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HERNDON TOWN COUNCIL
Tuesday
September 28, 2021

The Town Council met in public session on Tuesday, September 28, 2021, at 7:00 p.m. in the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia. In attendance were: Mayor Sheila A. Olem; Vice Mayor Cesar del Aguila; and Councilmembers Naila Alam; Pradip Dhakal; Signe Friedrichs; Sean M. Regan; and Jasbinder Singh.

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Maggie DeBoard, Chief of Police; Robert Tang, Director of Finance; Page Kalapasev, Director of Information Technology; Scott Robinson, Director of Public Works; Anne Curtis, Chief Communications Officer; Viki Wellershaus, Town Clerk; Captain Justin Dyer; Lindsey Jones, System Technician; Collin Okoniewski, Planning Operations Manager/Deputy Zoning Administrator; Dave Bracamonte, IT Operations Manager; and Margie Tacci, Deputy Town Clerk.

PLEDGE & CALL TO ORDER

Mayor Olem led the Pledge of Allegiance and called the meeting to order at 7:00 p.m., all members present and with Mayor Olem presiding.

ANNOUNCEMENTS

Mayor Olem asked Council and those participating 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

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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.

APPROVAL OF MINUTES

Vote on June 1, 2021

Town Council Work Session Minutes

On motion of Councilmember Friedrichs, seconded by Councilmember Regan and carried by 6-0 roll call vote, the minutes of the June 1, 2021 Town Council Work Session were approved. The vote was: Councilmembers Alam, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye." Councilmember Dhakal abstaining.

Vote on June 8, 2021

Town Council Public Hearing Minutes

On motion of Councilmember Dhakal, seconded by Councilmember Singh and carried by unanimous roll call vote, the minutes of the June 8, 2021 Town Council Public Hearing were approved. The vote was: Councilmembers Alam, Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye."

ANNOUNCEMENTS

Mayor Olem announced that she, Vice Mayor del Aguila, and Councilmembers Alam, Friedrichs, and Singh attended the Dulles Regional Chamber of Commerce's 19th Annual Hispanic Business Reception. The event was attended by people from Maryland, D.C., and Virginia. Mayor Olem also shared that the town provided a proclamation for Latino Heritage Month.

Mayor Olem shared that she and Councilmember Friedrichs toured Capital One Hall which was part of the Capital One Development Center in Tysons Corner. She mentioned the facilities would be used by Arts Fairfax and some community groups would perform there. She said it was a great time for people in performing arts. Mayor Olem thanked Economic Development Manager Dennis Holste for arranging the visit.

Mayor Olem shared there would be a business webinar on Thursday, September 30, 2021, which would include step-by-step information for people wanting to start a business in Herndon.

Mayor Olem also announced the Mayor's New Business Breakfast which would be held on Thursday, November 4, 2021.

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3. COMMENTS FROM THE TOWN MANAGER

Mayor Olem recognized Town Manager, William H. Ashton II. Mr. Ashton had no comments.

4. COMMENTS FROM THE TOWN COUNCIL

Vice Mayor del Aguila: Deferred his comments.

Councilmember Alam: No comments

Councilmember Dhakal: Yielded his time for the important discussion that evening.

Councilmember Friedrichs: Attended the Annual Showcase of Bands with Councilmember Dhakal and some school board members. Councilmember Friedrichs noted the talented and hardworking kids and said they did a great job. The Herndon High School group did not compete because they were hosting.

Councilmember Friedrichs also shared that the Rotary Club of Herndon's food drive did great, and people continued donating food and money even after they left. She thanked generous residents for thinking of their neighbors.

Councilmember Friedrichs then encouraged people to attend NatureFest. Finally, she shared that there was another DMV event at the Herndon Community Center and the League of Women Voters used the opportunity to sign new voters up.

Councilmember Regan: No comments.

Councilmember Singh: (The majority of Councilmember Singh's comments were inaudible due to his microphone being off.) He commented on reading many articles about the Second Amendment. Councilmember Singh said he respected everyone's views, and he felt privileged to be participating.

Mayor Olem: Shared that she visited her son at ODU and missed NatureFest for the first time. She encouraged people to go and said NatureFest was an awesome event that was enjoyable for all ages.

