



**HERNDON TOWN COUNCIL
Regular Meeting Minutes
Tuesday, September 26, 2023**

The Town Council met in a regular meeting on Tuesday, September 26, 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, Keven LeBlanc, and Donielle M. Scherff.

Councilmember Naila Alam was absent.

Staff present during the meeting: William H. Ashton II, Town Manager; Lauri Sigler, Deputy Town Attorney; Kirstyn Barr Jovanovich, Town Clerk; Chief Maggie DeBoard, Herndon Police; Lisa Gilleran, Director of Community Development; Marjorie Sloan, Director of Finance; Scott Robinson, Director of Public Works; Anne Curtis, Chief Communications Officer; Lieutenant Chad Findley, Herndon Police; and Dave Bracamonte, IT Systems Manager.

1. CALL TO ORDER

Mayor Olem called the September 26, 2023, Town Council meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

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

Determination of a Quorum

Mayor Olem determined there was a quorum of six Councilmembers present, with Councilmember Alam absent. Mayor Olem reminded those participating in tonight's meeting to follow the Town's meeting guidelines that are displayed in the Council Chambers.

Mayor Olem stated that since the Town Attorney was not able to attend that night's meeting, Lauri Sigler, Deputy Town Attorney, will be serving in her place that evening.

Mayor Olem welcomed Cub Scout Pack 913 from St. Joseph Catholic Church in Herndon to tonight's Council meeting.

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Announcements

Mayor Olem stated that the annual Hispanic Business Reception hosted by the Dulles Regional Chamber of Commerce is on Thursday, September 28, at the Worldgate Marriott. At the event, she will be presenting the Proclamation in Recognition of National Hispanic American Heritage Month on behalf of the Town.

Mayor Olem stated that the Herndon High School Pride of Herndon Marching Band is hosting the 26th Annual Virginia Showcase of Bands on Saturday, September 30, 2023, at Herndon High School. She encouraged those interested to attend.

Mayor Olem stated that curbside leaf collection starts the second week of October and runs through mid-December. She stated that the Town Calendar notes the weeks for leaf collection.

Mayor Olem stated that the annual Fall Clean-Up will be held on your regular trash day from October 18 to 20, 2023. Fall Clean-Up provides the opportunity to place bulky items curbside for collection without a special collection fee.

3. PRESENTATIONS/REPORTS/COMMENTS

a. Town Manager Report

William H. Ashton II, Town Manager, provided an update on the downtown redevelopment project stating that (1) comments are pending from staff on the resubmitted site plans, (2) building permits for the project have gone to the fire marshal, and (3) he anticipates that the plans will be sent for rebid sometime in the next several weeks.

Mr. Ashton stated that in conducting an assessment of Runnymede Park, staff noted significant erosion around the foundation of a pedestrian bridge. As a result, the bridge has been closed for safety reasons. He indicated bridge repairs will require permitting through Army Corps of Engineers and expects the bridge repairs will occur next Spring or Summer.

b. Councilmember Comments

Councilmember Scherff: welcomed the Boy Scouts to the meeting that evening.

Councilmember Scherff stated that Fairfax County Connector is holding an event for the launching of their first electric buses on Thursday, September 28, 2023, and she looks forward to attending.

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Councilmember LeBlanc: welcomed the Boy Scouts to the meeting that evening. He thought that it might be beneficial to the Scouts if any citizens in the audience would be able to stay after the meeting and talk to them about how they engage in the civic process.

Councilmember LeBlanc was glad to note that Arts Herndon redid their front entry, and they now have the word “LOVE” displayed in every language spoken in Herndon.

Councilmember del Aguila: echoed his colleagues’ comments in welcoming the Boy Scouts that evening. He suggested that the Scouts lead the audience in the Pledge of Allegiance the next time the group attends a Council meeting.

Councilmember del Aguila thanked the staff for supporting the Council Initiatives meeting last week and his Council colleagues for participating in the meeting. He reviewed some of what they discussed at that meeting, including his initiative for Town branding. In conjunction with that, he stated that he thought the Town should have a more competitive mindset when it came to advertising and promoting events happening in the Town and outlined several of his ideas for additional weekend events, including mini-festivals and a pickleball tournament.

Councilmember del Aguila stated that he thought the Council had a great work session last week and he is looking forward to the outcome of those discussions.

Councilmember Dhakal: echoed his colleagues’ comments in welcoming the Boy Scouts that evening.

Councilmember Dhakal stated that at the appropriate time, he would like to amend General Item Resolution on that night’s agenda to remove the request to amend the Town Charter to increase the Council terms from two to four years.

Vice Mayor Hedrick: echoed his colleagues’ comments in welcoming the Boy Scouts that evening and stated that he was glad to see many people in the audience.

Mayor Olem: stated that this year’s NatureFest was unfortunately rained out. She is looking forward to that event being scheduled for next year.

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 individuals provided comments:

- Laura Poindexter, representing the Dulles Regional Chamber of Commerce, 730 Elden Street: provided comments on the Friday Night Live events.

