



**HERNDON TOWN COUNCIL
Meeting Minutes
Tuesday, May 9, 2023**

The Town Council met in regular session on Tuesday, May 9, 2023, at 7:00 p.m. in the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia. In attendance were: Mayor Sheila Olem, Vice Mayor Clark Hedrick, and Councilmembers Naila Alam, Cesar del Aguila, Pradip Dhakal, Keven LeBlanc, and Donielle M. Scherff.

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Kirstyn Barr Jovanovich, Town Clerk; Chief of Police Maggie DeBoard; Lisa Gilleran, Director of Community Development; Cindy Roeder, Director of Parks and Recreation; Marjorie Sloan, Director of Finance; Scott Robinson, Director of Public Works; Maria Lee, Budget Manager; and Dave Bracamonte, Systems Manager.

1. CALL TO ORDER

Mayor Olem called the May 9, 2023 Town Council meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

Mayor Olem led the to the Pledge of Allegiance to the Flag of the United States of America.

Determination of a Quorum

Mayor Olem determined there was a quorum, with all members present.

Mayor Announcements

Mayor Olem reminded those present that “Bike to Work Day” is Friday, May 19, 2023, and the community is invited to register for free to stop at Herndon’s pit stop at the Depot that morning. More information is available on the Town’s website.

Mayor Olem reminded those participating in tonight’s meeting to follow the Town’s meeting guidelines that are displayed in the Council Chambers.

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3. PRESENTATIONS/REPORTS/COMMENTS

a. Proclamation in Recognition of Asian American, Native Hawaiian, and Pacific Islander Heritage Month

Mayor Olem recognized Councilmembers Dhakal and Alam to read the Proclamation in Recognition of Asian American, Native Hawaiian, and Pacific Islander Heritage Month into the record.

b. Town Manager Report

William H. Ashton II, Town Manager stated he had nothing to report on the downtown at that time.

Mr. Ashton stated that the Sugarland Run Stream Restoration Project is substantially complete, with foliage to be planted later during the year during the appropriate planting season.

Mr. Ashton stated that Station Street will be temporarily closed on May 10, 2023, from 9:00 a.m. to 3:00 p.m. to replace a damaged utility pole.

c. Councilmember Comments

Councilmember Scherff: stated that she participated in Clearview Elementary's Book Lovers Day by reading to Mrs. Pence's first grade class.

Councilmember Scherff looked forward to the Northern Virginia Tea Festival this weekend, spearheaded by the Elden Street Tea Shop. She encouraged those interested to attend and purchase tickets that day, since all the tickets available for pre-order have been sold.

Councilmember Scherff recognized that it is National Police Week and thanked the Herndon Police Department and Chief DeBoard for her leadership.

Councilmember Scherff reminded the community that there is a Transit Related Growth (TRG) public engagement session on May 24, 2023, and encouraged the public to attend.

Councilmember Alam: welcomed guests in attendance and stated that she participated in a reception at the White House in celebration of Eid.

Councilmember LeBlanc: echoed Councilmember Scherff's excitement about the Northern Virginia Tea Festival this weekend and stated that it is an international event.

Councilmember LeBlanc wished all teachers a happy Teacher Appreciation Week. He also participated in Clearview Elementary's Book Lovers Day by reading a book to a sixth grade class.

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Councilmember LeBlanc stated that he recently attended several events: (1) Dickie's BBQ grand opening with Mayor Olem and (2) Committee for Dulles meeting on legislative and transportation topics impacting the region. He encouraged the community to continue to support local businesses.

Councilmember LeBlanc recognized all the mothers present and those in the community.

Councilmember del Aguila: welcomed those in attendance to recognize and celebrate the community's diversity.

Councilmember del Aguila thanked his colleagues for their efforts on the budget at last week's work session. He thanked the current and previous Council for supporting and funding Council Initiatives and for thinking strategically and long-term. He thanked the Town Manager and staff for their work on the budget and noted several initiatives included in the budget development.

Councilmember Dhakal: wished everyone a Happy Mother's Day. He stated he was looking forward to the Northern Virginia Tea Festival this weekend and the opportunity to meet tea enthusiasts.

