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**HERNDON TOWN COUNCIL
Work Session
Tuesday, October 19, 2021**

At a regular meeting of the Town Council of the Town of Herndon, Virginia, held in the Herndon Police Department Community Room, 397 Herndon Parkway, Herndon, Virginia, on Tuesday, October 19, at 7:00 p.m., there were present:

- Mayor Sheila A. Olem, presiding;
- Vice Mayor Cesar del Aguila;
- Councilmember Pradip Dhakal;
- Councilmember Signe Friedrichs; and
- Councilmember Sean M. Regan.
- Councilmembers Naila Alam and Jasbinder Singh were 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; Lauri Sigler, Deputy Town Attorney; David Stromberg, Zoning Administrator; and Amanda Kertz, Chief Deputy Town Clerk.

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 Chief 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.

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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

November Strategic Planning Meeting

Mayor Olem stated there was a Strategic Planning Meeting scheduled for November 4, 2021. The date would fall during Diwali, November 2-6. She asked if there was a desire to change the date, and Councilmember Dhakal indicated he would appreciate changing it because he would be celebrating Diwali.

Mayor Olem said they would need to choose a new date, and the Town Clerk could work on finding one. She stated the dates of November 8, 2021 and November 11, 2021 were not available due to a Planning Commission (PC) meeting and the Veterans Day Holiday respectively.

Councilmember Friedrichs asked that staff send out dates.

Vice Mayor del Aguila inquired about meeting November 8, 2021. Mayor Olem and the Town Manager indicated there were no spaces. Vice Mayor del Aguila suggested moving another group's meeting.

Mayor Olem summarized that the Town Clerk would send out options.

Homecoming Parade

Mayor Olem stated the Herndon Homecoming parade, with the theme "Herndon Goes Hollywood" was thoroughly enjoyed by all. She expressed appreciation to Parks and Recreation, the Department of Public Works (DPW), and the Herndon Police Department (HPD) for their hard work lining up the floats and for setting up and cleaning.

Herndon PTA Trunk or Treat

Mayor Olem shared that the Herndon Elementary School PTA would be hosting their first Trunk or Treat on October 23, 2021.

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TOWN MANAGER UPDATES

2. Comments from the Town Manager

The Town Manager provided an update about three transportation projects including Elden Street, the Bus Bays, and Van Buren Street.

COMMENTS & DISCLOSURES

Mayor Olem asked the Chief Deputy Clerk if there were any comments or disclosures for the record that evening. The Chief Deputy Clerk stated comments were provided to Council and entered into the record on: Item #3, Ordinance 21-O-22, to consider Zoning Ordinance Text Amendment ZOTA #21-03 and Item #6, Resolution #21-G-82, to consider a proposed funding agreement related to the preparation of a Transit-Related Growth Small Area Plan.

The Clerk did not receive disclosures from Council on any item listed on the agenda that evening.

PUBLIC HEARINGS

3. Ordinance 21-O-22, to consider zoning ordinance text amendment, ZOTA #21-03, to amend Chapter 78 (ZONING), Article VII (Use Regulations), Article VIII (Accessory Uses), to revise or establish new limitations on size, bulk, and setbacks for accessory dwelling units; to eliminate the special exception requirement for accessory dwelling units in certain situations; and to eliminate the minimum age and physical, mental, or cognitive disability requirements for accessory dwelling units.

Mayor Olem recognized the Zoning Administrator for the staff report. The Zoning Administrator presented the staff report and PowerPoint dated October 19, 2021.

The Zoning Administrator indicated Council approved Resolution 21-G-56 to initiate consideration of this Zoning Ordinance Text Amendment (ZOTA) on June 8, 2021. This resolution was in response to the letter from the PC dated April 29, 2021 to Council regarding the PC's support to update the regulations for Accessory Dwelling Units (ADUs). The PC held six meetings between July and September, and now the amendment was back before Council.

