



This does not represent a verbatim transcript of the Town Council meeting. Visit www.herndon-va.gov "agendas & minutes" to view agendas and videos. Copies of videotapes of the public hearing meetings are available on request by contacting HCTV at 703-689-2323. Work sessions are not videotaped, but audio files are available. Individuals not having access to the town's website may contact the Town Clerk's office at 703-435-6804 or town.clerk@herndon-va.gov.

HERNDON TOWN COUNCIL

**Tuesday
April 13, 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during Pandemic Disaster (COVID-19), as amended and readopted by the Herndon Town Council on September 8, 2020, which superseded previously adopted amendments, the regularly scheduled April 13, 2021 Herndon Town Council Public Hearing would be by electronic means.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, April 8, 2021. In attendance electronically were: Mayor Sheila A. Olem; Vice Mayor Cesar del Aguila; and Councilmembers Pradip Dhakal; Signe Friedrichs; Sean M. Regan; and Jasbinder Singh.

Due to technical difficulties, Councilmember Alam was absent from the Webex until 7:03 p.m.

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Scott Robinson, Director of Public Works; Karen Gagliano and Maria Lee, Budget Managers; and Amanda M. Kertz, Chief Deputy Town Clerk.

Announcements

Amanda M. Kertz, Chief Deputy Town Clerk, welcomed those listening to the April 13, 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

**April 13, 2021
(public hearing)**

- ❖ 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during Pandemic Disaster (COVID-19), as amended and readopted by the Herndon Town Council on September 8, 2020, which superseded previously adopted amendments.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. Kertz 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 present. All members, except for Councilmember Alam, who was absent due to technical difficulties at that time, were present electronically, with Mayor Olem presiding. As Ms. Kertz 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 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.

APPROVAL OF MINUTES

Councilmember Alam joined the meeting at 7:03 p.m.

**April 13, 2021
(public hearing)**

Vote on February 9, 2021

Town Council Strategic Initiatives Discussion Minutes

On motion of Councilmember Friedrichs, seconded by Councilmember Dhakal, and carried by unanimous roll call vote by electronic means, the minutes of the February 9, 2021 Town Council Strategic Initiatives Discussion were approved. The vote was: Councilmembers Alam, Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye."

Vote on February 16, 2021

Town Council Work Session Minutes

On motion of Councilmember Dhakal, seconded by Councilmember Friedrichs, and carried by unanimous roll call vote by electronic means, the minutes of the February 16, 2021 work session were approved. The vote was: Councilmembers Alam, Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye."

Vote on February 23, 2021

Town Council Public Hearing Minutes

On motion of Councilmember Friedrichs, seconded by Vice Mayor del Aguila, and carried by unanimous roll call vote by electronic means, the minutes of the February 23, 2021 public hearing were approved. The vote was: Councilmembers Alam, Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye."

ANNOUNCEMENTS

Mayor Olem welcomed Councilmember Alam.

Mayor Olem stated it was "Be Nice to A Lawyer Day" and mentioned Town Attorney, Lesa Yeatts. She also reminded those listening about Spring Clean Up the following week.

2-3. COMMENTS FROM THE TOWN MANAGER

Mayor Olem recognized William H. Ashton II, Town Manager, for his comments and updates. She asked Council to hold their questions until the end of each update.

Pandemic Update

Mr. Ashton stated that infection numbers in the county remained consistent, the registration for Phase 2 vaccinations was opening, and vaccines should follow.

**April 13, 2021
(public hearing)**

There was a hiccup with the Johnson & Johnson vaccine, and it was being pulled for further evaluation by the FDA and CDC. Mr. Ashton encouraged everyone to be patient and shared he was getting his first shot the following day. He encouraged others to get theirs as well.

Regarding staff, Mr. Ashton shared that two more employees went out with positive tests that week, and one went out with symptoms. Three had returned, and there was no outbreak on staff.

He reminded those listening to mask up, social distance, wash hands, and isolate if sick. He encouraged everyone to get vaccinated.

Questions from Council

Councilmember Dhakal provided comments about the pause on Johnson & Johnson and the initial target eligibility date for everyone. He inquired about whether that date had been adjusted, and Mr. Ashton indicated he had heard no updates about realignment of the date. Mr. Ashton said the county had already recognized they might have to pivot due to earlier issues with the Johnson & Johnson vaccine coming out of the Baltimore plant. The county was still planning to move to Phase 2 that weekend.

