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**HERNDON TOWN COUNCIL
Work Session
Tuesday, September 7, 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 Tuesday, September 7, at 7:00 p.m., there were present:

- Mayor Sheila A. Olem, presiding;
- Vice Mayor Cesar del Aguila;
- Councilmember Naila Alam;
- Councilmember Signe Friedrichs;
- Councilmember Sean M. Regan (arrived at 7:04); and
- Councilmember Jasbinder Singh.
- Councilmember Pradip Dhakal was absent.

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Scott Robinson, Director of Public Works; Anne Curtis, Director of Communications; Tammy Chastain, Deputy Director of Public Works; John Irish, Deputy Director of Public Works; David Stromberg, Zoning Administrator; Mark Duceman, Transportation Program Manager; Jaleh Moslehi, Capital Projects Planner/Engineer; Dave Bracamonte, IT Operations Manager; Margie Tacci, Deputy Town Clerk.

CALL TO ORDER

1. Roll Call & Determination of Quorum

Mayor Olem called the work session 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

**September 7, 2021
(work session)**

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 shared that their thoughts were with Afghan refugees and they were providing coloring books for the children to have something to do. She indicated people had been asking what they could do to assist, and Fairfax County was working with various nonprofits. She asked that donations go to nonprofits who were working closely with Fairfax County so they would not overwhelm the Dulles Expo Center or the airport.

Mayor Olem also announced that the Community Center was back in business.

TOWN MANAGER UPDATES

2. Comments from the Town Manager

The Town Manager stated COVID was back, and Fairfax County levels were around those of the prior spring. There were around 200 additional cases per day, fatalities seemed to be down, and hospitalizations were slowly on the rise. Fairfax County Health Department was encouraging masking, social distancing, getting vaccinations, and following public policy guidance. Based on input from Dr. Gloria Addo Ayensu, staff would change the dais arrangement for the following week's meeting. The public hearing would be in the Council Chambers, and there would be modifications made so that everyone who wanted to speak would have the opportunity. The Clerk's office and Public Works created a system to honor everyone's right to speak.

The Town Manager also stated the next work session would be held in the Herndon Municipal Center lobby.

September 7, 2021
(work session)

Questions from Council

Mayor Olem provided comments about those in Northern Virginia getting vaccinated and said states with lower vaccination were doing worse.

Councilmember Singh inquired about sitting in the Chambers for work sessions. The Town Manager indicated there were staffing limitations and social distancing problems. The Town Manager then shared there was a plan to use a town facility for Council meetings, and DPW was working on that.

Vice Mayor del Aguila provided questions about moving locations. The Town Manager confirmed that the meetings would still be recorded, and they would have adequate AV. The room would be used for Council meetings and staff training. In response to Vice Mayor del Aguila's follow up question, the Town Manager confirmed that he hoped this would be a permanent solution.

Responding to Vice Mayor del Aguila, the Town Manager indicated he did not see any safety concerns with the current plans. He also indicated there was another sizable room they could use to open it up more. Additionally, the Town Manager confirmed they were avoiding any more work sessions in small spaces.

For the record, Mayor Olem welcomed Councilmember Regan, who arrived at 7:04 p.m., to the meeting.

COMMENTS FOR THE RECORD & DISCLOSURES

Mayor Olem asked the Deputy Town Clerk if any comments or disclosures had been received for any items on that evening's agenda. The Deputy Town Clerk stated all comments previously received and entered into the record prior to April 13, 2021 were re-entered into the record for that night's meeting. Subsequent comments were also entered into the record for that night's meeting.

The Town Clerk had not received disclosures from Council on any items listed on the agenda that evening.

PUBLIC HEARINGS

3. **Ordinance 21-O-21, to approve and authorize the Mayor to sign a third lease amendment to T-Mobile Northeast LLC to revise the approved equipment list and premises description at the Town's Alabama Drive Water Tower.**

Mayor Olem recognized the Deputy Director of Public Works who presented the staff report. The Deputy Director of Public Works stated this was an amendment

**September 7, 2021
(work session)**

to allow T-Mobile to upgrade and replace their existing equipment. The amendment would then go to the Architectural Review Board and the building permit process. The lease was unchanged and subject to a three percent escalation.

Staff recommended approval.

Councilmember Singh reminded staff that he previously asked about what laws apply. He added that he continued to have significant problems with compliance, and he planned to send an email to share his thoughts.