The Zoning Administrator provided information about existing regulations and stated current zoning regulations for ADUs existed mostly unchanged since their adoption in 1983. ADUs were not a by-right use and required special exceptions. They must also comply with 12 additional criteria which he listed. The Zoning Administrator outlined the original intent which was to enable elderly or disabled

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persons to gain income by renting to tenants and allow smaller, more affordable units for elderly or disabled tenants. He outlined the change in conditions and developing patterns that created a need to reexamine the current regulations. These included a significant change in Herndon's population since 1983 and development patterns consistent with emerging or accepted planning processes. He also listed nearby localities who had recently updated ADU requirements.

The proposed changes were outlined in detail by the Zoning Administrator. These included distinguishing between physical types of accessory dwelling units (internal, attached, and detached), changes to the special exception requirement, changes to the maximum size requirement, restrictions on location, occupancy requirements and removal of physical improvements, changes to the maximum number of people, and changes to parking requirements. The Zoning Administrator then reviewed the criteria for Zoning Text Amendments which mirrored the criteria listed in the Code of Virginia. He went over the impact of ZOTA #21-03 if it were approved or denied.

Town Council's alternatives were to approve the draft ordinance as presented by staff, approve the draft ordinance with planning commission modification, deny the draft ordinance, continue the public hearing on this draft ordinance to the November 16, 2021 public hearing, or refer the draft ordinance back to the PC.

The PC recommended approval of ZOTA #21-01, by a 6-1 vote on September 27, 2021, with one additional modification—that a 10-foot setback be required between a detached ADU and any other detached accessory structure. The dissenting commissioner stated her reason for voting "nay" on the motion was because she believed the modification was unnecessary and preferred to support the original motion which was to approve ZOTA #21-01, as originally presented that evening.

Staff recommended Council approve ZOTA #21-03 in accordance with alternative one.

Councilmember Dhakal inquired about the change to differentiating structure types. The Zoning Administrator indicated all three were allowed through special exception even though they were not differentiated. Responding to further inquiries from Councilmember Dhakal about proposed size changes, the Zoning Administrator clarified the height limitation was 15 feet or the height of the principal structure.

There was brief discussion between Councilmember Dhakal and the Zoning Administrator about creating more affordable units. The Zoning Administrator indicated, from available data, most were falling at market rate due to a high initial cost of investment. He thought they may provide affordable housing in the future but at that time they were providing a different type of housing.

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There was brief further discussion about what this would provide for the property owner and renter.

Councilmember Dhakal inquired about enforcement and violations for meeting the definition of family. The Zoning Administrator explained that complaints usually came from neighbors. He then outlined the process to certify the relationship. If information was not provided, they could proceed with violations, civil fines, and potentially circuit court. Councilmember Dhakal asked if this was a continual process and enforcement. The Zoning Administrator said it would remain complaint based.

Councilmember Friedrichs asked about passing the ZOTA and previous by-right conditions remaining, and the Zoning Administrator confirmed those she listed were still conditions. There was a brief question and answer session between Councilmember Friedrichs and the Zoning Administrator about different housing types and zoning and building codes. Responding to additional queries from Councilmember Friedrichs, the Zoning Administrator clarified that an individual could build an ADU at the same time as a main building, but a developer could not.

Responding to further related questions from Councilmember Regan, the Zoning Administrator clarified a developer did not meet the residency requirement.

Councilmember Friedrichs inquired about the number of ADUs expected per year, and the Zoning Administrator agreed there could potentially be pent up demand initially, but for there to be many, financing would need to change.

Responding to further questions from Councilmember Friedrichs, the Zoning Administrator said setbacks on corner lots did not necessarily apply because these were not allowed in front yards.

Councilmember Regan asked about short-term rentals and Airbnb's. The Zoning Administrator clarified they were prohibited, and this did not change that.

Councilmember Dhakal asked about Bed and Breakfasts, and the Zoning Administrator said those were allowed not as part of an ADU.

There was a brief question and answer session between Councilmember Regan and the Zoning Administrator about wording concerning utility connections that was in an earlier draft and did not make it to the final.

Councilmember Regan then inquired about height requirement measuring and the Zoning Administrator clarified the process. Councilmember Regan suggested they eliminate the restriction limiting height to the height of the house and keep the 15-foot height restriction. There was further discussion between

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Councilmember Regan and the Zoning Administrator about the height requirement for ADUs and garages.