Councilmember Dhakal also shared he received his second dose and was feeling great.

Mayor Olem stated three different citizens who tune in to listen to the Town Manager's update each week shared their appreciation for the updates. Mr. Ashton provided brief comments about his updates.

Council Initiatives Update

Mr. Ashton stated he had some updates based on the spreadsheet. He provided status updates for item numbers: 16, 17, 19, 20, 24, 25, 27, 29, 33, and 35. The spreadsheet is on file in the Town Clerk's office. [While providing the update, Mr. Ashton's audio was intermittently inaudible.]

There were no additional Strategic Initiative updates at that time.

Questions from Council

Councilmember Dhakal mentioned that Mr. Ashton's audio was breaking up. Mr. Ashton indicated IT let him know as well and he would call in after that item so his audio would be clear.

Vice Mayor del Aguila asked if Mr. Ashton could also provide the summary that he just went through along with the tracking sheet.

**April 13, 2021
(public hearing)**

Further Comments from the Town Manager

Mr. Ashton shared the town achieved the Distinguished Budget Award from the Government Finance Officers Association. He stated it was the highest rate they had ever gotten and was for the budget they developed within three to four weeks last year, after having to throw the one out they worked on for months.

Mr. Ashton was also pleased to announce the town appointed a new Director of Finance, Robert Tang. Mr. Tang, who was the Chief Deputy Treasurer of Loudoun County, agreed to serve as the town's Director of Finance. At Loudoun County Treasurer's office, he managed a staff of 55. Mr. Ashton outlined Mr. Tang's prior roles and shared that Mr. Tang impressed them with strategic focus, problem solving skills, leadership acumen, and experience from Loudoun that would directly translate to his new role.

Mr. Ashton further outlined Mr. Tang's education credentials and qualifications. He shared Mr. Tang's start date would be April 30, 2021. Mr. Ashton said they had some very qualified candidates, but Mr. Tang's direct experience would make his learning curve less steep, and he was an impressive candidate. Mr. Ashton was pleased with the decision.

Mayor Olem congratulated Mr. Ashton and the staff and gave staff kudos on the award and their work during the pandemic.

5. COMMENTS FROM THE TOWN COUNCIL

Vice Mayor del Aguila: Shared he wanted to reiterate what a productive five-hour work session they had the prior week. He described it as a cerebral and intellectual exchange of ideas. He stated if they did not see a lot of questions that evening, they could go back to watch the five-hour session from the past week. He indicated they asked many questions and got a lot of information from staff. Vice Mayor del Aguila thanked staff and those who stayed until the end of the meeting.

Councilmember Alam: Mayor Olem wished Councilmember Alam a Happy Ramadan. Councilmember Alam thanked Mayor Olem, and she shared that the DMV was happy to host the event in Herndon where 118 people got their first-time ids. She was hoping to have the DMV come to Herndon once a month or so.

Councilmember Dhakal: Shared they received a lot of emails about supporting Friday Night Live! (FNL). He was not sure how the email chain started, but they asked Mr. Ashton to come up with the bare minimum contribution needed to keep FNL going. Councilmember Dhakal also mentioned he liked the spreadsheet for the initiatives and asked if they could make that available on the website or agenda so the public could follow updates, since they are stakeholders.

**April 13, 2021
(public hearing)**

Councilmember Dhakal also provided queries about Water and Sewer fees being based on family size. He said he might be missing information but wanted to bring the question forward.

Councilmember Friedrichs: Thanked staff and Mr. Ashton for their work hiring Mr. Tang and welcomed him to the town. She informed those listening of the Friends of Runnymede Native Plant Sale on April 17, from 9:00 a.m. to 2:00 p.m., on the lawn next to ArtSpace Herndon. She stated those in attendance would need to mask and social distance. She said this was a good sale that she had gone to in the past, and ArtSpace would be holding an art sale there at the same time. She congratulated staff on the budget. Councilmember Friedrichs also reminded everyone that she was leading a trash removal group on Sundays. She said they have a great time and told those interested to bring gloves and meet at 10:00 a.m. at Green Lizard Cycling on Sunday.