Mayor Olem asked him to send his specific questions in writing.

Responding to (inaudible) queries from Councilmember Friedrichs, the Deputy Director of Public Works stated they would, essentially, replace old or outdated equipment with new equipment.

4. **Ordinance 21-O-10, to amend Chapter 46 (OFFENSES), Article II (Firearms, Crossbows, and Pneumatic Guns), to amend definitions and to create a new Section 46-60 (Possession of Firearms on Town Property), to prohibit the possession, carrying, or transportation of any firearms, ammunition, or components or combination thereof on Town property, in Town buildings or on certain other areas owned by the Town.**

Mayor Olem recognized the Town Attorney and Chief of Police for the staff report. The Town Attorney presented the staff report and PowerPoint, dated September 7, 2021, which are on file in the Town Clerk's office.

The Town Attorney stated this was an ordinance to amend an existing chapter of the town code relating to offenses. This article would amend definitions and create a new section to prohibit the possession, carrying, or transportation of any firearms, ammunition, or components or combination thereof on Town property, in Town buildings or on certain other areas owned by the Town.

The 2020 Virginia General Assembly adopted legislation which took effect on July 1, 2020 authorizing localities to adopt ordinances prohibiting firearms in certain circumstances. The Town Attorney reviewed that this was §15.2-915. She reviewed other localities in the state which had adopted ordinances.

The Town Attorney outlined that the topic of adopting an ordinance prohibiting firearms had come before Town Council several times and she shared the various meeting dates when this topic came up. At the June 1, 2021 work session, there was a general discussion which resulted in consensus to move forward in September to hold up to two public hearings on a draft ordinance.

**September 7, 2021
(work session)**

The Town Attorney indicated written comments had been received to-date. There had been no public hearing up to this point, and public hearing comments were anticipated the following week.

The new code section was Section 46-60 (Possession of Firearms on Town Property), based on §15.2-915 of the Code of Virginia. It would prohibit the possession, carrying, or transportation of any firearms, ammunition, or components or combination thereof on Town property, in Town buildings or on certain other areas owned by the Town.

Section §15.2-915 of the Code of Virginia authorized any locality to prohibit the possession, carrying or transportation of firearms, ammunition, or components or any combination thereof in (i) any building, or part thereof, owned or used by the locality, or by any authority or local governmental entity created or controlled by the locality, for governmental purposes; (ii) in any public park owned or operated by the locality, or by any authority or local governmental entity created or controlled by the locality; (iii) in any recreation or community center facility operated by the locality, or by any authority or local governmental entity created or controlled by the locality; or (iv) in any public street, road, alley, or sidewalk or public right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event or an event that would otherwise require a permit.

The Town Attorney further clarified that an authority or local government entity created or controlled by the town would be something like a housing authority or economic development authority. The town did not currently have any, but they may in the future and those would be places that that language would apply.

This ordinance did not restrict the carrying or transportation of a firearm in a public street or right-of way not being used for an official town-sponsored event.

A violation would be a Class 1 misdemeanor which would carry up to a \$2500 fine, 12 months in jail, or both.

Those who would be affected would be citizens and others visiting town buildings, residents and visitors transacting business with the town, and attendees at official town-sponsored events.

The Town Attorney then reviewed the list of exemptions which included: sworn law enforcement personnel, individuals who are authorized to carry a concealed firearm pursuant to the Law Enforcement Officers Safety Act, 18 U.S.C. §§ 926B and 926C, as amended, private security officers licensed by the Virginia Department of Criminal Justice Services providing security for an official town-sponsored event, and the lawful possession of a concealed handgun pursuant to a valid concealed handgun permit among others.

**September 7, 2021
(work session)**

She reiterated this did not apply to public streets or right-of-way unless they were being used for official town-sponsored events. An example might be if Lynn Street was closed for Wintermarkt.

The Town Attorney referenced a table of comparison for exemptions in other Northern Virginia localities and the Town of Blacksburg.

If approved, it would be effective on the date of adoption. However, to be enforceable clear signage must be prominently posted where the ordinance applies, to notify the public of the restrictions.

