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**HERNDON TOWN COUNCIL
Work Session Meeting Minutes
Tuesday, February 7, 2023**

The Town Council held a work session meeting on Tuesday, February 7, 2023, at 7:00 p.m. in the Herndon Police Department (HPD) Community Room, 397 Herndon Parkway, Herndon. In attendance were: Mayor Sheila Olem, Vice Mayor Clark Hedrick, and Councilmembers Cesar del Aguila, Pradip Dhakal, Keven LeBlanc, and Donielle M. Scherff. Councilmember Alam participated remotely and left the meeting at 10:50 p.m.

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Chief Maggie DeBoard, Herndon Police; Kirstyn Barr Jovanovich, Town Clerk; Marjorie Sloan, Director of Finance; Lisa Gilleran, Director of Community Development; Page Kalapasev, Director of Information Technology; Scott Robinson, Director of Public Works; Cindy Roeder, Director of Parks and Recreation; Tanya Kendrick, Director of Human Resources; Tammy Chastain and John Irish, Deputy Directors of Public Works; David Stromberg, Zoning Administrator; Lieutenant Jeffrey Lange, Herndon Police Department; Ahmad Zaki, Lead Planner; Aaron Zoellick, Clerk of Board and Commissions; and Dave Bracamonte, Systems Manager.

1. CALL TO ORDER

Mayor Olem called the work session to order at 7:00 p.m. She stated, for the record, that under Section 2.2-3708.3 Subsection D of the Code of Virginia, and in accordance with Section 2-4 of the Town Code, the Chair received a request from Councilmember Alam to participate in tonight’s work session telephonically from her home due to a serious wound from a spider bite, which has been entered into the record.

Mayor Olem confirmed there were six Councilmembers present in the Herndon Police Department Community Room that evening and a legally required quorum. With concurrence of Council, Councilmember Alam was called to participate in the work session electronically.

Councilmember del Aguila asked for clarification on the process for remote participation. Lesa Yeatts, Town Attorney, advised that the process is dictated by State

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Code and is required each time remote participation in a meeting is requested and granted.

Mayor Olem reminded those participating in the work session about the meeting decorum guidelines.

Mayor Announcements

Mayor Olem shared an article in the Fairfax County Times that recognized the new George Mason Enterprise Center in Herndon, which opened on February 1st in partnership with the Town and Office Evolution. She is thrilled to welcome the Mason Enterprise Center to Herndon and was excited to see the collaboration with the small business community.

Mayor Olem stated that Fairfax County's Virginia Task Force 1 is heading to Turkey to assist with disaster recovery from the recent earthquake. She stated her thoughts and prayers were with Virginia Task Force 1 and the citizens impacted by the disaster.

2. GENERAL

a. Ordinance to amend and reenact Chapter 54 (PERSONNEL), Article IV (Grievance Procedure), Article V (Conflict of Interest)

Tanya Kendrick, Director of Human Resources, presented the staff report dated February 7, 2023. Ms. Kendrick outlined proposed changes to Article IV and Article V of Chapter 24 in the Town Code. These amendments will delete unnecessary and sometimes confusing provisions with the appeals and grievance process. The proposed language will be more consistent with the State Code requirements and align the Town Code with current best practices. Additionally, Article V - Conflict of Interest, is being revised to reflect State Code requirements regarding employees required to complete disclosures. Staff recommends approval of the proposed ordinance, as presented.

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

Councilmember LeBlanc noted that under Section 54-80(b) the language should be changed to 30 calendar days to be consistent with the rest of the updates. In addition, he suggested updating the language under Section 54-82(3) to sexual "identity."

Responding, Ms. Kendrick indicated that the statement "all other areas covered under federal and state law" was meant to include anything else that was not mentioned in the ordinance. Staff will review Councilmember LeBlanc's revision to ensure it matches the State Code language and will make the appropriate changes.