Councilmember Friedrichs also informed those listening that the Herndon Rotary Club would be holding another food drive for LINK and another hygiene product drive for FAITH on the fourth Saturday of the month.

Councilmember Regan: No comments.

Councilmember Singh: Shared that recent events were weighing on his mind. He provided personal comments about specific cases and events. He felt there needed to be discussion on police response and police training. He referenced articles he read in *The Atlantic* and other sources and said he felt they needed to discuss police training. Councilmember Singh also provided personal comments about a situation in India. Additionally, Councilmember Singh asked that they look at the various departments over the next year to discuss one at a time, so they have sorted issues by budget time.

Mayor Olem: Welcomed the new K-9 Officer Bragg to the HPD and said he was sworn in by Town Clerk, Viki Wellershaus.

Mayor Olem also provided an update on Mr. Abdullah's Eagle Scout project at Herndon Elementary School saying it had been ironed out and needed to be completed by Mr. Abdullah's eighteenth birthday.

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 Comments from the Audience for the proposed FY 2022 budget items; and for Ordinance 21-O-10, to amend Chapter 46 (OFFENSES) Firearms on Town-Owned Property.

**April 13, 2021
(public hearing)**

Additionally, Ms. Kertz stated that:

- **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.

6. COMMENTS FROM THE AUDIENCE

Mayor Olem asked Ms. Kertz if there were any registered speakers during Comments from the Audience, and Ms. Kertz stated there was one registered speaker, but they were not available on the Webex at that time. Ms. Kertz indicated the Town Clerk's office would try to contact the individual for their comments.

PUBLIC HEARINGS

Mayor Olem opened the three public hearings on that night's agenda.

7. **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.**

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, April 2, 2021 and Friday, April 9, 2021 issues.

Mayor Olem recognized Scott Robinson, Director of Public Works, who presented the staff report and PowerPoint dated April 13, 2021 which are on file in the Town Clerk's office.

**April 13, 2021
(public hearing)**

Mr. Robinson stated he made a few changes based on Council feedback in the work session. He 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. Mr. Robinson further explained that usage fees fund annual operating expenses and availability fees fund capital improvements and system expansion. The Water and Sewer Fund is not supplemented by the General Fund. Mr. Robinson then outlined Water & Sewer Fund revenues and expenses, operating costs versus revenue and net operating loss history since 2006, and showed they were projecting a net loss which would open due to increased gaps. The gap between operating costs and revenue was explained in further detail. Mr. Robinson then explained the Water & Sewer Cash balance over time.

Mr. Robinson stated the proposed ordinance changes and the fiscal impact of the increase.

The fiscal impact would generate \$97,000 in revenue and increase residents' water and sewer bills by around 1.5 percent. Herndon's proposed rate was still lower than surrounding jurisdictions.

He then outlined alternatives (no rate increase, 1.5 percent increase, or increase to eliminate loss of cash reserves) and the respective impacts.

Staff recommended an increase of 1.5 percent for water service and 1.5 percent for sewer service and updating the rate study early in FY 2022.

Discussion

There was a question and answer session between Councilmember Dhakal and Mr. Robinson about the net operating loss and cash reserves.

Vice Mayor del Aguila provided comments about their choices to address the problem from the past 10 years. There was a question and answer session between Mr. Robinson and Vice Mayor del Aguila about their options in following the Davenport best practice recommendations to close the gap, bring up cash reserves, and address depreciation.

Councilmember Singh provided comments about cash reserves and fund balance in relation to Water & Sewer. He indicated he would comment the following week.

There was a question and answer session between Councilmember Singh and Mr. Robinson about operating costs, repair and maintenance, operating revenue, capital improvements, availability fees, capacity, user fees, Fairfax County commodity costs, retired debt, and demand.

**April 13, 2021
(public hearing)**

Councilmember Singh provided comments about the Davenport study, and Mr. Robinson clarified it was looked at by two consultants: a utility operating expert, MFSNG, and a financial expert, Davenport. Councilmember Singh indicated he would have questions the following week and provided comments about not thinking the situation was dire.

Mr. Ashton encouraged Council to pull comprehensive annual financial reports documents where there are utility fund audited numbers.

