



**HERNDON TOWN COUNCIL
Work Session Meeting Minutes
Tuesday, September 19, 2023**

The Town Council held a work session meeting on Tuesday, September 19, 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 Cesar del Aguila, Pradip Dhakal, and Donielle M. Scherff.

Councilmembers Naila Alam and Keven LeBlanc were absent.

Vice Mayor Hedrick and Councilmember Scherff arrived at 7:01 p.m.

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Chief Maggie DeBoard, Herndon Police; Kirstyn Barr Jovanovich, Town Clerk; Lisa Gilleran, Director of Community Development; Marjorie Sloan, Director of Finance; Scott Robinson, Director of Public Works; Dennis Holste, Economic Development Manager; Dave Bracamonte, Systems Manager; and Margie Tacci, Deputy Town Clerk.

1. CALL TO ORDER

Mayor Olem called the September 19, 2023, Town Council work session to order at 7:01 p.m.

Determination of a Quorum

Mayor Olem determined there was a quorum of five Councilmembers present, with Councilmembers Alam and LeBlanc absent. Mayor Olem reminded the Council of the meeting decorum.

Mayor Announcements

Mayor Olem reminded everyone that there is a closed meeting with outside counsel following the work session, and she encouraged her colleagues to be mindful of their time.

2. GENERAL

a. Resolution to accept the State of the Town Report, Fiscal Year 2023

William H. Ashton II, Town Manager, provided brief comments on the FY 2023 State of the Town Report. He stated that he will give the full presentation at the September 26,

2023 Town Council Regular Meeting, which is pursuant to both Town and State Code. The report is available on the Town's website, and the summary brochure will be mailed out to residents during the following week.

There was no discussion on this item.

b. Resolution to adopt the Town of Herndon's 2024 Legislative Program

Lesa Yeatts, Town Attorney, presented the staff report dated September 19, 2023. The objective for the Legislative Program is to inform the Town's legislators about the items that the Town Council is specifically pursuing. Generally, the Town's Legislative Program supports the Virginia Municipal League's (VML) program, which will be adopted at their Annual Conference in October.

Ms. Yeatts outlined the two requests that are included in proposed Legislative Program, which are for the General Assembly to: (1) enable localities to provide incentives, including local tax rebates, to owners of structures in a historic district who make exterior renovations pursuant to certain criteria, and (2) authorize localities to employ photo speed monitoring devices (speed cameras) in certain areas, in addition to school and work zones where they are currently authorized. Ms. Yeatts stated that once the Legislative Program is finalized, staff will send it to the Town's General Assembly representatives. She stated that adopting the Legislative Program does not preclude the Mayor and Council from speaking with the Town's representatives on other items.

There was discussion among Council and staff on the Legislative Program, which included: (1) potential tax incentive program for homes in the Historic District, and the inclusion of contributing structures, (2) request to include a study of Land Value Tax in municipalities, (3) speed monitoring and potential speed camera locations, and (4) a request to include increasing the Town Council's terms from two to four years.

There was discussion among Council and staff about including the request for the General Assembly to consider an Amendment to the Town's Charter to increase the Council's terms from two to four years. The discussion included: (1) whether to include the request on this resolution, or to consider amending the Legislative Program following a public hearing on the Charter Amendment in November, and (2) the importance of having Council's consensus on the Legislative Program items.

By Council consensus, staff was asked to add the following to the proposed Legislative Program resolution: (1) requesting the General Assembly to study the Land Value Tax in localities, and (2) increasing the Town Council terms from two to four years.

c. Resolution to approve a temporary license agreement to use a designated public space in the alley adjacent to Jimmy's Old Town Tavern for outdoor seating during an event

Lesa Yeatts, Town Attorney, presented the staff report dated September 19, 2023. The proposed resolution authorizes the Mayor to sign the necessary license agreement to permit Jimmy's Old Town Tavern to utilize the public alley space located between 689 and 681 Spring Street for a one-day event. Staff recommends approval of the proposed resolution, approving the temporary license agreement.