Following brief discussion and with the concurrence of Council, staff was directed to place this item on the Consent Agenda on the next meeting agenda, to include the changes proposed by Councilmember LeBlanc following staff's review.

b. Resolution award of Contract #D-23-01, General Water and Sanitary Sewer Engineering Services

Tammy Chastain, Deputy Director of Public Works, presented the staff report dated February 7, 2023. She provided an overview of the procurement process for this contract that will support the Town's water and sewer system engineering projects on a task order basis. Following interviews, the evaluation committee selected Whitman Requardt & Associates, LLP, and CDM Smith Inc., as the top-rated firms. Staff believes that with the amount of upcoming water and sewer projects, the Town will be able to utilize the services from both firms. Staff recommends approval of the proposed resolution awarding the contract, as presented.

Following brief discussion and with the concurrence of Council, staff was directed to place this item as presented on the Consent Agenda on the next meeting agenda.

c. Resolution, award of Contract IFB #23-03, Traffic Marking

Tammy Chastain, Deputy Director of Public Works, presented the staff report dated February 7, 2023. She provided an overview of the procurement process for this contract that will provide traffic marking services for the Town. Staff's recommendation is to award the contract to the two lowest responsive and responsible bidders, which are Midlantic Marking, Inc. and Mullen's Markings, Inc. Staff recommends approval of the proposed resolution awarding the contract, as presented.

Following brief discussion and with the concurrence of Council, staff was directed to place this item as presented on the Consent Agenda on the next meeting agenda.

d. Resolution to award contract IFB #B-23-01, Bready Park Tennis Court Renovation

John Irish, Deputy Director of Public Works, presented the staff report dated February 7, 2023. He reviewed the project, which includes a new three-court air structure to replace the existing air structure at Bready Park. Following the bid process, the only bidder, A.P. Construction, LLC, was found to be responsive and responsible. Staff recommends approval of the proposed resolution awarding the contract, as presented.

Mr. Irish provided an overview of the Invitation for Bid (IFB) and Request for Proposals (RFP) procurement processes. He stated that IFBs are generally used to advertise for construction, building, or vendor services, while RFPs are specifically related to acquiring professional services. Using the IFB process, under state procurement laws and the Town Code, the Town is required to accept the lowest bid as long as the firm

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providing the service is responsive and responsible. He stated that an RFP award is evaluated against requested criteria and the award is based on merit and qualifications.

There was brief discussion amongst Council and staff on this item, including the IFB process.

Vice Mayor Hedrick asked about building a brick and mortar tennis structure as opposed to replacing a tennis bubble every ten to 20 years. Mr. Irish stated that he does not believe that approach would be cost effective.

Following brief discussion and with the concurrence of Council, staff was directed to place this item as presented on the Consent Agenda on the next meeting agenda.

e. Resolution to initiate consideration of a Zoning Ordinance Text Amendment ZOTA #23-01 to amend Chapter 78 (ZONING), Article XIV (Signs), Section 78-141.6 (Sign Standards for Downtown Mixed-use Districts), to grant authority to the Historic District Review Board to allow wall signs in additional locations under certain circumstances

David Stromberg, Zoning Administrator, presented the staff report dated February 7, 2023. If approved, this initiating resolution will send Zoning Ordinance Text Amendment (ZOTA) #23-01 to the Planning Commission for consideration and recommendation. Following the Commission's review, the ZOTA will return to the Town Council for final action. Mr. Stromberg stated that the proposed amendment arose out of a recent case that was before the Historic District Review Board (HDRB) on the location of a sign on the second floor, which is not currently allowed in the Historic District. The proposed amendment expands the locations available for a wall sign, as long as it has an approved Certificate of Appropriateness. Staff recommends approval of the proposed resolution, as presented.

There was brief discussion amongst Council and staff on this item, including the sign review and code amendment processes, design standards, and the Council's Strategic Planning Initiatives process.

Councilmember Scherff stated that her opinion is that the sign approval process is a priority for the Town Council because of its impact on the downtown.

Councilmember del Aguila expressed support for streamlining the Town's process for approving signs and he thought that Councilmember Scherff's suggestion should be a Town Council Strategic Planning Initiative.