Councilmember Singh provided further comments about the consultants.

Councilmember Dhakal provided comments about known and unknown expenses and future increases. He wanted to see the best way to obtain optimum balance and reduce the gap to zero. He also asked if the plan was to raise the rate every year.

Councilmember Friedrichs asked if all the agenda items were going to be continued, and Mayor Olem confirmed.

Councilmember Friedrichs indicated Council seemed unwilling to raise the fee at the prior meeting but were now discussing rate increases. She provided comments about how much they were charging residents and the possible rate increases for residents. Councilmember Friedrichs opined that they should raise the rate every year until they get to a reasonable balance.

Parliamentary Inquiry

Mayor Olem recognized Councilmember Regan who had a Parliamentary Inquiry.

Councilmember Regan asked if the Council was asking questions of staff at that time, or if they were discussing a motion.

Mayor Olem stated Council was asking questions of staff, because the motion would not come until two weeks from this meeting.

Discussion

There was a brief question and answer session between Mayor Olem and Mr. Robinson about prior rate increases that were paused the prior year due to the pandemic.

Mr. Ashton provided further information about the proposed rate increases and getting a refreshed study. He also provided information about the operating balance and incremental increases while undertaking a study, and then reviewing it again after the study was completed.

**April 13, 2021
(public hearing)**

Vice Mayor del Aguila asked how difficult it would be to have depreciation numbers at the work session. He also provided further comments about best practices that would affect their bond rating. He wanted that information before they went into further discussions.

There was a question and answer session between Councilmember Singh and Mr. Robinson about depreciation.

Parliamentary Inquiry

Mayor Olem recognized Councilmember Regan who had a Parliamentary Inquiry.

Councilmember Regan stated he was consistently hearing comments, but not hearing questions of staff.

Mayor Olem stated that Councilmember Regan was correct and that was what she was hearing too.

Ms. Yeatts opined it was the chair's discretion to direct the Councilmembers to keep their remarks to questions during the question period.

Mayor Olem stated that Council would move on to any other questions of staff, but she thought that the Council had come to the end of their questions.

**Public Hearing
Ordinance 21-O-06**

Mayor Olem confirmed with Ms. Kertz that there were no registered speakers for the item that evening.

Mayor Olem reiterated this public hearing remained opened and she asked for a motion to continue the public hearing to April 27, 2021.

Vice Mayor del Aguila moved to continue Ordinance 21-O-06 to April 27, 2021 and Councilmember Friedrichs seconded the motion.

Vice Mayor del Aguila and Councilmember Friedrichs provided brief comments.

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."

April 13, 2021
(public hearing)

8. COMMENTS FROM THE AUDIENCE-REOPENED

Mayor Olem thought there was an individual who did not make it on for “Comments from the Audience,” and that IT would be able to elevate that individual. She asked Amanda Kertz, Chief Deputy Town Clerk if that was correct.

Ms. Kertz confirmed there was a registered speaker who did not get to provide their comments earlier when Mayor Olem called “Comments from the Audience.” She asked the IT staff to elevate them to a panelist so they could provide their comments.

Mayor Olem reopened the “Comments from the Audience” portion of the agenda and recognized Ann Null for comments.

Mayor Olem outlined the participation process for Webex. She stated 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 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.

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:

- Ann Vayda Null, 631 Oak St. Herndon: Provided a written summary of her comments, which is on file in the Town Clerk’s office. She gave comments on several topics, including concerns on drainage work in the right-of-way; General item Ordinance 21-O-10; FNL; the Town Council initiatives spreadsheet; and the speaker’s list registration process.

Mayor Olem confirmed with Ms. Kertz that Ms. Null was the only individual on the Webex to speak during “Comments from the Audience.”

- 9. Ordinance 21-O-07, to Levy Taxes on Real Estate and Manufactured Homes, and Other Subjects for the Fiscal Year 2022 Budget;**
- 10. Resolution 21-G-37, to Adopt a Fiscal Planning Resolution for the Fiscal Year 2022 Budget for the Town of Herndon; and**
- 11. Resolution 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.**

**April 13, 2021
(public hearing)**

FY 2022 Proposed Budget

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, April 2, 2021 and Friday, April 9, 2021 issues.

