



This does not represent a verbatim transcript of the Town Council meeting. Visit [www.herndon-va.gov](http://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](mailto:town.clerk@herndon-va.gov).

---

**HERNDON TOWN COUNCIL  
Work Session  
Wednesday, August 4, 2021**

At a regular meeting of the Town Council of the Town of Herndon, Virginia, held in the Herndon Community Center, at 814 Ferndale Avenue, Herndon, Virginia, on Wednesday, August 4, at 7:00 p.m., there were present:

- Mayor Sheila A. Olem, presiding;
- Vice Mayor Cesar del Aguila;
- Councilmember Pradip Dhakal;
- Councilmember Signe Friedrichs;
- Councilmember Sean M. Regan; and
- Councilmember Jasbinder Singh.
- Councilmember Naila Alam was absent.

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Chief of Police, Maggie DeBoard; Robert Tang, Director of Finance; Elizabeth Gilleran, Director of Community Development; Page Kalapasev, Director of Information Technology; Tanya Kendrick, Director of Human Resources; Tammy Chastain, Deputy Director of Public Works; John Irish, Deputy Director of Public Works; David Stromberg, Zoning Administrator; Grettel Aguilar, Human Resources Technician; and Margie Tacci, Deputy Town Clerk.

August 4, 2021  
(work session)

## **CALL TO ORDER**

### **1. Roll Call & Determination of Quorum**

Mayor Olem called the public hearing to order at 7:00 p.m. and asked the Deputy Town Clerk to call the roll for attendance. She asked each member of Council to indicate they were present. Following the roll call for attendance, Mayor Olem confirmed there was a quorum present.

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.

## **ANNOUNCEMENTS**

Mayor Olem stated the night before was National Night Out. She thanked and commended Chief DeBoard, Sergeant Damien Austin, and the Herndon Police Department (HPD) for making it a great success. She shared that she enjoyed the places she went, and they divided into two motorcades around town. Mayor Olem said the residents enjoyed it and felt it was an important event. She mentioned other members of Council, town management, and Parks and Recreation staff who helped HPD with the event.

Mayor Olem announced that Council would meet the following night at 7:00 p.m. for their next Strategic Planning Meeting and thanked Parks and Recreation for hosting them.

## **TOWN MANAGER UPDATES**

### **2. Comments from the Town Manager**

The Town Manager reiterated that Council's next Strategic Planning Meeting would be Thursday, August 5, 2021 in the same room they were meeting in. He stated two packets were sent, with the second being the most up to date, and it was also posted on Granicus. He indicated things were posted as they were received and only the work of Council was represented. He clarified that no staff work was represented, and the items were published as different members of Council wrote them.

**August 4, 2021  
(work session)**

The Town Manager stated there was a Delta variant resurgence of COVID-19 nationally, and they were keeping a close eye on it. Guidance and recommendations were shifting, and as it altered and developed, he would contact Council.

The Town Manager stated Council received the new HPD Annual Report which included new data formatting. He commended the Chief of Police and HPD and added that they worked with a group of concerned citizens who proofread and commented on the report for better understanding of data and making terms more understandable for those not in the profession. He commended the Chief of Police for her work with the group. The Town Manager encouraged all town citizens and members of Council to read the report and ask any questions they had.

**Questions from Council**

Vice Mayor del Aguila asked the Town Manager to comment on the latest with the Comstock project. The Town Manager indicated they were working with Comstock, at that time, on getting items done and prepared to meet contractual requirements. He said contracts were renegotiated at the end of the summer, and they were working on meeting all the requirements needed for that date. There were some economic incentives the county was interested in, and they were meeting with Fairfax County. He also stated they were meeting with Comstock about pacing. He mentioned other items such as site plan amendments, bidding, and financing. The Town Manager said he met with his team about it weekly.

Vice Mayor del Aguila said people heard, in the "rumor mill," that terms and deliverables changed and (inaudible comments). Mayor Olem asked Vice Mayor del Aguila to repeat his question.

The Town Manager stated that was not the case, and if they recalled, Council enacted an amendment to the original agreement. They altered the scope of the Arts Center. He said everything else was the same.

Vice Mayor del Aguila clarified that he was asking about the Arts Center and said there was a rumor it was being cut out. He wanted the Town Manager to explain to everyone, on the public record, that that was not the case.

The Town Manager restated that was not the case.

Mayor Olem and Vice Mayor del Aguila provided brief comments about rumors in the town.

Vice Mayor del Aguila stated he received calls about town residents over an incident at Green Lizard Cycling. He asked for an update and indicated that he spoke with Jessica Glaser. The Town Manager stated HPD sent one of their best

**August 4, 2021  
(work session)**

crime prevention officers by Green Lizard Cycling, and they walked through what they could and could not do to help. He also stated Jessica Glaser sent a very positive email about an interaction with HPD to a Commander. The Town Manager thought they were on the right track.

Vice Mayor del Aguila asked the Town Manager to circle back with Ms. Glaser saying, "perception being reality, they might not be aligned with what we think the status of those..." The Town Manager said he was speaking based on what was forwarded to him from Ms. Glaser. Vice Mayor del Aguila stated he spoke to her that morning at 11:00 a.m.

The Town Manager asked Vice Mayor del Aguila to forward issues to him, if he received them.

Mayor Olem said she spoke to the owner of the building, and he thought everything was going well.

### **PUBLIC HEARINGS**

3. **Resolution 21-G-66, to authorize the Reserve of Fiscal Year (FY) 2021 funding for on-going operations & maintenance, Capital Projects, and outstanding Encumbrances at June 30, 2021 for FY 2022 Adopted Budget.**
4. **Ordinance 21-O-16, to amend the Fiscal Year 2022 Adopted Budget by recognizing the outstanding encumbrances, reserved amounts, and re-appropriate funds for FY2021 as appropriated amounts for FY2022.**

Mayor Olem stated they received Revised Attachment A, and the public could pick one up at the table. Mayor Olem recognized the Director of Finance to present concurrent staff reports.

The Director of Finance stated this was a yearly item required for Council to authorize and appropriate.

He said the Town Council authorized and appropriated monies for specific activities to occur during the FY2021 budget year. Some of these activities or projects were not completed by June 30, 2021 and therefore needed to be reauthorized and re-appropriated for the FY2022 budget. He said they did receive American Rescue Plan Act (ARPA) funding for \$12,761,973 on June 30, 2021, and they needed to reserve that into the FY2022 budget.

**August 4, 2021  
(work session)**

They were also required to do an appropriation of the FY 2022 budget separately. This would recognize and authorize the reserves and encumbrances in the resolution. He wanted to note the amended attachment included a salary Market Rate Adjustment (MRA).

Staff recommended approval.

Councilmember Dhakal asked what items on the agenda their questions should encompass. The Director of Finance said this was a normal practice done on a yearly basis. These items were basic projects they started in 2021 and did not get to. The projects were not able to be started, but they could reserve those funds and that was why they had to re-appropriate those funds.