There was a question and answer session between Vice Mayor del Aguila, Councilmember Regan, and the Zoning Administrator regarding Councilmember Regan's question and total square footage of an ADU and garage. The Zoning Administrator said 900 feet was for the living space. Vice Mayor del Aguila asked if this came from the PC, and the Zoning Administrator confirmed. Vice Mayor del Aguila questioned if two to three units a year was realistic and asked if they anticipated any initial rush. The Zoning Administrator reiterated that was not expected and restated he was going off Arlington's numbers. Vice Mayor del Aguila then asked about not approving it, keeping the four to six-month process, and how many requests they had gotten. The Zoning Administrator said a couple went through special exceptions the last year.

There was brief discussion about property maintenance and perviousness between Mayor Olem and the Zoning Administrator. The Zoning Administrator said at least half of the property needed to be pervious. There was a brief question and answer session between Mayor Olem and the Zoning Administrator about the limit on the total number of buildings on a single-family lot. The Zoning Administrator clarified the limit was on square footage.

Councilmember Dhakal asked Councilmember Regan if he was suggesting a 15-foot restriction on height for everyone, and Councilmember Regan confirmed.

There was a question and answer session between Councilmember Friedrichs and the Zoning Administrator about square footage of the dwelling, setbacks, and property lines.

Councilmember Friedrichs inquired about Councilmember Regan's proposed edit and the visuals of having a garage taller than a single-level home. She asked about adding to the back of a garage instead of up and indicated she was not sure they needed to make that change.

Responding to Vice Mayor del Aguila's inquiry about how they would get Councilmember Regan's change into the ordinance, Councilmember Regan said he would send it to the Zoning Administrator and ask for it to be presented as an alternative. The Zoning Administrator clarified this could be one of three versions presented.

Mayor Olem said Councilmembers needed to look at which one they would be supporting.

Councilmember Dhakal said there were already two and asked where Councilmember Regan's would fit. The Zoning Administrator said he could work with the Town Attorney to compare drafts.

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Mayor Olem provided comments about homes that were not able to be built up.

Mayor Olem said the Town Attorney would work with the Zoning Administrator on the height suggestion.

GENERAL

4. **Resolution 21-G-80, to ratify a Second Extension of Lease pursuant to Ordinance 20-O-23 Continuity of Governmental Operations, as amended, between the Town and The Elden Street Players d/b/a NextStop Theatre Company.**

Mayor Olem recognized the Town Attorney for the staff report.

The Town Attorney stated NextStop currently leased 1,275 sq. ft of space used for rehearsal in the Town's building at 397 Herndon Parkway. The rent for this space is \$1.00 per year, which is consistent with similar leases on town property. In this building, NextStop also has an additional lease that is used for storage.

The current lease for rehearsal space expired on October 14, 2021. This Extension would extend the current lease term so that it would expire on June 30, 2022. This extension allows for the rehearsal space lease and the storage space lease to align and expire at the same time. Going forward, it would be more efficient for the town and NextStop to manage the leases together and possibly combine them in the future.

The Town Manager had signed the Second Extension of Lease pursuant to the Town's Continuity of Government Ordinance. The Town Council must now consider ratification of the Extension of Lease to Board of Supervisors of Fairfax County, Virginia to extend the expiration date to November 11, 2022 to finalize its approval.

Staff recommended approval.

Responding to Councilmember Dhakal's query, the Town Attorney confirmed nothing in the lease terms had changed.

Mayor Olem clarified where the space was.

There was a brief question and answer session between Councilmember Friedrichs and the Town Attorney about the space and future requests that would come back to Council.

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.

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5. **Resolution 21-G-81, establishing the Town of Herndon's 2022 Legislative Program to request that the 2022 Virginia General Assembly amend Title 37 of the Code of Virginia to provide more capacity to address the needs of those in emotional crisis and to prohibit the issuance of Temporary Detention Orders (TDO) when space is not available; and to advise on matters of legislative interest on which the Town takes a position.**

Mayor Olem recognized the Town Attorney for the staff report.