Following brief discussion and with the concurrence of Council, staff was directed to place this item as presented on the Consent Agenda on the next meeting agenda.

f. Resolution to endorse and approve the submission of an application to the Department of Transportation, Office of the Secretary, for funding under the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) program, to be directed towards development and adoption of the Town's 2050 Comprehensive Plan

Lisa Gilleran, Director of Community Development, presented the staff report dated February 7, 2023. The proposed resolution endorses an application to the Federal Department of Transportation for funding under the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) program. The Town is requesting \$700,000 with a match of \$200,000 from the Town. The match, which must be a minimum of 20 percent of the project's estimated total cost (\$900,000), will be included as an expense in the FY 2024 proposed budget. The grant will provide funding for consultant services to assist the Town in the development, research, analysis, public outreach, composition, and public approval process for the 2050 Comprehensive Plan rewrite project. The Comprehensive Plan is mandated by the Code of Virginia and is the guiding planning document for Town projects. Staff recommends approval of the proposed resolution, as presented.

There was brief discussion amongst Council and staff on this item, including the Comprehensive Plan update relative to the RAISE grant award process, what is included with the Town's RAISE grant application, and the amount of money requested in the application.

Responding to queries from Councilmember Dhakal, Mr. Ashton outlined what approach the Town would take if they did not receive the RAISE grant funding, which would include a budget amendment potentially in August.

Councilmember Scherff discussed the RAISE grant documentation. She emphasized the need to be inclusive and innovative in developing the grant application and supporting documents.

Responding to Vice Mayor Hedrick, Ms. Gilleran stated that staff could reduce the Town's matched amount to 20 percent of the project's total cost. The amount listed in the proposed resolution (\$200,000) was approximately 22 percent of the total cost.

Responding to Councilmember Scherff, Ms. Gilleran stated that changing the amounts in the application will not impact the grant submission timeline.

Responding to Councilmember LeBlanc, Ms. Gilleran stated that she did not think reducing the matched amount will have a negative impact on the grant submission if the 20 percent requirement is met.

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Councilmember Dhakal echoed Vice Mayor Hedrick's suggestion and requested staff to change the requested amount in the grant to \$720,000, with \$180,000 for the Town's match.

Responding to Council's discussion, Ms. Gilleran stated that the matched amount is not an evaluation criterion for the grant application.

Following discussion and with the concurrence of Council, Mayor Olem asked staff to revise the Town's match amount listed in the proposed resolution to 20 percent of the project's total cost, or \$180,000. The amount requested in the grant would therefore be increased to \$720,000. Staff was also directed to place this item on the Consent Agenda on the next meeting agenda, to include the Council's requested changes listed above.

3. DISCUSSION

a. Organizational Orientation Discussion by the Town Manager and the Herndon Police Department and the Human Resources Department

Mr. Ashton began the discussion and stated that tonight's department orientation presentations are the Herndon Police Department and the Department of Human Resources.

Organizational Orientation – Herndon Police Department (HPD)

Chief Maggie DeBoard, Herndon Police, presented a PowerPoint dated February 7, 2023. She provided an overview of HPD's functions, including the department's structure, services, operations, accomplishments, initiatives, projects, and challenges. She highlighted the department's national accreditation, partnership with Fairfax County, community engagement and commitment to maintaining agency standards and accountability. Chief DeBoard emphasized the challenges of recruitment and retention, along with how staff was addressing these issues.

There was brief discussion between Council and staff, including conversations about services and funding, staffing, officer recruiting and retention, and challenges the police department is facing.

Councilmember Dhakal asked to ensure that diversity exists in personnel in an effort to support trust within the community. He stated that he would support compensation that may be needed to attract and retain qualified personnel.

Responding to Councilmember Scherff, Chief DeBoard detailed the police department's hiring process.

Councilmember Scherff asked for the dollar value of training a new officer versus the financial commitment of recruiting a certified officer, and she asked for the amount of

overtime hours the police use to support events. Chief DeBoard stated that she did not have that number at that time, but she stated that several officers have been working overtime to fill position vacancies.

[Note: Councilmember Alam was disconnected from the call at 9:56 p.m. She rejoined the meeting via telephone at 9:59 p.m.]

Vice Mayor Hedrick thought there has been a longstanding difficulty between the police and certain community groups. He would like to discuss opportunities to increase community engagement. Chief DeBoard stated she would be happy to talk more with Council about the police department's outreach in the community.