Responding to Councilmember Dhakal's supportive comments and question about the MRA, the Director of Finance said the range was one percent to 1.25 percent. The Town Manager said for the adopted budget he tried to get a one percent raise in for January, but they were able to make it work by starting in October for three-quarters of the year instead of half of the year.

Councilmember Dhakal inquired about ARPA and the criteria. The Town Manager indicated there would be a presentation on ARPA and spending.

**5. Ordinance 21-O-17, to authorize the American Rescue Act (ARPA) Allocation Plan and appropriating ARPA funds for FY2022.**

Mayor Olem recognized the Director of Finance to present the staff report and PowerPoint dated August 4, 2021.

The Director of Finance indicated he would be sharing what the ARPA was in 2021, background, eligibility requirements, challenges the town might face, and the staff prepared ARPA plan they were suggesting.

The Director of Finance stated On March 10, 2021, Congress passed, and the President recently signed the American Rescue Plan Act of 2021. This Act provided funding for several different programs to address the COVID-19 pandemic. A primary component of the ARPA was ~\$350 billion in assistance for eligible state, local, territorial, and Tribal governments for the direct impact of the COVID-19 pandemic through the establishment of the Coronavirus State and Local Fiscal Recovery Fund (CSLFRF). Virginia received ~\$633,753,549 for Non-entitlement Units (NEUs) from the Coronavirus Local Fiscal Recovery Fund. Non-entitlement Units are local governments typically serving a population under 50,000. The Town of Herndon would be allocated a total amount estimated at \$25,523,946 in two installments. The Town of Herndon received the first installment as of June 30, 2021 in the amount of ~\$12,761,973. The second installment was expected in the summer of 2022.

**August 4, 2021  
(work session)**

The program allowed for use of the funds received as direct payment from the Commonwealth of Virginia under section 601(b) of the Social Security Act to be used to cover the costs that: support public health expenditures, address negative economic impacts caused by the public health emergency, replace lost public sector revenue, provide premium pay for essential workers, or invest in water, sewer, and broadband infrastructure.

The Director of Finance said the Treasury provided guidance on the Universal Revenue Loss Calculation for all jurisdictions. All funds must be obligated from March 3, 2021 to December 31, 2024 and funds must be used by December 31, 2026.

Challenges anticipated included the US Treasury Guidance being vague and allowing flexibility on judgement of eligibility requirements. The Director of Finance stated improperly spent or unused funds must be repaid. Additionally, guidance and FAQs were constantly being updated and changed, and staff needed to stay on top of that. The Director of Finance clarified that revenue loss would be recalculated because the town's fiscal year was July to June, but the revenue loss was calculated with the calendar year. This would create additional administrative burden along with reporting and monitoring requirements, with the first being due October 31, 2021. There would be procurement documentation and retention requirements and funds would need to be used before 2026. To get back on track, they were suggesting supporting O&M Capital Maintenance Projects from FY2020 and FY2021 and preparing for any future economy challenges. The focus would be on addressing negative impacts, supporting staff and operations, replacing lost public sector revenue, and water and sewer projects.

Mayor Olem commented briefly on calls about spending ARPA funds.

Councilmember Friedrichs inquired about the standardized method for calculating lost revenue and their number.

While the Director of Finance was looking for that number, the Town Manager stated that was the most flexible (inaudible statement). He also stated he was on most of the calls the Mayor mentioned, and they said to treat this as a one-time revenue source they would never have again. He said they should look at one-time revenues and one-time expenditures for capital uses, not long projects.

Returning to Councilmember Friedrichs' inquiry about the town's revenue loss calculation, the Director of Finance said it was calculated using a growth rate formula. He said 4.1 was the maximum and what was used to estimate what revenues would have been. That was the basis and the total calculated was approximately \$5.3 million for FY2022. Responding to Councilmember Friedrichs, he clarified it would be recalculated for the next year on December 31, 2021 due to the calendar year basis.

**August 4, 2021  
(work session)**

Responding to Councilmember Friedrichs' question about using this money for CIP projects like water towers, the Town Manager said water and sewer and stormwater were all allowed. He said sidewalks and minor trails would not be in the infrastructure category, it would need to come from revenue replacement. Responding to further queries from Councilmember Friedrichs, the Town Manager clarified that there were four categories: one was for anything directly related to the pandemic like healthcare, which did not apply to them; premium pay for a narrow definition of workers; revenue replacement; and water and sewer, broadband, and stormwater.

Vice Mayor del Aguila thanked the Director of Finance for his efficient presentation. He asked about premium pay for "essential workers." The Director of Finance stated the term was defined and he could get the exact definition for Council. Vice Mayor del Aguila asked that Council get that before the following day's Strategic Planning Meeting.

Responding to queries from Councilmember Singh about the ~\$25 million amount, the Director of Finance stated that the ~\$25 million would be the total amount received after the next year. The first installment was ~\$12 million and part of that would get allocated for FY2022 projects. Water and Sewer Projects had ~\$3 million they needed to allocate. Councilmember Singh asked if they would have some money for strategic initiatives.

The Town Manager said they had to be careful if it was an ongoing cost because they did not want to absorb anything recurring. To weather the economic storm they came through, they relied heavily on deferring projects and maintenance, not doing capital projects, and focusing on using that money to keep staff safe and changing how buildings operated.

Councilmember Singh said they should do deferred maintenance first, and the Town Manager said that was what they were looking at with the ~\$12.7 million this year and next year. He said there would most likely be a real estate correction in the future, and they should be able to see it coming. The Town Manager suggested staff wanted to get caught up on deferred maintenance and "put all those tools back in the toolbox." He mentioned projects for the next year included a new tennis bubble which would be ~\$800,000 and addressing a ~\$500,000 pool issue. Those things would both pay themselves off in a matter of years, but they could get them off the books. He also mentioned addressing air conditioning in some town buildings, HPD technology needs, and other items.

Councilmember Singh said one strategic initiative related to stormwater drainage, and he could point out many areas where something needed to be done. The Town Manager suggested that Council get it to DPW so staff could take a preliminary look. He indicated allocating funds that year would be a waste because they did not have numbers. They had drop-dead dates to allocate and spend by or they must write a check back. He suggested deferring the stormwater

**August 4, 2021  
(work session)**

issues for a year while the engineering staff did their jobs. Councilmember Singh wanted them to develop a town-wide plan. The Town Manager said the next allocation would be a reasonable use of those funds.

Councilmember Dhakal said they would not want to write the check back or spend it on something unqualified. He wanted to understand how water and sewer and broadband were impacted by the pandemic. The Town Manager indicated it was politics and mentioned that roads did not make it in. He said in the beginning it was only water and sewer, and Senator Warner fought to have broadband added.

The Director of Finance stated investing in infrastructure would create more opportunities for land development and investment for the town.

Mayor Olem stated the broadband infrastructure was worked on for awhile and there were parts of the state that still did not have it. She mentioned people not having access for school and work around the country and in the state.