The Town Attorney stated each year the town advises their representatives in the General Assembly of legislation they want to be advanced and legislative positions on important issues in the form of its Legislative Agenda. The positions and information provided by the Legislative Agenda play an important role in informing state legislators on how the actions they take at the General Assembly will affect the community. Generally, the Legislative Agenda mirrors that of the Virginia Municipal League which advocates on behalf of Towns and Cities throughout the Commonwealth and occasionally includes a specific request for legislation.

This year a specific request for legislation addressing the mental health bed crisis was requested. This issue directly affects HPD officers who are on the frontline and sometimes end up taking individuals into custody, pursuant to a magistrate issued order when a bed is not available for them. Thus, leaving the HPD holding these individuals without treatment.

Additionally, they would see informational items or position statements which support VML positions supportive of local government.

The Chief of Police indicated she would wait for questions.

Councilmember Friedrichs expressed support for this and for mental health issues. She mentioned the shortage of personnel for all parties involved and the cascading effects that caused problems for everyone. She reiterated she was strongly in favor.

Councilmember Dhakal said he supported anything related to mental health. He asked if this was about someone going through crisis not having to be detained or if they were detained and there was no space. The Chief of Police indicated there were no easy answers, and problems occur because there is a significant need and not enough local community resources to help. People were not being helped and ending up in crisis much quicker where police were involved because there was no one to call. The Chief of Police shared that five out of eight state hospitals were closed to new admission due to staffing and other issues exacerbated by COVID.

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The Chief of Police provided an example of the process involved based on a case from the prior month. The case tied up six to eight officers over 23 hours due to there being no bed for a patient and then needing to transport them. The Chief of Police further stated there was no funding for private transportation, and Virginia is one of the only states in the country where law enforcement does the transportation. The Chief of Police stated that, at a time when they want to separate police from mental health issues with police reform, police are still the only people called and the people in crisis have to be handcuffed and secured for safety reasons the whole time waiting for beds. She listed funding problem areas including resources, beds, and transportation. They also did not have a system to safely get people treatment in the field. The Chief of Police mentioned the Marcus Alert response and said some jurisdictions were making progress.

The Chief of Police then commented on a situation that occurred in New Mexico and said law enforcement was necessary for safety. She also mentioned police meeting with the candidates for Virginia Governor, crisis stabilization facilities, and issues related to transportation for both police and the person who is taken somewhere away from their family.

Councilmember Dhakal asked if the intent of the resolution was for funding, spaces, and resources. The Town Attorney confirmed and clarified the way this was written allows Legislative Services, which is who drafts the legislation for General Assembly, to craft it. Sometimes they tell them exact language in this case just asking for a result. For now, they did not want the opportunity to pass to ask their representatives to address this.

There was a question and answer session between Councilmember Dhakal and the Chief of Police about detaining individuals, police staying with individuals until they had a bed, and problems with detention orders.

Councilmember Dhakal said he was trying to understand the problems they were trying to solve and unintended consequences of not detaining those who were a threat to themselves or others. The Chief of Police said if they were not a threat, to themselves or others, they should not be detaining them. She commented on their inability to ever ensure someone would not hurt someone and determinations made on the scene. The Chief of Police said taking someone into emergency custody was a significant seizure of their freedoms, so they needed to be sure they were a danger to themselves or others. If not, they tried to help and connect them with resources. She reiterated they did not have legal authority to hold someone without significant evidence or probable cause.

The Town Attorney said they were not mental health professionals, and they were not suggesting, in this legislative agenda, to address that. They were simply asking that the General Assembly address the issues.

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The Chief of Police said that sometimes they do transport someone for evaluation and they are cleared. She further clarified, in response to additional queries from Councilmember Dhakal they do not do a mental health evaluation, they determine at the scene if they feel there is an immediate threat to safety.

Vice Mayor del Aguila asked about the ordinance that triggers the police officer/mandates them to be with the individual. The Town Attorney said it was the Code of Virginia Title 37 state legislation that addresses circumstances under which temporary detention orders of persons in mental health crisis are entered. The Town Attorney further explained that the first part of the temporary detention process involved taking the person into custody, then they transport them to be evaluated, and once evaluated there may be a temporary detention order.

