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**HERNDON TOWN COUNCIL
Work Session
Tuesday, May 18, 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during Pandemic Disaster (COVID-19), as amended and readopted by the Herndon Town Council on September 8, 2020, which superseded previously adopted amendments, Mayor Olem has stated that the May 18, 2021 Herndon Town Council Work Session would be by electronic means.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, May 13, 2021. In attendance electronically were:

- Mayor Sheila A. Olem, presiding;
- Vice Mayor Cesar del Aguila (left the Webex at 11:20 p.m.);
- Councilmember Naila Alam;
- Councilmember Pradip Dhakal;
- Councilmember Signe Friedrichs;
- Councilmember Sean M. Regan; and
- Councilmember Jasbinder Singh (joined the Webex at 7:42 p.m., due to technical difficulties).

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Elizabeth Gilleran, Director of Community Development; Tanya Kendrick, Director of Human Resources; John Irish, Deputy Director of Public Works; David Stromberg, Zoning Administrator; and Amanda Kertz, Chief Deputy Town Clerk.

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ANNOUNCEMENTS

The Chief Deputy Town Clerk welcomed those listening to the May 18, 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during Pandemic Disaster (COVID-19), as amended and readopted by the Herndon Town Council on September 8, 2020, which superseded previously adopted amendments.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 May 18, 2021 work session to order at 7:00 p.m. and asked the Chief Deputy Town Clerk to call the roll for attendance. Mayor Olem asked each member of Council to respond by clearly stating their name and indicating they were present.

Following the roll call for attendance, Mayor Olem confirmed there was an electronic quorum present. All members were present electronically, except for Councilmember Singh, who had not yet arrived, with Mayor Olem 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 by the chair for comments and stating their last names before providing comments and when making or seconding motions. She reminded

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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.

ANNOUNCEMENTS

Bike to Work Day

Mayor Olem stated Bike to Work Day was Friday, May 21, 2021, and Herndon's pit stop continued to be one of the largest of the 95 pit stops in the DMV. The pit stop would be sponsored by Herndon and A-1 Cycling from 5:30 a.m. to 10:00 a.m. and from 4:30 p.m. to 6:00 p.m. at the Town Hall Green. Refreshments would be provided for this free event. However, those interested needed to register, and details were available on the town's website.

Strategic Initiatives Update

Mayor Olem outlined that Council adopted a process, presented by Councilmember Singh, for the general process of discussing and prioritizing initiatives. She also informed those listening that the initiatives were listed on Granicus under the May 6, 2021 meeting, and the next Strategic Planning Meeting would be in August. Mayor Olem provided further information about Council's decisions at their last Strategic Planning Meeting, including the decision to follow Councilmember Singh's recommendation. Councilmember Singh's recommendation included having written narratives for the initiatives provided by the person bringing the item forward.

Mayor Olem indicated she would recognize the Town Manager for his updates.

Point of Information

Vice Mayor del Aguila stated he had a point of information for clarification on something Mayor Olem said.

Mayor Olem stated Vice Mayor del Aguila could ask a question.

Vice Mayor del Aguila stated that the motion Councilmember Singh made was not retroactive. He said Council voted to move forward the Gun Safety initiative as a priority that night. He said they set aside special time for the Chief of Police and voted to make it a priority and move it forward.

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Mayor Olem stated Council did not vote on that until after the Chief of Police finished with her items. She stated he could pull up the minutes and check them. Mayor Olem stated they decided to look at all the items together. She said they only take one item at a time. Vice Mayor del Aguila spoke over Mayor Olem.

Vice Mayor del Aguila thought that was her ruling that was the ruling of the Chair and that was not what they voted on. He said they voted to pass the Gun Safety Initiative as a priority to move forward with the signs, the \$6000 initiative. He said that was what they agreed upon.

Councilmember Friedrichs felt their recollections were clashing and asked that they go back to the minutes after the meeting to ascertain.

Vice Mayor del Aguila stated he was "very clear on the sequence." He said he wrote it down, it's on video, and they agreed to move the Gun Safety Ordinance forward.