Responding to Vice Mayor Hedrick, Chief DeBoard said that Fairfax County tracks opioid events and any incidents in the Town are reported to the County. Vice Mayor Hedrick asked for the regional report on opioid incidents, and Chief DeBoard indicated that she can provide it, as long as the information is not law enforcement sensitive.

Responding to Mayor Olem, Chief DeBoard stated that HPD tried to bring the Herndon Police Citizens Support Team back after COVID, but it was canceled due to low enrolment. Staff is looking at an alternative volunteer program to engage individuals to help in various areas in the agency. Staff is also exploring establishing a Citizens Police Hispanic Academy.

Mayor Olem and Chief DeBoard briefly discussed the police department's community initiatives, particularly with the Hispanic community, including afterschool programs.

Organizational Orientation – Human Resources

Tanya Kendrick, Director of Human Resources, presented a PowerPoint dated February 7, 2023. She discussed the department's mission, structure, responsibilities, challenges, initiatives, and successes.

Responding to a question asked earlier in the meeting, Ms. Kendrick stated it is hard to quantify the amount of overtime hours that employees spend on individual Town events, because staff will make sure the event is supported, even if that takes away from daily tasks.

There was brief discussion amongst Council and staff, which included conversations about services, policies, employee recruitment and retention, training, and upcoming projects for the Human Resources Department.

Responding to the discussion, Mr. Ashton and Ms. Kendrick discussed how staff had expanded succession training to ensure institutional knowledge is retained.

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Responding to Vice Mayor Hedrick, Ms. Kendrick discussed employee retention. She stated that she is looking to implement a program soon that will compensate individuals who use conversational language skills as part of their employment with the Town.

[Note: Councilmember Alam disconnected and left the meeting at 10:50 p.m.]

b. Defining Criteria for the Council Communication Approach

Mayor Olem recognized Councilmember Scherff to introduce the discussion item.

Councilmember Scherff made a motion to move this discussion item to the next Town Council work session agenda, due to the lateness of the hour. She stated that this was a very important issue to her, and she wanted to have a healthy discussion on the topic. Motion seconded by Councilmember Dhakal.

With the concurrence of Council, Mayor Olem stated that the item will be tabled and rescheduled for a future work session.

c. Curb concerns for Ballou and Park Streets

Mayor Olem recognized Councilmember del Aguila to introduce the discussion item.

Councilmember del Aguila presented a PowerPoint dated February 7, 2023, which concerned access to the sidewalk and Americans with Disabilities Act (ADA) compliance at the intersection of Ballou and Park Streets. He stated this issue came up at the Pedestrian and Bicycle Advisory Committee (PBAC) meeting that past week, where he serves as Chair. PBAC members were concerned about the safety of this intersection, especially for those with accessibility challenges, along with walkability throughout the Town.

Councilmember del Aguila would like Council to address the PBAC's concerns at this intersection and evaluate the Town's sidewalks for ADA compliance. He stated that if sidewalk connectivity is a Capital Improvement Program (CIP) project, he would like to see the estimated costs, along with the costs for other projects in the CIP. He stated that the sidewalk issues could also be reviewed at the Town Council retreat or at a Strategic Initiatives Planning meeting.

Scott Robinson, Director of Public Works, discussed access and the ADA requirements that have been met as part of the design of the sidewalk at Ballou and Park Streets.

There was brief discussion amongst Council and staff about sidewalks in Town.

Responding to Councilmember Scherff, Mr. Robinson stated that he did not know at that time if there were plans to extend the sidewalk at Ballou and Park Streets. He stated that the sidewalk ends at the same location it did before the renovations.

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Responding to Councilmember Scherff's questions about alternatives to the existing sidewalk design, Mr. Robinson stated that other types of ramps or ramp standards could be used there. However, he indicated that this was not a Town project. He stated that the homeowner had selected the current design, which meets code requirements.

Responding to questions from Councilmember LeBlanc about the sidewalks the Town is repairing, Mr. Ashton stated staff is working from a list of sidewalks that PBAC put together about four years ago.

Mr. Robinson stated that it would take approximately ten years to accomplish PBAC's full list of sidewalk repairs and that some of the sidewalk changes require right-of-way acquisition, which usually takes some time. He stated that staff was looking to survey and draft a new accessibility plan in 2024 that would include Town sidewalks and ramps that need improvements.

