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**HERNDON TOWN COUNCIL
Work Session Meeting Minutes
Tuesday, April 4, 2023**

The Town Council held a work session meeting on Tuesday, April 4, 2023, at 5:30 p.m. in the Herndon Police Department (HPD) Community Room, 397 Herndon Parkway, Herndon. In attendance were: Mayor Sheila Olem, Vice Mayor Hedrick, and Councilmembers Naila Alam, Pradip Dhakal, Keven LeBlanc, and Donielle M. Scherff.

Councilmember Cesar del Aguila was absent for the closed meeting and arrived for the regular work session meeting that convened at 7:03 p.m.

1. CALL TO ORDER

Mayor Olem called the work session to order at 5:33 p.m. and determined there was a quorum of five Councilmembers, with Councilmember Dhakal having not yet arrived. Councilmember del Aguila was absent from the closed meeting.

2. CLOSED MEETING

a. A closed meeting pursuant to the Code of Virginia Section 2.2-3711(A)(1) of the Code of Virginia for interviews of prospective candidates relative to appointments to boards and commissions

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

Councilmember Alam moved that the Council convene in closed session to discuss the following as permitted by Virginia Code Section 2.2-3711(A)(1) of the Code of Virginia, for interviews of prospective candidates relative to appointments to boards and commissions. Councilmember LeBlanc seconded the motion, which carried by a 5-0 roll call vote. The vote was: Councilmembers Alam, LeBlanc, Scherff, and Vice Mayor Hedrick and Mayor Olem voting “Aye.” Councilmember Dhakal had not yet arrived. Councilmember del Aguila was absent from the closed meeting.

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The Council went into closed meeting at 5:36 p.m.

During the closed meeting, Mayor Olem noted for the record that Councilmember Dhakal arrived at 6:01 p.m.

Councilmember LeBlanc moved to come out of the closed meeting. Motion seconded by Vice Mayor Hedrick and carried by a 6-0 roll call vote. The vote was: Councilmembers Alam, Dhakal, LeBlanc, Scherff, and Vice Mayor Hedrick and Mayor Olem voting "Aye." Councilmember del Aguila was absent from the closed meeting.

The Council came out of closed meeting at 6:45 p.m.

Vice Mayor Hedrick moved to certify that, to the best of each member's knowledge, in the closed meeting just concluded, nothing was discussed except the matter or matters (1) specifically identified in the motion to convene in closed meeting and (2) lawfully permitted to be discussed in a closed meeting under the provisions of the Virginia Freedom of Information Act as cited in that motion. Motion seconded by Councilmember Scherff and carried by a 6-0 roll call vote. The vote was: Councilmembers Alam, Dhakal, LeBlanc, Scherff, and Vice Mayor Hedrick and Mayor Olem voting "Aye." Councilmember del Aguila was absent from the closed meeting.

Ayes: 6

Nays: 0

Absent: 1

WORK SESSION

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Chief Maggie DeBoard, Herndon Police; Kirstyn Barr Jovanovich, Town Clerk; Lisa Gilleran, Director of Community Development; Page Kalapasev, Director of Information Technology; Marjorie Sloan, Director of Finance; Mike Mueller, Golf Course General Manager; Scott Robinson, Director of Public Works; David Stromberg, Zoning Administrator; Dennis Holste, Economic Development Manager; Maria Lee, Budget Manager; Dave Bracamonte, Systems Manager; and Amanda Kertz, Chief Deputy Town Clerk.

RECESS

At 6:47 p.m. Mayor Olem called a brief recess, and at 7:03 p.m., the meeting reconvened in the Herndon Police Department Community Room. Mayor Olem determined there was a quorum, all members present, and with Mayor Olem presiding.

Mayor Announcements

Mayor Olem announced that six Members of Council had previously met in a closed meeting pursuant to state code requirements. She stated for the record that Councilmember del Aguila arrived for the work session, but he was not present at the Closed Meeting. Mayor Olem reminded the Council of the meeting decorum.