Mayor Olem stated she wrote things down too. There were only four items they considered, and she clarified they moved one item as a priority for the general initiatives and reiterated there were over 30 initiatives. She said they could take this up after they have the minutes and rebut them in another meeting.

Vice Mayor del Aguila indicated they could ask other councilmembers.

Mayor Olem asked if anyone else had a comment and mentioned waiting until Councilmember Singh was there.

Councilmember Regan indicated he had a comment but said he would wait until Councilmember Singh joined.

2-4. Comments and Updates from the Town Manager

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

The Town Manager noted that IT was working with Councilmember Singh to get him onto the Webex.

Pandemic Update

The Town Manager stated Fairfax County numbers continued to improve with new case numbers in the low teens and the positivity rate on PCR testing being 1.3%.

He indicated there were changes from the Governor and the CDC saying fully vaccinated individuals no longer need to wear masks in indoor settings except on public transit, in healthcare facilities, or in congregate settings. Businesses

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retained the ability to require masks and employees in certain business sectors must continue to wear masks unless fully vaccinated, per CDC guidance. One was considered fully vaccinated two weeks after the final necessary dose of whichever COVID vaccine the individual received.

The Town Manager indicated staff masking requirements were relaxed to align with the new guidance. He also stated they were working toward reopening certain facilities and having Council meetings in person. The Town Manager further stated the State of Emergency could end in June depending on repercussions regarding reimbursements for disaster relief. He reiterated things were trending in the right direction across the board and starting to open back up.

Questions from Council

Councilmember Friedrichs asked about mask signs in the HMC and plans to take them down. The Town Manager stated the policy change memorandum just went out, and he had plans to remove the signs.

Mayor Olem provided comments about continuing to mask. The Town Manager reiterated staff were encouraged to continue to wear the mask if they wanted and to be respectful of others based on their comfort levels. He was trying to keep directives consistent with various commercial settings. Personal comfort of the employee and respecting that would be something they would do moving forward.

COMMENTS FOR THE RECORD & DISCLOSURES

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

PUBLIC HEARINGS

5. **Resolution 21-G-45, to consider the Town Manager's recommended TOWN OF HERNDON FY 2023 – FY 2027 CAPITAL IMPROVEMENT PROGRAM. The FY 2022 portion of the CIP was adopted by the Town Council in conjunction with the annual operating budget for the fiscal year that runs from July 1, 2021 through June 30, 2022 ("FY 22").**

Mayor Olem indicated she would recognize the Director of Community Development but did not see her on the Webex. The Director of Community

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Development indicated the Deputy Director of Public Works could present. The Deputy Director of Public Works presented the staff report and PowerPoint dated May 18, 2021, which are on file in the Town Clerk's office.

The Deputy Director of Public Works indicated this was the FY 2022-FY 2027 Capital Improvement Program (CIP). The proposed CIP was a financial planning document and six-year fiscal schedule for public facilities and improvements. The CIP would be part of the next fiscal year's annual operating budget and was a planning effort to support major projects from concept through design and construction. The CIP included 49 projects; 37 of which were General Government; and 12 of which were Enterprise Fund projects. There were six new CIP projects which he outlined. He indicated he could explain any of the projects in further detail at the end of the presentation, if requested.

The Deputy Director of Public Works highlighted projects included in the General Government Projects category, Transportation Projects (some of which should be completed in the next year), Parks and Recreation Projects, and Enterprise Fund Projects for: the Golf Course, Water & Sewer Fund, Downtown Parking Fund, and Cemetery Fund projects.

The Deputy Director of Public Works then went through the total allocation per Town Funding Program amounts for FY 2022 versus the overall amount through the entire CIP and explained the various funding sources.

The Deputy Director of Public Works provided information about an additional item recommended for Council consideration by the Planning Commission for aesthetic improvements to an open culvert abutting Center Street and the Fortnightly development. If Council chose, it would be added to the CIP by virtue of adopting this resolution.

