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

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

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Chief of Police, Maggie DeBoard; Robert Tang, Director of Finance; Scott Robinson, Director of Public Works; Elizabeth Gilleran, Director of Community Development; Page Kalapasev, Director of Information Technology; Tammy Chastain, Deputy Director of Public Works; Mark Duceman, Transportation Program Manager; Captain Steven Pihonak, Herndon Police Department; Jaleh Moslehi, Capital Projects Planner/Engineer; Maria Lee, Budget Manager; David Stromberg, Zoning Administrator; and Amanda Kertz, Chief Deputy Town Clerk.

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CALL TO ORDER

1. Roll Call & Determination of Quorum

Mayor Olem called the work session to order at 7:00 p.m. and asked the 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.

Mayor Olem asked Council to observe meeting decorum by showing their hand to be recognized by the chair for comments. She reminded those participating to follow the town's Meeting Guidelines that were used for all government meetings to maintain good order, which included: refraining from participation unless and until recognized by the chair; being respectful in comments; refraining from threatening or intimidating language; profane, vulgar, obscene, or threatening remarks were not permitted; and attacks on the character, motive, or other harmful remarks against individual members of Council, town staff, or the public would not be tolerated.

ANNOUNCEMENTS

Mayor Olem shared that Council conducted its Strategic Planning Initiatives Meeting the past Thursday and the recording was posted on the town's website.

Mayor Olem stated they had probably all heard about the tragic fire the past Thursday at Park Avenue Apartments. She was proud to be part of a community that came together with donations and support for the families that were displaced. To see how they could still help she indicated people could contact Mobile Hope, the Herndon NRC, or LINK Food Pantry.

Mayor Olem stated it was Pearl Harbor Remembrance Day and that day marked the 80th anniversary of the attack on the United States Armed Forces at Pearl Harbor. She also commented on the recent Herndon High School band trip to Pearl Harbor. Mayor Olem expressed her appreciation for the selfless sacrifices of the brave individuals who served, fought, and lost their lives during this war and thanked them for their courage and dedication to our country.

TOWN MANAGER UPDATES

2. Comments from the Town Manager

The Town Manager indicated the town was prepared for potential weather the following day.

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The Town Manager then described the awards ceremony that was held for staff members who achieved monumental things this past year. The ceremony would usually have taken place at the holiday lunch, but since the lunch would be virtual that year, they recorded it to share. He stated two awards were for Individual Excellence (Chris Mason) and Team Excellence (the interdepartmental COVID team of Lindsey Jones, Chris Mason, and Roxann Fox Simkins). The Town Attorney was also part of the interdepartmental team but could not win due to being on Management Team. The group tracked every potential COVID case, kept the Town Manager informed, and did monumental work beyond their day jobs. The Town Manager indicated the awards were decided by two community business leaders in the town. The third award for Innovation and Creativity went to Lieutenants Jay Carson and Mark Dale from the Herndon Police Department (HPD). They developed a comprehensive wellness program for HPD to help officers coping with stressful incidents and to promote mental health. This work for HPD took about eight months and was in place during the tragic murder the prior summer. The crime scene detectives had support after leaving the site. The Town Manager said the judges recognized their exemplary work.

The Town Manager stated there were also customer service and years of service awards given at the event, including to Dave Higgins, for 35 years with the town.

Mayor Olem stated they had an impressive staff who made the town a wonderful place to live.

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: General item #4 - Resolution 21-G-90, to award and disburse funds to charitable or non-profit organizations for Fiscal Year 2022.

On the same item—General item #4—the following members of Council had filed signed transactional disclosure declarations: Mayor Olem; Vice Mayor del Aguila; and Councilmembers Dhakal, Friedrichs, Regan, and Singh's statements indicated that these members: may have been invited to attend events hosted by these organizations as guests, some of which may receive funds from the town; may have given to various organizations in the community, some of which may receive funds from the town; or may have served as unpaid volunteers for various organizations in the community, some of which may receive funds from the town.

All indicated that they were able to participate in the discussions regarding donations to non-profit organizations fairly, objectively, and in the public interest.

