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**HERNDON TOWN COUNCIL
Work Session
Tuesday, March 1, 2022**

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, March 1, 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; Lauri Sigler, Deputy Town Attorney; Chief Maggie DeBoard, Herndon Police; Viki Wellershaus, Town Clerk; Scott Robinson, Director of Public Works; Tanya Kendrick, Director of Human Resources; Page Kalapasev, Director of Information Technology; Mike Mueller, Acting Director of Golf; Maria Lee, Budget Manager; Dave Bracamonte, Systems Manager; and Amanda Kertz, Chief Deputy Town Clerk.

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CALL TO ORDER

1. Roll Call & Determination of Quorum

Mayor Olem called the public hearing to order at 7:00 p.m. and asked the Chief Deputy Town Clerk to call the roll for attendance. She asked each member of Council to indicate they were present. Following the roll call for attendance, Mayor Olem confirmed there was a quorum present, with Councilmember Alam being absent.

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 asked everyone to keep those in Ukraine in their thoughts and prayers.

Mayor Olem stated that on Saturday morning, February 26, the Northern Virginia Regional Park Authority (NOVA Parks) unveiled a sign at the Herndon Caboose that tells of the story of segregationist laws and the effect on passengers on the W&OD passenger rail service in the 20th century. She was honored to attend and welcome guests and representatives from the NOVA Parks, elected officials from the Fairfax County Board of Supervisors, and the Fairfax NAACP Chapter. She stated the Town Manager; Director of Parks and Recreation; and the town's Community Forester, also attended.

COMMENTS & DISCLOSURES

Mayor Olem asked the Chief Deputy Town Clerk if there were any comments or disclosures for the record that evening. The Chief Deputy Clerk stated that comments were provided to Council and entered into the record on item #8, Discussion of Proposed Council Pay Increase. The Clerk did not receive disclosures from Council on any item listed on the agenda that evening.

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GENERAL

2. **Ordinance 22-O-05, to approve and authorize the Mayor to sign a Lease Agreement between the Town and the Honorable Jennifer Boysko, Virginia State Senator, for space at 397 Herndon Parkway.**

Mayor Olem recognized the Town Attorney, who presented the staff report dated March 1, 2022, which is on file in the Town Clerk's office.

The Town Attorney stated there was space on the other side of 397 Herndon Parkway, which is being utilized by the Delegate Shin, Supervisor Foust's assistant, and other organizations. Senator Boysko currently occupies office space in Town Hall, located at 730 Elden Street, which she has held since she was elected as a Delegate. Senator Boysko would relocate to 397 Herndon Parkway, so she could be with the other local representatives.

The Town Hall lease would expire on April 30, 2022. The new lease term would begin on April 1, 2022, and it would expire at the end of Senator Boysko's current term of office on January 10, 2024. She stated the move would make her previous office space at 730 Elden Street available to support staffing changes and internal moves of town staff. Staff recommended approval of the proposed ordinance.

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

Councilmember Singh questioned the cost for Senator Boysko and others to lease the space per year, and he asked what the town was spending to lease it.

Responding to Councilmember Singh, the Town Attorney stated the town only charges \$1.00, which was consistent with other leases for governmental entities at this location. She was not sure of actual cost and asked the Director of Public Works if he knew the cost of the space if it was not otherwise used.

Councilmember Singh asked if it could be leased to someone else if the town wanted, and how much does the town pay for the space.

The Town Manager stated the Director of Public Works would get the information and provide it to Council. He stated the reasoning for the costs being low has been for constituent service's needs. This allows the regional offices to be housed in the town, which makes it more convenient for the citizens to see their elected officials. If the Council wanted to do something different once staff provided the requested information, it could be discussed.

Vice Mayor del Aguila stated he would like to showcase what they were investing to the town. He stated it does not make sense to charge them more but as budgets move forward, the town should show the real costs.

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The Town Manager agreed with Vice Mayor del Aguila and stated that staff would put something together.

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.

3. Resolution 22-G-19, to approve and authorize the Mayor to sign a Permit Agreement between Columbia Gas of Virginia, Inc. and the Town of Herndon to facilitate the relocation of a gas pipeline for the VDOT East Elden widening project.

Mayor Olem recognized the Deputy Town Attorney, who presented the staff report and PowerPoint dated March 1, 2022, which are on file in the Town Clerk's office. This would relate to the East Elden Street Widening Improvements project. The Virginia Department of Transportation (VDOT) was designing and building the improvements. VDOT was requesting, and staff was recommending that the Council approve the Permit Agreement between Columbia Gas and the town to facilitate the relocation of a gas pipeline for the VDOT East Elden widening project and authorize the Mayor to sign the agreement.