Councilmember Regan did not have any questions or comments at that time.

Councilmember Friedrichs thought one reason for the infrastructure choices was climate related challenges with stormwater. She asked the Director of Finance about the ~\$12 million influx into the budget and if it would skew things in the future. She asked whether they sectioned it off to not comingle with the General Fund. The Director of Finance stated it was being set up as a separate Special Revenue Fund for compliance, reporting purposes, and careful tracking. She also asked about applying for grants and if that money was excluded from their normal budget. The Director of Finance said it was considered a grant. The Town Manager reviewed the criteria and scoring systems of some of the grants the town got that were not based on budgetary levels.

Vice Mayor del Aguila asked about the allocation plan and town security upgrades. He wanted to know what was included. The Town Manager asked the Deputy Director of Public Works to answer. Vice Mayor del Aguila clarified he was asking about metal detectors in the context of safety.

The Deputy Director of Public Works clarified that most numbers in the schedule came directly from the CIP. If they looked at the adopted and out-years, the security upgrades were based on the initial security assessment report two years prior which outlined three tiers of assessed security need. They were identified by the main buildings and the highest critical levels at that time. This would reflect beginning to work towards that for a portion of the buildings.

Vice Mayor del Aguila asked how COVID impacted that and said he was asking because, at some point, someone would make a judgement about these items. The Director of Finance indicated that item could be considered part of the Revenue

**August 4, 2021  
(work session)**

Loss category and used for that. Vice Mayor del Aguila mentioned minimizing exposure. The Town Manager reiterated leveraging the Revenue Loss in the most effective way to meet their priorities and the upper limit of what they could maneuver within. The rest must be against one of the other categories.

Councilmember Regan asked if Revenue Loss implied things they would have done without COVID-related revenue loss. The Director of Finance confirmed and said that essentially the interim final ruling created more flexibility for local governments to support projects and use for needs in a normal, given year. Councilmember Regan asked if it was defined loosely enough to use capital use programs, and the Town Manager said while talking with GFOA they understood money was functional. They could pull anything from the CIP and move it up. The Director of Finance further clarified they could not use any of the funding for federal matching grants, paying off any kind of debt, or putting it in their reserves.

The Director of Finance confirmed it was a terminology in response to queries from Councilmember Friedrichs. The Town Manager stated the amount was based on the formula given, and it was one of the buckets permissible to use for any one-time expenditure. Councilmember Friedrichs further stated that was because, in theory, they would have lost that money and the Town Manager confirmed.

Vice Mayor del Aguila made a comment (inaudible).

Councilmember Singh thought revenue loss should be where user charges went down and that would be the strict definition. He said he thought nobody would audit this if they followed their rules.

The Town Manager echoed Vice Mayor del Aguila's concerns and disagreed with Councilmember Singh. He indicated they may not audit ARPA but could audit other things, and when they audited, they would audit everything.

Councilmember Singh said they created the definitions to give flexibility and allocate as they want. The Town Manager reiterated staying in the fence.

Mayor Olem stated they should err on the side of caution.

The Town Manager stated this was for recovery and shoring up their position for another economic downturn.

Vice Mayor del Aguila did not think anyone would deliberately try to get around it, but he thought it was healthy to be paranoid about how they might allocate this. He reiterated he wanted to go in paranoid.

**August 4, 2021  
(work session)**

Councilmember Singh provided personal comments about taking out a loan and not being paranoid.

The Town Manager stated he did not want to come to Council and tell them they needed to write a large check, so they were checking this multiple times.

Councilmember Dhakal asked about lost public sector revenue, whether it was a basic economic formula, and how it was decided. The Director of Finance clarified the formula came from the Federal Treasury, and the Town Manager affirmed.

Mayor Olem said they fared a little better than Leesburg and Vienna in the amount. The Director of Finance clarified those towns were not considered NEUs. Councilmember Dhakal made a comment (inaudible), and Councilmember Friedrichs said Leesburg was the largest town.

Councilmember Regan did not think there were any major capital projects that would add or fundamentally change services provided by the town. The Town Manager said he would let the Director of Finance comment on the puts and takes. He mentioned funding sidewalks and major trails and upping grant funding could be accomplished. He said the focus was on recovery and putting themselves back in the right places this year addressing deferred maintenance, lagging technology, the PoolPak, and the tennis bubble. He mentioned resetting the gameboard and be ready for the next economic downturn without depleting reserve funds.

Councilmember Regan asked about the timing of allocating the uses. The Town Manager reiterated the funds must be allocated by December 31, 2024 and spent by December 31, 2026. Councilmember Regan asked if they thought of certain projects to ensure the money was spent by 2026 and when to start discussing those things. The Town Manager suggested beginning a plan before the budget. Councilmember Regan asked if that would allow them to start taking steps thinking about the 2026 deadlines.

The Town Manager said it would also buy them a little time. He mentioned there was a new CIP Manager in DPW who took ownership of the CIP. The Town Manager said they would also discuss budgeting software with a CIP component they wanted to activate. They would take the CIP plan and put the unfunded plan into a model where they know where reserves and grants are. He agreed with Councilmember Regan's comment about out-years. The Town Manager indicated they would have numbers and not know where reserve funds were. They wanted to make a funded plan and could finally get that done. He indicated looking at unfunded items as candidates for ARPA.

**August 4, 2021  
(work session)**

Mayor Olem commented on municipalities not doing due diligence on upkeep due to COVID and short staffing issues. This would allow them to do catch-up and maintenance.

Councilmember Friedrichs asked if there was concern about the second installment not materializing. She also asked about holding back money on big projects and what they could normally afford.

The Town Manager suggested looking at something that would most likely be allocated. After going through CARES, he did not want to count on the checks until they came in. He wanted them to create a plan.

6. **Ordinance, to consider zoning ordinance text amendment, ZOTA #21-02, to amend Chapter 78 (ZONING), Article V (Planned Development Districts), Section 78-51.1 (PD-UR – Planned Development Urban Residential), to allow for an increase in permitted density up to 28 dwelling units per acre when a zoning map amendment includes adaptive reuse of existing buildings for residential dwelling units.**

Mayor Olem recognized the Zoning Administrator to present the staff report.

The Zoning Administrator stated consideration of this zoning ordinance text amendment was initiated by Council on May 25, 2021. The Planning Commission recommended approval during a public hearing on June 28, 2021. It was now back for Council's final review for potential adoption August 10, 2021.

The Zoning Administrator then outlined the history of the Planned Development Urban Residential (PD-UR) district as the newest zoning district adopted in 2019. He said it was created to allow redevelopment of parts of the South Elden Street Plan and was intended for areas designated as Adaptive Area-Residential in the Comprehensive Plan. The existing districts did not reflect the current styles of multifamily product common in the region.

The intended uses in Planned Development Urban Residential were a mix of housing types. There was anticipation of demolition and new development. The reason for the current text amendment was the 315 Elden Street Adaptive Reuse Proposal Comprehensive Plan Amendment, CPA #20-01 which was adopted on November 17, 2020. The proposal was not allowed under existing zoning districts.