Mr. Ashton stated that staff will also consider the areas where developers could make the sidewalk updates to help take the burden off Town taxpayers.

Following further discussion amongst Council about ADA accessibility and sidewalk design, Councilmember del Aguila stated that the Council should add a Strategic Planning Initiative on how to make the community more walkable.

Mr. Ashton clarified that sidewalk design requirements are driven by the State through the Virginia Department of Transportation (VDOT), and ADA requirements, rather than the Town Code. He stated that if the Council wanted to change this intersection once the development is completed and the public improvements are transferred to the Town, it could be done at that time.

Mayor Olem discussed the challenges of working with homeowners to align sidewalks through their property, particularly when right-of-way acquisition is involved.

d. Mayor and Council Salaries

Mayor Olem recognized Vice Mayor Hedrick to introduce the discussion item.

Vice Mayor Hedrick reviewed the recent Town Council pay increase adopted in April 2022. He referenced a document he wrote titled "Council Discussion on Council Pay," along with a PowerPoint from the Town Council's discussion on this topic last year. He said that he thought that the timing and the amount of the council's pay increase was problematic.

Regarding timing, Vice Mayor Hedrick understood that after 35 years, an increase in the council's pay made sense. However, he stated that since 2020, Herndon residents have

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faced financial uncertainty due to the pandemic, high energy costs, and inflation. He stated that residents' tax bills have increased by approximately \$726 per year, which includes both the County and Town taxes.

Vice Mayor Hedrick proposed to reduce the council's pay to their previous salaries, which were \$6,000 per year for the mayor, and \$4,000 per year for councilmembers, until January 1, 2025. Starting in 2025, he stated the pay could be increased to \$15,000 for the mayor and \$10,000 for councilmembers per year. This would put the Town closer to the salaries of surrounding jurisdictions. He further discussed the increased responsibilities and exposure that the mayor has that should be reflected in a higher salary than the councilmembers.

Vice Mayor Hedrick thought that reducing the mayor and council's salaries could help address some of the challenges the Town is seeing with maintaining staff, like retention bonuses, incentives for prospective employees, higher cost-of-living adjustments, and base pay increases.

There was brief discussion amongst Council about the mayor and council's salaries.

Councilmember Dhakal described the discussions he had with residents about the mayor and council salaries, along with his perspective on salary increases encouraging individuals to run for council.

Councilmember Scherff discussed the approximate amount of time she has spent on her role as a councilmember that past month. She stated that she is not seeking parity between the number of hours she works and pay. However, she did not think the answer was to go back to the pay that had been in place since 1986 and did not think there was an indication that 2025 would be a better financial situation. She also thought that adequate compensation encourages individuals from different backgrounds to consider running for elected office.

Councilmember Leblanc stated that he understands everyone's points and reasoning, but with the impacts of the pandemic and economic downturn on citizens, he had opted to give up his salary to return that money to the Town. He thought that the pay could be increased somewhat in 2025 as a step adjustment.

Councilmember del Aguila explained his reasoning to increase the salary and stated that it was to elevate the council roles to an executive level. He also wants to look at the compensation for boards and commissions. Mr. Ashton indicated that looking at the boards and commissions salaries is being incorporated with the FY 2024 budget process.

Mayor Olem discussed the roles of mayor and council in the community and emphasized her commitment to public service.

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Councilmember Scherff stressed that everyone on the Council is committed to the community.

Councilmember Dhakal thanked Councilmember LeBlanc for returning his salary to the Town and emphasized that councilmembers had that option. He also supported creative ways to increase revenue by cutting expenses, like what Vice Mayor Hedrick proposed earlier that evening in reducing the Town's matched amount for the RAISE Grant.

Vice Mayor Hedrick stated that the impact on the budget of an additional \$15,000 would be approximately the same amount as three referral bonuses for police officers. He stated that he would like to bring this item forward for Council action as part of the budget process. He was open to suggestions and changes, but he thought that the mayor and council's salaries should be revenue neutral at the very least.