The Deputy Town Attorney reviewed the project, which would improve Elden Street from Fairfax County Parkway to Van Buren Street. It would include streetscape and median enhancements, widening, dedicated turning lanes, and bicycle and pedestrian facilities. The project would make a transition down to two travel lanes west of Van Buren Street and approaching Monroe Street. As part of the project, VDOT would relocate and adjust various utilities along Elden Street including the relocation of gas pipelines owned by Columbia Gas.

The cost for relocating the pipeline would come out of the current VDOT project budget for the East Elden Street Widening Improvements. If Columbia is required to move its facilities for a future East Elden Street improvement project, the budget for that future project would be responsible for the compensation and reimbursement to Columbia for its cost. Staff recommended approval of the proposed resolution.

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

In response to Councilmember Singh's question about who was paying for the relocation of the pipeline in the right-of-way, the Deputy Town Attorney stated that it was part of the project's budget. She believed the town was contributing some funds to the project, but she did not have the exact numbers. She stated this was VDOT administered project which included federal funding. Since the relocation of the pipeline was in the town's right-of-way, the town was exchanging the land to allow them to relocate in the project area.

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Councilmember Friedrichs stated the maps presented were difficult to understand and she wished they were simpler for the general population to read. She understood that since the town was doing a project, Columbia Gas must move their pipeline. Therefore, they would be reimbursed by various funding sources, not just by the town.

The Deputy Town Attorney responded to Councilmember Friedrichs and stated the maps were from the VDOT plans and she understood they were difficult to read. She stated the funds were budgeted under the widening project.

The Town Manager further clarified that the project cost was approximately \$49.5 million, and the town's contribution was approximately \$1.9 million. The rest of the monies were from VDOT and federal sources.

There was a brief question and answer session between Councilmember Friedrichs and the Town Manager regarding additional projects that may cause the pipeline or utilities to be moved at the same time or over different phases. The Director of Public Works further clarified the utilities were done in one phase and then the road construction would be done in the spring.

In response to queries from Councilmember Friedrichs, the Town Manager and Deputy Town Attorney stated that the costs for utility relocation were budgeted for the project.

Responding to queries from Councilmember Friedrichs, the Deputy Town Attorney stated the town would not have to go through the same specific process with each utility project and there was a general agreement that VDOT gives the project permission to move utilities, if needed. She further clarified that Columbia Gas asked for a more formal agreement so it could be recorded in the real estate records.

Mayor Olem stated that during the Council's last term, every property on Van Buren Street project had to be done individually. She stated it was similar to a real estate closing that you cannot do it all at the same time.

Councilmember Singh requested that a diagram that would show more detailed information on what might be done and where the bike lanes would be installed.

The Town Manager encouraged Councilmember Singh and the residents to go to the town's website where all the information would be published on April 1. He stated that there would be a new website when the budget is released, which would include a CIP companion. On this website, one could see all of the aspects associated with project funding, diagrams, maps, and related topics.

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Councilmember Regan requested slide three to be presented again and read the last bullet, which stated "Virginia law recognizes that utility providers acquire a real property interest or right in easements located on private property and provides that the non-betterment cost to relocate the utility from its real property interest be borne by the transportation improvement project." He stated because Columbia Gas has the easement, the town has to pay to relocate the pipeline. He asked if the pipeline was not located in the easement, who was obligated to pay to relocate it.

The Deputy Town Attorney responded to Councilmember Regan and stated that the cost would depend whether it was on public property or private property without an easement, or it could be subject to a franchise. The utilities in this ordinance were on private property, and a franchise agreement would establish who paid to relocate. The town has a franchise with Columbia Gas and other utilities, and it gives them the general right to occupy the town's right-of-way for their utilities. She stated sometimes the utilities go in and there is no easement recorded or whether they had the permission of the private property owner. She stated she had not gone into detail in her research to see what would happen if the town did not have the easement.

Councilmember Regan stated that this was about creating a new easement and thanked the Deputy Town Attorney.

Mayor Olem stated this was part of the \$85 million funding towards road improvements underway in the town and it was a good thing to move forward. She stated the information on the projects were on the town's website under the Department of Public Works.

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.