Mayor Olem reminded those interested that the Town's Hoppy Egg Hunt was on Saturday, April 8, 2023, at Bready Park, near the Herndon Community Center.

Comments and Disclosures for the Record

Mayor Olem asked Amanda Kertz, Chief Deputy Town Clerk, if she received comments for the record or Transactional Disclosure Declarations from Council. Ms. Kertz stated that comments were entered into the record on the proposed FY 2024 budget items. The Clerk did not receive disclosures from Council on any item listed on the agenda that evening.

3. PUBLIC HEARINGS

FY 2024 Proposed Budget

- a. **Ordinance to amend Chapter 74 (UTILITIES), Article II (Sewers and Sewage Disposal), Division 5 (Sanitary Sewer System Rates and Charges), Section 74-262 (Schedule of Rates); and Article III (Water), Division 2 (Service), Subdivision II (In-Town Service Charges), Section 74-326 (Schedule of Charges), to increase the service and usage charges for sanitary sewer and water, effective for meter readings taken on or after July 1, 2023;**
- b. **Ordinance to Levy Taxes on Real Estate and Manufactured Homes, and Other Subjects for the Fiscal Year 2024 Budget;**
- c. **Resolution to adopt a Fiscal Planning Resolution for the Fiscal Year 2024 Budget for the Town of Herndon; and**
- d. **Ordinance to Appropriate Funds to implement the Fiscal Year 2024 Budget for the Town of Herndon, establishing the Pay Plan, and reserving on-going and Capital Funding for this Fiscal Year.**

Mayor Olem stated that the four public hearings on the agenda are related to the FY 2024 proposed budget. There are two public hearings scheduled for the proposed budget on April 11 and April 25, with work sessions that evening and on April 18, 2023.

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At next week's meeting, the Council will hold public hearings and take separate action on the first two public hearing items; and hold concurrent public hearings, followed by separate action, on the Fiscal Planning Resolution and the Appropriation Ordinance. For each public hearing, Mayor Olem said that she will ask for a motion to continue the public hearings to the Council's April 25, 2023 meeting. The public hearings will remain open.

Mayor Olem recognized William H. Ashton II, Town Manager, for the presentation.

Mr. Ashton stated that the proposed FY 2024 Budget was released to the public by April 1, 2023, as pursuant to state law. He stated that the budget was posted on the Town's website along with an interactive budget tool. The Citizens Guide to the Budget pamphlet had been sent to all homes in the Town that week. He presented a PowerPoint presentation titled "Proposed FY 2024 Budget."

Mr. Ashton discussed the following items related to the proposed budget: (1) water and sewer rates, (2) real estate tax rate, (3) General Fund revenues and expenditures, and (4) Enterprise Funds: Water and Sewer, Herndon Centennial Golf Course, and Chestnut Grove Cemetery Funds.

Water and Sewer Rates

Mr. Ashton stated that the proposed budget includes a 1.5 percent increase in water and sewer rates over the anticipated FY2024 rates, and is consistent with the model that was recently presented by the Town's consultant from Davenport. The reasons for the rate increase include: (1) the Town did not account for depreciation costs of an aging system before 2017, (2) the increased commodity cost for buying water from Fairfax Water, and (3) the increased sewer costs due to planned improvements at Blue Plains, the area's wastewater treatment plant. Mr. Ashton stated that this recommendation includes reviewing the water and sewer rate model annually to ensure that the rates accurately reflect the costs.

There was discussion amongst Council and staff on the water and sewer rates, including (1) the reasons for the proposed increase in water and sewer rates, (2) anticipated rate increases over time, (3) Davenport's water and sewer rate model, and (4) the Town's water and sewer rates versus other jurisdictions in the region.

Tax Levy Ordinance

Mr. Ashton stated that the second budget public hearing is related to the real estate tax rate. The rate is proposed to remain the same at \$0.2650 per \$100 of assessed real estate value. He reviewed the breakdown of residential to commercial real estate in the Town and the assessed values for each type. While the rate is proposed to remain the same as current year, because the assessed values of real estate have increased, residents will see an increase in their tax bills.