The Town Attorney then showed Council Fairfax County's signs as an example of what would need to be posted everywhere the prohibition applied. The budgetary impacts were expected to be approximately a minimum of ~\$6000 for signs, excluding places of town-sponsored events. She clarified that event signs were not included in that calculation. Other items necessary for enforcement would need to be decided, and examples and proposals were included in Council's materials and considered at the Strategic Planning Meeting. The Town Attorney reminded Council other items included things like magnetometers and staff for the machines which would be substantial costs. She reminded Council that staff was present for any questions.

The Town Attorney indicated Council could adopt the proposed ordinance, as presented, continue the public hearing to September 28, 2021 to allow more public input, or go in another direction.

Responding to Mayor Olem's question about official events, the Town Attorney clarified there were no delineated town-sponsored events at that time. This would be a special designation given to certain events such as the Wintermarkt and the Herndon Festival or others approved by the Town Manager for sponsorship.

Councilmember Singh asked what town-sponsored meant and about the Herndon Festival not being on town property. The Town Attorney stated that was a town-sponsored event, and that was clearly delineated by funds the town provides, space, or some other service. At an event held on private property, they would need to consider if it applied.

Councilmember Friedrichs asked if they would decide if things were town-sponsored or on town property on an individual basis. The Town Attorney said there were events held on town property that were not town-sponsored. Councilmember Friedrichs asked about Friday Night Live! (FNL!), and both the Town Attorney and the Town Manager said, based on funds and staffing, FNL! was considered a town event. The Town Manager further clarified that this would

**September 7, 2021
(work session)**

need to be added and delineated for events going forward. Town-sponsored meant the town was advertising, marketing, and putting a lot of hours into the event.

Responding to further queries from Councilmember Friedrichs, the Town Attorney reiterated that being on town property was not the deciding factor for town-sponsored events. The Town Attorney further stated some areas could be rented, for rather large events, and those were not town-sponsored.

Councilmember Friedrichs asked about which buildings the town had that were not used for governmental purposes, and the Town Manager clarified there were spaces the town rented out to private entities.

Vice Mayor del Aguila referenced slide 12 and asked if it was fair to say they were different phases. He indicated the "TBD" amount may be something they never reached. Vice Mayor del Aguila said they were considering passing an ordinance and how they deployed it was up to Council or future councils.

The Town Attorney indicated that every presentation from staff provided Council with fiscal impacts. She said this did not technically tie them to the ~\$6000 for signage. Responding to further queries from Vice Mayor del Aguila, the Town Attorney confirmed they were not voting on the amount they would spend in adopting this ordinance.

Councilmember Singh asked if a town-sponsored event was a legal standard. The Town Attorney said it was defined in the code section. Councilmember Singh asked if they would check people coming in, and the Town Attorney stated that, in order to enforce no guns, they just needed signage. Councilmember Singh asked again if they would check people, and the Town Attorney reiterated this did not include requirements for other enforcement measures such as magnetometers. The Town Manager added that those measures were included in the "TBD" amount with the fiscal impacts. Councilmember Singh provided further comments about checking people as they came in.

Vice Mayor del Aguila thought they were confusing implementation versus the proposed ordinance, and they could spend time on how to deploy it. He asked if signage was part of the ordinance, and the Town Attorney said it was part of the enabling legislation in the state code. Vice Mayor del Aguila provided comments about signs and enforcement being different.

Councilmember Singh provided an example of a possible situation and asked how police would respond. He asked if they would check or arrest. The Town Attorney explained that Class 1 Misdemeanors required a law enforcement officer to

**September 7, 2021
(work session)**

personally see the offense. If someone saw someone with a gun and called the police, and the police arrived and did not see a gun, they could not be charged. If the police officer saw it, they could be charged.

There was brief further discussion between Councilmember Singh and the Town Attorney about enforcement costs.

Councilmember Friedrichs inquired about signage for parks. The Town Attorney indicated one sign would be inadequate. It would need to be an adequate amount so people coming from different entrances would see the sign.

Councilmember Friedrichs asked additional questions about signs, and the Town Attorney provided information including the size of signs, visual depiction, and written warnings. There was brief further discussion about what needed to be on the signs and what was adequate.

Mayor Olem asked about a town-sponsored event and the distance of signs at the event. The Town Attorney indicated the town would be putting those up using the same standards as they would in a park, and an event would have fewer entrances and exits.

Councilmember Alam provided brief comments about languages on the signs.