The Deputy Director of Public Works then explained the Proposed Projects and General Fund Allocations chart.

He clarified that this process was governed by the State Code of Virginia which gives guidelines for how the process works. The Planning Commission was an integral part and staff initially recommends items to them. The Planning Commission then reviews and makes recommendations, and the Town Manager decides on the proposed CIP presented to Council.

Staff recommended adoption of the FY 2022 – FY 2027 CIP per the resolution.

There was brief discussion between Councilmember Dhakal and the Deputy Director of Public Works about items moved beyond 2021 due to budget constraints and/or COVID. Responding to further queries from Councilmember Dhakal, the Deputy Director of Public Works clarified the Runnymede Park Nature Center project was scheduled for FY 2026.

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Responding to a request from Councilmember Friedrichs, the Deputy Director of Public Works elaborated on information and details of the energy conservation project. Councilmember Friedrichs provided further inquiries about the Sustainability Plan, and the Deputy Director of Public Works said it was combination of the Sustainability Plan and Energy Audits.

There was a brief question and answer session between Councilmember Friedrichs and the Deputy Director of Public Works concerning reported waste dumping in Sugarland Run. The Deputy Director of Public Works indicated the town had been notifying the Department of Environmental Quality (DEQ). Based on further discussion, the Deputy Director of Public Works indicated he could provide contact information for the DEQ. There was further discussion between Councilmember Friedrichs and the Deputy Director of Public Works concerning the location of an open culvert.

Mayor Olem noted that Councilmember Singh had joined the Webex at 7:42 p.m.

There was a brief question and answer session between Councilmember Regan, the Deputy Director of Public Works, and the Director of Community Development about the Worldgate Drive Extension project including triggers, parcels, and timelines.

Mayor Olem indicated Councilmember Friedrichs asked a lot of the questions she had and asked for information on stormwater projects. The Deputy Director of Public Works provided information about Best Management Practices (BMP) facilities assessments which would be done to get a clear picture and data about all facilities in the town. Prioritization would come from that information.

There was a brief question and answer session between Councilmember Dhakal and the Deputy Director of Public Works about energy conservation funding and the town's direct cost. Councilmember Dhakal provided further comments about projected savings and funding.

Councilmember Singh said he had no questions at that time.

GENERAL

6. **Resolution 21-G-46, to approve a temporary license agreement to use a designated public space in the alley adjacent to Jimmy's Old Town Tavern for outdoor seating for an event.**

Mayor Olem recognized the Town Attorney, who presented a staff report dated May 18, 2021, which is on file in the Town Clerk's office.

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The applicant, Jimmy's Old Town Tavern, was requesting authorization to use designated alley public space located between 689 and 681 Spring Street for outdoor seating during an event from 8:00 a.m. to 11:00 p.m. on May 30, 2021. The applicant had also requested and applied for a Temporary Use Permit from the Zoning Administrator pursuant to Section 78-90.2 of the Town of Herndon Zoning Ordinance.

The Town had approved a license for this event for approximately five years.

This resolution authorizes the Mayor to sign the necessary license agreement to permit Jimmy's Old Town Tavern to utilize the town's property for this one-day event.

Staff recommended the Mayor and Town Council adopt the attached resolution approving the temporary license agreement.

There was brief discussion between Mayor Olem and the Town Attorney about the license agreement and insurance.

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.

7. **Resolution 21-G-47, to award Contract #B-21-04, Elden Street and Monroe Street Intersection Improvement Project.**

Mayor Olem recognized the Deputy Director of Public Works, who presented a staff report and PowerPoint dated May 18, 2021, which are on file in the Town Clerk's office.

The Deputy Director of Public Works stated the Elden Street and Monroe Street Intersection Improvement was a project in the Capital Improvements Program which consists of reconstructing the existing intersection of Elden Street and Monroe Street. He provided background information and stated improvements included a new traffic signal, brick crosswalk with ADA compliant pedestrian signals and curb ramps, brick sidewalks and revised curb return in the southeast quadrant of the intersection for improved traffic circulation. The project also included installation of concrete encased conduits for communication and electric utilities as a part of the Downtown undergrounding.