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[Note: Councilmember Alam left the work session at 7:30 p.m. and returned at 7:38 p.m.]

There was discussion amongst Council and staff on the real estate tax rate, including: (1) Fairfax County's proposed tax rates relative to the Town's proposed tax rates, (2) cost of the tax levy on the homeowner, and (3) the equalization tax rate.

Responding to Councilmember Dhakal, Mr. Ashton stated that he will provide the approximate increase to the average homeowner's real estate bill during the next meeting.

Fiscal Planning Resolution; and
Appropriation Ordinance

Mr. Ashton stated that the Fiscal Planning Resolution includes the proposed budget, as well as any budget amendments the Council may decide to make during the budget process. The Appropriation Ordinance directs staff on how the Council wants to spend the money in the budget.

He stated that the Council's priorities and guidance, provided in the budget guidance resolution adopted earlier that year, were included in these items, along with flexibility to address a potential recession. Mr. Ashton reviewed: (1) budgetary pressures, (2) personnel costs, (3) projected revenue from local taxes other than the real estate tax, (4) operations and maintenance, to include Council's initiatives, (5) capital expenditures, to include funding to update the Town's Comprehensive Plan, as required by State Code, and (6) the Enterprise Funds: Water and Sewer, Herndon Centennial Golf Fund, and Chestnut Grove Cemetery Fund.

Staff recommends continuing the public hearing items from April 11 to April 25, 2023, and considering the items for approval at the April 25, 2023 Town Council public hearing.

There was brief discussion among Council and staff.

4. GENERAL

- a. Resolution to initiate consideration of a Zoning Ordinance Text Amendment ZOTA #23-02 to amend Chapter 78 (ZONING), Article XV (Decision-Making Authorities, Application Review, and Permitting), Section 78-150.3 (Board of Zoning Appeals), and Section 78-155.4 (Variances), to make housekeeping amendments aligning the zoning ordinance with the Code of Virginia and to consider adopting a time limit of up to one year before the Board of Zoning Appeals will consider substantially the same application on the same property**

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David Stromberg, Zoning Administrator, presented the staff report dated April 4, 2023. The proposed item is an initiating resolution to transmit a draft Zoning Ordinance Text Amendment (ZOTA) to the Planning Commission for review and recommendation. The draft text includes amendments that will align applicable sections of the Town Code with changes made to the Code of Virginia related to the Board of Zoning Appeals (BZA).

It also includes an opportunity for the Planning Commission to consider if the Town should set a one-year time limit on reapplication for a variance to the BZA. During discussions on this topic, the BZA was unable to come to a consensus on whether this optional language should be adopted into the zoning ordinance.

Staff recommends approval of the proposed initiating resolution, submitting the item to the Planning Commission for review and recommendation to the Town Council.

There was brief discussion amongst Council and staff on this item, including (1) the BZA appeal process, (2) the Zoning Administrator's authority, and (3) the Town's communication with residents on zoning district standards.

Responding to Vice Mayor Hedrick, Lesa Yeatts, Town Attorney, stated that the Zoning Administrator would have the authority to determine what constitutes 'substantially similar' when examining appeals submitted to the BZA.

Councilmember del Aguila asked that the Council consider adding a strategic initiative for making the zoning district standards more uniform throughout the Town.

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

b. Resolution to adopt the Town Council Operating Agreement

Kirstyn Barr Jovanovich, Town Clerk, presented the staff report dated April 4, 2023. Following its retreat in March 2022, the Town Council collectively agreed on operating standards to work toward their ideal experience as Councilmembers. The Operating Agreement includes two sections: (1) Section 1 – Purpose and Basic Principles, which explains how the agreement will support and enable the Town Councilmembers to engage in long range strategic planning, and (2) Section 2 – Process Agreement, which outlines the procedural processes the Town Council agrees to regarding agenda and meeting procedures. This agreement is complimentary to Roberts' Rules and will not supersede Town Code provisions. Staff recommends approval of the proposed resolution, as presented.