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Councilmember Alam filed a statement that she is a principal, and her sister, who resides with her, is the Director of Express Care, an organization that has applied for funds from the town. She indicated that she would recuse and disqualify herself from voting or participating in the discussions regarding donations to non-profit organizations.

All signed statements had been entered into the record and are on file with the Town Clerk and Town Attorney.

PRESENTATION & PUBLIC HEARINGS

3. Presentation of the Town's Annual Comprehensive Financial Report (ACFR) for the Fiscal Year Ended June 30, 2021 (by Brown Edwards and Company, LLP, Certified Public Accountants).

Mayor Olem stated that the next week, the town's auditors—Brown Edwards and Company, LLP, Certified Public Accountants—would present the town's annual Comprehensive Financial Report.

Additionally, she stated there were no public hearings that evening, so they would move to General portion of the agenda. Mayor Olem asked that Council please hold their questions until the completion of each staff report. There would be an opportunity at the conclusion of each report for Council questions and discussion with staff.

GENERAL

4. Resolution 21-G-90, to Award and Disburse funds to charitable or non-profit organizations for Fiscal Year 2022 for the Town of Herndon.

Mayor Olem recognized the Director of Finance for the staff report.

The Director of Finance presented the staff report dated December 7, 2021, which is on file in the Town Clerk's office. He stated that, under the Code of Virginia, localities may appropriate funds to any charitable or non-profit organization if the organization provides services to residents of the locality, and if such organizations are not controlled in whole or in part by any church or sectarian society.

On August 10, 2021, Council approved adjustments to the FY 2022 budget that included a \$195,499 appropriation for community donations. In September, staff solicited a broad range of groups to apply for community donations. By the due date, October 8, 2021, the town received 11 applications, including HCTV.

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One recommendation was to award HCTV with a different revenue source that would not affect the distribution of the allotted funds. The Director of Finance provided an update on the status of the 10 other applications, including several applications that would require additional documentation. He stated that as of the day prior, NextStop and Arts Herndon submitted their remaining application items.

The Director of Finance indicated that as the disclosure stated earlier, Express Care had a possible conflict of interest with a current Councilmember still actively on the board or employed with the non-profit.

The Director of Finance emphasized that the Town Council appropriated \$195,499 in funding for the community donations. If Council wished to approve all the submitted requests, they would have to approve an additional \$3,061.

Staff provided two recommendations, one was to approve all charitable or non-profits requested amount with requirement that any necessary documents are obtained before disbursement and to close the funding gap. The second option was for the Council to select the non-profits and dollar amounts of their choosing. For both options, staff recommended approving HCTV's requested \$108,425 separately from this process. Staff also recommended amending the future application process, selection criteria, and scoring practices, to allow an unbiased and careful evaluation of the future community donation applications.

There was brief discussion amongst Council and staff on this item.

Responding to Councilmember Friedrichs' queries about documentation requirements for organizations who applied for donations previously, the Director of Finance reviewed the application instructions. The statement Councilmember Friedrichs referred to was where applicants did not have to submit all the documentation if they had applied the prior fiscal year. However, last year, no organizations applied due to COVID.

Councilmember Singh asked about the Green Lizard benefiting from the Green Lizard Foundation and if that was a concern. The Director of Finance indicated they looked at that as part of the review process. The foundation was a separate entity, and they listed their contributions to the community in the application.

Vice Mayor del Aguila said the Green Lizard Foundation was separate from the business and sought to promote healthy lifestyles to underserved communities. He outlined several of the activities and fundraisers that the Green Lizard Foundation holds to benefit the community. Responding to Councilmember Singh, Vice Mayor del Aguila said the group's focus was primarily on Herndon, but they also help others in the area. Councilmember Singh provided follow-up

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queries about legality. Vice Mayor del Aguila indicated he recommended that the Green Lizard build a foundation because they were doing these services out of pocket.

The Town Manager clarified they had applied for a separate IRS tax ID from Green Lizard Cycling. He suggested that, if approved, the town would hold the check for them until they get the tax ID. The Director of Finance indicated staff did due diligence to verify the organizations.

Councilmember Regan commented on foundations and corporations having similar names.

Following up on his previous questions, Councilmember Singh stated he was asking if there was any legal concern.