CONSENT

4. **Resolution 22-G-20, to reappoint Lauren Edmondson as the 'Historic Preservationist' member to the Historic District Review Board;**
5. **Resolution 22-G-21, to reinstate the Herndon Town Council's Pedestrian and Bicycle Advisory Committee and appointment of Chair and Members;**
6. **Resolution 22-G-22, to nominate Roland Taylor for reappointment as the Town of Herndon 'Principal' member to the Fairfax County Athletic Council; and**

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7. **Resolution 22-G-23, to reappoint Will Lange as the 'Experienced Builder' member to the Building Board of Appeals.**

Mayor Olem stated the Council should have received an email stating at next week's public hearing item #4 on the Consent agenda would be revised to include Matt Ossolinski's reappointment as the 'Architect/Architectural Historian' to the Historic District Review Board.

There was no discussion on the Consent agenda.

DISCUSSION

8. **Discussion of Proposed Council Pay Increase.**

Mayor Olem recognized the Director of Human Resources, who presented the staff report and PowerPoint dated March 1, 2022, which are on file in the Town Clerk's office.

The Director of Human Resources reviewed a proposal for a Town Council pay increase. The Town Council's pay has not increased for more than 15 years. The Council indicated that they would like to explore moving forward with an ordinance to increase the pay. Pursuant to Virginia Code Section 15.2-1414.7, the earliest such an increase could take place, if adopted, would be January 1, 2023, on the seating of the next Council.

Currently the fiscal impact for Town Council pay is \$26,000 per year in the budget. Staff surveyed other jurisdictions, based on the approximate population, mayor pay per year, and governing body pay per year. If the Council adopted the pay changes of the average of surveyed local jurisdictions as shown in Exhibit A, which is ~\$12,000 for mayor and ~\$10,000 for councilmembers, the new cost to the Town would be \$42,000 per year, thus a \$16,000 fiscal impact. The next step was for the Council to discuss the matter, let the Director of Human Resources know their proposals, so she could prepare an ordinance in the near future.

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

Councilmember Friedrichs stated at the February 8, 2022 public hearing during "Comments from the Audience," Mr. Nachman had suggested paying Councilmembers per meeting and whether they attend or not. She asked if that was feasible.

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The Director of Human Resources responded to Councilmember Friedrichs and stated it was not done in any other nearby jurisdictions that were surveyed. She believed it was possible; however, it was not something that she has seen done for or by a governing body.

Councilmember Singh interrupted Councilmember Friedrichs and stated that the "Council spends a lot of time at home in order to learn these things...you have to spend time, it is not like you are going to an HDRB meeting or something like that."

Mayor Olem asked Councilmember Singh to allow Councilmember Friedrichs to finish her statement.

Councilmember Friedrichs asked if the pay by the meeting suggestion would be difficult to administrate.

The Director of Human Resources responded to Councilmember Friedrichs and stated that it would be more difficult than it currently is. However, it would not be unsurmountable.

Councilmember Friedrichs mentioned this because she is in favor of Mr. Nachman's suggestion. Especially since some of the Councilmembers also attend additional meetings as Council representatives to various organizations. However, if other Councilmembers do not feel like she does, she would give in.

Councilmember Dhakal stated that he was discussing the diversity of people in Herndon and that there was a wide range of incomes. He thought it was important for Council to be paid a reasonable amount. He said that he wanted "to encourage them to run for office, as well. Their expertise, their voice, their energy matters. For people making income at higher end, \$10,000 or \$20,000 may not matter a lot. But, if somebody is making \$50,000 a year or \$70,000 a year or even \$100,000 a year, extra \$10,000 or \$20,000 matters and may encourage people, especially with lower or medium income to run for office."

He continued, "I'm positive this will encourage more people with color, and you know immigrant background we want for office, if we go a little further than what being proposed here. Because if we look at the income, unfortunately people with color, or immigrant background are the ones making the income towards the lower spectrum of the income." He stated he was not saying that individuals run for office to make money, but he thought that by a small increase, they could encourage others to run for office. He said they were "talking about diversity, we're talking about bringing people from diverse backgrounds, from immigrant backgrounds." He expressed support for Councilmember Singh's initial proposal and asked Councilmember Singh what the amount was.

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Councilmember Singh stated it was \$20,000.

Councilmember Dhakal understood that Councilmember Singh's proposal was \$20,000 for the Council and \$25,000 for the Mayor. He asked Councilmember Singh if that was an increase about \$115,000, and Councilmember Singh said it was something similar to that amount.

Councilmember Dhakal continued his comments and stated that \$115,000 was not a large amount in the budget and emphasized that he wanted to encourage people who are still working to run for office with a little bit of compensation.

Councilmember Singh stated that the Council's salaries had not increased since 1985. The Director of Human Resources stated it was 1986.