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

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

3. DISCUSSION

a. Town Business Opinion Survey

Dennis Holste, Economic Development Manager, introduced John Barrett, the Town's consultant with Priority Metrics, to present an overview of the Business Opinion Survey.

Mr. Barrett presented a PowerPoint dated September 19, 2023. He provided background and stated that the purpose of the project was to assess the satisfaction level of businesses with the delivery of services in the Town through quantitative and qualitative analysis. Mr. Barrett reviewed how he conducted the survey, the typical profiles of the businesses that responded, and how the data was gathered and analyzed.

Mr. Barrett discussed the business opinion survey results, which covered the following areas: (1) perceptions of the Town, (2) indicators of the Town's performance, (3) labor pool and concerns about the labor market, (4) interactions with the Town and its staff, (5) Town incentives and programs, which incorporated suggestions for additional programs and services, and (6) Town tax rates.

Following the presentation, Council, staff, and Mr. Barrett briefly discussed the results from the business survey, and topics included: (1) survey formatting and outcomes, (2) diversity and accessibility, (3) tracking survey data, (4) use and further promotion of the Mason Enterprise Center, (5) communication with and recognition of businesses, possibly through promotional events, (6) labor pool data, especially related to Metro, and (7) resources available for the business community.

Following discussion, staff was asked to: (1) create a graph that layered the conclusions from the business survey's key indicators with the Council's Initiatives, (2) schedule a future work session discussion about communication with businesses, and (3) look at how to recognize businesses celebrating milestone anniversaries in the Town.

b. Progress on Items Recommended by HDEIC - Councilmember Dhakal

Mayor Olem recognized Councilmember Dhakal to start the discussion on this item. Councilmember Dhakal, who serves as Chair of the Herndon Diversity, Equity, and Inclusion Committee (HDEIC), stated that several months ago, the HDEIC provided recommendations to the Town Council. He asked the Town Manager for a status update on the recommendations and stated that he wanted to identify a process for ad hoc committees to provide recommendations to the Council and/or other Town bodies.

William H. Ashton II, Town Manager, provided updates on the items identified in the HDEIC's memo to the Town Council dated April 21, 2023 which are: (1) HDEIC awards initiative, which staff has not yet addressed at that time, (2) business survey, which the Council reviewed that evening, (3) skating event, for which staff is actively working with the local business Sacred Roller Skate Supply, (4) women only hours at the Herndon Community Center, which the staff recently updated the Council on, and (5) support of the Juneteenth event, which was held in June 2023.

In response to Councilmember Dhakal, Mr. Ashton stated that the discussions at the Pedestrian and Bicycle Advisory Committee (PBAC) meetings help prioritize spending on pedestrian and bicycle transportation projects. This provides a link between PBAC and Town projects. Mr. Ashton suggested that future HDEIC recommendations be filtered through the Town Council because this body provides direction to the Town Manager.

There was discussion among Council and staff about the best way to gather feedback and address recommendations from the HDEIC.

With Council's consensus, Councilmember Scherff stated that she will work on a draft process outlining how the HDEIC will provide information and recommendations to the Town Council. After she drafts it, she will provide the process to staff for their input.

4. ROUNDTABLE

Councilmember Scherff: stated that she attended the Committee for Dulles' Sustainable Infrastructure breakfast on September 13, and she relayed some of topics that were discussed at that meeting.

Councilmember Dhakal: stated that he enjoyed the discussions held at yesterday's Town Council Initiatives Meeting.

Councilmember Dhakal stated that he received several requests from residents who want to add crosswalks at the intersections of Park Avenue with Branch Drive and with Grace Street.

Councilmember del Aguila: echoed Councilmember Dhakal's comments on the need for more crosswalks in Town, along with the need for more stop signs at crosswalks.

Councilmember del Aguila echoed Councilmember Dhakal's comments on the discussions held at the Town Council Initiatives Meeting.

Vice Mayor Hedrick: stated that a resident expressed concern to him about increased recycling fees. He suggested that the Town look at its contract for recycling disposal services.

Mr. Ashton stated that the Town's recycling fees have not increased in four years. He stated that recycling costs have increased globally, and that charging a fee only covers some of the Town's costs. He advised that one consideration is that increasing the recycling fee, which is a flat rate, may disproportionately affect some residences more than others.

