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**HERNDON TOWN COUNCIL
Meeting Minutes
Tuesday, January 10, 2023**

The Town Council met in regular session on Tuesday, January 10, 2023, at 7:00 p.m. in the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia. In attendance were: Mayor Sheila Olem, Vice Mayor Clark Hedrick, and Councilmembers Naila Alam, Cesar del Aguila, Pradip Dhakal, Keven LeBlanc, and Donielle M. Scherff.

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Kirstyn Jovanovich, Town Clerk; Lisa Gilleran, Director of Community Development; Page Kalapasev, Director of Information Technology; Marjorie Sloane, Director of Finance; Scott Robinson, Director of Public Works; Tammy Chastain, Deputy Director of Public Works; Dave Bracamonte, Systems Manager; and Amanda Kertz, Chief Deputy Town Clerk.

1. CALL TO ORDER

Mayor Olem called the January 10, 2023 Town Council meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

Mayor Olem led the to the Pledge of Allegiance to the Flag of the United States of America.

Determination of a Quorum

Mayor Olem asked Amanda Kertz, Chief Deputy Town Clerk, to call the roll for attendance. Mayor Olem determined there was a quorum, with all members present.

Mayor Announcements

Mayor Olem congratulated and welcomed her colleagues on the Town Council and stated that she looked forward to working with them over the next two years. She shared that prior to last Tuesday’s work session on January 3, the Town Council and Mayor received their Oaths of Office. Also at the January 3 Work Session, the Council elected Clark Hedrick as the Vice Mayor for the 2023-2024 term. Mayor Olem congratulated Vice Mayor Hedrick.

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Mayor Olem reminded those participating to follow the Town's meeting guidelines, which are displayed in the Chambers.

3. PRESENTATIONS/REPORTS/COMMENTS

a. Comments from the Town Manager

William H. Ashton II, Town Manager did not have any comments.

b. Comments from the Town Council

Councilmember del Aguila: Stated that he looked forward to a great 2023-2024 Town Council term.

Councilmember Dhakal: Offered his congratulations to the 2023-2024 Town Council and to Vice Mayor Hedrick.

Councilmember Scherff: Thanked staff for their assistance as she began her term on Council.

Councilmember Alam: Wished everyone a Happy New Year and stated that she was looking forward to working with the Mayor and Council this term.

Councilmember LeBlanc: Thanked the citizens of Herndon for electing him and his fellow Town Councilmembers. He is looking forward to working respectfully and strategically with his colleagues and with the Town's Virginia General Assembly representatives.

Vice Mayor Hedrick: Thanked his fellow Councilmembers and citizens for entrusting him with the role of Vice Mayor. He thanked Town staff for working to have everything set up for the new members to assume office. He wished everyone a Happy New Year.

Mayor Olem: Stated that she also looked forward to serving with her Council colleagues and stated there was a lot to look forward to over the next two years.

Mayor Olem reminded residents that staff sent out the Town's 2023 calendar to residents. She highlighted the back of the calendar, which included information about Town services and listed other local resources. Included in the calendar is that Town offices will be closed on Monday, January 16, in observation of the Martin Luther King, Jr. Day holiday. She encouraged residents to visit the Town's website for information on trash collection and any other schedule changes due to the holiday.

Mayor Olem stated that crews are continuing to collect Christmas trees on Wednesday through Friday of this week. She asked residents to remove all decorations and place the tree close to the curb on their trash day.

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Comments and Disclosures for the Record

Amanda Kertz, Chief Deputy Town Clerk, entered into the record comments that were received on Item #4, Comments from the Audience; and Item #5, Public Hearing, a) Ordinance 23-O-01, to approve the abandonment, without removal, of approximately 100 feet of conduit. The Clerk did not receive additional public comments or statements from Council for any other items listed on the agenda.

4. COMMENTS FROM THE AUDIENCE

Mayor Olem reviewed the process and asked those who wanted to provide Comments from the Audience to come forward.

The following individuals provided comments:

- Stevan Porter, 905 Vine Street, provided written comments for the record, which are on file in the Town Clerk's office. He congratulated the new Town Council. He provided comments on a discussion from the last Town Council work session about the work session location. He also expressed gratitude to the Council for being appointed to the Board of Zoning Appeals, which is listed on the Consent Agenda.
- Walter Shorter, 559 Early Fall Court, congratulated the new Town Council and thanked Mayor Olem and the previous Councilmembers for their service to the Town, especially during the COVID-19 pandemic. He stated that he planned to be more involved in the Town during this term.

5. PUBLIC HEARINGS

- a) Ordinance 23-O-01 to approve the abandonment, without removal, of approximately 100 feet of conduit located in Town right-of-way, crossing Worldgate Drive, by Harris Corporation (formerly Excelis, Inc., formerly ITT Corporation), resulting in Town ownership and control of conduit**

A Certificate of Publication was 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, December 30, 2022, issue.

Mayor Olem opened the public hearing and recognized Tammy Chastain, Deputy Director of Public Works, presented the staff report and PowerPoint dated January 10, 2023, which are on file with the Town Clerk's office. The proposed ordinance would approve abandonment, without removal, of 100 feet of conduit. The public hearing is required under state code, which requires a public hearing for the granting or termination of franchises. The Harris Corporation is no longer located or operating in the Town and is not being used. Pursuant to state law and the franchise agreement, the conduit becomes property of the Town without compensation to the Harris Corporation. Staff recommends approval of the proposed ordinance, as presented.