With the concurrence of Council, staff was directed to place this item as presented on the Consent Agenda for the next meeting's agenda.

5. DISCUSSION

a. Organizational Orientation Discussion by the Town Manager and the Department of Finance

William H. Ashton II, Town Manager, stated that tonight's department orientation presentation is from the Department of Finance.

Organizational Orientation – Department of Finance

Marjorie Sloan, Director of Finance, presented a PowerPoint dated April 4, 2023. She provided an overview and discussed the department's mission, organizational structure, responsibilities and services, accomplishments and initiatives, and challenges.

There was brief discussion amongst Council and staff on the Finance Department's orientation, including: (1) cyber security, (2) data management, (3) risk management, (4) grant fund process and predictions, (5) ARPA fund allocation, and (6) collection of Town taxes by Fairfax County.

Responding to Councilmember Scherff's question on the RISE grant, Ms. Sloan stated that the Town had not yet heard from the federal government if the grant will be awarded to assist in funding the Comprehensive Plan update. If the grant is not awarded, the Town will need to find another funding source. Mr. Ashton stated that if needed, staff will come back to the Council for them to consider a budget amendment in August.

Councilmember Scherff stated that she asked at the previous work session about a "grant pipeline" to have a better understanding of how the Town applies for and receives grant funds. She wanted to discuss this process with Ms. Sloan further, to which Ms. Sloan agreed.

b. Traffic Calming Related Issues

Mayor Olem recognized Councilmember Scherff to begin the discussion.

Councilmember Scherff outlined several traffic issues she has heard about in the community. She pointed to several neighborhoods that have come forward since the beginning of the Council's term that have asked for assistance with traffic safety. She listed: Locust Street, Louisa, Van Buren Street, Palmer Drive, Queens Row Street, Grant Street, Worchester Street, Missouri Avenue, and Alabama Drive. While they may not have all the answers at that time, she thought the Council needed to do everything they could for the community's safety. She asked staff to look at ways to reduce traffic volumes and to consider adding curb or other road improvements on Spring Street.

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Councilmember Scherff said that she and Councilmember Dhakal are meeting with William H. Ashton II, Town Manager, and Chief Maggie DeBoard, Herndon Police, to discuss ways the Town can address the residents' safety concerns.

Responding to Councilmember Scherff, Mr. Ashton indicated the stop bars for the three-way stop on Spring Street will be installed this week.

Mr. Ashton reviewed the Town's current efforts in studying traffic levels and analyzing cut-through traffic, which includes addressing the traffic flow between Sterling Road and Spring Street. He recognized Lisa Gilleran, Director of Community Development, and Scott Robinson, Director of Public Works, who assisted in the discussion. Ms. Gilleran reviewed staff's work to date on the cut-through traffic analysis.

Mr. Robinson discussed pedestrian safety on Spring Street and stated that in the short term, staff is investigating installation of a protected pedestrian crossing at Nash and Spring Streets. In the long term, staff is looking at incorporating sidewalks on both sides of Spring Street, as well as other road improvement opportunities to increase overall safety along Spring Street. Staff is also looking at pedestrian improvements along Spring and Locust Streets up to the middle school.

There was brief discussion amongst Council and staff on possible road and pedestrian improvements on the roads near Spring Street, including: (1) use of speed cameras in the school zone on Locust Street, near Herndon Middle School, (2) advocating for state legislation to allow speed cameras in areas outside of school zones, and potentially adding that item to the Town's legislative program next year, (3) adding stripes on the edge of certain streets and/or painting illusionary speed bumps, (4) funding sidewalks for the length of Spring Street, (5) installing rumble strips on the edge of streets in key locations, (6) traffic enforcement, (7) removing the three-way stop at Van Buren and Spring Streets and only have a stop for Spring Street, and (8) adding a stop sign at Nash and Spring Streets.