The Zoning Administrator stated ZOTA #21-02 would increase the maximum allowed density for adaptive reuse from the existing 20 dwelling units per acre for new construction to 28 dwelling units per acre for adaptive reuse projects only. They must demonstrate conversion of the building would have no negative impacts on water and sewer. The text amendment included dedicated affordable units and a definition of adaptive reuse.

**August 4, 2021  
(work session)**

The Zoning Administrator then walked through the required steps for 315 Elden Street which included: Comprehensive Plan Amendment CPA #20-01 adopted November 17, 2020; Zoning Ordinance Text Amendment ZOTA #21-02 with potential adoption August 10, 2021; Future Zoning Map Amendment to PD-UR by applicant with full details provided by applicant, proffer statement provided by applicant, and pre-application meeting August; Future Architectural Review Board (possible); Future Administrative Actions with site plan (possible) and building permits.

Staff recommended approval.

Councilmember Dhakal asked if this was for Adaptive Reuse only to repurpose existing buildings and not new construction. He then asked if new units would still be 20 units per acre and adaptive reuse would be 28 units per acre. The Zoning Administrator confirmed.

Councilmember Dhakal asked about a concrete delineation between reuse and adaptive reuse. The Zoning Administrator indicated that was not in the current zoning ordinance and they were adding that definition of using an existing structure for a different use than its previous one.

Councilmember Dhakal asked if this was separate from affordable housing. He thought maybe the ADU term was being used because density changed the price. The Zoning Administrator agreed and said this was different than localities with a formally adopted affordable dwelling unit program that exchanges increased density for dedication of certain affordable uses. This program would allow a property owner to change use of a parcel not doing well under its current use. Which, in this case, was the hotel changing use to multi-family. They were volunteering, through the proffer system, to add affordable units. It was not an official program.

Councilmember Dhakal asked how Council could ensure units remained affordable. The Zoning Administrator clarified that would be handled through the proffer process, and it was up to the applicant to say how they would ensure affordable units for a certain amount of time. Staff would review and Council would have the ultimate say.

Mayor Olem said it was her understanding that this developer worked with federal agencies for these types of properties and would be getting funding from them. The Zoning Administrator confirmed and said this developer had several projects in other localities. Generally, if the development changed hands, they would still have to go through the process where the proffers would regulate.

Councilmember Dhakal provided supportive comments. He asked if this change could be applied for other owners who qualify, with this ZOTA, to repurpose. He also asked about unintended consequences foreseen at that time. The Zoning

**August 4, 2021  
(work session)**

Administrator said this particular zoning district could only be applied for if designated in the Comprehensive Plan as Adaptive Area Residential reuse, otherwise they were ineligible. There was a total of 11 sites with that designation and most were developed or redeveloped since 2008. During the next full-scale update of the Comprehensive Plan, staff, Planning Commission, and Council would look at locations to designate as Adaptive Area Residential. The Zoning Administrator said at that time, there was little risk of a property owner coming to request PD-UR.

Vice Mayor del Aguila supported this. He asked about the impact on water and sewer if they increase density. He thought it set them up for failure. The Zoning Administrator said the density increase was only for residential. Non-residential use was measured in floor area. Residential was measured in dwelling units per acre, so the amount of square footage on the site was not changing. He also said hotel uses use more water than residential. In this case, he said it should be easy to demonstrate lower water usage. Vice Mayor del Aguila stopped the Zoning Administrator and asked how they were measuring usage. The Zoning Administrator clarified it was measured on the density and use type, so it was a standardized formula.

Vice Mayor del Aguila asked about suggesting they plant trees. The Zoning Administrator indicated in a rezoning application they looked at existing conditions versus proposed. If the site was deficient, they would have to bring it up to current standards. As part of staff's evaluation, they would look at the use changing and if landscaping should be increased. Vice Mayor del Aguila said he criticized the 2035 Vision for not having details like that. He suggested at their Strategic Planning Meeting Council they could throw out a percentage for increasing tree density. He thought there should be a performance indicator and an expectation to maintain tree city status. He reiterated support and revitalization of housing initiatives.

Councilmember Singh said he had many concerns. He provided comments about creating a district without meeting normal residential requirements. He also commented on it being an industrial area. He thought there should be consistency and some law in planning that says this was not a good thing to do. He asked why a developer would go through this and what their benefit would be. The Zoning Administrator indicated housing types required different things. He said developers of affordable housing found that easy and convenient access to critical services was important. For this housing type and lower income, it was beneficial to be near support services. There were requirements for open space and amenities. Their application would have to meet and install amenities for residents in the planning step.

Councilmember Singh was concerned there was no room for that. He also indicated he did not know the criteria for an affordable unit or what it mattered to the developer, and he would need answers. The Zoning Administrator said

**August 4, 2021  
(work session)**

their rezoning application would have to indicate the number of affordable units. The Zoning Administrator said this was just setting it up so they could apply.

The Town Manager clarified they could not apply until this action was taken.

Councilmember Singh indicated that was his problem, and he thought they should change that. He provided further comments about meeting requirements.

The Town Manager indicated Council would see if the proposal met their vision. He reiterated Council would vote, and they could not even apply for this zoning until Council made this approval.

Responding to queries from Councilmember Singh, the Zoning Administrator said the applicant indicated they would retain ownership. He clarified that the zoning law did not indicate they would. Zoning was bound to the land itself.

Responding to further queries from Councilmember Singh about the owners wanting to build a bigger building, the Zoning Administrator restated that they would be tied into the zoning.

Councilmember Friedrichs inquired about the proffer process. The Zoning Administrator indicated that through any rezoning actions, there were proffers. Some other proffers with specific requirements would be brought to Council's attention. Councilmember Friedrichs said affordable housing was an ongoing issue with enforcement questions and asked if he was saying the proffer process would solve that. The Zoning Administrator added that proffers limit uses allowed. Staff would enforce proffers.

The Town Manager said for a new usage, staff wrestled with enforcement. Staff did not want to hold this up, but they were actively discussing how to enforce and meet criteria set forward.

Councilmember Friedrichs provided comments about greenspace on and near the site.

Mayor Olem said it would also be middle market workforce housing. She mentioned another location where an office complex would be turning into townhomes and said Councilmember Regan worked on that on the Planning Commission.

Vice Mayor del Aguila assumed they were using affordable dwelling to not be ADU's as defined by Fairfax County and asked if that was the case. He wanted to know what they were asking for. The Zoning Administrator said they did not know the specific number. Vice Mayor del Aguila interjected and said they were being asked to approve something they did not know.

**August 4, 2021  
(work session)**

Councilmember Friedrichs clarified that Council was being asked to allow them to apply.

The Zoning Administrator further clarified if you had a property and were adaptively reusing it this amendment would allow converting to a residential use with up to 28 dwelling units per acre.