Mayor Olem discussed the Green Lizard Foundation's activities. One thing they did was fund a relay team from Hutchinson Elementary, which the Herndon Rotary Club helped support.

Councilmember Friedrichs discussed her previous experience running a non-profit and how the town and organizations would benefit from the donations.

There was a brief exchange between Councilmembers Friedrichs and Singh. Councilmember Singh said to her that he was not talking about benefits, and Councilmember Friedrichs stated that it was an accepted process for foundations and corporations to have similar names.

The Director of Finance indicated Councilmember Singh had a valid question and that was why there was a separate vetting process.

Councilmember Dhakal asked about Herndon Elementary School's (HES) requests. The Director of Finance thought that HES did not know how much they could ask for, so they put in two applications. The requests were for different purposes.

Councilmember Dhakal asked about HCTV, and the Director of Finance clarified that staff was asking to disburse those funds separately. The Town Manager provided further comments about funds for public education television.

Councilmember Dhakal then asked about Councilmember Alam's association with Express Care and if that created conflict of interest. Mayor Olem clarified that Councilmember Alam's disclosure was read into the record. The Town Manager indicated he met with Councilmember Alam. There was concern about her role, and Councilmember Alam indicated her willingness to step out of that

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role and seek to make changes with the State Corporation Commission. As of that morning she was still on it, but her intention was to remove herself and they wanted to make sure that Council had full disclosure.

The Town Attorney added that the other conflict of interest is that Councilmember Alam's family member who lives with her is the Director of Express Care, which she disclosed. All of this was covered by Councilmember Alam's disclosure and recusal.

Councilmember Dhakal asked about the future amendment that staff suggested. The Director of Finance indicated that currently, there was no scoring metric or selection criteria for community donations. Staff thought they could create a more refined process to get rid of bias and focus more on town needs and the Council's vision. He further clarified, in response to additional questions, that this was a new proposal.

In response to queries from Councilmember Friedrichs, the Director of Finance indicated in the proposed new process, Council would approve donations from the scoring metric.

Mayor Olem provided positive comments about using a scoring metric and how the proposed donations would be used.

Councilmember Regan asked about Arts Herndon's application and how they proposed to use their money. The Director of Finance indicated that Council would choose the organizations to receive the donations. Responding to further queries from Councilmember Regan, the Director of Finance indicated staff would reach out to Arts Herndon with Councilmember Regan's questions.

Councilmember Friedrichs discussed the verbiage related to arts organizations and funding. She indicated "diversifying" funding meant leveraging money received from dependable sponsors. During the pandemic, other organizations had identifiable needs and got large amounts of money, but arts groups did not. She thought that the other arts organization faced similar obstacles.

Councilmember Regan commented on the language used in the application.

There was further discussion about diversification and stability between Councilmembers Regan and Friedrichs and Mayor Olem.

Councilmember Friedrichs added that she did not think members of Council were the appropriate people to make these decisions and it would be better for community donations to come from citizens who understood non-profits. She felt it was clear that all organizations were doing important work in the community.

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Councilmember Regan indicated his question was what the requested amount was going to, and he did not need that to be answered at this meeting.

Mayor Olem provided comments about grants and outside groups to keep in mind. She also commented on arts being accessible to the community.

Councilmember Dhakal asked the Director of Finance to walk them through the process. The Director of Finance indicated staff posted the application process on the town's website and broadcasted it to two places in September. They also worked with the Town Clerk's office to reach out to past applicants.

Councilmember Dhakal encouraged staff to find ways to reach out to other organizations. The Director of Finance indicated other localities held sessions or trainings to get participation, so non-profits were aware of the process and the documentation they needed to provide.

Councilmember Dhakal asked further questions about reaching out to other organizations. The Director of Finance indicated they could brainstorm how to better communicate.

Vice Mayor del Aguila thought it was a good update, and he thought they were missing an opportunity to impact more non-profits. He thought this was a challenge for this new entity.

Councilmember Friedrichs said donations had always been a contentious discussion and there was usually a struggle to choose which ones provided more services to Herndon rather than surrounding areas. In considering donations in the past, they also tried not to step on Fairfax County's toes, which funds health and human services and schools. She discussed the funding that was available for the organizations and for HCTV.