Vice Mayor del Aguila asked if they were technically "in custody." The Town Attorney and Chief of Police confirmed. The Town Attorney said they had to stay in an officer's custody. Vice Mayor del Aguila said they own the individual's issues at that point.

The Town Attorney said the final step after being medically cleared was transporting them to the facility the detention order directs. Vice Mayor del Aguila asked if the custody stays in place there and the Town Attorney confirmed she began explaining the consistent opinion about the language in current legislation. Vice Mayor del Aguila interjected and asked if outsourcing the custody was not an option. The Chief of Police indicated that it had not been, statutorily, at that point.

The Chief of Police began speaking. Vice Mayor del Aguila interjected and asked about the funding not being there. He said he was asking because he was trying to help with the resources related to these excursions. The Chief of Police clarified that every jurisdiction was tied up. Vice Mayor del Aguila said he was just concerned about theirs and asked if there was something they could do, from a funding perspective, to address that mandated resource. Both the Chief of Police and the Town Attorney said no. The Chief of Police commented on custody issues and help with staffing in the past. She clarified the region and state were so devastated in police numbers that they could not help staff that anymore.

Vice Mayor del Aguila said he accompanied a deputy on one of those transfers. There was a brief question and answer session between Vice Mayor del Aguila and the Chief of Police about hiring someone for that and the issues with staffing.

Mayor Olem commented on staff and police being well-trained and shared an experience she witnessed. She provided positive comments about HPD involvement in the community.

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The Chief of Police indicated it was frustrating for police officers when they did not know what to do with individuals. She provided information about a personal experience and reiterated that there was a significant problem and not enough resources to help. She said safety must be paramount.

The Town Attorney clarified this would be presented to their senator and delegate.

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.

6. Resolution 21-G-82, to approve a Funding Agreement for Consulting Services, between the Town of Herndon and certain owners of property located in the Transit-Related Growth Area to provide funding for planning consultant services related to the preparation of a Transit-Related Growth Small Area Plan.

Mayor Olem recognized the Deputy Town Attorney for the staff report.

The Deputy Town Attorney presented the staff report and a PowerPoint dated October 19, 2021 which are on file in the Town Clerk's office.

The Deputy Town Attorney outlined that staff was seeking Town Council approval of the Funding Agreement for Consulting Services between the Town of Herndon and certain owners of property located in the Transit-Related Growth Area in the Town of Herndon.

The Deputy Town Attorney explained this provides for the property owners to pay the Town up to \$500,000.00 for planning consultant services related to the preparation of a Transit-Related Growth Small Area Plan to guide future mixed-use development within walking distance of the Herndon Metrorail Station. The town would directly engage a planning consultant through its standard procurement procedures, who would always be under the exclusive supervision and control of the town.

An RFP was issued October 12, 2021, with proposals due November 12, 2021, a consultant would need to be selected no later than January 31, 2022.

The Town Manager would appoint a seven-member Advisory Committee comprised of: two TRG Owners; two Planning Commissioners; one Planning staff; and two Town of Herndon residents.

TRG Owners were proposing they would pay the town in four equal installments of \$125,000 on or before established target dates/phases. The town would then pay the consultant directly. The planning process was anticipated to take 18 months.

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The Deputy Town Attorney then outlined the location and area of the TRG and further described it as a strategic location for redevelopment with aging, low density, and commercial structures and how the owners were lacking a town-adopted plan to guild and mold change. This came about because owners needed guidance on their plans and processes and were interested in moving forward. The owners offered to help fund consulting services.

She then detailed the outreach that would be done and the phases which included: information gathering, exploration and analysis, and the visioning phase. The Deputy Town Attorney further clarified the plan would be presented to the PC, pursuant to Code of Virginia, and they would give a recommendation. That recommendation would come to Council for another Public Hearing, consideration, and adoption.

Mayor Olem indicated they should keep in mind they have someone proposing to pay for something the town had paid for in the past. Five of seven advisory committee members would represent the town.

The Town Manager provided additional information about this plan which was paused during COVID. He said strategically, it was something they had to do. They needed to address this area, and the property owners offered to pay. This agreement was the funding mechanism, and the RFP was out and would be coming to Council for award and to bring the process forward. Outreach would be under the consultant's purview for data gathering before the vision stage. He further clarified the advisory committee would advise the town and consultant, but the consultant would be doing much more community outreach.