Councilmember Dhakal was honored to read the proclamation recognizing May as Asian American, Native Hawaiian, and Pacific Islander Heritage Month and noted it is a celebration of the community's diversity. He recognized several members representing Art of Living who were in attendance to talk about the World Culture Festival that will be held in Washington D.C. this September.

Councilmember Dhakal stated that a lot of work went into the budget discussion at last week's work session. He thanked the Council and staff for their work on the budget, and he thanked Vice Mayor Hedrick for introducing the initiative to reduce the tax burden on residents.

Vice Mayor Hedrick: stated that he and Mayor Olem recently attended the Dulles Area Transportation Authority (DATA) Awards Gala. He thought the event was a great opportunity to recognize and reflect on the forward thinking needed for investments in infrastructure, such as the investment in the Silver Line.

Vice Mayor Hedrick noted that in addition to celebrating National Police Week and Teacher Appreciation Week, it is also Public Service Recognition Week. He thanked all public servants, especially the Town staff, for their service to the community.

Mayor Olem: echoed many of her colleagues' comments and thanked those attending the meeting in recognition of Asian American, Native Hawaiian, and Pacific Islander Heritage Month.

Mayor Olem stated that the Town recently celebrated Earth Day-Arbor Day with a tree planting at Old Town Hall in recognition of the Town's 34th consecutive year as a Tree

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City USA community. She noted that the Town received a State grant of more than \$20,000 for additional tree plantings.

Mayor Olem echoed the Town Manager's comments about the temporary road closure on Station Street on May 10, 2023, stating that at the tree planting, the representative from the Virginia Department of Forestry noticed that the utility pole was on fire.

Mayor Olem briefly discussed several infrastructure improvement projects that have been completed or nearly completed throughout the Town over the past several years.

Mayor Olem stated that the first Friday Night Live of the season had been held on May 5, 2023. She invited the community to attend these family-friendly events held on Friday nights starting at 6:00 p.m. from May through August.

Mayor Olem discussed several events she recently attended: (1) grand opening of Dickey's Barbeque on Thursday, May 4, 2023, (2) DATA Awards Gala on May 4, 2023, (3) Herndon Farmers' Market Opening Day on Thursday, May 4, 2023, and (4) Herndon-Reston Fish Fling on Sunday, May 7, 2023.

Comments and Disclosures for the Record

Mayor Olem asked Kirstyn Barr Jovanovich, Town Clerk, if she received comments for the record or transactional disclosure declarations from Council. Ms. Jovanovich stated that comments were provided to the Town Council and entered into the record on the proposed FY 2024 budget items. The Clerk did not receive additional comments or disclosures from Councilmembers on any other items listed on the agenda that evening.

4. COMMENTS FROM THE AUDIENCE

Mayor Olem reviewed the process and asked those who wanted to provide Comments from the Audience to come forward.

The following members of the audience provided comments on the Proclamation in Recognition of Asian American, Native Hawaiian, and Pacific Islander Heritage Month:

- Soma Ramesh, 1112 Tway Lane;
- Praveen Meyyan, 2329 North Edgewood Street, Arlington, member of the Virginia Asian Advisory Board; and
- Prem Gurung, Herndon resident.

The following members of the audience, with the Art of Living organization, provided comments on the World Culture Festival - September 29 to October 1, 2023:

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- Yogita Sharma, 12921 Centre Park Circle. Ms. Sharma presented a video portraying the event, which has been held in locations all over the world;
- Reshma Thadani, 555 Grove Street; and
- Anuradha Varanasi, 3060 Alan Shepard Street.

5. PUBLIC HEARINGS

a. **Ordinance 23-O-10 to Levy Taxes on Real Estate and Manufactured Homes, and Other Subjects for the Fiscal Year 2024 Budget**

Certificates of Publication were filed from the Editor of the *Fairfax County Times Newspapers*, showing that notice of said public hearing items had been duly advertised in the March 24, March 31, April 28, and May 5, 2023 issues.

b. **Resolution 23-G-28 to adopt a Fiscal Planning Resolution for the Fiscal Year 2024 Budget for the Town of Herndon**

Certificates of Publication were filed from the Editor of the *Fairfax County Times Newspapers*, showing that notice of said public hearing items had been duly advertised in the March 24, March 31, April 28, and May 5, 2023 issues.

c. **Ordinance 23-O-11 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**

Certificates of Publication were filed from the Editor of the *Fairfax County Times Newspapers*, showing that notice of said public hearing items had been duly advertised in the March 24, March 31, April 28, and May 5, 2023 issues.