Mayor Olem stated that in the past, there had often been more applicants than funding available. She thought this had been a good conversation and encouraged Council to reach out to staff with additional questions.

5. **Ordinance Resolution 21-G-91, authorizing two applications to the Regional Jurisdiction and Agency Coordinating Committee (RJACC) of the Northern Virginia Transportation Authority (NVTA) for federal Regional Surface Transportation Program (RSTP) and Congestion Mitigation - Air Quality (CMAQ) transportation funding for fiscal year 2028.**

Mayor Olem recognized the Director of Community Development for the staff report.

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The Director of Community Development presented the staff report dated December 7, 2021, which is on file in the Town Clerk's office. The proposed resolution would direct staff to submit two project applications to the RJACC of the NVTa for RSTP and CMAQ funding for Federal Fiscal Year 2028. Staff proposed to submit one RSTP application and one CMAQ application. The deadline for application submittals was January 14, 2022.

The Director of Community Development outlined the proposed projects and funding requests. The RSTP proposal was for the CIP-approved Sterling Road Multimodal Improvement project. The funding application for this request was up to \$500,000. The CMAQ proposed project was the Herndon Parkway Improvements at Worldgate Drive Extension CIP, and the funding appreciation for this request was up to \$1.0 million. Potential funding from these applications would augment funding for which the town had already applied.

Staff recommended that Council approve the resolution as proposed.

There was brief discussion amongst Council and staff on this item.

There was a brief question and answer session between Councilmember Singh, the Director of Community Development, and the Transportation Program Manager, about the project's schedule, impact, and specifications.

In response to queries from Councilmember Singh, the Director of Community Development stated the project's start time had been affected by COVID. The design had since commenced, and a consulting engineer was working on the schematics, including looking at existing right-of-way, if additional right-of-way were needed, and landscaping. In approximately six months these drawings would be available to the Council and public. She clarified that the proposed request was for future construction dollars.

In response to queries from Councilmember Singh about the projects' costs, the Transportation Program Manager stated that existing funding was for preliminary engineering and potential right-of-way costs. The amount would depend on the right-of-way and final project costs would range from \$2.0 to \$6.0 million.

Councilmember Singh thought the cost estimate was low and he expressed concern over safety issues at the site. The Transportation Program Manager indicated the cost could be on the low side and additional items like undergrounding utilities could increase the cost.

In response to queries from Councilmember Dhakal about a traffic light, the Director of Community Development shared that the Crestview Drive-Herndon Parkway intersection did not currently meet the VDOT warrants for a signal.

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In response to queries from Councilmember Dhakal about the cost of signalization, the Transportation Manager stated the cost would be approximately \$1.0 million or above. The minimum cost was \$600,000.

In response to queries from Councilmember Friedrichs, the Director of Community Development agreed that staff was requesting Council's approval of the grant applications.

Vice Mayor del Aguila discussed the designs and costs and asked why the town does not deliberately over-engineer projects when applying for grants.

Responding to Vice Mayor del Aguila, the Director of Community Development stated the answer varied according to the funding source. Not all applications covered the undergrounding utilities, for example.

In response to queries from Vice Mayor del Aguila, the Transportation Program Manager outlined two ways of looking at funding - the opportunity track and the concept track, which could be worked on simultaneously to get funding as fast as possible. Typically, staff develops several concepts to go through the public process. While that occurs, staff also seeks opportunities to accumulate funding from various sources. If staff waited to apply for funding until after the concepts were finished, the process would take longer.

The Transportation Program Manager discussed how some items, like bicycle facilities and utilities, could impact the costs.

Responding to Vice Mayor del Aguila's comments about setting broad goals like undergrounding all utilities and how that might impact project design, the Transportation Program Manager echoed the Director of Community Development's earlier comments about how there are different requirements for the funding sources. He discussed the NVTa and VDOT application processes.

In response to queries from Mayor Olem about a potential crosswalk, the Director of Community Development stated that would fall under the engineering study phase. There could be safety concerns for installing a crosswalk without signalization. She stated staff would like to see a traffic signal there, even if it did not meet the warrants now.