Councilmember Friedrichs said they talked about how this would bring citizens and landowners in while making sure it followed the town's vision and remained collaborative. She inquired about a San Francisco group, and the Town Manager clarified there was a group out of San Francisco involved. The Town Manager then commented on the collaboration and interplay between these property owners and how this could spill over. Councilmember Friedrichs provided comments about Councilmember Singh's interest in this.

The Town Manager provided further comments about the advisory group, collaboration, and the transitional element that would be important in this location. He commented on the strategic nature of this plan for the town.

Councilmember Friedrichs indicated the last council approved a lot of apartments and asked where they were in relation to this plan. The Town Manager pointed the location out on the map in the PowerPoint.

Councilmember Dhakal asked for clarification about this being an ask to approve the funding agreement, and the Town Manager confirmed. Councilmember Dhakal asked if the advisory committee was already formed. The Town Manager

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said one MOU was approved and they would look to form that committee. The Town Manager provided comments about the town's work on this and reiterated collaborative perspectives for its development.

Councilmember Dhakal asked if the property owners shown on the PowerPoint were the only ones and if they were willing to participate. The Town Manager said those who paid would be involved and the others could be if they wanted. They wanted all property owners involved, and he reiterated the need for multiple perspectives.

Councilmember Dhakal then asked about how many agreed to participate. The Town Manager and Deputy Town Attorney clarified different owners involved. Councilmember Dhakal provided follow-up inquiries about funding and the owners' willingness to pay. The Town Manager said the numbers came from looking at similar studies, talking to property owners and some of the owners. He said the number was placed in a position where they would have some room. There was further discussion between Councilmember Dhakal and the Town Manager about funding. The Town Manager indicated they would have contract information when this came back to Council. There was further clarification from the Town Manager that the owners were willing to pay so this could be moved up.

Councilmember Dhakal asked if property owners paying the fee caused any conflict of interest. The Town Manager said he was cognizant of ethical ramifications, and the owners were paying but town staff would be managing the project.

There was a brief question and answer session between Councilmember Dhakal and the Town Manager about how the town would not be financially involved.

Councilmember Regan provided comments about prior projects and the importance of planning and getting this moving. He indicated he was interested in seeing what the proposals were.

The Town Manager provided further comments about the property owners reaching out for town guidance and getting to this point. He thanked Community Development and the Town Attorney's office for their 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.

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ROUNDTABLE

1. Vice Mayor del Aguila:

Gun Ordinance

Vice Mayor del Aguila asked the Town Manager about the status of deploying the gun safety ordinance. The Town Manager said he was meeting with staff to work on ordering things, and the ordinance would be effective January 1, 2021. Vice Mayor del Aguila asked if anyone filed litigation, and the Town Attorney indicated they had not received notice of any.

Housing Allowance

Vice Mayor del Aguila said he asked Human Resources to look into providing language or a template to allow teachers to partake in a housing allowance. The Town Manager indicated there would be a presentation on that at the Strategic Planning Meeting in November. Vice Mayor del Aguila asked if there would be a template/language. The Town Manager said they would brief Council on the restrictions they were under based on Virginia State Code.

Vice Mayor del Aguila asked if there was nothing they could send before the meeting. The Town Manager indicated he may be able to send something. Vice Mayor del Aguila said this was more of a Human Resources issue than a state code issue. Both the Town Manager and the Town Attorney indicated this came straight from the state code. The Town Manager indicated he could read the code section. The Town Attorney said that since Virginia is a Dillon Rule state, the process was that they had to be granted the authority to do certain things. Vice Mayor del Aguila said "we can compensate police officers but not teachers?"