Proposed FY 2024 Annual Budget

[Note: These items were continued from the April 11, and April 25, 2023 public hearings.]

Mayor Olem resumed the public hearings and stated that the first three public hearings related to the FY 2024 proposed budget. She stated that at the April 25, 2023 Town Council meeting, a majority of Council voted to continue the proposed budget hearings to that night's May 9, 2023 meeting. She stated the aforementioned public hearings were also continued from the Council's April 11, 2023 meeting.

Mayor Olem recognized Lesa Yeatts, Town Attorney, to outline the voting requirements for the FY 2024 budget public hearing items. Ms. Yeatts stated that a separate public hearing will be held on the proposed ordinance to levy the taxes, and action on the proposed ordinance requires a two-thirds vote of Council, which is five. The next two public hearings will be held concurrently, with separate action on the Fiscal Planning

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Resolution, which requires a majority of those present and voting, which is four (if all members of Council were present and voting). The Appropriation Ordinance requires a majority of the Town Council, which is four.

Mayor Olem recognized William H. Ashton, II, Town Manager for additional comments. Mr. Ashton stated that these three public hearings were continued from the April 25, 2023 Town Council meeting. At last week's work session, the Council came to a consensus on Alternate B, included the agenda packet, which contains a one-half cent reduction in the real estate tax rate and the necessary fiscal planning changes to balance the budget. Alternate A, which is the budget as originally proposed, remained in the agenda as it had been legally advertised. Alternate B does not add funds that will increase the amount of the total advertised budget.

Mayor Olem reminded the Council that in making a motion, the motion-maker has to state if they are moving Alternate A or Alternate B.

**Public Hearing on
Ordinance 23-O-10, Tax Levy**

Seeing no comments from the audience, Mayor Olem closed the public hearing and moved to Council level for discussion and action.

Vice Mayor Hedrick moved to approve Ordinance 23-O-10 to Levy Taxes on Real Estate and Manufactured Homes, and Other Subjects for the Fiscal Year 2024 Budget, in accordance with Alternate B, setting a tax rate of \$0.260. Councilmember Dhakal seconded.

There were brief comments from Council.

For the public record, Councilmember Scherff stated that in addition to realizing the half-cent real estate tax reduction, they also faced the challenge of including a more significant salary increase to the Herndon Police Department to remain competitive with neighboring localities. She stated that the Council also had to address a significant deficit in the Water and Sewer Fund. She thanked her colleagues and the Town staff for their work on the budget.

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

**Concurrent Public Hearings on
Resolution 23-G-28, the Fiscal Planning Resolution; and
Ordinance 23-O-11, the Appropriation Ordinance**

Seeing no comments from the audience, Mayor Olem closed the public hearings and moved to Council level for discussion and action.

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**Vote on
Resolution 23-G-28**

Mayor Olem stated that there are two versions of the Fiscal Planning Resolution in the meeting's published agenda, Alternates A and B. She stated that since the Council adopted Alternate B on the Tax Levy Ordinance, if the Council decides to act on Fiscal Planning Resolution Alternate A, they will need to determine how to reach a balanced budget.

Councilmember Dhakal moved to approve Resolution 23-G-28 to adopt a Fiscal Planning Resolution for the Fiscal Year 2024 Budget for the Town of Herndon, in accordance with Alternate B. Vice Mayor Hedrick seconded.

There were brief comments from Council.

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

**Vote on
Ordinance 23-O-11**

Councilmember LeBlanc moved to approve Ordinance 23-O-11 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, as presented. Councilmember Scherff seconded.