Responding to Mayor Olem's questions about the project's proximity to the Innovation Metrorail Station, the Transportation Program Manager thought the location could help the project with transportation grant funding.

Councilmember Singh stated that in the past, he advocated for "under the road travel ways" to address pedestrian safety. The Director of Community Development responded that Reston has several of these types of crossings, as do

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other communities. These underground crossings occupy a lot of space, especially with the ramps needed for ADA compliance. It would also be difficult to build something like that under the roadway without blasting through rock.

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-92, to ratify a License Agreement pursuant to Ordinance 20-O-23 Continuity of Governmental Operations, as amended, between the Town and Green Lizard Cycling, LLC for use of a designated public parking space on Lynn Street for a portable bicycle rack for public bicycle parking purposes.**

Mayor Olem recognized the Town Attorney for the staff report dated December 7, 2021, which is on file in the Town Clerk's office. She stated the Green Lizard is a coffee/bicycle shop located along the W&OD Trail. In 2016, Green Lizard Cycling entered into a License Agreement with the town for a term of five years to use a town-owned parking space in front of their business at 718 Lynn Street for a portable bike rack on weekends and town-recognized holidays for public bike parking. The Green Lizard, like other businesses during the pandemic, had a Temporary Outdoor Dining License permitting a tent in the area in front of their business, occupying the previous bike rack space. Their Temporary Outdoor Dining License expired on November 30, 2021, and the tent was removed. The Green Lizard would like to obtain a License Agreement to permit a bike rack for bicycle parking again. The license for their bike rack had expired in August.

The term of the license was for five years, beginning December 1, 2021 and expiring on December 1, 2026. The fee would be the same as the previous agreement, which was \$1.00 per year.

Staff recommends that Mayor Olem and Council ratify the proposed resolution, as proposed.

There was brief discussion amongst Council and staff on this item.

Vice Mayor del Aguila stated that he thought sometime next year, they may allow the Green Lizard to have outdoor dining. He asked if outdoor dining would conflict with the proposed License Agreement.

The Town Attorney responded, stating that the outdoor dining the town had last year was pursuant to the state of emergency regulations. Whether or not outdoor dining as it existed on public property would happen in the future remained to be seen. If that happened, it would be in conflict, but they would address it then.

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In response to queries from Vice Mayor del Aguila about what allowed outdoor dining, the Town Attorney stated it was zoning and, in some cases, public shared parking requirements.

Responding to Vice Mayor del Aguila's comments about pursuing outdoor dining, the Town Manager stated staff was working on concepts in conjunction with zoning, public shared parking requirements, and state constraints.

Councilmember Regan requested staff to schedule a more detailed conversation on outdoor dining, to which the Town Manager agreed.

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

Mayor Olem stated she would be clear at next week's public meeting about when the public could comment on General and Consent agenda items.

DISCUSSION

7. Resolution Parking Improvements – Discussion by Chief Maggie Deboard.

Mayor Olem recognized the Chief of Police for the staff report and PowerPoint dated December 7, 2021, which is on file in the Town Clerk's office.

The Chief of Police reviewed recent amendments to town parking ordinances and outlined the timeline of studies and evaluations the town had conducted on parking issues.

The Chief of Police then went over identified issues, including abandoned and inoperable vehicles on public streets; oversized commercial vehicles in residential areas; motor homes, trailers, and similar vehicles parked on public streets; vehicles blocking curb ramps; and vehicles parking too close to driveways/mailboxes. She provided images of some of the identified issues and summarized her presentation with a comparison chart between the town, Fairfax County, and Loudoun County of issues, restrictions, and language used. She stated that through working with communities and neighborhoods, HPD identified where the problems with parking were in town.

There was discussion amongst Council and staff on this topic.

Councilmember Singh discussed where he observed parking issues in residential neighborhoods town. He thought there should be an evaluation of street parking in residential neighborhoods.

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Responding to Councilmember Singh, Chief DeBoard stated that the issue varies across neighborhoods. There was no way to determine who was a resident without a residential permit parking program, which was a separate matter. Without any existing restrictions, anyone could park on most of the streets.

Councilmember Singh expressed concern for “crowded neighborhoods” and said “you can’t tell those people not to park. They have no alternative.”