COMMENTS & DISCLOSURES FOR THE RECORD

Mayor Olem asked the Deputy Town Clerk whether she had received comments for the record or Transactional Disclosure Declarations from Council on any items listed on that evening's agenda, and the Deputy Town Clerk stated no comments or disclosures had been received from Council on any items listed on the agenda that evening.

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The Deputy Town Clerk said comments had been received and entered into the record on the proposed ordinance to amend Chapter 46, which was item number six on the agenda. Previous comments received on this item had also been re-entered into the record. The Clerk had not received any disclosures by Council for the record.

5. COMMENTS FROM THE AUDIENCE

Mayor Olem reminded everyone they could comment on any items that were not public hearings and stated they could comment on any public hearing items during the public hearings. Mayor Olem reviewed the process for speaking and providing comments.

The following individual provided comments:

- Jay Hadlock, 515 Alabama Drive, Herndon: Said he was a member of Friends of Runnymede Park, provided positive comments about the success of NatureFest, and commended members of staff for their work on the event.

PUBLIC HEARINGS

6. 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.

Certificates of Publication were filed from the Editor of the *Fairfax County Times Newspapers*, showing that notice of said public hearing item had been advertised in the Friday, September 3, 2021 issue.

The public hearing was continued from September 14, 2021.

Mayor Olem showed the audience the stack of comments received and confirmed with the Deputy Town Clerk that they were entered into the record. Mayor Olem provided information about the number of comments received.

Mayor Olem recognized Lesa Yeatts, Town Attorney to present the staff report. Ms. Yeatts presented the staff report and PowerPoint, dated September 28, 2021, which are on file in the Town Clerk's office.

Ms. Yeatts stated the 2020 Virginia General Assembly adopted enabling legislation that took effect on July 1, 2020 authorizing localities to adopt ordinances prohibiting firearms in certain circumstances. Ms. Yeatts reviewed that this was Virginia Code §15.2-915 (E) and other localities in the state who adopted ordinances this authorized.

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Ms. Yeatts outlined that the topic came before Town Council several times and shared the various meeting dates. She stated at the June 1, 2021, work session there was a general discussion which resulted in consensus to hold two public hearings on a draft ordinance in September.

The new town code section being discussed 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 code further provided for security measures identified by the locality. Notice of the ordinance must be posted where the ordinance was in effect to be enforceable. The section further provided that a violation would be a Class 1 misdemeanor which would carry up to a \$2500 fine, 12 months in jail, or both.

Two options were before Council for consideration. Option A was the original ordinance, which was first presented at a Council work session on September 7, 2021, and again at a public hearing on September 14, 2021. Option B came about at the work session on September 21, 2021, following discussion amongst Council and staff. Ms. Yeatts was directed to bring forward an Option B for consideration at this public hearing, which focused on prohibiting firearms in town buildings only and none of the other locations allowed by state code.

Ms. Yeatts then presented and expounded on a general comparison chart of differences between Option A and Option B. She showed which locations the prohibition did not apply to in Option B and outlined each of the differences between the two options in relation to locations, signs, and security measures. She pointed out that Option A had tighter wording than the Virginia State Code with the phrase "official town-sponsored event." She further outlined Option A and Option B, including specific information about where the prohibition would apply, wording used, exemptions, and to whom the prohibition would apply. She then commented on statutory exemptions and detailed the dates the different options would go into effect. Ms. Yeatts also provided a comparison

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of the exemptions in Option A and Option B and stated clear signage was necessary to enforce both options. The public must be clearly notified, and she provided an example of necessary signage.

Ms. Yeatts stated the budgetary impact of enforcing the proposed ordinance was expected to be approximately a minimum of \$6000 for signs, not including town-sponsored events. Council would need to decide about other items necessary for enforcement. Ms. Yeatts indicated examples and proposals were included in Council's materials and considered at their Strategic Planning Meeting. She reminded Council other items included things like magnetometers and staff for the machines, which could be substantial costs. Ms. Yeatts further clarified that costs would depend on the option adopted, facilities included, and the level of security desired. Ms. Yeatts indicated Council alternatives were to adopt Option A or Option B, as proposed, or with an amendment; defer consideration of any proposed ordinance to conduct another public hearing or act; or to provide other direction to staff regarding this legislation.