Mayor Olem asked Vice Mayor Hedrick if the Council could table the discussion on mayor and council pay that evening, and Vice Mayor Hedrick agreed.

4. ROUNDTABLE

Councilmember Dhakal: Stated that the Herndon Diversity, Equity and Inclusion Committee (HDEIC) met recently, and held a discussion on the committee's composition. HDEIC recommended diverse members and youth representation on the committee. He stated that Councilmembers LeBlanc and Scherff will be included as part of the next HDEIC meeting.

Councilmember Scherff: Stated that she was meeting with the "Town historian," and going to the Fairfax County District Court to review historical records to showcase diversity. She stated that she was working together with the HDEIC.

Councilmember LeBlanc: No comments.

Councilmember del Aguila: As he discussed earlier, he stated that the PBAC met recently. He emphasized his request for Council to ask staff to include a dollar amount for projects listed on the CIP outyears.

Vice Mayor Hedrick: No comments.

Mayor Olem: Stated that My Dr's Pharmacy opened in their new location in the Herndon Centre.

Mayor Olem stated that she received an email thanking the Department of Public Works (DPW) staff for staying up late that past Sunday to fix a water main break at the intersection of Dranesville Road and Fillmore Street. She offered kudos to DPW for their

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dedicated efforts. Mayor Olem stated that yesterday, she was excited to see staff working on the Van Buren and Herndon Parkway intersection, and today she saw them working on the utility pole.

William H. Ashton II, Town Manager: No Comments.

Recess

On motion of Councilmember Scherff, seconded by Councilmember Dhakal, and carried by unanimous roll call vote, the Herndon Town Council went into a brief recess at 12:01 a.m. on February 8, 2023.

Vote: Councilmembers del Aguila, Dhakal, LeBlanc, Scherff, and Vice Mayor Hedrick, and Mayor Olem voting “Aye.” Councilmember Alam was absent.

At 12:11 a.m. on February 8, 2023, Mayor Olem reconvened the meeting in the Herndon Police Department Community Room, all members present except Councilmember Alam, and with Mayor Olem presiding.

5. CLOSED MEETING

Mayor Olem stated that the Council had a need to go into a closed meeting and that the appropriate meeting notices were provided in accordance with state law. The Closed Meeting was held in the Herndon Police Department Community Room, 397 Herndon Parkway, Herndon, Virginia.

Vice Mayor Hedrick moved that the Council convene in closed session to discuss the following as permitted by Virginia Code Section 2.2-3711(A)(1) of the Code of Virginia for discussion of prospective candidates relative to appointments to boards and commissions. Councilmember LeBlanc seconded the motion and carried by unanimous roll call vote. The vote was: Councilmembers del Aguila, Dhakal, LeBlanc, Scherff, and Vice Mayor Hedrick, and Mayor Olem voting “Aye.” Councilmember Alam was absent.

The Council went into closed meeting at 12:12 a.m. on February 8, 2023.

Councilmember LeBlanc moved to come out of the closed meeting. Motion seconded by Councilmember Dhakal and carried by unanimous roll call vote. The vote was: Councilmembers del Aguila, Dhakal, LeBlanc, Scherff, and Vice Mayor Hedrick, and Mayor Olem voting “Aye.” Councilmember Alam was absent.

The Council came out of closed meeting at 12:29 a.m. on February 8, 2023.

Councilmember Scherff moved to certify that, to the best of each member's knowledge, in the closed meeting just concluded, nothing was discussed except the matter or

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matters (1) specifically identified in the motion to convene in closed meeting and (2) lawfully permitted to be discussed in a closed meeting under the provisions of the Virginia Freedom of Information Act as cited in that motion. Motion seconded by Councilmember LeBlanc and carried by unanimous roll call vote. The vote was: Councilmembers del Aguila, Dhakal, LeBlanc, Scherff, and Vice Mayor Hedrick, and Mayor Olem voting "Aye." Councilmember Alam was absent.

6. ADJOURNMENT

There being no further business, Mayor Olem adjourned the February 7, 2023 Town Council work session at 12:30 a.m. on Wednesday, February 8, 2023.



Amanda E.M. Kertz
Chief Deputy Town Clerk



Minutes approved by Town Council: February 28, 2023