Councilmember Regan stated that the solution could be zoned parking. They had discussed it near the Metro, and he thought there could be reasons to use that in other areas.

Councilmember Dhakal thought implementing some solutions like Councilmember Regan discussed could help the situation. He also agreed with Councilmember Singh’s comments, and he thought a lot of townhouses and narrowly built single-family houses would have parking issues. He asked about the county’s 10-foot parking limit from driveways and about mail delivery trucks.

Responding to queries from Councilmember Dhakal, the Chief of Police stated the bigger issue than the 10-foot parking restriction was residents having the space to get in and out of their driveways safely.

Councilmember Dhakal suggested a five-to-seven-foot distance to park from the driveway instead of 10-feet. The Chief of Police agreed that amount would still be helpful to provide a buffer on either side of the driveway. She has seen this problem grow over the 10 years she has been at Herndon.

Councilmember Dhakal discussed parking issues he observed, including abandoned vehicles, and expressed his support for reducing the distance from the driveway from 10-feet to approximately five-feet.

Councilmember Friedrichs supported what had been said and liked Councilmember Dhakal’s suggestion of five-to-seven-feet. She provided personal comments about having difficulty with parking in her neighborhood.

Responding to queries from Councilmember Friedrichs about a potential vehicle repair shop on Ferndale Avenue, Chief of Police stated that if there was ever a question about a parking problem to call HPD. Officers and the parking enforcement officer could write parking tickets.

There was a question-and-answer period between Vice Mayor del Aguila, the Town Attorney, Chief of Police, and Town Manager.

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Responding to queries from Vice Mayor del Aguila, the Town Attorney stated that she was not aware of any legal reason the code had not been updated. She advised that the commercial vehicle code was strangely worded, and it had been on her list to review. Staff had been working through the parking issues.

Responding to queries from Vice Mayor del Aguila, the Chief of Police agreed that the public has complained about parking for a long time.

Vice Mayor del Aguila discussed stolen cars parked elsewhere. The Chief of Police stated that HPD cannot “run” license plates to determine a vehicle’s residency. However, they could run the license plate of a vehicle if they had a specific reason.

The Town Manager briefly discussed the residential parking permit program. Recently, to get the “counts” needed for a neighborhood to qualify for the program, he was going to have residents attest that the cars that are parking there do not belong in the neighborhood because the town could not scan the license plates.

Responding to queries from Vice Mayor del Aguila about height/weight limits and trailers, the Police Captain discussed the code definition of commercial vehicles. The Chief of Police stated that “oversized” vehicles do not always have those words written on their license plate. She stated that the town gives an exemption for one commercial vehicle. Trailers had different regulations, but there were no current restrictions on motor homes.

Vice Mayor del Aguila expressed support for aligning the town’s regulations with nearby localities.

Mayor Olem provided personal comments about parking in her neighborhood. She indicated that a 10-foot parking limit from the driveway like the county has might be too much for her neighborhood.

The Chief of Police stated that there are people who park on town’s streets and call an Uber to Dulles Airport, who are reasoning that it was cheaper to receive parking tickets than to pay for a week’s worth of parking at the airport.

There was a brief question and answer period between Councilmember Singh and the Chief of Police.

Responding to queries from Councilmember Singh, the Chief of Police stated that some of the commercial vehicles parked in town belong to Herndon residents. She thought that pick-up trucks would not be in violation under the proposed changes, but they would have to use the code language and define commercial vehicles. The main issue was that there were no restrictions on vehicles, and the

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parking issues were caused by both residents and nonresidents. The Chief of Police gave several suggestions for where large vehicles could park that were not in town. She stated that if the Council adopts any changes, HPD would take two-to-three months to educate residents and give out warnings. They often follow this process with new laws.

Councilmember Singh expressed his continued concern over how he thought commercial parking changes could affect residents.

The Chief of Police stated the police could not determine whether a vehicle belonged to a resident by their license plate, as vehicles are often registered in other states. She said that the town had become a dumping ground for commercial vehicles because there are no restrictions. Most jurisdictions do not allow commercial vehicles to park in residential areas, whether they are residents or not. She reviewed other jurisdictions that have communal lots for commercial vehicles.