Councilmember Dhakal inquired about the Option B exemption for town buildings operating as a courthouse. Ms. Yeatts clarified that town buildings operating as a courthouse had a separate state code provision that prohibited firearms, and the Council Chambers served as a courthouse on Wednesdays. Responding to further queries from Councilmember Dhakal, Ms. Yeatts further clarified that the prohibition already existed in courthouses.

Councilmember Friedrichs provided follow up questions about courthouse prohibitions and ammunition. Ms. Yeatts clarified that was in the state code enabling language. Responding to further queries from Councilmember Friedrichs, Ms. Yeatts said it was best practice to use the state code enabling legislation exactly in a Dillon Rule state whenever possible.

Mayor Olem asked about when Council Chambers were not being used as a courthouse. Ms. Yeatts clarified open carry was allowed in the building, at that time, but would not be the following morning when the building served as a Fairfax County Court.

Councilmember Regan inquired about whether staff or Council could conceal or open carry, like the public, in the Council Chambers. Ms. Yeatts clarified staff could not under employment regulations that prevented them from having any weapon. Councilmember Regan asked if he was a town employee. Ms. Yeatts said she would want time to give thought to that. Mr. Ashton said he could not mandate that for Council, and Administrative Regulations existed for staff and not for Council. Councilmember Regan asked if, absent any of these motions, the town planned to harden safety for town buildings. Ms. Yeatts deferred to Mr. Ashton, and Mr. Ashton indicated they did have plans. He referenced the Virginia Beach shooting and some past issues in the town. He said they prioritized this and looked at costs, but COVID delayed some of the project. He

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indicated this would be long-term and costly, and some buildings such as the Herndon Municipal Center (HMC) would need to be retrofitted. Mr. Ashton clarified the plan would be affected by the decision made that evening.

Mayor Olem said there was discussion at the work session about only putting equipment in the Chambers. She asked if that was in Option B. Ms. Yeatts clarified it was not. Ms. Yeatts stated Option B included general authority to the Town Manager to use whatever means necessary in any building listed to protect individuals therein including statutory decision-making bodies (including Council, Planning Commission, HDRB, ARB, and the BZA). Option B provided that, if they were meeting, the Town Manager could provide security, but it did not specifically state the measures that would be used. Mayor Olem asked Mr. Ashton if he would feel the need to install items in other buildings if either option passed. Mr. Ashton said he felt a deep responsibility to protect the workforce and would begin to remedy softer areas in buildings sooner than later. He indicated he would seek to do that with what was at their disposal, based on statutory limitations, and would come back to seek additional funding. He said they would be taking the current plan and reprioritizing based on new information and discussions.

Responding to Mayor Olem about needing additional resources, Mr. Ashton said resources included time and people. He indicated he would need to talk to engineering staff, Herndon Police Department (HPD), and Robert Tang, Director of Finance before discussing with Council. He indicated he did not yet have enough information to answer her question.

Councilmember Singh provided comments and questions (inaudible because his microphone was off). Mr. Ashton responded saying he had a limited amount of authority of approximately \$100,000 without Council approval. Mr. Ashton also said they would prioritize the first \$100,000 and then come back to Council for a budget adjustment or a future budget proposal.

Vice Mayor del Aguila said the ordinance was about legalities not budget items within the ordinance. Ms. Yeatts clarified there were no numbers or amount attached or appropriations in the ordinance, and, as Mr. Ashton indicated, they may be back to request funds. Based on further queries from Vice Mayor del Aguila, Mr. Ashton confirmed he would come to Council about any amount over \$100,000. Vice Mayor del Aguila thought this was well positioned as a strategic initiative.

Councilmember Friedrichs thought, with questions about the Town Manager's authority, they were asking whether this gave him authority he did not have otherwise. Mr. Ashton said he would defer to Ms. Yeatts, but as he read the ordinance, securing the Council Chambers was not part of the \$100,000. The \$100,000 would be for protecting other town facilities. Ms. Yeatts confirmed and indicated she could read the exact language. Councilmember Friedrichs asked her to do so, and Ms. Yeatts read aloud from Subsection 2. She clarified how Options A and B differed and outlined how Option B included some of the expressions Council indicated they wanted at the work session.

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Mayor Olem asked Councilmember Singh to make sure his microphone was on. Councilmember Singh apologized and asked if it was the right time to ask a question about the amendment he was going to propose.

Councilmember Singh said his amendment would be restrictive. He commented that Mr. Ashton could come back again and ask for more money in specific buildings.