Following discussion, Councilmember Scherff summarized Council's long term and short term suggestions to staff for addressing traffic and pedestrian safety in the Spring Street area: (1) explore potential for additional enforcement as is reasonable and legal, (2) explore the installation of rumble strips along the edge of Spring Street, (3) change the stop at Spring and Van Buren Streets to decrease use of Spring Street for thru traffic, (4) install stop bars at the three-way stop at Spring and Wood Streets (nearly complete), (5) install stripes along road edges where appropriate, (6) resynchronize lights on Elden Street to encourage use of that road (in progress), (7) review potential for stop sign and installation of a pedestrian crossing at Nash and Spring Streets, (8) fund sidewalks for the full length of Spring Street, and (9) work with Fairfax County on installing speed cameras in the Herndon Middle School school zone on Locust Street (as permitted by State law).

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Councilmember Scherff indicated she will send the summary of the Town Council's requests to the Town Clerk for the record and asked staff to distribute it to the Council. Mr. Ashton added that staff will also continue studying improvements for Sterling Road.

c. Business Survey, Economic Development

Mayor Olem recognized Councilmember LeBlanc to begin the discussion item.

Councilmember LeBlanc discussed his proposal to survey the Town's business community to determine the best way to address their needs. He provided background on recent business growth in Town, especially the acceleration of small businesses, and stated that he wanted to also understand how the business landscape has changed over the past several years. He suggested that staff follow a similar process as the citizens' survey being conducted at that time.

There was brief discussion among Council and staff on a survey of the business community, including: (1) the survey process, (2) how to categorize businesses for the survey, (3) how the re-branding process could be incorporated with the survey, (4) ways to capture why businesses come to Herndon, and (5) request to work with local entities like the Dulles Regional Chamber of Commerce and the Mason Enterprise Center.

Following discussion, Mr. Ashton stated that once staff completed the citizen's survey, they will engage the consultant to move forward with a survey of Town businesses.

d. Council Initiatives and Next Steps

William H. Ashton II, Town Manager, stated that he has received feedback from Council on potential new initiatives, stating that he received 23 items in addition to the Council's initiatives that are in motion.

Following the Town Council Retreat, staff was planning to review, categorize, and consolidate the initiatives Council had submitted. Staff was going to then send the initiatives back to the Council and schedule a meeting with the moderators. Mr. Ashton wanted to discuss expectations with the Council related to how they wanted to incorporate the new initiatives with the ones that were previously submitted.

There was brief discussion amongst Council and staff about: (1) the existing Council initiatives, (2) prioritizing initiatives in terms of staff time and funding, and (3) when to schedule the next initiatives meeting with the moderators.

Following discussion, Mr. Ashton indicated he will follow-up with the Council by: (1) sending an update to include the existing and newly submitted initiatives, and (2) scheduling a Council meeting with the moderators to continue the Council's strategic planning discussion and dialogue on prioritizing initiatives.

e. Council Operations

Town Council Work Session Location

Mr. Ashton stated that he also wanted to discuss Town Council procedures that evening. The first item is related to the Town Council's work session location. With the audio visual update in the Council Chambers nearly complete, staff is looking at the Council's request to move the work session meetings from the Herndon Police Department Community Room to the Council Chambers. To that end, Mr. Ashton stated that staff is planning to purchase tables and chairs similar to the furniture in the Herndon Police Department Community Room. Staff can remove the tables and chairs from the Council Chambers after Town Council work session meetings to prepare for Fairfax County Court, which is held in the Council Chambers on Wednesday mornings.

There was brief discussion among Council and staff about the work session location being either at the Council Chambers or in the Town-owned building on the other side of the Herndon Police Department at 397 Herndon Parkway. The Council also discussed where the Council will sit if they move the work sessions to the Council Chambers.

Mayor Olem went around the table and asked each Councilmember to state if they wanted to either move to the Council Chambers or to the building on the other side of 397 Herndon Parkway for work sessions.

Councilmembers Alam, del Aguila, Scherff, and Dhakal stated they wanted to move the Town Council work session meetings to the Council Chambers. Mayor Olem, Vice Mayor Hedrick, and Councilmember LeBlanc stated they wanted to move the Town Council work session meetings to the building on the other side of 397 Herndon Parkway.