Responding to Vice Mayor del Aguila's inquiry about ADUs and Fairfax County, the Town Manager mentioned another project he was working on with the county. He said if they were discussing a financing or staff gap that needed county assistance it would likely take a year. In this case, they were talking about management if they told the town fifty percent were going to workforce. He said the town does not have the staff expertise or infrastructure, but the county does. It might behoove the town to contract with the county and have them do audits on their behalf. The Town Manager reiterated Council's desire for affordable housing and stated they would be giving up the hotel as a revenue stream but their "public get" would be more workforce units and trees. There was further discussion between Vice Mayor del Aguila and the Town Manager about the applicant following through.

Councilmember Dhakal voiced similar concerns with ADUs and if the density was causing houses to be affordable. He wanted to ensure this was what the county defined as an ADU and proper monitoring. He said his question was based on Councilmember Singh's. He inquired about whether they were following the right process and asked if it was lobbying. He wanted to make sure they were doing something good and following the right process.

The Town Manager called on the Town Attorney to discuss the process. The Town Attorney said that, as the Zoning Administrator had described, there would be no mechanism in the zoning ordinance for an individual at this property or anywhere else to apply for what they were talking about, absent a zoning ordinance text amendment. That was pursuant to state law which requires a zoning ordinance text amendment be initiated by the local governing body before going to the Planning Commission for review, which was also required by state code. They considered it and sent it back to Council to make this change that would allow an application to be submitted. Absent that process, an application could not be considered. Councilmember Friedrichs said pursuant to state code, and the Town Attorney confirmed.

Mayor Olem provided comments about changing the downtown plan and the zoning process of the Commonwealth of Virginia.

Councilmember Dhakal indicated he understood, and he wanted an answer from the legal perspective.

**August 4, 2021  
(work session)**

Councilmember Singh thought they were doing a favor and then depending on them completely. He thought maybe they should change that.

Mayor Olem stated they could say no to the text amendment.

The Town Attorney clarified that this could apply to other properties in the town and individuals.

Councilmember Regan indicated there was conversation about affordable housing and that was not what was before them. He said this was about 28 units per acre for adaptive reuse rather than 20. He would prefer to hold conversations on the other topics later and did not think this was an efficient use of time.

Vice Mayor del Aguila thought the ADU discussion was happening because it was part of the overall request of Council. He said some of them were more passionate than others, and he did not agree with Mayor Olem's last statement. He thought some of them might feel more comfortable if they knew more about their asks. He asked when Council could provide their asks and when that happened going forward. He said he would support this, and that he wanted more trees and affordable dwelling units.

Mayor Olem indicated they could discuss together or contact staff with more questions.

## **GENERAL**

7. **Ordinance, to amend and reenact Chapter 54 (PERSONNEL), Articles I-III and VI and to repeal Sections 54-52 – 54-64 of the Code of the Town of Herndon.**

Mayor Olem recognized the Director of Human Resources to present the staff report.

The Director of Human Resources said Chapter 54 had existed in its current form with only a few amendments for several decades. Though many of the amendments submitted for approval were modernization updates and consistency updates, two main policies were targeted for critical amendment.

First, the General Assembly introduced a new employment law for Virginia; the Virginia Overtime Wage Act, which impacted how employers in Virginia could use compensatory time in lieu of overtime for non-exempt employees. The town had to change the practices, and now policies, to become compliant with this new law, which went into effect July 1, 2021.

Second, as discussed by Council and approved in the FY2022 budget, Columbus Day and Presidents Day would be removed as town holidays. Two

**August 4, 2021  
(work session)**

'personal/floater' days would be added, to more widely allow for employees to choose to observe another day or holiday they deemed appropriate. Juneteenth would also be added as a holiday.

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

**8. Resolution 21-G-67, to award Contract #B-21-03, Historic Herndon Streetscape Project - Phase III.**

Mayor Olem recognized the Deputy Director of Public Works. The Deputy Director of Public Works said this resolution was for award of the contract for the Historic Herndon Streetscape Project-Phase III, a project in the Capital Improvements Program, that would finish the third and final phase of the town's streetscape project. The project consists of the installation of new brick paver sidewalks and landscaping along Elden Street from the Station Street intersection to near the Center Street intersection. Telecommunication conduits and electrical conduits for lighting would be installed along the length of the project. Work would include associated site work and grading, temporary traffic control, drainage, various streetscape amenities, and the installation of traffic signage.

On May 3, 2021, Contract #B-21-03, Historic Herndon Streetscape Project-Phase III, was advertised. A pre-bid conference was held on May 13, 2021 and attended by one firm. On June 3, 2021, a public bid opening was held, and three bids were received. The apparent lowest bidder, Sagres Construction Corporation, was found to be responsive and responsible.

Staff recommended Contract #B-21-03, Historic Herndon Streetscape Project-Phase III, be awarded to Sagres Construction Corporation for \$477,740.00. Staff also recommended a \$47,774.00 contingency, approximately ten percent of the contract amount, to be authorized.

There was a brief question and answer session between Vice Mayor del Aguila and the Deputy Director of Public Works about which firm attended the pre-bid conference and whether Sagres Construction Corporation was a local firm. The Deputy Director of Public Works confirmed.

Councilmember Dhakal asked if any of the bidders were part of Phase I or Phase II of Streetscapes, and the Deputy Director of Public Works said they were not.

Mayor Olem inquired about a work truck she saw that day. The Deputy Director of Public Works did not know about the truck she saw.

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.

**August 4, 2021  
(work session)**

Councilmember Singh expressed concern about putting items on the Consent Agenda. He thought the public should see the details of the project and to have minimal discussion.

Mayor Olem stated Councilmember Singh could provide those type of comments during his comments, and anyone could speak on any item on the agenda during their comments to Council.

Councilmember Regan asked about the ability to have items pulled from the Consent Agenda. The Town Manager clarified that citizens could comment on General or Consent items during Comments from the Audience at public hearing meetings.

The Town Attorney added that there was detail about the status of road projects on the town's website. Mayor Olem agreed that the Department of Public Works had great information on the site. She added that items on the Consent Agenda had detail.

Councilmember Friedrichs asked that they highlight that comments could be about Consent Agenda items, and Mayor Olem agreed. Mayor Olem asked that anyone who knew someone wanted to comment let her know so she could make it clear they could.

**9. Resolution 21-G-68, 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 for the staff report. The Town Attorney presented the staff report and a PowerPoint dated August 4, 2021. She stated this Resolution would approve a Temporary License Agreement which would grant permission to Jimmy's Old Town Tavern to use the town alley located between 689 and 681 Spring Street for outdoor seating during an event on September 5, 2021.

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 September 5, 2021. The applicant was approved for a Temporary Use Permit from the Zoning Administrator pursuant to Section 78-90.2 of the Town of Herndon Zoning Ordinance.

This resolution authorized 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.