On April 9, 2021, Contract #B-21-04, Elden Street and Monroe Street Intersection Improvement Project, was advertised. A pre-bid conference was held on April 20, 2021 and was attended by one firm. On May 6, 2021, a public bid opening was held. The apparent lowest bidder, Ashburn Construction Corporation, bid at \$1,113,394.50 and was found to be responsive and responsible. He then outlined the fiscal impact of the project.

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Staff recommended Contract #B-21-04, Elden Street and Monroe Street Improvement Project, be awarded to Ashburn Construction Corporation for \$1,113,394.50. Staff also recommended a \$111,340 contingency, which is approximately 10% of the contract amount, to be authorized.

There was a brief question and answer session between Councilmember Regan and the Deputy Director of Public Works about the current traffic control box and its future location.

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.

8. **Resolution 21-G-48, to initiate consideration of a zoning ordinance text amendment ZOTA #21-02 to amend Chapter 78 (ZONING), Article V (Planned Development Districts), Section 78-51.1, entitled PD-UR (Planned Development Urban Residential) to allow for an increase in permitted density when a zoning map amendment includes adaptive reuse of existing buildings for residential dwelling units.**

Mayor Olem recognized the Zoning Administrator who presented the staff report and PowerPoint dated May 18, 2021 which are on file in the Town Clerk's office.

The Zoning Administrator provided a brief overview of the Town of Herndon Zoning Ordinance. He also stated if approved, this initiating resolution would allow ZOTA #21-02 to be brought to a Planning Commission public hearing for their consideration and recommendation. Following Planning Commission review, this text amendment would return to Council for final action.

The Zoning Administrator outlined the proposal and provided background information about the location. The Planned Development Urban Residential (PD-UR) zoning district already existed in the Town of Herndon Zoning Ordinance. Any property owner requesting to be governed by this zoning district needed to request a zoning map amendment. The maximum density allowed in this zoning district is 20 dwelling units per acre. The proposed zoning ordinance text amendment would allow a density of up to 28 dwelling units per acre if the project included the adaptive reuse of existing buildings.

The Zoning Administrator provided information about the required actions needed to make the change. He highlighted a possible timeline for when this could come back to Council for adoption.

Staff recommended Council approve the initiating resolution.

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Councilmember Friedrichs inquired about the percentage of affordable dwelling units. The Zoning Administrator clarified that would be proposed by the developer.

There was a question and answer session between Councilmember Singh and the Zoning Administrator concerning maximum density and zoning districts in the town.

Councilmember Singh provided further questions about text amendment changes and whether decisions were made on a site by site basis. The Zoning Administrator indicated the recommendation was for adaptive area designation. Councilmember Singh asked about other places seeking this designation, and the Zoning Administrator clarified that would be a request to amend the Comprehensive Plan Land Use Map.

Councilmember Alam indicated she supported the item.

Councilmember Dhakal asked for clarification on the step Council was taking. The Zoning Administrator confirmed this step was required to send the item to a Planning Commission Public Hearing. Councilmember Dhakal then provided comments about the housing density and the PD-UR zoning district being affected.

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.

DISCUSSION

9. Guidance to initiate a Zoning Ordinance Text Amendment to address accessory dwelling units [discussion by the Director of Community Development].

Mayor Olem recognized the Town Manager, who introduced the Director of Community Development. She presented a PowerPoint dated May 18, 2021, which is on file in the Town Clerk's office.