Responding to queries from Councilmember Friedrichs, the Town Attorney stated the proposed regulations would apply to public streets. She stated that a commercial vehicle parked in a driveway would be a zoning issue.

There was further discussion amongst Council and staff about commercial vehicles in residential parking areas and how to address parking concerns.

Responding to queries from Vice Mayor del Aguila, the Chief of Police said that she thought commercial vehicles parking on town streets was the biggest problem. If that were addressed, she thought that would free up parking spaces. She indicated that staff would like to address the towing code as well.

Responding to the discussion, the Town Attorney stated that abandoned and inoperable vehicles would be addressed by the amendments that would make the town's regulations consistent with the state code. The Chief of Police agreed with the Town Attorney.

Vice Mayor del Aguila thought they should first focus on the commercial vehicles, regardless of who owns them, and he thought they should take that slow. For some residents, he said that was their livelihood and he appreciated Councilmember Singh mentioning this point.

Responding to Vice Mayor del Aguila, the Chief of Police stated especially given advance notice, drivers should be able to adapt to the parking changes.

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Responding to the discussion, the Town Manager stated it was important to look at why they were doing this, and that related to the large vehicles on small streets creating unsafe conditions for cyclists, pedestrians, and other drivers. The Chief of Police agreed with his comments.

Responding to queries from Vice Mayor del Aguila, who asked about applying regulations to certain neighborhoods, the Town Attorney stated there was no way to target a specific neighborhood unless it was for zoning.

Responding to Vice Mayor del Aguila, the Chief of Police stated drivers often move their cars from spot to spot when there are parking zones. She stated that there was usually an exception for one personal commercial vehicle that meets the height and weight restrictions.

Councilmember Regan thought it was a legitimate concern for contractors that run a business from their townhomes in Herndon. He did not want to ignore that and wanted to find an answer about where those individuals could park.

Mayor Olem indicated that many HOAs did not allow large commercial vehicles in townhouse developments in the parking area. She saw the large vehicle issue occurring more often in single-family residential areas.

Councilmember Friedrichs was having trouble thinking of a place for large vehicles to park. For the time being, she thought they could park in the municipal lot. Councilmember Singh thought there was room for a parking garage on Burwick Drive and in a few other locations.

Mayor Olem stated she was having trouble getting consensus on this item. Councilmember Friedrichs stated she thought Council agreed on the abandoned vehicles.

Vice Mayor del Aguila thought they needed more information on the five-foot distance from the driveways. He wanted to further discuss all the topics they covered that evening, except for inoperable and abandoned vehicles.

In response to queries from Councilmember Dhakal about commercial vehicles parked in driveways, the Chief of Police stated those regulations fell under the zoning ordinance. Councilmember Dhakal wanted more information about what was allowed in driveways.

In response to Mayor Olem's comments, the Chief of Police agreed that many apartment complexes do not allow large commercial vehicles to be parked there.

Councilmember Dhakal stated he was still in favor, but he wanted more information about solutions and how much it would impact business owners.

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The Chief of Police indicated they were talking about “oversized commercial vehicles,” which she said none of the HOAs would allow.

Councilmember Regan thought part of the disagreement among Council was due to a misunderstanding of what constituted oversized commercial vehicles. He pointed out several pictures on the PowerPoint and asked about the ladders on top of the vehicles.

Responding to Councilmember Regan, the Chief of Police stated that ladders on these vehicles were a safety issue that interfered with the drivers’ vision. It was not safe to park under the ladder extending 20 feet off a truck. The width and length requirements included attachments to the vehicle.

There was further discussion amongst Councilmember Regan and the Chief of Police about the ladders on top of vehicles.

Responding to the queries from Vice Mayor del Aguila, the Town Attorney stated that a public hearing would not be required for this item, but the Council could choose to hold one.

There was brief discussion amongst Council and staff about how to proceed with this item.

The Chief of Police suggested looking at the existing codes in Loudoun and Fairfax counties that restricted commercial vehicles as a starting point. The Town Attorney said she could send those codes to the Council.