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

Councilmember Dhakal asked, for the record, if there would be any future use or economic benefit from the abandoned conduit.

Ms. Chastain stated that while the Town would not likely use the conduit, a company could be interested in the franchise later. She could not say at that time how the Town would benefit from a company using the conduit.

Responding to Councilmember Dhakal's questions about previous abandoned conduit, Lesa Yeatts, Town Attorney, clarified that there had been three or four abandonments in the last several years. She said that abandoning is the best practice to keep track of the conduit. She clarified that utility companies have to come to the Town for franchises because there is no direct mechanism for one entity to transfer conduit to another entity.

Mayor Olem called for comments from the audience. Seeing none, Mayor Olem closed the public hearing and moved to Council level for discussion and action.

On motion of Councilmember LeBlanc, seconded by Councilmember Alam, and carried by unanimous roll call vote, Ordinance 23-O-01 to approve the abandonment, without removal, of approximately 100 feet of conduit located in Town right-of-way, crossing Worldgate Drive, by Harris Corporation (formerly Excelsis, Inc., formerly ITT Corporation), resulting in Town ownership and control of conduit, was approved, as presented.

The vote was: Councilmembers Alam, del Aguila, Dhakal, LeBlanc, Scherff, and Vice Mayor Hedrick and Mayor Olem voting "Aye."

6. GENERAL

a. Ordinance 23-O-02 to amend Chapter 2 (ADMINISTRATION), Section 2-1 (Meeting schedule) to clarify meeting location and meeting scheduling process

Kirstyn Jovanovich, Town Clerk, presented the staff report dated January 3, 2023, which is on file in the Town Clerk's office. The proposed ordinance is a housekeeping item that removes specific meeting locations from the Town Code and allows the Council to adopt its meeting schedule annually by resolution. The proposed changes will help streamline the meeting planning process and align the Town Code with current practices. Staff recommends approval of the proposed ordinance, as presented.

There was brief discussion between Council and staff.

Responding to Councilmember LeBlanc, Ms. Jovanovich stated that the proposed resolution does not prohibit the Council from changing its meeting location.

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On motion of Councilmember del Aguila, seconded by Vice Mayor Hedrick, and carried by unanimous roll call vote, Ordinance 23-O-02 to amend Chapter 2 (ADMINISTRATION), Section 2-1 (Meeting schedule) to clarify meeting location and meeting scheduling process, was approved, as presented.

The vote was: Councilmembers Alam, del Aguila, Dhakal, LeBlanc, Scherff, and Vice Mayor Hedrick and Mayor Olem voting "Aye."

7. CONSENT

- a) Resolution 23-G-03 to approve and authorize the Town Manager to sign a Memorandum of Agreement between Fairfax County and the Town of Herndon for the service, maintenance, and repair of town owned and operated vehicles and motorcycles**
- b) Resolution 23-G-04 to appoint members to the Board of Zoning Appeals**
- c) Resolution 23-G-05 to appoint members to the Herndon Building Board of Appeals**
- d) Resolution 23-G-06 to appoint members to the Herndon Diversity, Equity, and Inclusion Committee**
- e) Resolution 23-G-07 to appoint members to the Pedestrian and Bicycle Advisory Committee**
- f) Resolution 23-G-08 to appoint the Town of Herndon's "Principal" and "Alternate" members as Advisory Directors to the Committee for Dulles Board of Directors**
- g) Resolution 23-G-09 to appoint the Town of Herndon's "Principal" and "Alternate" members to the Dulles Area Transportation Association Board of Directors**
- h) Resolution 23-G-10 to appoint members of the Herndon Town Council to the serve on the Inter-Jurisdictional Committee**
- i) Resolution 23-G-11 to appoint the Town of Herndon's "Principal" and "Alternate" Elected Officials to serve on the Northern Virginia Regional Commission**
- j) Resolution 23-G-12 to appoint the Town of Herndon's "Principal" member to the Northern Virginia Transportation Authority's Planning Coordination Advisory Committee (NVTAC)**

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- k) Resolution 23-G-13 to appoint the Town of Herndon's "Principal" and "Alternate" members to the Phase 2 Dulles Rail Transportation Improvement District Commission Board**
- l) October 18, 2022 Town Council Work Session Minutes**
- m) October 25, 2022 Town Council Regular Meeting Minutes**
- n) November 15, 2022 Town Council Regular Meeting Minutes**
- o) December 6, 2022 Town Council Work Session Minutes**

On motion of Councilmember Dhakal, seconded by Councilmember Scherff, the Consent Agenda items were approved and carried by unanimous roll call vote, without comment. The vote was: Councilmembers Alam, del Aguila, Dhakal, LeBlanc, Scherff, and Vice Mayor Hedrick and Mayor Olem voting "Aye."

8. ADJOURNMENT

There being no further business, Mayor Olem adjourned the January 10, 2023 Town Council Regular Meeting at 7:28 p.m.

Amanda E. Monan Kertz

Amanda E.M. Kertz
Chief Deputy Town Clerk



Minutes approved by Town Council: February 14, 2023

[Note: Approved resolutions and ordinances are on file in the Town Clerk's office]