Mayor Olem recognized Town Manager, William H. Ashton II who presented the concurrent staff reports and PowerPoint dated April 13, 2021 which are on file in the Town Clerk's office. He submitted the proposed budget on Wednesday, March 31, 2021, pursuant to the state code.

Budget Presentation

Mr. Ashton provided concurrent staff reports. He stated FNL and other grants and donations would not be reflected in his presentation, but that could change based on Council's desires.

Mr. Ashton provided background information about how the budget would continue changing over the coming months due to the sequestration of the current budget and the American Recovery Plan. He stated they would likely be back in May with an amendment that could free up some alternatives.

Mr. Ashton reviewed Town Council Budget Priorities & Guidance which included specific guidance such as funding activities that would 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 (approximately \$200,000) 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 drivers in 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.

Mr. Ashton stated 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.

**April 13, 2021
(public hearing)**

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, Mr. Ashton 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 approximately 12 percent due to capital needs. There was also a capital increase for Downtown Parking Fund for the garage. Capital projects decreased approximately 56 percent.

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

In terms of revenue, Mr. Ashton stated that residential property taxes increased substantially while commercial property taxes declined, which offset gains they may have received. For other local taxes (BPOL, meals, and transient lodging) they were predicting around 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 with tennis, aquatics, and other usage.

Other things to consider included a slight decrease in Intergovernmental Revenue from state and federal grants. The Use of Fund balance necessary for capital things they wanted to do in the next year would also be looked at after more was finalized about the American Recovery Act.

Mr. Ashton highlighted 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 positions being filled, so they could manage the vacancies. Mr. Ashton 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.

Mr. Ashton provided information about Operations and Maintenance (O&M) being around \$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.

**April 13, 2021
(public hearing)**

He indicated that several Capital Improvement Program (CIP) projects would be funded by Unassigned Fund Balance and reimbursed by grants. He also specifically mentioned the HVAC system in the server room at HPD and the fuel tank at the shop which would need to be replaced.

Mr. Ashton 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, Mr. Ashton highlighted that those costs are covered through user fees. He outlined rates and projects for the various funds, and he clarified the Downtown Parking Fund and debt service.

Mr. Ashton concluded the presentation of the Budget PowerPoint by sharing that there were some typographical corrections after input, but no substantive changes had been made. He reminded those listening that during creation of the budget the town lost their Director of Finance and Budget Manager. He applauded their new Budget Manager, Maria Lee and the prior Budget Manager, Karen Gagliano who stayed on as a consultant. He thanked the finance team. He stated Ms. Lee and Ms. Gagliano were both available on the Webex for any questions.

Budget Discussion

Councilmember Singh complimented Mr. Ashton on his budget knowledge and asked to go back to the slide on capital expenditures for Water and Sewer. Mr. Ashton asked that IT promote Scott Robinson, Director of Public Works, as well. Councilmember Singh provided comments on the amount budgeted for the proposed Water and Sewer projects. He provided comments about looking at the deficit on an ongoing basis. He felt the fact the Water and Sewer needed improvements over time was omitted. Councilmember Singh thought they should have a long-term idea.

Parliamentary Inquiry

Mayor Olem recognized Councilmember Regan, who had a Parliamentary Inquiry.

Councilmember Regan stated that he was hearing commentary and not questions of the speaker. He thought that commentary was for Council discussion at work sessions and for the Council comments portion of the agenda item.

Mayor Olem appreciated Councilmember Regan's points. She asked Councilmember Singh to ask his question of staff.

**April 13, 2021
(public hearing)**

Budget Discussion

Councilmember Singh said his question was part of a statement and asked if they were taking into account capital projects in the budget and the depreciation they discussed before.

Mr. Ashton said it was a representation of how much they were utilizing over a year. He also stated they could lower depreciation costs as they improved the system. He stated the town had been fortunate and their pipes were just reaching middle age. They could plan to replace in a logical fashion before they hit a critical time.

Councilmember Singh provided further comments about the depreciation value changing over time and accepting numbers as "given." He said they needed an ongoing plan and depreciation is a "fake number."

Mr. Ashton said this was an actual request for money to address real issues. He said depreciation is useful in disciplining putting aside money to replace what was used in a year. It was a guess over the life cycle. Mr. Ashton thought they needed to be doing more to close up cash reserves in the water and sewer fund and putting money away to address capital needs before they got to end of life. He thought these were two critical financial elements.