Vice Mayor del Aguila asked if this allowed HPD to go to peoples' homes and take their guns. The Town Attorney stated it absolutely did not. He reiterated that this did not allow HPD to go to peoples' homes and take their guns. The Town Attorney confirmed. He then stated it did not prohibit town residents from buying firearms or ammunition. The Town Attorney confirmed. He asked if it, in any way, prohibited people from carrying outside of town facilities or town-sponsored events, and the Town Attorney confirmed it did not.

The Town Attorney said it only pertained to Town property or other public spaces owned by the town used for town-sponsored events. It would still permit people with valid, legal concealed carry permits to carry, and open carry was permitted in Virginia and in Herndon.

Councilmember Singh indicated there was a program on C-SPAN that dealt with the danger of violence at protests. He provided further information about protests and demonstrations. He felt if someone was looking for trouble they would come, and then they would need more police and other measures. He thought they were trying to keep people from starting trouble and provided brief further comments about potential violence. He indicated he would be happy to send out copies of what he was referencing.

**September 7, 2021
(work session)**

There was a brief question and answer session between Councilmember Regan and the Town Attorney about the definition of a building, surface parking lots, and town property as they related to the ordinance. The Town Attorney felt they could and should clarify that. She indicated state code enabling legislation did permit parking lots.

Councilmember Regan said it would be the building and the parking lot serving the building. Councilmember Regan thought it was odd restricting in a parking lot and not on a street. The Town Attorney indicated that streets were a different level of expectation of privacy. Councilmember Regan inquired about a parking lot not connected to a building, and the Town Attorney said she would do specific research for his question.

Mayor Olem provided questions about the restaurants they were allowing to use public shared parking, and the Town Attorney said that was the same as Councilmember Regan's question about being owned but not attached to a public building.

Councilmember Regan provided further comments about the difference in being able to have a gun depending on whether someone parallel parked on the street versus in a parking lot. He asked if it was clear, you could have a handgun locked in your car, and the Town Attorney confirmed that she believed it was delineated.

Vice Mayor del Aguila said they would still need signs and asked if the analysis and estimate included signs for those lots. The Town Attorney indicated she would ask that question.

Councilmember Friedrichs emphasized the exemptions for retired law enforcement, and the Town Attorney reviewed some of the exemptions.

Responding to Vice Mayor del Aguila's follow up on his questions, Councilmember Regan clarified that he was asking if it was logistically practical to make a boundary that makes sense. He wanted them to think through places that were more amorphous. He was asking if it was realistic to expect someone to be able to follow it easily.

The Town Attorney said she did not know that every place that could be included was in the estimate. She reiterated she would ask that question.

Vice Mayor del Aguila said it made him wonder what they missed in the initial estimates, and he thought they should have that information for people about what was potentially coming.

**September 7, 2021
(work session)**

Mayor Olem commented briefly on some individuals being distressed by seeing someone buy a gun and carry it to their car. She said unless Virginia made it illegal to have gun stores, she did not see how they could keep people from carrying goods to their cars.

Councilmember Friedrichs provided questions about the estimated amounts. The Town Attorney clarified that the ~\$6000 was always the amount included for signage only. Councilmember Friedrichs indicated she was under the impression it would be foolish not to enforce this if it passed. She asked what happened to the millions in the estimate. The Town Attorney thought Councilmember Friedrichs' question went to enforcement and what would happen without enforcement. She indicated Chief DeBoard could answer that, but the amounts were correct.

The Town Manager said the amounts were based on a security analysis done a year ago, and he clarified Council did not have to do that.

Mayor Olem said the Chief of Police would answer the question about what they needed to preclude people from coming into buildings with guns.

Chief DeBoard stated signs would stop people who were honest. To prevent someone from bringing a weapon in the building, they would need proactive enforcement. She reiterated that signage only prevents people who choose to follow the signs. Chief DeBoard clarified that it was Council's choice how they wanted to approach this.

Vice Mayor del Aguila asked what the total impact was with hardening buildings. He indicated he saw it happening in phases and that was up to Council and future councils. He thought this was where to start and they were not committing to the estimates.

Councilmember Friedrichs provided further comments about the ordinance. She felt the signage and ordinance would provide a level of understanding about where to carry guns.

Councilmember Singh asked what problem they were trying to solve. He felt they could not assume there would be an incident and what was proposed was realistic.