The Town Manager proceeded to read aloud from the Virginia State Code 15.2-958.2. § 15.2-958.2. Grants for homeownership; workforce housing. "In order to ensure its competitiveness as an employer, a locality may, by ordinance, provide for the use of funds, other than state funds, to provide homeownership grants to employees of the locality, employees of the school board and employees of constitutional officers, to purchase their primary residences in the locality. The ordinance shall require that individual grants not exceed \$25,000 per employee, nor lifetime cumulative grants exceed \$25,000 per employee. Any such grants issued shall be subject to the Virginia Housing and Development Authority regional sales price and household income limitations. The ordinance may establish such other terms and conditions to ensure the integrity of the homeownership grant program."

The Town Manager said, in their reading of the enabling authority, it was for ownership only, individual grant only, and could not exceed \$25,000. It was subject to VHDA limitations. He specifically referenced "competitiveness as an

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employer” and said the town did not employ teachers or have a school board that employed teachers. He commented on this in relation to Loudoun County and said staff did a deep dive into Loudoun County and how to do a full-blown program.

Vice Mayor del Aguila said schools in their town were not the best-performing and they knew that and there were a lot of layers and variables. He thought it was worth exploring if they could get teachers to help tutor. He wanted to explore that as something the town could enable under an initiative.

The Town Manager asked, for clarification, if Vice Mayor del Aguila was saying he was looking for the town to establish a tutoring program in one of their departments.

Vice Mayor del Aguila said to put it under the housing allowance and not get stuck on the department. He said he was trying to build a community, and this was why he was exploring the allowance for first responders, police, and teachers. He said to think outside the box. Vice Mayor del Aguila said they were not doing this today, but he thought it would be a good value going forward.

The Town Manager said they were prepared to present an MVP, in a couple of weeks, of the town having a couple of town staff members each year that are interested by application. They could do that under current resourcing without putting a quarter or half million dollars into personnel to look through finances, qualify people, and have systems to secure that data. They could do this under current Human Resources data. The Town Manager indicated he would be briefed on a survey going out to staff to gauge interest, keep this relatively small under current resourcing, and see if it has any legs.

Vice Mayor del Aguila said he had him at MVP. The Town Manager said he had an MVP ready to go that did not include teachers, and Vice Mayor del Aguila said he wanted to explore options.

Traffic Calming

Vice Mayor del Aguila then brought up traffic calming. The Town Manager indicated they had a presentation for Council to be presented at the next Strategic Planning Meeting. Vice Mayor del Aguila asked if he could have it early because he was meeting with Supervisor Foust that Thursday. The Town Manager indicated the presentation was marked up and he needed to make some changes. Vice Mayor del Aguila said whatever he could send him would be great. The Town Manager stated that they were able to have DPW go out. He said there was an MVP in there, but many projects that were already underway met many of the objectives. They were looking at ways to move them forward in scheduling and package them to present to Council. They sent information out to an engineering firm.

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Records

Vice Mayor del Aguila said Councilmember Singh was not there, but he was asking about the status of releasing records and files. The Town Manager said he and Councilmember Singh had a two-and-a-half hour meeting the prior Thursday and he brought him up to date.

Town Publications

Vice Mayor del Aguila said he had feedback in terms of town and publications. He held up a document and said they should be focused on images representing the diversity of the town. The Town Manager said he did not disagree. Vice Mayor del Aguila said they needed to take a deliberate approach. The Town Manager said he would pass that on. Vice Mayor del Aguila said the diversity should be in there.

Traffic

Vice Mayor del Aguila said there was a big concern about 2:20 p.m. every day when school let out buses were cutting through from Grace Street to the W&OD and going the speed limit. He said he had gotten complaints from neighbors, and he also had videos. The Town Manager asked if he was talking about Fairfax County School buses, and Vice Mayor del Aguila confirmed. He asked if there was something they could do to reroute cut-through traffic in neighborhoods.

Mayor Olem commented on places where buses had to be parked and the bus drivers retrieved them said it did not give them a right to speed through the town.