Councilmember Singh reiterated he thought the depreciation value was not the right item.

Parliamentary Inquiry

Mayor Olem recognized Councilmember Regan, who had a Parliamentary Inquiry.

Councilmember Regan said that any speech that ends with "the point that I am making" is almost inherently not a question. He thought there was time at work sessions and during Councilmember comment sections for these things, but he believed the purpose was for Mr. Ashton to make a presentation, and for citizens to be able to hear it and decide if they want to speak, whether at that night's meeting or at the next meeting.

Mayor Olem stated that she would move on so that other Councilmembers could ask their questions on this item.

Councilmember Dhakal indicated his question was for Town Attorney, Lesa Yeatts. He asked for clarification on whether there was a time to give comments after a motion was made, since the item was a public hearing.

Ms. Yeatts confirmed the period after the motion is made is referred to as the Discussion and that is typically when Councilmembers make their position known.

**April 13, 2021
(public hearing)**

Budget Discussion

Councilmember Dhakal asked about the three percent pay-for-performance (PFP) raise and what they were talking about for a dollar amount. Mr. Ashton clarified that the PFP comes on an employee's anniversary date, unlike the cost-of-living adjustment (COLA) which would come all at once. Mr. Ashton indicated they had been looking at a half-year COLA that would hit the entire workforce in January. The three percent PFP they were going with was about \$133,000 per percentage point, so it was around \$400,000 for the entire workforce. He stated it would vary from two to five percent based on performance. Over the entire workforce, it would average out to three percent. Councilmember Dhakal asked if, for \$24.6 million, this would mean a \$246,000 for COLA for the workforce and Mr. Ashton confirmed it would be around that amount.

Vice Mayor del Aguila asked about not giving raises and if they had addressed the maximum for accruing personal leave. He asked if they give raises if they are factoring in out-years as expenses. He asked if they had thought of an accruing maximum number and if that was being taken into consideration.

Mr. Ashton said there was a 300-hour maximum for annual leave (a department head could go up to 320 hours) and anything above that number was lost at the end of the year. He stated around 30-40 percent of employees were at maximum leave, and it took many years to build that up. He indicated they were seeing a generational break in usage, and the HR Director was looking at possible changes. He said they were competitive or just a little generous compared to other jurisdictions which were in the 260-300-hour level.

Vice Mayor del Aguila said when they calculate an increase for the staff it should also take into consideration if they are banking. Mr. Ashton confirmed.

Ordinance 21-O-07, to Levy Taxes

Mayor Olem confirmed with Ms. Kertz that there were no registered speakers for this item.

Mayor Olem stated that the public hearing on this item remained open and asked for a motion to continue the item to the April 27, 2021 public hearing.

Vice Mayor del Aguila moved to continue the public hearing on Ordinance 21-O-07 to April 27, 2021. Councilmember Dhakal seconded the motion.

Councilmember Dhakal asked for clarification from the Parliamentarian about whether they could say "so moved" to make a motion after Mayor Olem has read the item number. Ms. Yeatts confirmed they could say "so moved."

**April 13, 2021
(public hearing)**

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."

Resolution 21-G-37, Fiscal Planning Resolution and Ordinance 21-O-08, Appropriation Ordinance

Mayor Olem asked Ms. Kertz if there were any registered speakers, and Ms. Kertz confirmed there were five registered speakers for these items. Mayor Olem outlined the process and recognized the speakers.

- Laura Poindexter, Vice President of Dulles Regional Chamber of Commerce and Chairman of FNL, (no address stated): Provided comments about the goals of FNL and clarified misconceptions of Council.
- Joy Heuer, (no address stated): Provided comments about FNL as both an attendee and volunteer. She asked Council to consider a budget amendment to support FNL.
- Ann Vayda Null, (no address stated): Provided comments about the need to fund the delta for FNL. She supported moratoriums on entire categories of luxury nonessential spending. She also said she was registered to speak on the prior item and encouraged Council to cut real estate taxes.
- John Suter, (no address stated): Provided additional supportive comments about FNL and his personal experiences with the event.
- Joanna Ormesher, (no address stated): Provided comments about the arts and the Herndon Arts District. She provided information about streaming the past year's FNL's and stated she sent Council an email with a video she requested they watch, which is on file in the Town Clerk's office. She asked them to support the arts.