**August 4, 2021  
(work session)**

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

Responding to a query from Councilmember Friedrichs, the Town Attorney stated they were not allowing an extra hour of noise in the permit. They would still be required to comply with the noise ordinance which only allows amplified noise until 10:00 p.m.

Councilmember Dhakal asked if this was a candidate for the Consent Agenda, and Mayor Olem confirmed.

Mayor Olem provided further comments about noise permits being followed.

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.

Mayor Olem reiterated members of Council could still comment on this during their comments at the public hearing meeting.

10. **Ordinance 21-O-20, to amend Chapter 42 (MOTOR VEHICLES AND TRAFFIC), Article IV (Stopping, Standing, Parking), Division 1 (Generally), Section 42-152(b) (Parking prohibited; fines imposed) by adding thereto a new subsection prohibiting parking in front of or within ten feet of a driveway and the fine imposed.**

Mayor Olem recognized the Chief of Police for the staff report and thanked her for National Night Out. The Chief of Police provided brief positive comments about the event.

The Chief of Police stated that prior to the COVID-19 Emergency the previous Parking Enforcement Official engaged in comprehensive documentation of parking related issues that could potentially be improved or eliminated entirely by town code amendments. One of these issues was the obstruction of residential driveways and mailboxes. However, before any issues identified could be reduced to code amendment language, COVID-19 shutdowns began, and priorities were shifted town-wide.

Now that town functions were returning to normal these amendments to the town code were expected to be brought forward for Council consideration next month. In the meantime, a critical situation came to their attention. In more than a few neighborhoods in the town, cars are parked on the street right up to the very edge of driveways. In addition to blocking mailboxes, this condition posed a safety hazard to homeowners backing out of their driveways and in many cases prevented the homeowner's trash and recycle bins from being serviced.

**August 4, 2021  
(work session)**

This proposed amendment would prohibit parking in front of or within ten feet of a driveway and would impose a \$50.00 fine for a violation. This language was consistent with Fairfax County. This amendment would materially increase safety and improve delivery of town services to residents.

Staff recommended that the Mayor and Town Council approve the draft ordinance as proposed.

Councilmember Dhakal asked if there was a parking law that prohibited parking in front of a mailbox. The Chief of Police did not believe that was a violation of law in either the town or Fairfax County.

Councilmember Friedrichs added it was not a violation of federal law, and the Chief of Police confirmed.

Councilmember Dhakal indicated he asked due to resident concerns about USPS drivers leaving notes to not park in front of mailboxes. The concern was it was not the homeowner's car.

The Town Attorney stated that if the mailbox was next to the driveway like it would be traditionally, this would fix that.

The Town Manager stated there had been an uptick in complaints about people parking in front of mailboxes, and he provided additional comments about blocked trash cans. The Chief of Police stated that, at that time, they could not ticket them for that.

Councilmember Dhakal showed the Town Manager a photo of the conditions and note he referenced earlier. The Town Manager said that was not enforceable under current code. They hoped this ordinance would clear some of those issues up and improve safety.

Councilmember Friedrichs thought they would receive negative feedback and it would reduce parking by 50 percent. The Chief of Police indicated that was discussed as a potential issue, but the safety issue they were dealing with compelled them to move forward. Councilmember Friedrichs asked when they would get information out to the public, and the Chief of Police indicated officers would be instructed to write warning tickets for a certain amount of time to start. They could also consider other ideas to get word out.

Mayor Olem commented on signs in town for cell phones and HPD getting word out.

Vice Mayor del Aguila asked if they wanted to get input from the public. He thought in some areas it was not a safety issue, and they should ask the public if it was an issue.

**August 4, 2021  
(work session)**

Mayor Olem opined that this came forward because of complaints, and the Chief of Police agreed that they got complaints about people not being able to get out safely. She said they received complaints about parking, safety, and DPW not being able to pick up trash.

Vice Mayor del Aguila said he was concerned it would affect certain communities more than others.

Councilmember Regan indicated he could appreciate the benefit but would want to understand the magnitude of parking loss.

Councilmember Singh expressed concerns about a location on Third Street and said he had complained about it. He outlined the problem and danger of the situation. He thought they should look at various conflicts and said he would be concerned in areas with not enough parking.

Mayor Olem provided comments about parking in her neighborhood.

Councilmember Dhakal said he echoed everyone else's comments and asked if solving the safety issue would create a parking issue. He thought they should see which was more beneficial and agreed with making this a public hearing item.

Councilmember Friedrichs said all members of Council had discussed various parking issues. She provided comments about street parking near Harbor House and emergency vehicles having trouble getting there. She sympathized with the parking issues but thought lax attention to safety and following regulations would lead them to be the only place in Fairfax County with parking like that. She reiterated taking safety into severe consideration and how they were setting Herndon up to be taken advantage of.

The Chief of Police stated they were aware of people leaving vehicles in Herndon because they could not enforce those issues currently. The Town Manager added that people park and use Uber to go to the airport. The Chief of Police stated they had so many issues they were preparing to address moving forward and being able to enforce some of those issues would help. If they decided to move forward with this, it may address some issues and free up space. Those issues were contributing to all the cars on the streets. She stated they knew that people were parking in Herndon because they did not enforce those issues. She indicated they had been having conversations with the Town Attorney, and she hoped they would be able to address those issues with Council.

Vice Mayor del Aguila thought this was a great segue to the traffic calming discussion they would have at the Strategic Planning Meeting. He agreed with Councilmember Regan's comment about looking at impacts. He thought this would be a good discussion point to add to the traffic calming initiative.

**August 4, 2021  
(work session)**

Mayor Olem stated there were a lot of concerns in the community about parking near driveways. She said they could go forward and maybe stop some people from being hit or study this more.

Councilmember Singh suggested picking three ideas and trying to enforce them to see what happens. The Chief of Police stated they could not enforce without an ordinance.

Councilmember Singh provided further comments about doing a study.

The Chief of Police restated they could not enforce anything without an ordinance.

Councilmember Singh suggested having the ordinance but, in terms of practice, seeing if it would be changed based on the experience.

The Chief of Police stated if they had an ordinance it would have to be enforced across the town and not just in a certain area. She asked the Town Attorney to confirm.

The Town Attorney stated they would likely have Constitutional issues with that.

Councilmember Regan mentioned that his initiative for the Strategic Planning Meeting did not deal with this exact issue but addressed out of town parking, and he would appreciate the opportunity to talk about it at the Strategic Planning Meeting.

Councilmember Singh suggested a model again. Councilmember Dhakal liked the idea but thought with enforcement it might become like discrimination.

Mayor Olem stated this would be part of the General section at the next meeting and anyone could get up and talk about any item or subject at the public hearing meeting.

Vice Mayor del Aguila provided an inaudible comment.

Councilmember Friedrichs indicated she would like to hear from the public.

The Town Attorney stated they needed direction.

Mayor Olem asked if she was hearing that Vice Mayor del Aguila did not even want this on the agenda.

Councilmember Regan said he would like the opportunity to discuss it as an initiative, and he did not think it would go far as it was.