Mayor Olem commented on two incidences on public property that she knew of during her time living in the town. Responding to queries from Councilmember Friedrichs, Mayor Olem indicated she was referring to incidences of someone being shot with a gun.

**September 7, 2021
(work session)**

Mayor Olem provided brief further comments about law enforcement at events which were intermittently (inaudible).

GENERAL

5. Resolution 21-G-74, 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 indicated 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 a fundraiser event from 8:00 a.m. to 11:00 p.m. on October 3, 2021. The applicant has been 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 authorizes the Mayor to sign the necessary license agreement to permit Jimmy's Old Town Tavern to utilize the town's property for this 1-day event.

Staff recommended approval.

Councilmember Regan asked if the most recent one they approved was for the past weekend, and the Town Attorney confirmed.

Councilmember Singh asked when they would say no, and the Town Attorney indicated she did not know this Council's limits but things like the hours of an event or being in a space the town was already using may make them not approve something.

Councilmember Regan thought they should do more of this and be broad-minded about it.

Mayor Olem indicated they did not even realize the alley was town property for a while.

Vice Mayor del Aguila agreed with his colleagues and asked if they should give staff guidance for allowing things like this. The Town Manager clarified that, as the town code was written at that time, these items did need to come before Council.

The Town Attorney said even temporary use of town real estate required staff come to Council, but they could delegate that authority to the Town Manager.

**September 7, 2021
(work session)**

Councilmember Regan suggested encouraging staff to have broader tolerance, and the Town Manager said this was on a list of things that were rarely rejected. Councilmember Regan moved that the Town Manager keep up the good work.

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.

Councilmember Singh then asked if General items were meant to be put on Consent Agenda. He thought people had a right to know and they should have as little on the Consent Agenda as possible.

Councilmember Regan thought use of the Consent Agenda should be discussed at a Strategic Planning Meeting.

Mayor Olem indicated everything on the Consent Agenda was in writing and could be seen.

6. Resolution 21-G-75, to approve a Temporary License Agreement to use a designated public space in the alley adjacent to and behind Aslin Beer Company for an outdoor event.

Mayor Olem recognized the Town Attorney for the staff report, and the Town Attorney stated the Zoning Administrator was also there.

This resolution would approve a Temporary License Agreement which grants permission to Aslin Beer Company to use the town alley located behind 767 and 771 Elden Street for outdoor seating tents, games, and a food truck during events on September 14, 2021 through September 20, 2021.

The applicant, Aslin Beer Company, was requesting authorization to use designated alley public space located behind 767 and 771 Elden Street ("Alley") for their anniversary event. The setup for the event would occur September 14, 2021 – September 15, 2021. The event dates and times were:

- September 16, 2021 from 6 p.m. to 9 p.m.
- September 17, 2021 from 6 p.m. to 9 p.m.
- September 18, 2021 from 11 a.m. to 4 p.m.
- September 19, 2021 from 11 a.m. to 8 p.m.

Followed by the breakdown and removal of all facilities and items in the Alley on September 20, 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.

**September 7, 2021
(work session)**

This resolution authorizes the Mayor to sign the necessary license agreement to permit Aslin Beer Company to utilize the town's property for a total of 7-days for the anniversary event.

Staff recommended approval.

Councilmember Singh provided comments about the town needing to benefit and make money as well.

Responding to Councilmember Singh's comments about how he felt the town needed to benefit and make money, the Town Attorney indicated the parking would be public shared parking. The Town Manager provided additional comments about how Aslin worked with the town on traffic and the small size of the alley being discussed. The Town Manager indicated they were looking at ways to monetize in the future.

The Town Attorney reiterated the request was to approve a temporary license agreement.

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

7. **Resolution 21-G-76, to endorse and authorize a funding application to the Virginia Department of Transportation (VDOT) for the allocation of VDOT Revenue Sharing Program funds towards the VDOT administered East Elden Street Widening & Improvements (UPC 50100) project; and**
8. **Resolution 21-G-77, to endorse and authorize a funding application to the Virginia Department of Transportation (VDOT) for the allocation of VDOT Revenue Sharing Program funds towards the East Elden Street and Herndon Centre Signalization project.**

Mayor Olem recognized the Capital Project Planner/Engineer for the concurrent staff reports.

The Capital Project Planner/Engineer presented concurrent staff reports and PowerPoint dated September 7, 2021. She stated they were proposing to submit to VDOT, under the Revenue Sharing Program, for two programs. This program provided funding to localities to construct, reconstruct, and maintain roadway systems.