Resolution 21-G-37, Fiscal Planning

Mayor Olem stated that the public hearing on this item remained open and asked for a motion to continue the item to the April 27, 2021 public hearing.

Councilmember Regan moved to continue the public hearing on Resolution 21-G-37, to adopt Fiscal Planning Resolution for the Fiscal Year 2022 Budget, to the April 27, 2021 public hearing. Councilmember Friedrichs 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."

**April 13, 2021
(public hearing)**

Ordinance 21-O-08, Appropriation Ordinance

Mayor Olem stated that the public hearing on this item remained open and asked for a motion to continue the item to the April 27, 2021 public hearing.

Councilmember Dhakal moved to continue the public hearing on Ordinance 21-O-08, to Appropriate Funds to implement the Fiscal Year 2022 Budget, to the April 27, 2021 public hearing. Councilmember Friedrichs seconded the motion.

Councilmember Dhakal provided comments about the budget, the comments section, and FNL.

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."

GENERAL

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 stated that following the discussion at last week's work session on this item, it was the Council's consensus to give Mr. Ashton time to analyze the budgetary impacts to discuss with Council at its May 6th Strategic Planning Meeting; and hold public hearings on this matter to gather input from town residents.

In the meantime, Mayor Olem stated that many comments had been received and she encouraged further public input on this item.

Mayor Olem asked Lesa Yeatts, Town Attorney to confirm that since this was a General item, it did not require a motion, no action needed to be taken that evening, and that the Council would proceed as she had outlined.

Ms. Yeatts agreed that what Mayor Olem stated was the intent of Council based on the discussion at last week's work session. There was no further action needed that evening since this was a General item.

Pursuant to Council's direction, this item would come back before them as a public hearing that would be advertised. As a public hearing item, there would be time following staff's presentation on the item for members of the public to make comments.

**April 13, 2021
(public hearing)**

With the concurrence of Council, Mayor Olem stated that they would defer discussion on this item until they had received the information from Mr. Ashton and had an opportunity to hear from the public.

CONSENT AGENDA

- 13. 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;**
- 14. 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; and**
- 15. Resolution 21-G-39, to award contract IFB #21-07, Legal Advertisement Services.**

On motion of Councilmember Friedrichs, seconded by Councilmember Dhakal, the Consent agenda items were 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-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.

WHEREAS, the parties entered into a Lease Agreement dated March 2, 2005, as amended on March 29, 2010, October 1, 2010, and October 1, 2015, with Emergency Extensions on August 31, 2020 and November 16, 2020 for 13,593 sq. ft of office space in the Town's building at 397 Herndon Parkway, as well as use of the rear parking lot for overnight and weekend storage of its maintenance vehicles; and

WHEREAS, the Lease Agreement expired on March 31, 2021; and

WHEREAS, Town and Lessee desired to temporarily extend the term of the Agreement to expire on August 31, 2021; and

**April 13, 2021
(public hearing)**

WHEREAS, the Third Temporary Emergency Extension of Lease Agreement was signed by the Town Manager and ratified by Town Council.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia hereby ratifies the Third Temporary Emergency Extension of Lease dated March 24, 2021 and signed by the Town Manager between the Town of Herndon and Fairfax County School Board for space in the Town's building at 397 Herndon Parkway in Herndon.

[Note: Attached for reference is the Third Temporary Emergency Extension of Lease dated March 24, 2021 b/n the town and the Fairfax County School Board.]

**April 13, 2021
(public hearing)**

**Third Temporary Emergency Extension of Lease Pursuant to
Ordinance 20-O-23 Continuity of Governmental Operations due to
State of Emergency, Pandemic Disaster**

Pursuant to the powers conferred upon the Town Manager by Ordinance 20- O- 23, as amended, this Third Temporary Emergency Extension of Lease dated March 24, 2021 hereby extends the March 31, 2021 termination date of the existing Lease between the Town of Herndon, Virginia (Landlord) and Fairfax County School Board (Tenant), dated March 2, 2005, as amended on March 29, 2010, October 1, 2010, and October 1, 2015, with Emergency Extensions on August 31, 2020 and November 16, 2020 (collectively, the Lease) for 13,593 square feet of space at 397 Herndon Parkway (the Premises), as set out in this Third Temporary Emergency Extension of Lease (Temporary Emergency Extension).