Councilmember Singh stated that based on a reasonable rate of interest and inflation, the salary should be in the \$16,000 and \$40,000 range. However, at a minimum the amount should be somewhere in the \$15,000 to \$20,000 range.

Councilmember Singh stated that he spends half of his time on town issues and that the town would never pay him the salary he makes or comes close to it. To attract people who would spend time to learn about town issues, he thought there should be better compensation. He stated that individuals in their position must take the time to learn about town issues and be able to ask staff questions on projects and other items that come before the Council.

Councilmember Singh proposed the minimum salary for Councilmembers as \$20,000 and \$25,000 for Mayor. He stated that he does not care about what the other jurisdictions are paying, and he thought that "you get what you paid for," as the saying goes.

Vice Mayor del Aguila did not agree with the paying by the meeting. He stated that it would be difficult for staff to manage all the meetings Council attends, and he did not think that staff would want to do that.

The Director of Human Resources asked the Town Attorney for clarification. She asked if the compensation was for the service on the Town Council as opposed to meetings elsewhere.

The Town Attorney responded to the Director of Human Resources and stated she does not know if that has been clarified.

There was brief discussion between Vice Mayor del Aguila and Councilmember Friedrichs.

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Vice Mayor del Aguila believed that historically, there was a philosophy of Council reacting as opposed to proactively investing. He does not know what the number is; however, he thinks that the current number is wrong, and he believed that "you get what you pay for." It was his belief that this Council looks forward, as a majority value different outcomes, and that it takes money to attract, attain, and maintain staff, and the same applies to the Town Council. He said, "if you keep the salary at its current scale then you will attract a certain commitment running for office, but if you raise the salary, eyebrows may be raised, but you will get a different committed people."

Responding to Vice Mayor del Aguila, the Town Manager stated that this was a political question, and that was why staff brought it to the Council for clarification. He hoped by the end of the evening, that Council would provide a number they could plug in and move forward. As Councilmember Dhakal mentioned this would not break the bank, but staff needed a number to prepare the budget.

Vice Mayor del Aguila echoed Councilmember Dhakal's comments. He believed that no one on Council was there for the money, but there was a fairness that should be considered and that the town residents need to understand. He does not put in as much time as Councilmember Singh does, but if he did, his rate would be higher.

Councilmember Singh responded to Vice Mayor del Aguila that he did not think his salary was more than his.

Councilmember Regan did a Google search and stated this could be wrong; however, he read, "core inflation averaged such and such per year between 1986 and 2022 and a \$1.00 then is equivalent to the buying power of \$2.52 now." He indicated that meant to catch up to inflation, \$4,000 would go up two and a half times, which would be \$10,000. He understood where his colleagues were coming from, but in looking at the cost of inflation a few years out, that would raise the amount by approximately \$4,000. He thought that as the pay gets higher it would allow for lower income individuals to do the job, which opens the window to go higher, to him. Councilmember Regan stated that for him, the floor was \$10,000 or \$12,000, because that seemed to be the numbers that would catch up to inflation.

Mayor Olem stated she has served on quite a few of the local committees in the town; when she was on the BZA they were paid \$50 a month; the Fairfax County Business Commission did not receive compensation; and various land uses task forces where she did not receive compensation. She stated while serving on the boards and commissions, she learned many new things, like land use issues, how the county works, and how other municipalities work with the county. She provided comments about individuals choosing to serve on boards and

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commissions, and that some may not be interested in municipal work. This also happens with homeowners associations; most people do not understand all that it entails when joining that type of board.

Mayor Olem stated there were different types of people who would be interested in serving on Council. She discussed attendance at meetings and stated that they have someone who had stopped attending one of the meetings and it was not that they were getting paid, it was that they were not showing up. She thought that the public expected a full slate of people there voting. As Council, she thought there needed to be a way to address individuals who cannot attend meetings, for whatever the reason. She relayed a personal experience where she took the place of a BZA member who was no longer able to sit on the board and had resigned because they had cancer. Mayor Olem recalled that in the past, there were councilmembers that resigned for various reasons if they could no longer attend meetings. She stated that if the Council was going to raise their salaries, they should be prepared to answer these questions from the public.

Councilmember Friedrichs stated that if there was not a lot of support from the Council on Mr. Nachman's suggestion, she thought they should address the matter legislatively rather than financially. She would support raising the pay a bit to meet inflation. She stated that previous Councils had mentioned this before. She recalled former Councilmember Baker was in favor of providing opportunities for people with lower incomes, for example, so they could afford babysitters. There has been some support for this for a long time and she did not have a problem with raising it to \$20,000 as Councilmember Singh suggested. However, in the current climate where residents were paying more for property taxes, she did not think it looked good to raise it that much.