Mayor Olem asked about ammunition and referenced emails that came in about people saving casings from burials at places like Arlington Cemetery. Brief discussion followed between Mayor Olem and Ms. Yeatts about enforcement. Ms. Yeatts opined they would use reason and discretion in enforcement and commented briefly on the inclusion of things like ammunition in the code.

Mayor Olem concluded the discussion saying she did read the emails.

Mayor Olem then reviewed the speaker process and indicated their names would be called. She provided further comments about precautions being taken for COVID and thanked the staff who worked to accommodate everyone.

The following registered speakers provided comments on Ordinance 21-O-10:

- Jay Hadlock, 515 Alabama Drive, Herndon, VA 20170;
- Clark Hedrick, 828 Van Buren Street, Herndon, VA 20170;
- Dan Snell, 921 Barker Hill Road, Herndon, VA 20170;
- Douglas Manuel, 1008 Page Court, Herndon, VA 20170;
- Salvatore Balatucci, 417 Patrick Lane, Herndon, VA 20170;
- Howard Defelice, 804 Fall Place, Herndon, VA 20170;
- Linda Mohr-Paraskevopoulos, 701 Bruce Court, Herndon, VA 20170;
- Eric Kimble, 708 Tamarack Way, Apartment 2D, Herndon, VA 20170;
- Ryan Fleming, 1217 Bond Street, Herndon, VA 20170;
- Eric Boll, 792 Grant Street, Herndon, VA 20170;
- Nathan Johansen, 590 Grove Street #249, Herndon, VA 20170;
- Bryce Cumbie, 616 Worchester Street, Herndon, VA 20170;
- Barbara Glakas, 935 Barton Oaks Place, Herndon, VA 20170;
- Sherry Blanton, 549 Florida Avenue T-3, Herndon, VA 20170;
- Barton Bennett, 1554 Hiddenbrook Drive, Herndon, VA 20170;
- Freddie Rios, 2303 Middle Creek Lane, Reston, VA 20191;

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- Philip Van Cleave, P.O. Box 513, Newington, VA 22122;
- Ray Nogueras, 13022 Park Crescent Circle, Herndon, VA 20171;
- Chris Karanski, 17541 Brookville Court, Round Hill, VA 20141;
- Joanne Collins, 11744 Great Owl Circle, Reston, VA 20190;
- Ed Levine, 46554 River Meadows, Sterling, VA 20165;
- Anne Alston, 2175 Monaghan Drive, Herndon, VA 20170; and
- Heidi Zollo, 1549 Powells Tavern Place, Herndon VA 20170.

Mayor Olem asked if there was anyone not registered who wanted to speak. Seeing none, Mayor Olem closed the public hearing and moved to Council level for action and discussion.

Motion to Table the Proposed Ordinance

Councilmember Friedrichs moved to table indefinitely Ordinance 21-O-10 (both Options A and B).

Motion seconded by Mayor Olem.

Councilmember Friedrichs commented on the many opposing comments they heard and about gun regulation.

Mayor Olem provided comments about asking what problem they had, her experience seeing open carry in town once in 30 years, and crimes she recalled that involved guns that did not take place in town buildings. She provided further comments about crimes and ordinances. Mayor Olem then provided personal comments about the process for applying for an open carry permit. She thought legislators in Richmond were working to make gun laws safer and commented on other problems as well as about common sense and safety with guns. Mayor Olem commented on Option B protecting Council and about safety on Council and on boards. Mayor Olem indicated she thought they should put resources toward taking care of their community and not national agendas.

Vice Mayor del Aguila asked that the question be called.

Hearing no discussion on the motion, Mayor Olem called the question.

The question was called on the motion, which failed by 2-5 roll call vote. The vote was: Councilmember Friedrichs and Mayor Olem voting "Aye." Councilmembers Alam, Dhakal, Regan, Singh, and Vice Mayor del Aguila voting "No."