Following further discussion, and with the concurrence of the majority of Council, Mayor Olem asked staff to proceed with drafting an ordinance that would align the town’s commercial parking regulations with its neighboring localities. She stated that the majority of Council were also interested in discussing a five-foot parking distance from residential driveways.

The Town Attorney did not hear any objection to staff drafting an amendment to clear up the inconsistencies with the state code in January regarding towing, inoperable, and abandoned vehicles. Mayor Olem agreed.

ROUNDTABLE

1. **Councilmember Regan:** Asked the Town Manager about who would inspect the smoke detectors and fire alarms from the fire that occurred at Park Avenue Apartments. The Town Manager stated that fell under Fairfax County Fire and Rescue Department.

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2. **Councilmember Singh:** Stated that Bob Dole had recently passed away. He had watched of his speeches where Mr. Dole discussed his work on both sides to get things accomplished, which Councilmember Singh admired.

Councilmember Singh stated he thought the December 2nd Town Council Strategic Planning Initiatives Meeting was “highly unsatisfactory.” One of the issues he saw was that staff had to be part of the solutions, and they could not work on all the initiatives at once. He thought the Council needed to find a better way to organize and set priorities, which he had discussed with the Town Manager. Another issue that Councilmember Singh saw was that there was no statement of the problem in the initiative. He wanted the initiative’s sponsor to do the groundwork. Councilmember Singh planned to speak with each Councilmember about the initiatives and put together a solution to prioritize. He would then talk with the Town Manager and would report back to his colleagues. Councilmember Singh provided further personal comments about the Town Council strategic planning initiatives. Mayor Olem thought that sounded great and she was always happy to talk with Councilmember Singh.

3. **Councilmember Friedrichs:** No comments.
4. **Councilmember Dhakal:** No comments.
5. **Vice Mayor del Aguila:** Agreed with Councilmember Singh’s comments and suggested having a retreat with professional facilitator.

Responding to Vice Mayor del Aguila, the Town Manager agreed and thought it would be good to look at improving the process for strategic objectives. Staff was looking at the costs of working with new facilitators.

Vice Mayor del Aguila asked if they could direct staff to move forward. The Town Manager responded that if they wanted him to work with a facilitator, he would proceed. There was consensus amongst the majority of Council for him to do so.

In response to queries from Vice Mayor del Aguila about timing, the Town Manager stated he needed latitude to schedule facilitators in the March timeframe.

Councilmember Friedrichs asked that they do not film or record, even if the meeting is open to the public, because they needed to talk frankly. Having someone record decreases the likelihood of being honest and open.

Vice Mayor del Aguila stated he would like to have it recorded.

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Councilmember Regan said that they should discuss the format for the Town Council Strategic Planning Initiatives Meeting. The Town Manager stated the body could discuss that as the meeting was closer.

6. **Mayor Olem:** Stated that Herndon Wintermarkt was this weekend, along with Holiday Tree Lighting, and the Herndon Holiday Model Train Show. She encouraged those interested to attend.

CLOSED MEETING

On motion of Councilmember Singh, seconded by Councilmember Friedrichs, and carried by 6-0 vote, the Herndon Town Council went into Closed Meeting at 10:12 p.m., under section 2.2-3711(A)(8) for consultation with the Town Attorney to provide legal advice regarding litigation of delinquent accounts. The Closed Meeting was held in the Herndon Police Department Community Room, 397 Herndon Parkway, Herndon, Virginia. The appropriate meeting notices were provided in accordance with state law.

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

On motion of Councilmember Regan, seconded by Councilmember Friedrichs, and carried by 6-0 vote, the Herndon Town Council reconvened in public session at 10:19 p.m.

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

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

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

Certification of Closed Meeting

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

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

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

VOTE:

Ayes – 6

Nays – 0

ABSENT DURING VOTE: 1

ABSENT DURING MEETING: 1

ADJOURNMENT

On motion of Vice Mayor del Aguila, seconded by Councilmember Dhakal, and carried by 6-0 vote, the meeting of the December 7, 2021 work session was adjourned at 10:20 p.m. The vote was: Councilmembers Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye." Councilmember Alam was absent.



Sheila A. Olem
Mayor





Amanda M. Kertz
Chief Deputy Town Clerk

Minutes approved by Town Council: April 12, 2022