Following discussion, staff was requested to: (1) order furniture that is similar to the rolling tables and chairs used in the Herndon Police Department Community Room, (2) once received, move the tables and chairs to the Council Chambers, just below the dais, for Town Council work sessions, and (3) remove the furniture from the Council Chambers for Fairfax County Court to be held on Wednesday mornings. Once the new furniture is received and installed, the Council will begin holding their work sessions in the Council Chambers.

Town Council Office Space

Mr. Ashton stated he received requests from Councilmembers about using office space in Town. A suggestion he has is for the Council to use the space that the Town leases to the non-profit group NextStop Theatre in the Depot next to Town Hall.

There was brief discussion amongst Council and staff about the possibility of scheduling time to use the space, and on how the Town rents space to non-profits.

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Responding to the discussion, Ms. Yeatts stated that one of the reasons NextStop Theatre is able to rent the space in the Depot is because they meet a stipulation by the Northern Virginia Regional Park Authority (NVRPA) to hold free performances for the community. The NVRPA owns the land on which the Depot sits.

Responding to Councilmember del Aguila, Mr. Ashton stated that the Town has a special relationship with the arts community and that is one reason that they lease the space to NextStop Theatre. He said he did not have the information at that time about how the Town selects which nonprofits rent its spaces. He said that he would have to discuss that matter with the Director of Finance and the Purchasing Agent.

Following discussion, Mr. Ashton stated that he will work with NextStop Theatre to determine a way for Council to use the Depot space to meet with constituents.

6. ROUNDTABLE

Councilmember Alam: no comments.

Councilmember del Aguila:

Admission Cost at Herndon Community Center

Councilmember del Aguila stated that at last week's regular meeting, several members of the audience requested that the Town look at lowering the admission cost of the Herndon Community Center for lower income families. Councilmember del Aguila asked staff to look into this request.

Mr. Ashton stated that staff is currently reviewing the feasibility of providing reduced rates for admission to the Herndon Community Center. He will follow up in the next few weeks after he has met with the appropriate staff.

Presentations on Town Council Agendas

Councilmember del Aguila stated that on last week's agenda there was a proclamation that the Mayor had signed and read into the record. He thought that traditionally the entire Council signed proclamations. He asked for clarification on the process.

Kirstyn Barr Jovanovich, Town Clerk, stated that in the Town's adopted presentation policy states that Mayoral Proclamations are signed by the Mayor. She indicated that the proclamations are ceremonial and typically for awareness months or similar reasons relating to the health, welfare, and safety of the community.

There was brief discussion among Council and staff on presentations that are listed on Town Council agendas, including: (1) signatures on Mayoral Proclamations, (2) who should sign documents supported by the Town Council, (3) who signs the proclamations

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in the majority of jurisdictions, and (4) the presentation process during Town Council regular meetings.

Following discussion, staff was asked to consider adding the signatures of all the Town Council to Town-issued proclamations. The Council indicated that they would like to use their ink signature rather than an electronic signature.

The Council indicated they would like to keep to the following process: at the Town Council meetings, the Mayor or a Councilmember will read the proclamation into the record during the presentation portion. Members of the audience may provide comments during “Comments from the Audience” and Councilmembers may provide their comments on the proclamation during their comment period. If the individual or organization requesting the proclamation wants to take photos, there is an opportunity to do so before the Council meeting begins.

Ms. Jovanovich stated that if there are changes that they want to make to the process, the Council should consider formally changing the adopted presentation policy.

Councilmember Scherff: no comments.

Councilmember Dhakal: no comments.

Councilmember LeBlanc: no comments.

Vice Mayor Hedrick: no comments.

Mayor Olem: no comments.

William H. Ashton II, Town Manager: no additional comments.

7. ADJOURNMENT

There being no further business, Mayor Olem adjourned the April 4, 2023 Town Council work session 10:35 p.m.

Amanda E. Monaw Kertz

Amanda E.M. Kertz
Chief Deputy Town Clerk



Minutes approved by Town Council: April 25, 2023