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Motion to Approve Option B

Councilmember Singh moved to approve Ordinance 21-O-10 in accordance with Option 'B' to amend Chapter 46 (OFFENSES), revised as follows:

DELETE the language in Section 46-60, Possession of Firearms on Town Property, (a)(2), and REPLACE the paragraph with the following language:

~~“(2) Pursuant to this Section, the Town Manager is authorized to implement security measures in accordance with the legislative intent reflected in Ordinance 21-O-10 and that are designed to reasonably prevent the unauthorized access of Herndon Council Chambers, town buildings being used for meetings of statutory decision-making bodies of the town or any other identified town building, by a person with any firearms, ammunition, or components or combination thereof, such as the use of metal detectors and increased use of security personnel.”~~

“(2) Pursuant to this Section, and in accordance with the legislative intent reflected in Ordinance 21-O-10, the Town Manager is authorized to (a) implement the use of metal detectors and increased use of security personnel to reasonably prevent the unauthorized access of Herndon Council Chambers 765 Lynn Street, when used for meetings of Town Council or any other statutory decision-making bodies of the town, by a person with any firearms, ammunition, or components or combination thereof, and (b) install notice of this ordinance in accordance with subsection (4) below.”

Motion seconded by Vice Mayor del Aguila.

Mayor Olem confirmed with the Deputy Town Clerk that the Town Clerk's office had what they needed and then asked Council if they had comments.

Councilmember Singh commented on the ordinance, where it would apply, what would be implemented, and costs. He said he felt the proposal was the minimum response to protect people and commented on concealed carry not being allowed. Councilmember Singh asked why a person would want to bring guns in and provided further comments about the past two years in the country being eventful and concern about political violence. He provided examples. Councilmember Singh commented on a time he felt “people were ready to use guns.” He felt they needed to respond to what had gone on in the country and commented on precautions and addressing issues. Councilmember Singh said Council decisions were the “citadel of democracy,” and he did not want Council or statutory bodies afraid to come make decisions. He proposed protecting elected bodies who would make decisions and provided comments about the Heller decision. Councilmember Singh said he hoped his colleagues would go along with it.

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Vice Mayor del Aguila thanked those who commented. He said they had different perspectives, and he did not understand people who said Herndon was safe. Vice Mayor del Aguila asked why they needed to carry guns and provided comments about his personal background. He said it was imperative to show they were serious about safety where they legislate, and they were like a courthouse. Vice Mayor del Aguila said he was not looking to take away rights to own guns. He said he was asking people not to bring them to do business with the town. Vice Mayor del Aguila said they may disagree and provided comments about being neighbors, moving his family to Herndon, and how he was not for playing safe and making no controversial decisions. He commented on positioning them to respond and Herndon continuing to grow and provide safety for more people. Vice Mayor del Aguila said he would support this and hoped other members of Council would too.

Councilmember Regan said he thought a lot about this and indicated he was uncomfortable with the idea that this was a solution looking for a problem. He thought good planners looked at things that would be a catastrophic consequence, and he felt there was an obligation to talk about it. Councilmember Regan said he thought an individual gun in a building was not the real problem, and the real problem was that the gun industry had pumped guns into communities and marketed the idea of needing more guns. He thought unless they put magnetometers up everywhere, they would not solve that problem. Councilmember Regan also commented on gun measures in Australia and reiterated he thought they had a real gun problem the gun industry helped create. He said he felt it was unfortunate it pitted them against each other, and he did not think banning guns from certain buildings would help that. Councilmember Regan mentioned a comment about bad people with bad intentions doing damage and said he was in favor of the work staff and Mr. Ashton were doing to harden buildings. Councilmember Regan indicated he could not support just a focus on guns. He felt that forced Mr. Ashton into a position with a moral obligation to do expensive things to keep guns out and not necessarily make people safer.

Councilmember Friedrichs thanked Councilmember Regan for expressing some feelings she shared. She indicated she worked with Councilmember Singh on this, and she shared concern about Council being set up. Councilmember Friedrichs then provided comments about Mr. Ashton and Chief DeBoard indicating staff were in more danger than Council. She said the option being discussed protected themselves and not the staff. For that reason, and others mentioned by Councilmember Regan, Councilmember Friedrichs indicated she could not support it.

Councilmember Dhakal thanked those who commented and attended. He was neutral initially and looked at the cost-benefit analysis over time. After listening to everything, he felt taking a reasonable precaution was good. He commented on safety and said that any place with gun violence was probably safe at some point, and they could not guarantee the town would be safe forever. Councilmember Dhakal said he did not feel this was an infringement of Second Amendment rights, and this ordinance would not prohibit buying guns. Councilmember Dhakal did not see a reason to bring guns to

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Council Chambers whether there was a gun ordinance or not and asked why someone would bring a gun to a government building. Councilmember Dhakal then commented on unforeseen events and this not solving all the problems. He also provided comments about the minimum viable product (MVP) and being comfortable with the budget of the Option proposed by Councilmember Singh. He supported Option B.