Councilmember Dhakal asked about changing the recycling fee from a flat fee to one that takes family size into account. Mr. Ashton indicated that would be very difficult for the Town to track and that usage could vary according to other factors as well.

Mayor Olem stated that some localities are providing a certain number of containers for recycling and trash and requiring residents to pay for additional refuse or recycling.

Lesa Yeatts, Town Attorney, stated that the Town cannot ask how many people live in a household.

Responding to Councilmember Dhakal, Mr. Ashton said that there is not a plan to have glass recycling in the Town. He stated that Fairfax County has bins where Town residents can drop off glass materials for recycling.

Responding to Vice Mayor Hedrick, Mr. Ashton stated that staff asked Fairfax County to consider installing bike share stations in the Town. Because the locality has to commit to installing a certain number of stations, it is easier to work with the County, since they already have several installed.

Responding to Councilmember Scherff, Mr. Ashton indicated that the Town's discussions with the County about bike share stations are ongoing.

Lisa Gilleran, Director of Community Development, stated that a previous study had identified several potential bike share locations. She said that the number of locations will increase the price.

Councilmember del Aguila requested a cost/benefit analysis and a look at predicated outcomes for installing bike shares in Town. He also suggested establishing a dedicated bike lane on Herndon Parkway.

Mayor Olem: stated that earlier that day, she enjoyed attending the Dulles Regional Chamber of Commerce's Herndon Chamber Committee meeting. She encouraged her colleagues to join her for their next meeting. She stated that at the next Council meeting, she plans to share a flyer she received at the Herndon Chamber meeting about a cow race at Frying Pan Farm Park.

Mayor Olem congratulated the Herndon Farmers' Market on being named as the top food composter of the Fairfax County markets so far that year. She encouraged residents to bring their leftover food compost to the Farmers' Market each week.

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

5. 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 Hoover Conference Room in the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia.

Vice Mayor Hedrick moved that the Council convene in closed session to discuss the following as permitted by Code of Virginia Section 2.2-3711 (A)(8) for consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, relating to publicly held real property in the downtown. Councilmember del Aguila seconded the motion, which carried by 5-0 roll call vote. The vote was: Councilmembers del Aguila, Dhakal, Scherff, and Vice Mayor Hedrick and Mayor Olem voting "Aye." Councilmembers Alam and LeBlanc were absent.

The Council went into closed meeting at 9:25 p.m.

At 9:25 p.m. Mayor Olem called a brief recess, and at 9:30 p.m., the closed meeting reconvened in the Hoover Conference Room, five members present, with Mayor Olem presiding. Councilmembers Alam and LeBlanc were absent.

Councilmember Dhakal moved to come out of the closed meeting. Motion seconded by Councilmember Scherff and carried by 5-0 roll call vote. The vote was: Councilmembers del Aguila, Dhakal, Scherff, Vice Mayor Hedrick and Mayor Olem voting "Aye." Councilmembers Alam and LeBlanc were absent.

The Council came out of closed meeting at 10:28 p.m.

Councilmember Dhakal moved to certify that, to the best of each member's knowledge, in the closed meeting just concluded, nothing was discussed except the matter or matters (1) specifically identified in the motion to convene in closed meeting and (2) lawfully permitted to be discussed in a closed meeting under the provisions of the

September 19, 2023 Meeting Minutes
Town Council Work Session

Virginia Freedom of Information Act as cited in that motion. Motion seconded by Councilmember Scherff and carried by a 5-0 roll call vote. The vote was: Councilmembers del Aguila, Dhakal, Scherff, Vice Mayor Hedrick and Mayor Olem voting "Aye." Councilmembers Alam and LeBlanc were absent.

Ayes: 5

Nays: 0

Absent: 2

6. ADJOURNMENT

There being no further business, Mayor Olem adjourned the September 19, 2023 Town Council work session at 10:30 p.m.

Amanda E. Monaw Kertz

Amanda E.M. Kertz
Chief Deputy Town Clerk



Minutes approved by Town Council: October 24, 2023