The Director of Community Development stated this item concerned a letter written from the Chairman of the Planning Commission (PC) to Council regarding their desire to move forward with drafting a Zoning Text Amendment regarding accessory dwelling units (ADUs). The PC had been looking at ADUs the past months and they shared some concerns of Council. The PC believed there was a need to review the language of the ordinance in light of both the need for more affordable housing and the language of affordable dwellings being revised in other places to allow for more affordable dwelling units. The PC was requesting Council direct staff to come forward with an initiating resolution directing them to work with staff to develop a zoning text amendment and

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language to come back to Council for final review and adoption, if the Council concurs. The Director of Community Development shared the Chairman's list for specific items for review and potential revision including:

- Requirement for a special exception;
- Possible consideration of use permit renewals;
- Size of the accessory dwelling units and consideration of setback requirements;
- Removal of accessory dwelling unit improvements if the occupancy standards are no longer met as well as the evaluation of the appropriateness of the occupancy standards;
- Inclusion of accessory dwelling units in single-family detached and/or single-family attached dwelling units;
- Amount of parking required for an accessory dwelling unit and if a more nuanced approach to parking that accounts for proximity to transit or on-street parking in the historic district should be considered; and
- Possible review of affordability or financing provisions in conjunction with accessory dwelling units.

The Director of Community Development clarified for the last bullet that, even when requirements are loosened, many property owners do not pursue ADUs due to cost. That was why there was a move to look at financing provisions. She indicated the PC wanted the opportunity to draft language right for Herndon and the region. They also wanted to see how and where the language is best suited for town and residents. She indicated the key was the request for Council to direct staff to come forward with initiating resolution for PC to take this up.

Summary of Council Discussion

Councilmembers Regan and Friedrichs provided supportive comments.

There was a brief question and answer session between Councilmember Friedrichs and the Director of Community Development about the letter including Council feedback. The Director of Community Development indicated Council concerns were like those of the PC and clarified that this request was for staff to come forward with an initiating resolution prior to the text amendment being written. She reiterated what the PC was asking for. Councilmember Friedrichs echoed Councilmember Regan's comments.

Councilmember Dhakal provided appreciative comments and voiced his support.

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Councilmember Singh had comments and questions. He said he was not convinced the PC would do a good job and was concerned about the process. He referenced existing wording he felt did not provide flexibility. He felt they needed to be consistent with state law. Councilmember Singh also felt Council should have an opportunity to share their comments with the Planning Commission first. He did not think it was the right time and reiterated concerns.

Vice Mayor del Aguila asked if Councilmember Singh was suggesting they table this. Councilmember Singh confirmed he thought they should table it.

Vice Mayor del Aguila thought given the right parameters and direction staff would do a great job. There was a brief question and answer session between Vice Mayor del Aguila and the Director of Community Development concerning the last bullet point from the Chairman's letter concerning "financing."

There was a brief question and answer session between Mayor Olem and the Director of Community Development about accessory dwelling units and the affordability of the units.

Councilmember Regan provided comments about the term "affordability" and how he hoped the Planning Commission would view that bullet point in a broad way.

Councilmember Singh provided further comments about what would be considered an accessory dwelling unit and financing. He reiterated his concerns.

Councilmember Friedrichs provided comments on the process and the need to start with the Planning Commission. She thought it was a great starting point and provided comments to Councilmember Singh about not having to act until Council was ready.

Councilmember Dhakal reiterated it would come back to Council and provided comments about the discussion and what he felt were relevant concerns and questions. He provided comments about treating "root causes" and asked how Council could communicate their interests to the Planning Commission.

Mayor Olem suggested they ask Councilmember Regan, who was on the Planning Commission previously.

Councilmember Regan explained the process and provided comments, from his experience. He indicated staff summarized and shared Council input with the Planning Commission and noted they can also email the Chairman of the Planning Commission as individuals.

Councilmember Singh provided additional comments about his concerns regarding the PC and staff, writing the policy, and their involvement.

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Councilmember Dhakal asked if Council's wishes could be put in the initiating resolution.

The Director of Community Development outlined that, with Council consensus to have staff draft the initiating resolution, it would come to Council as a General Item and Council could discuss it at the work session and public hearing. They could let their thoughts be known at that time and that information would go to the PC.

Mayor Olem summarized that they had consensus to look into this process and asked if it would be appropriate to have staff pull something together

Councilmember Regan felt the bullets were broad enough that there would be consensus to look at this, and he had no interest in doing the PC's job. He was comfortable with the idea to develop a team and rely on their expertise. He also indicated he was comfortable with the training of the PC doing a deep dive within the parameters of the letter.