Councilmember Alam thanked people for coming and said she agreed with all of Councilmember Dhakal's comments.

Mayor Olem provided comments about staff working to harden the buildings when the pandemic hit. She said Mr. Ashton cared about the town, staff, and public who come in. She felt every building with a sign up would need metal detectors. Mayor Olem then commented on passing things that would not help if there was an individual with mental illness. She said there was more than one occasion of issues with employees who were leaving, and, without magnetometers, they were leaving staff out there. She said the only discussion she heard at the work session was protecting Council. Mayor Olem said she did not think they should start a class system in Herndon where they only protected themselves, and she did not support this because it did not support staff.

The question was called on the motion, which carried by 4-3 roll call vote. The vote was: Councilmembers Alam, Dhakal, Singh, and Vice Mayor del Aguila voting "Aye." Councilmembers Friedrichs, Regan, and Mayor Olem voting "No."

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 in Town buildings or in certain other areas owned by the Town.

WHEREAS, the Town Council desires to adopt legislation to prevent the possession, carrying, or transportation of any firearms, ammunition or components or combination thereof in town buildings; and

WHEREAS, the Town Council desires to provide security measures to protect the people and places where the legislative and statutory decisions of the town are made; and

WHEREAS, the Town Council authorizes and directs the Town Manager to take immediate and necessary steps to implement security measures to affect these desires and protect the public officials, citizens, staff and others from the effects of firearms in these places, therefore;

BE IT ORDAINED by the Town Council for the Town of Herndon, Virginia that:

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1. Chapter 46 (OFFENSES), Herndon Town Code (2000), is amended as follows:

CHAPTER 46 – OFFENSES

ARTICLE II. – FIREARMS, CROSSBOWS, AND PNEUMATIC GUNS

Sec. 46-56. Definitions

Ammunition means a cartridge, pellet, ball, missile or projectile adapted for use in a firearm.

Statutory Decision-Making Body means any of the following: Town Council (Herndon Town Charter 3.1), Planning Commission (Code of Virginia 15.2-2210), Board of Zoning Appeals (Code of Virginia 15.2-2308), Architectural Review Board (Herndon Town Charter 7.4:1), Historic District Review Board (Code of Virginia 15.2-2306)

Town Building means any building, or part thereof, owned or used by the Town, or any authority or local government entity created or controlled by the Town, for a governmental purpose.

Sec. 46-60. Possession of Firearms on Town Property

- (a) Firearms, ammunition, or components or combination thereof prohibited in certain areas:

- (1) The possession, carrying, or transportation of any firearms, ammunition, or components or combination thereof is prohibited in the following Town buildings:

- Herndon Council Chambers – 765 Lynn Street
- Herndon Municipal Center - 777 Lynn Street
- Old Town Hall - 730 Elden Street
- Herndon Community Center - 814 Ferndale Avenue
- Herndon Golf Course Club House - 909 Ferndale Avenue
- Herndon Golf Course Maintenance Facility - 909 Ferndale Avenue
- Public Works Town Shop - 1479 Sterling Road

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- *Public Works Operations/Water and Sewer - 1481 Sterling Road*
- *Herndon Police Department - 397 Herndon Parkway*
- *Cemetery Offices - 831 Dranesville Road*
- *Cemetery Maintenance Shop - 831 Dranesville Road*

(2) Pursuant to this Section, and in accordance with the legislative intent reflected in Ordinance 21-O-10, the Town Manager is authorized to (a) implement the use of metal detectors and increased use of security personnel to reasonably prevent the unauthorized access of Herndon Council Chambers 765 Lynn Street, when used for meetings of Town Council or any other statutory decision-making bodies of the town, by a person with any firearms, ammunition, or components or combination thereof, and (b) install notice of this ordinance in accordance with subsection (4) below.