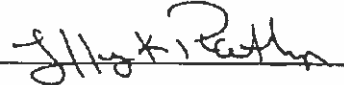
THEREFORE, for the consideration stated in the Lease, the parties agree as follows:

1. The Lease is incorporated by reference.
2. The Lease shall terminate on August 31, 2021.
3. In all other respects, the Lease is confirmed.

TOWN OF HERNDON, VIRGINIA

FAIRFAX COUNTY SCHOOL BOARD

By: 

By: 

Name: William H. Ashton II

Name: Jeffery K. Platenberg

Title: Town Manager

Title: Assistant Superintendent

APPROVED AS TO FORM

By: 

Name: Lesa J. Yeatts

Title: Town Attorney

**April 13, 2021
(public hearing)**

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.

BE IT ORDAINED by the Town Council of the Town of Herndon, Virginia, that:

1. The following section or provision of the Herndon Town Code (2000), as amended, is amended and re-ordained as follows:

CHAPTER 30 (FINANCE AND TAXATION)

Article VIII. Fiscal Procedures

Division 2. Procurement

Sec. 30-309 – Competitive Negotiations.

- (b) *Public notice.* At least ten days prior to the date set for receipt of proposals by posting on the Virginia Department of General Services' central electronic procurement website or other appropriate websites. Additionally, the town ~~shall~~ **may** publish a notice in a newspaper of general circulation in the area where contract performance will occur so as to provide reasonable notice to the maximum number of offerors that are reasonably anticipated to submit proposals in response to the particular request. In addition, the procurement official or officer may solicit proposals directly from potential contractors.

- (j) *Architectural and professional engineering term contracting; limitations.*

- (2) The sum of all projects performed in a one-year contract term shall not exceed ~~\$500,000.00~~ **\$750,00.00.**

- (4) The fee for any single project shall not exceed ~~\$100,000.00~~ **\$150,00.00.**

2. This ordinance shall be effective on and after the date of its adoption.

**April 13, 2021
(public hearing)**

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

WHEREAS, the Code of Virginia Section §8.01-324 mandates which newspapers may be used for legal notices and publications; and

WHEREAS, the Invitation for Bid was posted on the Town of Herndon website and eVA Commonwealth of Virginia procurement website on February 10, 2021 to obtain the services of a qualified publication specializing in publishing legal notices in general circulation newspapers in the Town of Herndon; and

WHEREAS, to maximize the fullest competition, IFB packets were emailed to 26 contacts at local newspapers for potential responses; and

WHEREAS, two bids were received on March 10, 2021:

Newspaper	Cost
<u>The Fairfax County Times</u>	\$3.55 per column/inch
<u>The Washington Post</u>	Daily Rate: \$11.88 per line Sunday Rate: \$16.25 per line Online Fee: \$30.00 for 30 days

WHEREAS, The Fairfax County Times newspaper provided an affidavit filed from the Circuit Court showing that the newspaper met criteria in Section §8.01-324 of the Code of Virginia; and

WHEREAS, this contract includes a one-year term commencing on the date that the contract is fully executed, with four (4) one-year optional renewals; and

WHEREAS, it is the staff's recommendation to award the contract to the lowest responsive and responsible bidder, The Fairfax County Times.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby awards IFB #21-07 to **The Fairfax County Times**, for the town's legal advertising services, at \$3.55 per column/inch, which includes the display of the Town of Herndon seal and logo on each legal advertisement.

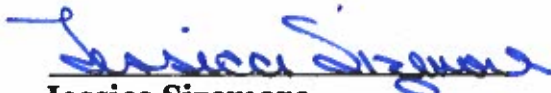
**April 13, 2021
(public hearing)**

16. ADJOURNMENT

Vice Mayor del Aguila moved to adjourn the meeting of the April 13, 2021 public hearing, and Councilmember Singh 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 April 13, 2021 public hearing adjourned at 9:42 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: June 8, 2021.