community Development that there had been no mention of that by the owner.

The Town Manager said he did express Council's desire to have workforce housing in the town as a general thematic element of this Council. They were aware of Council desires as they make business decisions going forward.

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Councilmember Friedrichs asked if they expanded the footprint if that meant there was less greenspace or parking. The Director of Community Development stated there would not be less parking. She could not speak to the amount of greenspace since they did not have a plan at that time.

Mayor Olem asked if this was a rental property, and the Director of Community Development stated the town understood it was planned to be rental and provided information about the tax district changes they would need to go through with Fairfax County if they chose to do condominiums.

Mayor Olem asked that Council provide some guidance.

Councilmember Regan opined they gave some guidance through their questions. The Director of Community Development stated she felt Council was open to consideration and not against looking at it.

Mayor Olem stated she wanted to confirm Council was interested in seeing a site plan.

14. Organizational Orientation Discussion by the Town Manager and the Acting Director of Golf and the Town Clerk.

Herndon Centennial Golf Course

Mayor Olem recognized the Acting Director of Golf to present the department orientation for the Herndon Centennial Golf Course.

The Acting Director of Golf outlined the vision for the department and provided overviews of the administrative and maintenance divisions. He also defined the responsibilities and reporting structures used for the operation of the golf course.

The Acting Director of Golf then highlighted accomplishments of the Herndon Centennial Golf Course including online tee time booking through GolfNow and being an Audubon International certified golf course. The Acting Director of Golf closed his presentation by outlining some future initiatives for the golf course before taking questions from Council.

Questions from Council

Mayor Olem provided appreciative comments about the golf course.

Councilmember Dhakal provided appreciative comments about the staff.

Vice Mayor del Aguila said he was not a golfer but did download the GolfNow app and saw that many times were sold out. He asked about the goal of being the first

course to consider in the DC Metropolitan Area and asked how Council could help. He thought they should leverage this to keep drawing people to the town and asked the Acting Director of Golf to think outside the box.

The Acting Director of Golf said the Council, Town Manager, and Management team were all supportive. He provided comments about the GolfNow app. He said there were areas for improvement that hopefully the Capital Improvement Program could help with. He provided further comments about continuing support.

Mayor Olem stated she looked forward to having lunch in the Clubhouse again.

Town Clerk

Mayor Olem recognized the Town Clerk to present the department orientation for the Town Clerk's Office.

The Town Clerk provided an overview of the department's purpose and organization before outlining the Town Clerk's specific roles and responsibilities. Discussion of the department's accomplishments, including ensuring all government meetings meet all legal requirements, followed. The Town Clerk also provided insight into the department's initiatives and challenges they were working to address such as records retention requirements.

The Town Clerk briefly lost audio, so the Chief Deputy Town Clerk concluded the presentation.

Questions from Council

Councilmember Friedrichs provided appreciative comments about the department and for the Town Clerk and mentioned she had been unaware of the challenges the department faced.

Vice Mayor del Aguila echoed Councilmember Friedrichs' comment and thanked the Town Clerk specifically for work on the Statements of Economic Interest. Additionally, Vice Mayor del Aguila asked if records retention was a budgetary item. The Town Clerk stated they currently had space to retain the records, but this would be something they would look at in the out years. She deferred to the Town Manager. He stated this was an emerging issue to look at downfield.

Responding to Vice Mayor del Aguila's further queries, the Town Clerk confirmed the records must be physically stored. The Records Retention Act does not recognize electronic minutes. They must be retained in paper on specific paper. The Town Clerk stated Council would be hearing more about this.

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Councilmember Dhakal provided appreciative comments about the Town Clerk and the department.

Councilmember Alam also thanked the Town Clerk for all her work.

Mayor Olem also thanked the Town Clerk's office for taking care of people in the community.

ROUNDTABLE

1. **Councilmember Alam:** Shared there were 385 people who used the DMV Mobile services including 118 who got their ID's for the first time. She indicated the DMV was happy with the Herndon Community Center location.
2. **Councilmember Dhakal:** Indicated that he had been in contact with the Fairfax County Health Department and learned there was an equity vaccine initiative going on to reach vulnerable communities. He shared that there were measures in place to help those in hard to reach and vulnerable communities access vaccinations. He had the link to help the intended audience receive help with vaccination registration. He encouraged people to reach out so he could help get them connected with volunteers.
3. **Vice Mayor del Aguila:** Stated he had a request for the Town Manager and asked that he get back to him. He had been informed of some unauthorized work being done that fixed a drainage issue on Oak Street and the town was requesting it to go back to the way it was. He thought if it was not correct, they should address it. He stated it was his understanding was that what was done (unauthorized) fixed the issue. The Town Manager stated it was more complicated, and he could provide that information.
4. **Councilmember Friedrichs:** Shared that she and some volunteers had been cleaning up around the town for the past month. She expressed appreciation for the Department of Public Works. She provided information about items they found and stated that she had been disturbed to find that people had been tying the plastic bags used to pick up after their dogs around trees. She asked people to refrain from doing this. She invited anyone listening who wanted to join the volunteers to meet them at 10:00 a.m. on Sunday mornings at Green Lizard Cycling where they would choose a location. They were also looking for neighborhoods who wanted them to come clean up. She asked people to contact her, and they would come out and pick up trash.
5. **Mayor Olem:** Expressed appreciation for HealthWorks for Northern Virginia in Herndon taking care of the community and helping community members get vaccinated. She encouraged donations to HealthWorks.

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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 Friedrichs, seconded by Councilmember Dhakal, and carried by 6-0 roll call vote by electronic means, the Herndon Town Council went into Closed Meeting at 11:08 p.m., under:

- Section 2.2-3711 (A)(3) to consider the disposition of publicly held real estate where discussion in an open meeting would adversely affect the bargaining position or negotiation strategy of the public body; and
- Section 2.2-3711 (A)(8) for consultation with the Town Attorney to provide legal advice regarding recent legislation affecting Chapter 54 of the Town Code

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

RECESS

At 11:05 p.m. Mayor Olem called a brief recess, and at 11:08 p.m., the closed meeting reconvened by electronic meeting using Cisco Webex.

Mayor Olem took attendance by roll call, and all members were present, except for Councilmember Singh who was absent, with Mayor Olem presiding.

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

CLOSED MEETING

On motion of Councilmember Friedrichs, seconded by Vice Mayor del Aguila, and carried by 6-0 roll call vote by electronic means, the Herndon Town Council reconvened in public session at 12:11 a.m. on Wednesday, April 7, 2021.

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

On motion of Councilmember Regan, seconded by Councilmember Dhakal, and carried by 6-0 roll call vote by electronic means, the Herndon Town Council approved the following Certification of Closed Meeting.

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

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 – 6

Nays – 0

ABSENT DURING VOTE: 1

ABSENT DURING MEETING: 1

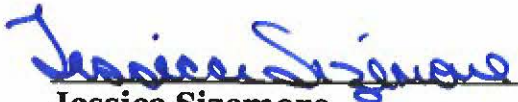
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ADJOURNMENT

On motion of Vice Mayor del Aguila seconded by Councilmember Friedrichs and carried by 6-0 roll call vote by electronic means, the meeting of the April 6, 2021 work session was adjourned at 12:14 a.m. on Wednesday, April 7, 2021. The vote was: Councilmembers Alam, Dhakal, Friedrichs, Regan, Vice Mayor del Aguila, and Mayor Olem voting "Aye." Councilmember Singh was absent.



**Sheila A. Olem
Mayor**



**Jessica Sizemore
Legislative Assistant**

Minutes approved by Town Council: June 8, 2021.

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NOTE:

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