(3) The provisions of this Section shall not apply to the following:

- a. *The activities of (i) a Senior Reserve Officers' Training Corps program operated at a public or private institution of higher education in accordance with the provisions of 10 U.S.C. § 2101 et seq., or (ii) any intercollegiate athletics program operated by a public or private institution of higher education and governed by the National Collegiate Athletic Association or any club sports team recognized by a public or private institution of higher education where the sport engaged in by such program or team involves the use of a firearm. Such activities shall follow strict guidelines developed by such institutions for these activities and shall be conducted under the supervision of staff officials of such institutions.*
- b. *Sworn law enforcement personnel.*
- c. *Security personnel hired as employees or contracted by the town, when such personnel are present and working in any building or other location set forth in Paragraph (1) and who are authorized to carry firearms as part of their duties.*
- d. *The possession and carrying of weapons in a town building operating as a courthouse shall be governed by the provisions of Va. Code Sec. 18.2-283.1, as amended.*

(4) Notice of ordinance.

- a. *Notice of this ordinance shall be posted at all entrances to*

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- Herndon Council Chambers - 765 Lynn Street
- Herndon Municipal Center - 777 Lynn Street
- Old Town Hall - 730 Elden Street
- Herndon Community Center - 814 Ferndale Avenue
- Herndon Golf Course Club House - 909 Ferndale Avenue
- Herndon Golf Course Maintenance Facility - 909 Ferndale Avenue
- Public Works Town Shop - 1479 Sterling Road
- Public Works Operations/Water and Sewer - 1481 Sterling Road
- Herndon Police Department - 397 Herndon Parkway
- Cemetery Offices - 831 Dranesville Road
- Cemetery Maintenance Shop - 831 Dranesville Road

(5) Violation of this section (46-60) shall constitute a class 1 misdemeanor.

This ordinance shall be effective on and after January 1, 2022.

GENERAL

7. Resolution 21-G-78, to accept the State of the Town Report, Fiscal Year 2021.

Mayor Olem recognized William H. Ashton II, Town Manager to present the staff report.

Mr. Ashton said the Town Charter required him to provide an annual report, at a regularly scheduled September meeting, on the fiscal condition and administrative activities of the town that occurred during the preceding fiscal year. Mr. Ashton stated the 67-page document included a department by department detailed report of activities from the last fiscal year. The report was also posted on town's website, and staff would mail out the summary report to residents the following morning which would also be available on the town's website.

Mr. Ashton then provided information about how FY 2021 was unlike any other year and the extraordinary effects of COVID. He detailed how businesses and revenues in the town were affected and how the FY 2021 was crafted with revenue loss estimates. With an estimated loss of over ~\$5 million, staff crafted a budget sequestering ~\$5.5 million. The town also employed strategies such as salary and hiring freezes, suspension of travel and training, small purchase limits, increased spending scrutiny, revenue benchmarks, and closely watching analytics. The Economic Development department worked with other departments to allow restaurants to expand outdoor seating and limit business

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losses. The town also shared information with businesses about federal, state, and local grant relief programs and “Herndon is Open for Business” videos were employed to reach viewers.

Mr. Ashton reported that during the last fiscal year no capital reserves were used, and no staff were furloughed or laid off. The town realized an operating surplus, fiscal impacts were greatly mitigated by fiscal discipline, and Capital Reserves remained strong.

Mr. Ashton then provided comments about the ways COVID forced staff to pivot, leverage technology, and cross train in critical areas. He stated they focused on operations critical to health, safety, and transportation using technology to continue operations. Mr. Ashton then provided information about the work done by the various town departments which was critical to the continuing success of town operations. During his report, Mr. Ashton also provided updates about critical projects including transportation projects which were underway and the Comstock agreement which was renegotiated. Mr. Ashton reported on specific challenges to HPD and the programs in place to help HPD address mental health and wellness. He highlighted that Chestnut Grove Cemetery and Herndon Centennial Golf Course had record years.

He reported that the town complied with every financial policy, drafted and delivered the FY 2022 budget on time, and had the budget adopted by Council. The Town’s GFOA and Triple A bond rating were also reaffirmed.

Mr. Ashton also reported the Human Resources department complied with mandates and restrictions along with the Risk Manager on the town reopening and improving and updating services.

He summarized saying the work of all the departments was better captured in the full report and reiterated the many obstacles that staff faced during the pandemic. He thanked staff and the management team for their work, and thanked Mayor Olem and Council for their guidance in shaping their fiscal response. Mr. Ashton expressed gratitude to town residents, customers, and visitors for the opportunity to serve them on behalf of staff. He reiterated staff overcoming challenges.