**August 4, 2021  
(work session)**

Vice Mayor del Aguila agreed and restated covering it in the traffic calming initiative.

Mayor Olem reiterated Councilmember Dhakal's earlier comments about mailbox issues. Councilmember Dhakal indicated he supported there being a discussion about this. He said they could always table it and pick it back up.

Mayor Olem told them to keep in mind there would be "heartburn" with parking changes. They should consider if this was a move forward for public safety or something they wanted to move off and bring back later.

Councilmember Singh said if it was not part of traffic calming then it should not be. Vice Mayor del Aguila and Councilmember Singh had an exchange about the time for each initiative at the Strategic Planning Meeting.

11. **Resolution 21-G-69, to approve a Temporary License Agreement pursuant to Ordinance 20-O-23 Continuity of Governmental Operations, as amended, between the Town and Dulles Regional Chamber of Commerce d/b/a Herndon Chamber of Commerce for use of Town-owned municipal parking lot spaces for portable toilets and an ice machine for Friday Night Live events.**

Mayor Olem recognized the Town Attorney for the staff report. The Town Attorney asked the Deputy Director of Public Works if she had a slide for this, and she indicated she would have one for the next week.

The Town Manager stated this Resolution would ratify a Temporary License Agreement granting permission to the Chamber to use Town-owned municipal parking lot spaces located near the Herndon Municipal Center (HMC) for portable toilets and a single parking space in the HMC underground parking lot for an ice machine for Friday Night Live events. The portable toilets would be in place for approximately 13 weeks beginning on July 2, 2021 and ending on September 24, 2021. The ice machine may remain in the garage until October 2, 2021.

The Temporary License Agreement was signed by the Town Manager pursuant to Ordinance 20-O-23 Continuity of Governmental Operations, as amended, which provides that it be subject to final consideration and ratification by the Town Council at its next available Public Hearing. Staff recommended approval.

Mayor Olem provided comments and asked about the ice machine. She also said the Chamber paid to install the electrical outlet to have the ice machine park there.

The Town Attorney indicated it was a significant issue that these things were placed on town property without licenses. In realizing that, the town provided for these licenses.

**August 4, 2021  
(work session)**

Councilmember Friedrichs asked if they had been there, and the Town Attorney confirmed they had been there without license. The Town Manager added there were other issues they wanted to cover to ensure safety in the community. The Town Attorney added they needed to keep the toilets cleaned and things like that, so this agreement was in the best interest of the town.

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

- 12. Resolution 21-G-70, to approve and authorize the Mayor to sign a 3-year license agreement between the Town of Herndon and Nafis Peter Ahmed and Ruth Llabres Ahmed for the Town's use of the lot at the corner of Lynn and Station Streets for public parking and other public purposes.**

Mayor Olem recognized the Town Attorney who presented the staff report and PowerPoint dated August 4, 2021 which is on file in the Town Clerk's office.

The Town Attorney indicated this was the more permanent agreement for this parking lot. She stated this is a Resolution to approve a proposed 3-year license agreement between the Town and Nafis Peter Ahmed and Ruth Llabres Ahmed for use of their lot at the corner of Lynn and Station Streets for. The current license agreement, which has been operative for the past six years, would expire on August 30, 2021.

The term would be for 3-years beginning on September 1, 2021 and expiring on August 31, 2024. The Town would pay \$1450.00 per calendar month during the 3-year term.

This resolution would authorize the Mayor to sign the necessary license agreement to permit the Town to continue to use the lot for public parking and other public purposes.

Staff recommended approval.

Responding to Councilmember Dhakal's query, the Town Attorney confirmed the amount was \$1250 in the last agreement for the two-month extension. They required an increase in the rent and agreed on something less than what they asked for.

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.

August 4, 2021  
(work session)

## CONSENT

13. Resolution 21-G-71, to Award a Contract for Financial Budget Planning System/Software, RFP #21-11.

There were no questions from Council on this item.

## ROUNDTABLE

1. Vice Mayor del Aguila: Said he appreciated Councilmember Singh sending his formatting for the Strategic Planning Meeting. He liked the time consideration, but he was concerned they would cut off discussion. He thought for initiatives it was more important to discuss in-depth than operational items. He reiterated his concern about needing more than ten or 15 minutes. He thought they should have flexibility to continue that discussion.

Vice Mayor del Aguila also thought it would also be "a nice time to remind staff that time is valuable as well." He suggested having staff adhere to this. He suggested limiting staff and called attention to staffing at an operational versus strategic level. He reiterated this was something to discuss going forward. He would like to see standardization and reformatting of staff presentations.

The other thing, which he would leave to tomorrow, was his understanding was it was primarily a Council-level discussion and not a lot of staff presentation. The previous strategic session was not the format he was expecting. He restated he thought it was primarily Council and not staff presentation.

Vice Mayor del Aguila stated that he had another point, where he said he did not mean offense, but thought it would be "important to have these very critical priorities discussed and maybe we need a professional facilitator." He said, "again, no offense to anyone, I have not met anyone here that has that level of knowledge base or capacity in their professional background. There's a certain profile that can drive these discussions and that has that background" for facilitating the strategic discussions. He reiterated that was his perspective. He thought it was about facilitating the ideas and promoting them. He thought they would benefit from having a professional facilitator, and he wanted them to consider bringing one in for the Strategic Planning Meetings.

2. Councilmember Dhakal: Expressed his deepest condolences to Mayor Olem as her mom passed away. He also gave his condolences to former Mayor Steve DeBenedittis, whose father also passed away.

Councilmember Dhakal provided positive comments about National Night Out and the celebration of the relationship between law enforcement and residents. He thanked the Chief of Police and said he enjoyed it.

**August 4, 2021  
(work session)**

He also said he tended to agree with Vice Mayor del Aguila about the executive body focusing and spending time. He also agreed it was more about Council. He said the staff report was submitted and it was their duty to read it and not have staff go through it again. That was what he was expecting, and he thought that would lead discussion to the intended purpose.

3. **Councilmember Regan:** Stated his expectation for the Strategic Planning Meeting was to discuss items on the list from the last Strategic Planning Meeting. He had not looked at all of them, but he was not certain they were all on the list. He thought there should be an organic way to add items going forward and asked that the new items be moved to the end. He asked the Town Manager if they were in order or receipt.

The Town Manager stated they were and that was an area of confusion for him. He reiterated that Council adopted a policy that said each Councilmember was going to champion, do a write up, and present and Council would ask questions. The Town Manager said he looked at that list as being secondary to what was coming in written up. When they were looking for topics to come in, he put a call out for things to be submitted to put together to drive Council's conversation. He took what was written up and sent it in as what they wanted to talk about because they had sponsors.

Councilmember Regan agreed and said this 13 was the subset of that 30 and that they would not talk about those without a sponsor the following day. He restated his ask that if the items were not from the original list that Council talk about them last. He thought they should at least make progress on the original 30 before they ran out of steam.