Councilmember Singh stated he did not have an issue with raising the Council's pay. He provided personal comments about serving on the Phase 2 Dulles Rail Transportation Improvement District Commission. He asked why he would spend the time representing Herndon businesses if he did not take the time to research it.

Councilmember Friedrichs replied to Councilmember Singh and stated she was not talking about the quantity of time or energy they put into serving on Council.

Councilmember Singh indicated it was the time he put into it. He said, "every Councilmember, when they come here, maybe coming for a popularity's sake. But, if you want to do, just be a popular... 'show horse,' that's fine for you. Maybe you should be paid nothing for being a 'show horse,' okay... I am not saying you are a 'show horse'... I am saying anyone could be a 'show horse' and be paid nothing." He thought that if individuals wanted to "contribute to the town and be, not a check, but contribute to the debate with the staff, you have to prepare in some area."

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Councilmember Friedrichs indicated her comment was, "in this time, where we are raising taxes, not deliberately, but because of the way the housing bubble has gone, and people have already said to use that it is a real problem for me, we are going to go beyond raising our income, the next group's income, not just the level of inflation but bring it up higher...to me it's not a good look." She understood Councilmember Singh's comments, but she did not think it justified raising the salaries that much higher.

Councilmember Singh recalled that was what they said every year and that the same arguments came up. As part of his initiative, he suggested that they raise the salaries every year automatically.

Councilmember Friedrichs replied that they were not raising the staff's salaries by the amount that one could get on the money market, they had raised it by cost of living.

Councilmember Singh said that "was a market operated. You want good people; you will have to pay there too." He thought that staff salaries were determined by the market, but he indicated there was not a market for the Council's services.

Councilmember Friedrichs discussed how the Council was elected and how they educate themselves about town issues. She thought that the Council should come to the office with some sort of knowledge about how the town works.

Councilmember Regan was interested in hearing from Vice Mayor del Aguila because he did not think that this conversation was moving forward.

Councilmember Singh stated it was a good conversation and he said, "I'm sorry if you don't want to participate."

Councilmember Regan stated he was happy to participate, but it was Councilmember Friedrichs' comment that Councilmember Singh was interrupting.

Councilmember Singh thought there needed to be conversations like this, where he thought that comments were invited to have a healthy discussion.

Vice Mayor del Aguila thought the question they needed to answer was, "can we articulate the value of why we are doing this." He thought that bringing the Council to between \$12,000 to \$15,000 and the Mayor to from \$16,000 to \$17,000 would be line with other municipalities. Therefore, he proposed \$14,600 for Council and \$15,600 for Mayor salaries.

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Councilmember Regan liked the idea of paying Council by the meeting, but he thought it might be too difficult to manage. He would support Vice Mayor del Aguila's proposed numbers, and he asked him to repeat them.

Vice Mayor del Aguila stated he proposed a range, which was "anywhere from \$14,000 to \$16,600 for Council, and anything from \$14,000 to \$16,600 for the Mayor." He thought it was skewed somewhat compared to other localities because Vienna and Leesburg were different.

Mayor Olem noted that Vienna and Leesburg are towns, and that while Leesburg is larger than Herndon, Vienna is smaller. The cities listed on staff's chart have other entities they work with, like fire and rescue. She thought that it was imperative to attend meetings for regional organizations, like NVTa and NVRC, which work on bringing money to the region.

Responding to Councilmember Friedrichs, Mayor Olem said she was saying it was important to understand what towns do.

Councilmember Friedrichs wanted to add to Vice Mayor del Aguila's suggestions, and she proposed \$15,000 and \$16,000 for the Council and Mayor salaries, respectively.

Vice Mayor del Aguila understood that another concern was not showing up for meetings, but he stated that was up to the voters' discretion. He agreed with Councilmember Friedrichs' proposed salary amounts.

Mayor Olem asked staff if there were legal concerns over increasing the Council's salaries.

Replying to Mayor Olem, the Town Manager said the only place he recalled there being a legal concern was if they added an "automatic accelerator" into the salary increase, because that would bind future Councils to an appropriation. He said there was a portion of the relevant code that impacted cities, but not towns.

Councilmember Dhakal wanted to reiterate that they were not talking about increasing the pay for themselves, but for the next Council. He also wanted to point out that Council takes a lot of time and puts effort into their positions, and it may make sense to compensate them a little more to yield a better result. He agreed with the amounts that Vice Mayor del Aguila and Councilmember Friedrichs proposed.