All members of Council then provided appreciative and supportive comments about town staff and leadership.

Councilmember Singh moved to approve Resolution 21-G-78, to accept the State of the Town Report, FY 2021.

Vice Mayor del Aguila seconded the motion.

There was no discussion.

**September 28, 2021
(public hearing)**

The question was called on the motion, which carried by unanimous roll call vote. The vote was: Councilmembers Alam, Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye."

Resolution 21-G-78, to accept the State of the Town Report, Fiscal Year 2021.

WHEREAS, pursuant to Sec. 4.2 (d) of the Town of Herndon Charter, the Town Manager is required to prepare for publication and to submit to the Town Council each September at a regular meeting in September a concise, comprehensive report of the financial transactions and administrative activities of the Town government during the immediately preceding fiscal year; and

WHEREAS, following the Town's annual audit, a Comprehensive Annual Financial Audit report of the Town is presented to the Town Council in December; and

WHEREAS, the Town Manager has prepared a report of the administrative activities of the Town government titled "*Town of Herndon Annual Report FY 2021*"; and

WHEREAS, a copy of the report is posted on the Town's Web site and is available to citizens at the Herndon Fortnightly Library and the Herndon Municipal Center'; and

WHEREAS, a brochure highlighting the report will be sent to every household in Herndon.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby accepts the "*Town of Herndon Annual Report FY 2021*."

CONSENT

8. Resolution 21-G-79, to establish the Herndon Town Council meeting schedule for January 1, 2022 to December 31, 2022.

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

**September 28, 2021
(public hearing)**

Resolution 21-G-79, to establish the Herndon Town Council meeting schedule for January 1, 2022 to December 31, 2022.

BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby:

1. Incorporates the meeting schedule set out in Section 2-1 of the Herndon Town Code (2000), as amended, and establishes the meeting schedule for January 1, 2022 to December 31, 2022, modified as follows:
 - Reschedule the town council work session on Tuesday, August 2 **TO** Wednesday, August 3, to allow council participation in National Night Out;
 - Reschedule the town council public hearing on Tuesday, November 8 **TO** Tuesday, November 15, in recognition of the 2022 Herndon Town Council election; and
 - Forgo a second town council work session and town council public hearing in November to accommodate Thanksgiving holiday travel.
2. Directs staff to reflect the modified meeting schedule in the 2022 annual town calendar.

**CANCELLATION OF OCTOBER 5 TOWN COUNCIL WORK SESSION/
OCTOBER 12 TOWN COUNCIL PUBLIC HEARING MEETINGS**

Mayor Olem stated two administrative items and no public hearings were scheduled for Council consideration for the October 12, 2021 public hearing. She asked Ms. Yeatts if there were other items that Council should be aware of. Ms. Yeatts stated that one item of note was the draft legislative agenda that was planned for discussion at the upcoming work session on October 5, 2021. She pointed out that this item could be delayed to the October 19, 2021 work session if that was the pleasure of Council.

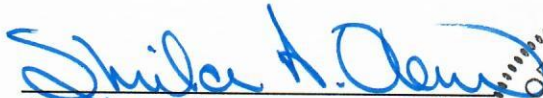
There was discussion amongst members of Council about reasons for bringing the report earlier or delaying it until the next set of meetings. The Town Attorney clarified deadlines and schedules.

Following brief discussion, Mayor Olem, with the concurrence of Council cancelled the Town Council October 5, 2021 work session and the October 12, 2021 public hearing. She asked that the items be moved to the October 19, 2021 work session.

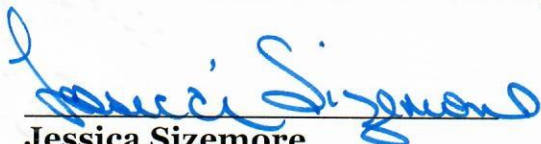
**September 28, 2021
(public hearing)**

ADJOURNMENT

Councilmember Friedrichs moved to adjourn the meeting of the September 28, 2021 public hearing at 10:15 p.m., and Vice Mayor del Aguila seconded the motion. The question was called on the motion which carried by unanimous roll call vote. The vote was: Councilmembers Alam, Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye."


Sheila A. Olem
Mayor




Jessica Sizemore
Legislative Assistant

Minutes approved by Town Council: February 8, 2022.

September 28, 2021
(public hearing)

NOTE:

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