Vice Mayor del Aguila suggested they either treat it like a strategic initiative and have a councilmember own it and bring it forward or decide to move it forward.

Councilmember Singh provided comments about seeing what others in the state were doing for comparison. He questioned if this was the PC's role. He thought it was staff and Council's role and did not think a Councilmember could own it.

Councilmember Friedrichs suggested that the PC knew their concerns from watching their meetings. She felt they had already done what Councilmember Singh wanted just not on paper. She said she knew the PC was focused on what needs to be done and she felt staff was changing their focus as well.

Mayor Olem asked if there was consensus to have staff work on something to send forward to the Planning Commission.

She indicated she was seeing three who wanted to move it forward.

Councilmember Regan indicated he was not seeing a need to "work on the verbiage."

Mayor Olem indicated staff would put that together and bring it to a meeting.

Mayor Olem confirmed with the Town Attorney that the "initiating ordinance" was not yet ready.

Mayor Olem stated they were deciding if they wanted staff to put together an "initiating ordinance" and it would not be on the agenda the next week.

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The Town Attorney clarified this was not the actual language of a Zoning Ordinance Text Amendment. It was the language for an initiating resolution to get it to the Planning Commission for them to work on.

Mayor Olem agreed it was the verbiage that staff needed to put together to have an "initiating resolution."

Mayor Olem noted concurrence of Council.

Vice Mayor del Aguila stated they were "making this a priority." Mayor Olem clarified that they were "sending it forward." Vice Mayor del Aguila reiterated they were "making it a priority," and Mayor Olem restated they were "sending it forward to be written by the staff."

10. Town Holidays – Convert two paid holidays to two personal holidays for each employee to take at their discretion.

Mayor Olem recognized the Town Manager to begin the discussion on the conversion of two paid holidays to personal holidays for each employee. The Town Manager reminded Council about the removal of two town paid holidays from the budget. He stated they had not identified which two holidays to remove from the calendar, and they would bring back an action for Council approval based on Council's discussion.

The Town Manager clarified that staff had 11 and a half holidays at that time, and he reviewed the list of holidays. He suggested removing Columbus Day and either Veterans Day or President's Day. He yielded to Council for discussion.

Mayor Olem concurred with Columbus Day and President's Day.

Councilmember Friedrichs concurred.

Mayor Olem concluded the discussion.

The Town Manager indicated the item would come back to Council in either June or July for formal action.

11. Organizational Orientation Discussion by the Director of Human Resources and the Director of Community Development.

Mayor Olem recognized the Town Manager to kick off the departmental orientation presentations that evening.

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Human Resources

The Director of Human Resources presented a PowerPoint dated May 18, 2021 which is on file in the Town Clerk's office. She provided an overview of the vision for the department and its positions. The Director of Human Resources then outlined the responsibilities, recent accomplishments, and future initiatives of the department.

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

There was a discussion between Councilmember Friedrichs and the Director of Human Resources about staff turnover being a complex issue. Councilmember Friedrichs provided further inquiries about the main reason for turnover, and the Director of Human Resources indicated for DPW, recently, it was compensation.

Councilmember Singh provided comments about his own business and asked about the general approach for setting priorities and the main tasks of HR staff. The Director of Human Resources outlined staff responsibilities and roles in the department in greater detail and clarified that their prioritization ultimately comes from the Town Manager.

Vice Mayor del Aguila indicated his first question was addressed about "retainment challenges." He asked if a guaranteed COLA year over year would help with retention. There was a question and answer session between Vice Mayor del Aguila and the Director of Human Resources about PFP, MRA, COLA, and employee expectations and performance.

Vice Mayor del Aguila also provided inquiries about building security. There was a question and answer session between Vice Mayor del Aguila and the Director of HR about building security, concerns, and events with employees in the past. Vice Mayor del Aguila brought up the hardening of buildings and the gun safety ordinance. He asked if staff would welcome that, and a discussion between Vice Mayor del Aguila and the Director of HR about the safety of staff and town buildings followed.