The Capital Project Planner/Engineer stated the East Elden Street Widening & Improvements Projects was an existing project, and the East Elden Street and

**September 7, 2021
(work session)**

Herndon Centre Signalization project was new. She added that a 50 percent local match was required, and they could use the General Fund, bond funds, and/or NVTAFunds for the local match.

The existing project had over \$50 million from previous federal, state, and regional allocation. She indicated that VDOT revised the project cost from ~\$50 million to ~\$56 million leaving around a \$5.5 million dollar funding gap. They wanted to submit an application for ~\$5.5 million with ~\$2.75 million being Revenue Sharing Funds. Out of that amount, it would be available to the town in FY2027 and FY2028. Their obligation would be reduced to ~\$2.75 million dollars.

She then stated the new project's total was ~\$1.5 million. Out of this, ~\$750,000 could come from the Revenue Sharing Program.

If the town were successful in obtaining the Revenue Sharing request for both projects, then the state funding would reduce in half.

Staff recommended approval to receive significant state funding.

Councilmember Singh asked her to cover the entire ~\$56 million project in two minutes. The Capital Project Planner/Engineer indicated she could give a broad overview, but she would then need to turn it over to the Transportation Program Manager for details. She said it encompassed about a mile of widening, improving, utility relocation, and change of right-of-way. The Town Manager added there was a bridge over Sugarland Run that needed to be replaced and added there would be pedestrian improvements.

Councilmember Singh indicated he wanted to have a sense of what was happening, and he felt he did not have that.

Responding to Vice Mayor del Aguila, the Town Manager confirmed that this would not commit them to how to fund the projects. They were just approving it and would still need to work through funding. If there was a gap they would come back to Council.

Vice Mayor del Aguila then asked if it was in the CIP and just not funded. The Town Manager clarified it was funded up to ~\$50 million and they were in the process of building it already. After land acquisition, the cost models were recalibrated.

The Transportation Program Manager responded to Vice Mayor del Aguila's inquiry about when the budget hit would occur saying the money, if approved, would be allocated in FY2027-2028 to coincide with the construction schedule.

**September 7, 2021
(work session)**

Responding to further inquiries from Vice Mayor del Aguila, the Town Manager indicated this was not impacted by COVID.

Councilmember Regan asked that they start with the CIP at the public hearing, because it made the concept real. He said it would be helpful to connect dots on what they had done to what they were doing.

Mayor Olem indicated these projects were available in detail on the website.

Councilmember Friedrichs asked if they were asking for permission to apply for money. The Capital Project Planner/Engineer said they needed a commitment to share half the financial responsibility to apply. She provided further confirmation that Council would be giving them permission to apply for a grant.

Councilmember Singh asked if VDOT committed funding, and the Transportation Program Manager said if they accepted the application they were committing. The Transportation Program Manager clarified there was funding, and Revenue Sharing Funds were already appropriated by the General Assembly.

Councilmember Singh provided further comments. The Town Manager indicated they were applying for the funding now,

Mayor Olem indicated they also had to have the plans ready to apply to do this.

Responding to queries from Councilmember Alam, the Capital Project Planner/Engineer clarified the location of Herndon Centre.

Vice Mayor del Aguila asked if bike lanes were part of this, and the Capital Project Planner/Engineer clarified they were, and it was multi-modal.

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.

ROUNDTABLE

1. **Vice Mayor del Aguila:** Commented on staff's response to those at Fortnightly who faced a fire. He said staff was very responsive and eased stress, and he gave a shoutout to staff and the fire crew.

Regarding Strategic Initiatives, Vice Mayor del Aguila asked about verbiage regarding teachers for the housing allowance initiative. He outlined that it would be different. He asked the Town Manager to see how they might look at an opportunity to include first responders or teachers. Vice Mayor del Aguila said he was "not technically an employee," and the Town Manager clarified that he was. Vice Mayor del Aguila said this was not his real job. It was something he did. He

**September 7, 2021
(work session)**

asked that they look at the language that defined his relationship as a potential vehicle to add first responders or teachers. He suggested teachers could volunteer or tutor in the community.

Additionally, he asked staff to look at the bike lanes around town for his traffic calming initiative. He said he wanted to take it through PBAC and indicated there was a new incident. He wanted them to get moving on an awareness and safety campaign.