Councilmember Singh wanted to hear everyone's proposed salary ranges and then he wanted to take the average of those numbers.

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Councilmember Regan stated that if four people propose the same amounts, and the next person says "\$1 million," then they would have to take the average of those numbers. He heard the consensus was \$15,000 for Council and \$16,000 for the Mayor. If there was a consensus, he would like to use those numbers.

The Town Manager said the Council would receive an ordinance to review as part of the budget process that would include the proposed Council and Mayor salary increases. Council could always amend the ordinance as needed.

Following discussion and with the concurrence of the majority of Council, Mayor Olem stated that the consensus was \$15,000 for Council and \$16,000 for the Mayor's salaries. Staff would draft a proposed ordinance accordingly.

9. FY 2023 General Fund Budget Discussion.

Mayor Olem recognized the Town Manager for the discussion item. The Town Manager presented a PowerPoint dated March 1, 2022, titled "Town Council Work Session General Fund Budget Discussion," which is on file in the Town Clerk's office. He stated that since the budget numbers were established by the beginning of March, Council would review them prior to advertising any tax increases and to make sure everything was in the right place before the formal budget delivery in April.

First, the Town Manager proposed to reverse the austerity measures that were necessary during the past budget year due to the pandemic. Next, he reviewed the objectives that would address the Council's strategic planning initiatives and the budget guidance provided in January. He then reviewed the General Fund revenues, including tax rates, expenditures, and revenues; personnel; O&M; and capital spending. He called attention to the proposed use of \$1.5 million from the fund balance to balance the budget. He also stated that in the current budget, staff had anticipated that the town would need to use \$1.9 million from the fund balance, but he and the Director of Finance now thought it might not be needed. For next year, the reason for using the fund balance was to meet some of the needs that were put off during the pandemic, like vehicle maintenance.

The Town Manager further reviewed the tax rates and stated that the average increase in Fairfax County's real estate assessments was 11 percent. Commercial values were also up four percent going into next year. Staff's recommendation was to keep the town's tax rates the same for FY 2023.

The Town Manager stated there was approximately \$80,000 in deficit right now, but he was not too concerned about resolving that amount before April 1.

Highlighting personnel, the Town Manager stated the headliner for next year was that the town planned to fund every position. This was approximately a

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\$1.2 million increase over the past year, when the town had to use vacancy savings as an austerity measure. He also highlighted that money for HCTV was made a "pass through" since they are funded by public education fees. Approximately \$80,000 would be set aside in community donations that would be discussed and awarded in the fall. That process had changed this past year.

The Town Manager stated that capital spending would include vehicle replacement for the Herndon Police Department (HPD) and the use of federal ARPA money, which should be available to the town in July. Staff would come back to the Council to discuss the ARPA funds and they hoped to use the funds to address maintenance issues.

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

In response to Councilmember Singh, the Town Manager stated that the ARPA money came from federal funds that were provided to address the impacts of the pandemic. Another round of funding was expected in July. When it arrives, staff has a plan that they would bring forward to Council. There was a timeline for when the funds had to be encumbered and staff had projects that would be ready to start before the deadline.

In response to queries from Councilmember Singh about using ARPA funds for stormwater projects, the Town Manager stated that they had some stormwater projects ready, but these projects take time to go through the process. He suggested waiting to discuss this until they reviewed the ARPA funds later that summer.

Responding to Vice Mayor del Aguila about renting versus buying vehicles, the Town Manager said that staff could consider it, but he wanted to point out that staff was good at extending vehicle lives. He stated that the Director of Public Works had a proposed schedule for vehicle replacement at regular intervals. Responding to a question about outdoor dining, he indicated that staff was looking at the issue, which he said was more a planning issue than a budget one.

The Town Manager stated that the Council would notice that this year, staff dissolved the Public Shared Parking Fund and added it to the General Fund. This was because the fund was not acting like an enterprise fund. Rather, it was money going in and coming out.

In response to queries from Vice Mayor del Aguila, the Town Manager stated staff could look for places where the painting/repainting parking spaces made sense. He indicated that the Director of Public Works was aware of the parking spaces and additional bike lanes. He added that the Van Buren Street project had additional bike lanes included.

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In response to queries from Councilmember Dhakal, the Town Manager stated the aggregate change in real estate tax from last year was approximately \$1 million. He reviewed that one cent on the real estate tax rate was approximately \$525,000, and the equalization rate for the real estate tax rate was \$0.2533.