2. **Councilmember Dhakal:** Asked the Town Manager about the resolution that he submitted to staff for the multicultural board. He said Council was presented a slightly modified form. The Town Manager said the presentation had a lot of questions, and he had the Town Clerk reaching out to Councilmember Dhakal to start moving this forward. He thought she would contact him soon. Councilmember Dhakal asked if that was to form the resolution itself with the language for the committee. The Town Manager confirmed and Councilmember Dhakal said he did not know there were questions and did not recall any action items. The Town Manager said there were several and these were just the highlights. He said he pulled information from that meeting, and minutes should be coming soon to be approved. The Town Manager said they need additional input on direction for logistics and Council direction on budget. Elements like identifying by minority or faith goes against EEO policies, they need measures to prevent illegal meetings through town email, and the chair of committee cannot just simply convene meetings. They would need a process. They also did not think HCTV could record meetings pursuant to Councilmember Dhakal's memo, so they would need to have a contractor, identify funding, or forego. Town staff would have to be responsible for minutes, but there was no way they could turn them around before the next meeting as well as others. Councilmember Dhakal

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asked if that was presented to Council in the staff presentation, and the Town Manager confirmed. Councilmember Dhakal said they discussed, and he thought those questions were answered. The Town Manager said the actionable item he recalled from his notes was that they were going to work with staff to get the rest of the answers. The Town Manager said the Town Clerk would reach out.

3. **Councilmember Friedrichs:** Said she met with the Town Manager about the problem of speeding in the town. She said, more than school buses, it was people swerving around and drag racing throughout the town. She said everyone she talked to heard it, and she understood HPD did not have staff to sit around waiting for people to drag race, but it was a safety issue. She said in her discussion with the Town Manager she mainly suggested short-term methods to take place of police officers and possibly do rumble strips or speed bumps. She also mentioned speed cameras and said there was no place that she knew of in town to go over 35 mph legally. She had seen insane speeding and people on cell phones going through stop signs. She said this seemed like an infringement of privacy, but she hoped they could put up some speed cameras to encourage slowing down to get things back where they should be.

The Chief of Police stated they did not have any authority to do that except for in work zones and school zones.

Councilmember Friedrichs said she was talking to Shane Murphy about this, and he said he worked with a developer and thought they could use them. The Chief of Police said they could not use them because they were not authorized for any jurisdiction. They were just authorized for school zones and work zones.

Mayor Olem indicated she passed information about that she got at VML onto the Town Manager.

Councilmember Friedrichs said they already had their legislative agenda. The Town Attorney said there were certain things that were not likely to not being carried and successful such as red-light cameras and speeding because it was just discussed.

The Town Manager said Ferndale was an area that was identified as being greatly affected and they had some ideas they were working on to potentially calm speed down there. He said it was an ongoing conversation with DPW.

The Chief of Police said they still had a speed grant from the state they could use toward overtime for speed and impaired driving, and some still took extra assignments.

Councilmember Friedrichs said she was looking for ways to do this without overburdening police. She said the time most likely to have drag racing is when people are also most likely to be breaking into cars and leaving bars drunk and

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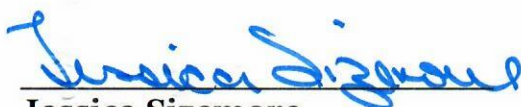
there were less police then. She thought enforcement needed to be painful for a little while. Councilmember Friedrichs said she knew speed bumps were not a good answer because they cause trouble for firetrucks and ambulances. She said rumble strips were another idea because they make driving fast unpleasant. Councilmember Friedrichs stated they really needed to address this because it was not a little thing that people were speeding, looking at phones while driving, and swerving around buses and dump trucks where they cannot see. She hoped they could come up with something.

4. **Councilmember Regan:** No comments.
5. **Mayor Olem:** Said she thought the Herndon Homecoming parade was great and enjoyed seeing everyone out and about. Mayor Olem mentioned rain during the homecoming game. She said she read through Annual Report and commented on her favorite thing to read being when they had things paid for. She mentioned \$4.6 million due to staff in CD and DPW putting forth hard work to get things funded and bringing tax dollars back to the town.

ADJOURNMENT

On motion of Councilmember Friedrichs, seconded by Councilmember Dhakal, and carried by 5-0 vote, the meeting of the October 19, 2021 work session was adjourned at 9:17 p.m. The vote was: Councilmembers Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye." Councilmembers Alam and Singh were absent.


Sheila A. Olem
Mayor


Jessica Sizemore
Legislative Assistant



Minutes approved by Town Council: February 8, 2022.