Vice Mayor del Aguila asked if there were any items not in the original 30, and the Town Manager confirmed.

The Town Manager stated he thought they were dissatisfied with that approach. The Town Manager said he wanted to be clear, because this was Council-driven he took the items as-is, unvarnished and published them out to Council. He stated if they would recall, he was accused of withholding things, which he did not do, so he did not want to be accused again. There were elements he was accused of withholding from this group that were not on the list of 30, so he was sensitive to making sure there would be no question that what was sent by a member of Council was in there and Council could do what they wanted.

4. **Councilmember Friedrichs:** She echoed her colleagues' comments about not having staff reports at the Strategic Planning Meeting unless it was something they did not understand. She liked the procedure because if they had a list of 30 and no one was bringing something forward they were not that passionate about it. She said things might come up that they were not really thinking about when they ran for Council.

**August 4, 2021  
(work session)**

To Councilmember Regan's point, she supported items that were on the list being first in the Strategic Planning Meeting.

She also mentioned she was the co-chair of the VML Community and Economic Development Policy Committee. She indicated it dealt with all of Virginia. She said they got together with colleagues from all over the state to talk about issues for economic and community development and then came up with proposed legislative positions which they will all vote on at the VML business meeting in Leesburg that year.

She shared the proposed legislative positions for 2022 which included affordable broadband and internet access. She said the committee was interested in it being affordable, and they also wanted to maintain control of land use decisions. She said the state government tended to try to draw back in decisions they liked to control in their communities. The committee also asked that any mandates from the state include full funding for the localities.

Additionally, the committee supported local flexibility to promote economic development as localities came out of the pandemic. The changed business landscape would necessitate review of revenue sources in localities along with new ideas and actions that would broaden and diversify local revenue streams. Retention of current businesses was vital, and they supported continued grant funding for current businesses.

Councilmember Friedrichs also asked that they support other committees focused on mental health resources. She said it had not made it into the statement so far and provided comments about the importance of mental health in relation to the community. She would ask the Town Clerk to share these documents with Council and said the full legislative proposal was around 14 pages.

She also shared that she did a retreat with local legislators, and they talked about issues coming up for their different groups. She said Prince William County was developing an equity and racial justice committee. Councilmember Friedrichs stated Alexandria already had one and there was a lot of discussion and things they might be able to apply to the town's diversity committee. Additionally, one of the members from Falls Church said that when they did their annual retreat, which she thought they should consider doing, they did it with their Planning Commission and state mandated committees, so everyone was talking together rather than sending items to the committees. She hoped they could maybe act on some of these.

5. **Councilmember Singh:** Picking up on Councilmember Friedrichs' comments, he said it was really important for the Planning Commission and other boards to meet with Council for discussion. He thought it would be highly beneficial and said for him it was. He said he may have disagreed, but it was important to see

**August 4, 2021  
(work session)**

how others were thinking and what their baseline was. He referenced a conversation he had with Councilmember Regan that he said was very useful.

Councilmember Singh provided positive comments about National Night Out and meeting with HPD and residents.

Regarding strategic initiatives, he provided comments about the term “strategic initiatives” and said he wondered what the term meant. He said for the original proposal, he put together issues he thought were keeping the town from moving forward. He mentioned open government and integrity of the administrative system issues. Councilmember Singh said he was unsure what “strategic” really meant. He thought it might be a means to an end of having a new kind of town. He said the town was in the process of changing and asked where it was going.

He said he put certain things together and would probably have more in the next quarter. He expected to cover things in fifteen minutes because they were specific examples and what needed to be done to fix that program. He mentioned other big complex issues and said he dealt with simple issues.

Councilmember Singh was looking forward to the discussion and thought ten minutes was enough to present anything. He said he would “go to the meat immediately” with the facts on each case.

He provided comments about time and presenting during the Strategic Planning Meeting.

Vice Mayor del Aguila and Councilmember Singh had a brief conversation about sticking to ten minutes.

6. **Mayor Olem:** Gave a shoutout to HPD for National Night Out. She said she received positive comments and the community was happy to see HPD out there again. Mayor Olem said people were excited and thankful.

She said someone commented that they had never seen police interact with the community like that and that everyone needed to see HPD. He was very excited about what he saw. Mayor Olem hoped HPD got a big boost after the past year and a half with COVID. She thanked everyone who sent her notes and emails after losing her mom. She said last night was good for her as well seeing a lot of positive energy.

Councilmember Singh gave Mayor Olem a shoutout for driving from Alabama and attending the meeting. Mayor Olem thanked Councilmember Singh and said she took her time on Council and as Mayor seriously. She said it was rough to lose her mom, but she was lucky to have her for 93 years and up to when she was 90 Mayor Olem was trying to keep up with her. She said she would keep trying to grow up to be like Gracie.

**August 4, 2021  
(work session)**

Mayor Olem also stated that she thought part of the reason staff presented so much at the prior Strategic Planning Meeting was that Council did not give them a lot of direction and had not said exactly what they wanted. Staff were trying to let Council know what would happen if they did certain things and show them what they might be getting into. She stated it was very broad and provided comments about being specific.

Councilmember Singh said they set the expectations, and Mayor Olem said if they were very broad that was what they would get.

**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 Community Center, at 814 Ferndale Avenue, Herndon, Virginia, Community Room 2.

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 Regan, seconded by Councilmember Friedrichs, and carried by 6-0 vote, the Herndon Town Council went into Closed Meeting at 9:25 p.m., under Section 2.2-3711(A)(8) for consultation with the Town Attorney to provide legal advice regarding the proposed adoption of certain legislation relative to firearm prohibition and under Section 2.2-3711(A)(1) of the Code of Virginia, for discussion of prospective candidates relative to appointments to boards & commissions.

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

**CLOSED MEETING**

On motion of Councilmember Friedrichs, seconded by Councilmember Dhakal, and carried by 6-0 vote, the Herndon Town Council reconvened in public session at 11:08 p.m.

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

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

**August 4, 2021  
(work session)**

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

**Certification of Closed Meeting**

**WHEREAS**, the Town Council of the Town of Herndon has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

**WHEREAS**, Section 2.2-3711 of the Code of Virginia requires a certification by this Town Council that such Closed Meeting was conducted in conformity with Virginia law.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Herndon hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Closed Meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the Closed Meeting were heard, discussed, or considered by the Town Council.

**VOTE:**

**Ayes – 6**

**Nays – 0**

**ABSENT DURING VOTE: 1**

**ABSENT DURING MEETING: 1**

**ADJOURNMENT**

On motion of Councilmember Dhakal, seconded by Councilmember Singh, and carried by 6-0 vote, the meeting of the August 4, 2021 work session was adjourned at 11:10 p.m. The vote was: Councilmembers Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye." Councilmember Alam was absent.

  
**Jessica Sizemore**  
Legislative Assistant

  
**Sheila A. Olem**  
Mayor



**Minutes approved by Town Council: November 16, 2021.**