Councilmember Dhakal pointed out some of the parking issues and he thought painting spots would help with some of those problems.

In response to queries from Councilmember Friedrichs about inflation rates and costs, the Town Manager stated the most growth that year was personnel, where staff received a three percent cost of living adjustment and there was a proposed three percent increase in pay for performance next year. The biggest contributor to the increased number though, was the \$1.2 in vacant-frozen positions that would be restored. He stated that some costs were related to inflation, but some were not. The inflationary pressures were most prevalent in the O&M, while personnel funds were more market driven.

Councilmember Friedrichs wanted to clarify that the reason the town tax rates were staying the same while assessments went up was because the town's costs, like many others, had increased.

Replying to Councilmember Friedrichs, the Town Manager stated the tax assessments increased because Fairfax County evaluated the property values based on real estate market forces. Staff was not proposing an equalization rate because costs were on the rise and other tax categories had not recovered to pre-pandemic levels.

Vice Mayor del Aguila stated that during their budget meetings, staff showed some graphics that helped explain the budget numbers, to which the Town Manager replied they would have those graphics ready for the public on April 1. The next time Council would see the budget numbers was at their April meetings.

Councilmember Singh questioned "10.85 percent" and he did not believe that the real estate tax assessments could have gone up that high, especially during the pandemic. He asked if the town could get the data to explain the numbers.

The Town Manager replied to Councilmember Singh that the Director of Finance could ask the county for the raw data from the real estate tax assessments. He cautioned Council not to overreact to an increase in assessments, because it could always go back down in the next few years. He was looking at the next three to five years and where the town was heading.

There was a brief question and answer session between Councilmember Regan and the Town Manager about tax rates and revenue.

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Mayor Olem stated she appreciated the Town Manager's comments about not acting too quickly with the change in the real estate market. The Town Manager recalled requests from previous years to increase personnel, and this year, he was only asking for one additional position and trying to reset after the pandemic.

There was a brief question and answer session between Councilmember Dhakal and the Town Manager about the town and the county tax rates. The Town Manager stated the county had steadily increased the property tax rates in the past, was not proposing an increase this year, and they had not done so during the pandemic. He agreed that the town should pay attention to the county's rates. The town had the same real estate tax rate for approximately 11 years. The Town Manager also discussed BPOL and other tax rates.

There was a brief question and answer session between Councilmember Singh and the Town Manager about the tax rates and the aggregate budget amount. The Town Manager emphasized that he was not proposing any tax rate increases in FY 23.

In response to queries from Vice Mayor del Aguila, the Town Manager confirmed that all positions would be fully staffed.

The Town Manager requested that the Council ask him any questions they have as they further refined the budget. He stated that this was what they could expect to see in the budget when it was released on April 1, along with a website with information for citizens.

ROUNDTABLE

1. **Councilmember Friedrichs:** Stated that on March 12, from 9:00 to 11:30 a.m., a group of residents and businesses would be helping to clean-up Runnymede Park. Everyone was welcome, and she stated that there would be two clean-ups in the park this spring.

Mayor Olem asked if this clean-up was Councilmember Friedrichs' Rotary Group, and Councilmember Friedrichs replied that it was a group of volunteers.

Councilmember Friedrichs stated that her Rotary Group was hosting a bike-a-thon that year called "Kids Helping Kids." The details had not been worked out yet, but the event would likely be on May 21. It would be a group of elementary school students who were raising money for a local group called "Kids R First," which provides backpacks to children who need them.

2. **Councilmember Pradip Dhakal:** No comments.

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3. **Councilmember Singh:** Discussed the current situation in Ukraine at that time. He distributed a flyer that evening about an upcoming event to benefit Ukraine, and he encouraged those interested to attend. He stated that democracy was the only way to put an end to the autocrats and dictators who control their populations and do not give them freedom. He wanted to send a message that those kinds of governments are not okay.
4. **Vice Mayor del Aguila:** Thanked Councilmember Singh for the flyer and he also provided comments about Ukraine. He wanted to remind those listening that several neighbors and businesses in town had ties to Russia that were not part of what was going on. He heard that several of them were harassed or threatened and asked that everyone to “show them love.”

Responding to Vice Mayor del Aguila, the Town Manager stated staff had identified four Russian businesses in town and HPD had reached out to each of them. He wanted to make sure they had not missed anyone.

Vice Mayor del Aguila, said no, they had not. He was actually going to thank HPD for being proactive in reaching out.