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

d. Resolution 23-G-35 to approve and authorize the Mayor to sign a 40-year License Agreement between the Town of Herndon and Northern Virginia Regional Park Authority (NVRPA) for Town use of NVRPA real property for the operation and maintenance of the Depot located at 717 Lynn Street

Certificates of Publication were filed from the Editor of the *Fairfax County Times Newspapers*, showing that notice of said public hearing items had been duly advertised in the April 21 and April 28 2023 issues.

Mayor Olem opened the public hearing and recognized Lesa Yeatts, Town Attorney, who presented the staff report dated May 2, 2023. The proposed resolution is for a 40-year lease with Northern Virginia Regional Park Authority (NVRPA), effective March 30, 2023 and expiring on November 15, 2062. The location on which the Town's Depot sits is on NVRPA property and the proposed lease has similar terms to the original 40-year lease that had

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expired. NVRPA will still require the Town to use the Depot specifically for public recreational, historic, or cultural purposes. Staff recommends approval of the proposed resolution, as presented.

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

Seeing no comments from the audience, Mayor Olem closed the public hearing and moved to Council level for discussion and action.

Councilmember del Aguila moved to approve Resolution 23-G-35 to approve and authorize the Mayor to sign a 40-year License Agreement between the Town of Herndon and Northern Virginia Regional Park Authority (NVRPA) for Town use of NVRPA real property for the operation and maintenance of the Depot located at 717 Lynn Street, as presented. Councilmember Alam seconded.

There were brief comments from Council.

The question was called on the motion, which carried by unanimous roll call vote. The vote was: Councilmembers Alam, del Aguila, Dhakal, LeBlanc, and Scherff, Vice Mayor Hedrick and Mayor Olem voting “Aye.”

e. Resolution to adopt the FY 2025 through FY 2029 portion of the FY 2024 - FY 2029 Town of Herndon Capital Improvement Program

Certificates of Publication were filed from the Editor of the *Fairfax County Times Newspapers*, showing that notice of said public hearing items had been duly advertised in the April 21 and April 28 2023 issues.

Mayor Olem opened the public hearing.

Seeing that there were no comments from the audience, Mayor Olem stated that since the public hearings for the FY 2024 proposed budget were continued to May 9, 2023, the public hearing on the FY 2025 to FY 2029 CIP must be continued to May 23, 2023.

Vice Mayor Hedrick moved to continue the Resolution to adopt the FY 2025 through FY 2029 portion of the FY 2024 - FY 2029 Town of Herndon Capital Improvement Program to a date certain of May 23, 2023. Councilmember LeBlanc seconded.

The question was called on the motion, which carried by unanimous roll call vote. The vote was: Councilmembers Alam, del Aguila, Dhakal, LeBlanc, and Scherff, Vice Mayor Hedrick and Mayor Olem voting “Aye.”

6. CONSENT

- a. **Ordinance 23-O-13 to amend and re-enact Chapter 30 (FINANCE AND TAXATION), Article VIII (Fiscal Procedures), Division 2 (Procurement) by repealing Sec. 30-301 – Sec. 30-318 and by adding thereto new Secs. 30-301 – 30-307 relative to procurement proceedings**
- b. **Resolution 23-G-36 to adopt the Town of Herndon Purchasing Policy and Procedures**
- c. **Resolution 23-G-31 to increase the compensation for certain Boards and Commissions**
- d. **Resolution 23-G-37 to appoint members to the Planning Commission**
- e. **April 11, 2023 Town Council Meeting Minutes**
- f. **April 18, 2023 Town Council Work Session Minutes**

On motion of Del Aguila, seconded by Councilmember LeBlanc, the Consent Agenda items were approved and carried by unanimous roll call vote, without comment. The vote was: Councilmembers Alam, del Aguila, Dhakal, LeBlanc, Scherff, and Vice Mayor Hedrick and Mayor Olem voting “Aye.”

7. ADJOURNMENT

There being no further business, Mayor Olem adjourned the May 9, 2023 Town Council Regular Meeting at 8:04 p.m.



Kirstyn Barr Jovanovich
Town Clerk



Minutes approved by Town Council: June 13, 2023

[Note: Approved resolutions and ordinances are on file in the Town Clerk's office.]