Vice Mayor del Aguila provided further comments about ways Council could help staff address retainment challenges. The Director of HR provided brief comments about employee outlooks for retirement.

Councilmember Singh provided comments about safety concerns of employees and asked about violence in town facilities and a brief question and answer session between Councilmember Singh and the Director of HR followed. Responding to further inquiries from Councilmember Singh about the level of threat, the Director of HR deferred to the Town Manager.

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The Town Manager provided information about threats in the past and the town working proactively and taking threats incredibly seriously.

Responding to an inquiry from Councilmember Dhakal about making staff onboarding and training available to Council, the Town Manager indicated he and the Director of HR would work on that.

Community Development

The Town Manager then recognized the Director of Community Development who presented a PowerPoint dated May 18, 2021 which is on file in the Town Clerk's office. She provided an overview of the department's vision, structure, and organization. Additionally, she outlined the divisions, positions, responsibilities, challenges, future initiatives, and accomplishments of the department.

Councilmember Friedrichs indicated she would not ask any questions due to it being late.

Mayor Olem indicated the Director of Community Development was always responsive to questions if someone did have questions.

Vice Mayor del Aguila indicated he did not expect an answer and asked how they are measuring the vision. He thought the 2035 Vision lacked performance indicators. He thanked her for the information.

ROUNDTABLE

1. **Vice Mayor del Aguila:** Vice Mayor del Aguila provided comments on multiple items.

Gun Safety Ordinance

"I hope everyone does get a chance to review the work session video and the process, the sequence of events that we went through. We discussed how we were gonna go in order, we were given an order, we listened to staff, and Council had consent to move the 'gun safety ordinance' forward in its form. So, if anyone else sees anything differently, let me know. Mr. Singh's motion came after that and it was not retroactive."

Bike Safety

"The second thing I wanted to also comment on is, I'm glad we were recognized as a 'bike friendly community,' but I will tell you, as a cyclist that bikes a lot in town, there have been a lot of close calls, and there was even an accident just outside the town. Someone was hit and injured. So, I don't know if it's something we can do in terms of maybe awareness or coupled with enforcement. I talked to

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an advocate group that is really good in terms of, you know, education and information on the premise of safety. I think we all agree that we want people to come to town, we want cyclists here, but they have to be responsible, right? And also, motorists need to be responsible. I can tell you, on every ride I'm on, there is a close call, and it's either the drivers, or it's the cyclists running through stop signs, or you know, cars cutting people off. I think we need to take a more proactive stance. Those are one of the things I am gonna work on, I will ask certainly the Council to support that, really making bike safety, everyone aware of the laws, passing distances, you know, you don't want to clip someone, just – all that awareness – I think we need to do that and be proactive. I don't think we want to be reactive after someone's been seriously injured or killed on our roads. So, that's certainly something I am doing going forward.”

FCPD Chief Kevin Davis

“The other thing is, I am also part of the recall of Chief Kevin Davis. I've got a link out there, I've talked to a lot of people, and those that don't know, the Board of Supervisors have publicly and privately admitted they didn't do the best job of, in, the interview process. And there are some serious questions on, you know if you just did a Google search, you can see some of the things that are in his background.

And, what's most disturbing is, they're out there. And, I mean, in 1993, he attacked, Davis attacked Mark Spann, an African American White House intern in the driveway of his house, slamming his face to the ground, while using racist slants and slurs. There was a judgement against Davis, and, you can, I mean all this stuff, there are a lot of things out there, which is why I'm supporting the recall and, for the folks out there that are listening, it's on my Facebook page – ‘Cesar Loves Herndon’ – I encourage everyone to read it, make up your own minds, I hope you support that – got a real problem with that. So, that's all I have, and thank you.”

Mayor Olem suggested they not be political at a Town Council meeting and asked Councilmember Alam if she had any comments.