5. **Councilmember Regan:** Also discussed Ukraine and echoed Councilmember Singh’s comments about representative democracy. He thought that the resistance in Ukraine and the international support for it was admirable. He also observed how communication and media were helping in their effort. Councilmember Regan pointed out that an autocrat does not survive in a country with a free press, and that reminded him how valuable the free press is in this country. He provided personal comments about the situation in Nicaragua that spoke to him about the importance of the free press.

Councilmember Regan stated that he missed the Town Council meeting last week, but he was able to stream the public hearing on his phone while flying to California. He was pleased with the work the Council did on the Herndon Diversity, Equity and Inclusion Committee and that it passed unanimously. He wished he could have been there, and he expressed his support.

6. **Mayor Olem:** Echoed Councilmember Regan’s comments on the free press and shared that there was commentary on CBS Sunday Morning she thought was excellent about freedom and losing local newspapers. She would try and send the link with that information to the Council.

Mayor Olem stated that when she was at the NOVA Parks segregationist laws sign unveiling this past Saturday, she talked with several of the NOVA Parks employees. They told her they were planning to restart the adopt-a-trail program

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for the W&OD Trail. She was going to get the information from them because she already knew of some businesses and organizations that were interested in participating.

Also, regarding the W&OD Trail, Mayor Olem said that the town of Leesburg was looking to light part of the trail, like Herndon had done. She thought it would take them a few years to coordinate between the various agencies like it had for the town.

COMMENTS FROM THE TOWN MANAGER

The Town Manager wished the Town of Leesburg well on working with the Northern Virginia Regional Park Authority in lighting part of the W&OD Trail.

As an email he sent on Friday stated, the Town Manager shared that the CDC changed its mask mandate and the metrics behind it. Based on that, he updated the town staff and visitor policies and made masks optional. Staff removed the mask requirements in all town facilities starting that past Monday and they would be looking at going back to the normal dais arrangement for next week's meeting.

The Town Manager shared he would not be at the next public hearing as he would be out of town. He would advise the Council who would be serving as Acting Town Manager via email later that week. He asked that any matter that needed his attention wait until next Thursday, if possible.

CLOSED MEETING

Mayor Olem stated that the Council had a need 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.

On motion of Councilmember Singh, seconded by Councilmember Dhakal, and carried by 6-0 roll call vote, the Herndon Town Council went into Closed Meeting at 9:08 p.m., under Section 2.2-3711(A)(8) of the Code of Virginia, for consultation with legal counsel regarding legal advice pertaining to an attorney-client privileged communication relating to Town Council Strategic Planning Initiative #14 recordation of closed meetings.

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

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RECESS

At 9:09 p.m. Mayor Olem called a brief recess, and at 9:20 p.m., the closed meeting reconvened Herndon Police Department Community Room, all members present except for Councilmember Alam, and with Mayor Olem presiding.

CLOSED MEETING (CONTINUED)

On motion of Councilmember Friedrichs, seconded by Councilmember Singh, and carried by 4-1 vote, the Herndon Town Council reconvened in public session at 9:57 p.m.

Vote: Councilmembers Dhakal, Friedrichs, Regan, and Mayor Olem voting "Aye." Vice Mayor del Aguila voting to "Abstain." Councilmember Singh voting "No." Councilmember Alam was absent.

On motion of Councilmember Friedrichs seconded by Councilmember Dhakal, and carried by 5-1 vote, the Herndon Town Council approved the following Certification of Closed Meeting.

Vote: Councilmembers Dhakal, Friedrichs, Regan, Vice Mayor del Aguila, and Mayor Olem voting "Aye." Councilmember Singh voting "No." 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.

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.

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VOTE:

Ayes – 5

Nays – 1

ABSENT DURING VOTE: 1

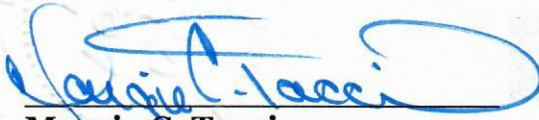
ABSENT DURING MEETING: 1

ADJOURNMENT

On motion of Councilmember Friedrichs, seconded by Councilmember Dhakal, and carried by 5-1 vote, the meeting of the March 1, 2022 work session was adjourned at 9:59 p.m. The vote was: Councilmembers Dhakal, Friedrichs, Regan, Vice Mayor del Aguila, and Mayor Olem voting "Aye." Councilmember Singh voting "No." Councilmember Alam was absent.



**Sheila A. Olem
Mayor**



**Margie C. Tacci
Deputy Town Clerk**

Minutes approved by Town Council: May 24, 2022.

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NOTE:

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