Vice Mayor del Aguila said he was looking forward to the next Strategic Planning Meeting.

2. **Councilmember Alam:** Provided (inaudible) comments. Then added that she wanted to bring the DMV back to the town and provided information about phone scams. She provided further (inaudible) comments.
3. **Councilmember Singh:** Said he would pickup on gun violence. He indicated that many emails talked about taking Second Amendment rights away. He said some emails only came to him. Councilmember Singh said he did research on the Second Amendment and came up with an article that explained what happened with the Heller Supreme Court Case. He said he intended to quote Judge Scalia from that article. Councilmember Singh said if anyone wanted a copy, it was written by a professor at Howard University. He thought it provided good context of the Second Amendment, and he would be happy to share it.

Councilmember Singh also provided comments about a new study and a group who talked about armed assembly, guns, demonstrations, and political violence in America. He thought Council should be aware and indicated he would be happy to send it out to Council.

4. **Councilmember Friedrichs:** Mentioned that Eileen Curtis from the Chamber of Commerce, lost her husband who passed away. She said he was a patent lawyer and brilliant musician, and it was a big loss.

Councilmember Friedrichs shared that she attended the Dulles United soccer game with Councilmember Dhakal. She said there was a lovely group of people there and that it took place behind Hutchison Elementary School. She said some of the kids were playing in a mixed group, and they did not win but there was a lot of joy and happiness there. She and Councilmember Dhakal handed things out and everyone got a prize.

Councilmember Friedrichs said that Mayor Olem mentioned reaching out to different nonprofits, and she shared that FAITH in Herndon was acting as a collection arm for the Adams Center. There was a donate button on their website and organizations for people who wanted to help Afghan refugees.

**September 7, 2021
(work session)**

To Vice Mayor del Aguila's point about first responders and teachers, she did not know they decided to go ahead with that.

Vice Mayor del Aguila said part of the initiative was looking into ways to include others, besides staff and police, to add the benefit to non-employees.

Mayor Olem stated she thought that was an individual conversation.

Mr. Ashton stated that was an initiative where staff was to elaborate with more information.

Vice Mayor del Aguila said they could be against it. He wanted it to be wide and encompassing with the opportunity to think about how this housing allowance could create a better community and include more people. He wanted to look at mechanisms they could leverage to give that benefit to teachers or first responders.

Councilmember Friedrichs indicated if they told staff to do that, she took it back.

Vice Mayor del Aguila said it was under the initiative.

Mr. Ashton stated the initiative was moved forward for them to elaborate further.

Councilmember Friedrichs asked that Vice Mayor del Aguila not refer to her as part of a group such as when he said "...if you two are against it..."

Vice Mayor del Aguila said he took it back. He said he heard two people against it.

Councilmember Friedrichs indicated he heard two people questioning it.

Vice Mayor del Aguila said he heard two people deliberately saying they did not vote on this. He said that was what he heard, and he would go back and listen to it.

Councilmember Friedrichs clarified that she and Mayor Olem heard that they had not decided to move forward with it, and she said they were incorrect. She said that did not mean that they were opposed.

Vice Mayor del Aguila said they were incorrect at what they heard.

Councilmember Friedrichs reiterated she was not part of any group.

Vice Mayor del Aguila said since she brought up the Strategic Initiative, he thought housing was still a paramount issue. He said previous councils had not addressed housing.

**September 7, 2021
(work session)**

Councilmember Friedrichs opined that was because housing was the responsibility of the county.

Vice Mayor del Aguila said a housing allowance was not. He felt there were ways to do this and work with developers.

Councilmember Friedrichs indicated she was in support of that.

5. **Councilmember Regan**: No comments.
6. **Mayor Olem**: Wished a Happy Rosh Hashanah to everyone who celebrated. Mayor Olem then announced they would see everyone the following week at the Council Chambers for the public hearing.

ADJOURNMENT

On motion of Vice Mayor del Aguila, seconded by Councilmember Friedrichs, and carried by 6-0 roll call vote, the meeting of the September 7, 2021 work session was adjourned at 8:52 p.m. The vote was: Councilmembers Alam, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye." Councilmember Dhakal was absent.



**Sheila A. Olem
Mayor**



**Jessica Sizemore
Legislative Assistant**



Minutes approved by Town Council: December 14, 2021.