Vice Mayor del Aguila indicated he was letting the public know what he was working on. There was further discussion with Mayor Olem and Vice Mayor del Aguila speaking over one another.

Vice Mayor del Aguila said, “You threw down a personal attack, and I'm just saying I wasn't being political...”

Vice Mayor del Aguila and Mayor Olem were speaking over one another.

Mayor Olem said, “Mr. del Aguila, you are making personal attacks on an individual...” and Vice Mayor del Aguila responded saying, “I'm just telling people

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what I ...(talking over one another)...part of the public record, Madam Chair, it's a part of the public record, and I am making folks aware of what I'm working on thank you."

2. **Councilmember Alam:** Shared that some neighbors were concerned about noise from a truck that comes around 1 a.m. near the Starbucks on Elden Street. She reiterated their concern and wanted to see if Council could do something about it.
3. **Councilmember Dhakal:** No comments.
4. **Councilmember Friedrichs:** Shared that Arts Herndon was doing the town calendar competition again and those interested could email Joanna Ormesher for the form to submit their work.

For those having COVID related problems paying their rent, Councilmember Friedrichs shared there was a Fairfax County Coordinated Services Planning Department open 8:00 a.m. to 4:30 p.m., and they had funding to help people with rent. Their number was 703-222-0880 and they spoke multiple languages.

Councilmember Friedrichs also said Dennis Holste announced at the Chamber of Commerce meeting that day that the Herndon Entrepreneurship Plan would be starting in June. She mentioned Councilmember Dhakal should be excited because he was pushing this along.

Councilmember Friedrichs also mentioned funding to help people at 80% of AMI or below to keep their houses in good shape.

She stated they had a great Chamber of Commerce meeting, that she met new business owners in town, and the Herndon Beer Garden was nearly ready to "put shovels in the ground." She thought people would be happy to hear that.

5. **Councilmember Regan:** No comments.
6. **Councilmember Singh:** No comments.
7. **Mayor Olem:** Mayor Olem gave the Department of Public Works a shoutout and said it was DPW Appreciation Week. She asked people to give them a shoutout when they saw them out doing their jobs.

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.

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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 Vice Mayor del Aguila, and carried by unanimous roll call vote by electronic means, the Herndon Town Council went into Closed Meeting at 11:20 p.m., under:

- Section 2.2-3711(A)(1) for discussion of prospective candidates relative to appointments to boards & commissions

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

RECESS

At 11:21 p.m. Mayor Olem called a brief recess, and at 11:24 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 Vice Mayor del Aguila 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.

On motion of Councilmember Friedrichs, seconded by Councilmember Regan, and carried by 5-0 roll call vote by electronic means, the Herndon Town Council reconvened in public session at 11:43 p.m.

Vote: Councilmembers Alam, Dhakal, Friedrichs, Regan, and Mayor Olem voting "Aye." Councilmember Singh was away from the dais at the time of the vote. Vice Mayor del Aguila was absent.

On motion of Councilmember Singh, 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, Singh, and Mayor Olem voting "Aye." Vice Mayor del Aguila 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

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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

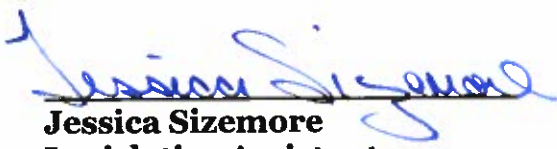
ABSENT DURING VOTE: 1

ABSENT DURING MEETING: 1

ADJOURNMENT

On motion of Councilmember Friedrichs, seconded by Councilmember Singh, and carried by 6-0 roll call vote by electronic means, the meeting of the May 18, 2021 work session was adjourned at 11:45 p.m. The vote was: Councilmembers Alam, Dhakal, Friedrichs, Regan, Singh, and Mayor Olem voting "Aye." Vice Mayor del Aguila was absent.


Sheila A. Olem
Mayor


Jessica Sizemore
Legislative Assistant



Minutes approved by Town Council: September 14, 2021.