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- David Hirsch, General Counsel for the Dulles Regional Chamber of Commerce, 730 Elden Street: provided comments on the Friday Night Live events.
- Stevan Porter, 905 Vine Street: provided comments on the Friday Night Live events, and on Resolution 23-G-67, 2024 Legislative Program, regarding: (1) implementation of speed cameras, (2) extending Council terms from two to four years, and (3) concern over opening the Town's charter to changes by the General Assembly.
- Max Fisher, 2100 High Court #103: provided comments on (1) Resolution 23-G-67, 2024 Legislative Program, and (2) Metrorail, specifically on increasing the 952 Fairfax Connector Bus service that serves employees at Dulles Airport.
- Walter Shorter, 559 Early Fall Court: provided comments on: (1) the Friday Night Live events, (2) Resolution 23-G-67, 2024 Legislative Program, (3) welcomed the Boy Scouts, (4) thanked the Herndon Police Department for hosting the "Police and Popsicles" program, and (5) asked for more Herndon Police Department patrols in his neighborhood during the day.
- Barbara Glakas, 935 Barton Oaks Place: provided comments on discussions held at the September 18, 2023, Council Initiatives meeting, specifically on: (1) the Historic District, and (2) extending Council terms from two to four years.
- Barry Clendenin, 520 Fillmore Street: provided comments on discussions held at the September 18, 2023, Council Initiatives meeting, specifically on: (1) moving the Thursday Farmers Market to Saturday, (2) the impact of the last Charter Amendment, which moved Town elections from May to November, and (3) extending Council terms from two to four years.
- Ann Vayda, 631 Oak Street: welcomed the Boy Scouts and provided comments on contributing structures within the Historic District. She asked that the Council consider evaluating the conditions of the contributing structures.
- Joseph (last name not provided), Cub Scout Pack 913 from St. Joseph Catholic Church, 950 Peach Street: thanked Mayor Olem for meeting with the Scouts and answering their questions. He thought that the Town should add electric vehicle (EV) stations and look at switching from gas to solar power.

5. GENERAL

a. **Resolution 23-G-66 to accept the Town of Herndon Annual Report FY 2023**

William H. Ashton II, Town Manager, provided an overview of the FY 2023 Annual Report. Mr. Ashton stated that staff streamlined and condensed the report to make it more interesting and straightforward. He noted that the report is available on the

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Town's website and that the summary brochure will be mailed to every home and business in the Town.

Mr. Ashton reviewed staff's significant activities over the past fiscal year, and he went over the main accomplishments of each department. He also highlighted the significant achievements of the Enterprise Funds in FY 2023.

Mr. Ashton noted that in FY 2023, the Town Council met in a two-day retreat to develop the Town's vision and to work on the framework for a Strategic Plan. He stated that staff is working on the vision and a five-year strategic plan to accompany it, which they hope to have ready for the Council's review by the end of the calendar year.

Mr. Ashton provided updates on accomplishments related to the Council Initiatives, including: (1) increased pay for the Town Council and Boards and Commissions, (2) traffic calming, (3) community cultural event support, (4) environmental initiatives, including a Town-wide inventory of trees in public spaces, (5) enhanced landscape plan for Town Hall, (6) electric vehicle (EV) charging stations, (7) Town rebranding, and (8) stormwater management.

There was discussion between Mr. Ashton and Council on the Annual Report, including: (1) hiring and retaining employees, (2) Friday Night Live events, (3) community cultural events, and (4) communication with residents.

Councilmember LeBlanc moved to approve Resolution 23-G-66 to accept the Town of Herndon Annual Report FY 2023, as presented.

Motion seconded by Vice Mayor Hedrick.

There were brief comments from Council.

The question was called on the motion, which carried by a 6-0 roll call vote. The vote was: Councilmembers del Aguila, Dhakal, LeBlanc, Scherff, Vice Mayor Hedrick and Mayor Olem voting "Aye." Councilmember Alam was absent.

b. Resolution 23-G-67 to adopt the Town of Herndon's 2024 Legislative Program

Lauri Sigler, Deputy Town Attorney, presented the staff report and PowerPoint dated September 26, 2023. The proposed Legislative Program includes items that the Town Council wants to see advanced or positions they want to support before the General Assembly. Ms. Sigler discussed the Program, which includes the changes that Council requested at last week's work session.

The proposed Legislative Program asks that the Virginia General Assembly amend the Code of Virginia to: (1) enable localities to provide incentives, including local tax rebates to owners of contributing structures in a Historic District who make exterior

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renovations, and (2) to authorize localities to employ photo speed monitoring devices in areas in addition to school zones and work zones where they are currently authorized. Additionally, it requests the Virginia General Assembly to: (1) amend Section 3.1 of the Town of Herndon Charter regarding election, qualification and term of office to permit four-year terms for the Mayor and members of Town Council, and (2) conduct a study of Land Value Tax.

Ms. Sigler reviewed the process for submitting a Charter Amendment for approval by the General Assembly. This includes holding a public hearing on the Charter Amendment to increase the Council's terms, which could occur at the November 14, 2023, meeting. The Amendment would then be submitted to the Town's legislators with a request to carry the legislation at the General Assembly. If approved by the General Assembly, the earliest time the Amendment would be effective is July 1, 2024, which could apply to the November 2024 elections (2025-2026 Town Council). If the Charter Amendment is either not introduced by the legislators or not approved by the General Assembly, the Council will have to go through the process again.

There was discussion among Council and staff on the proposed 2024 Legislative Program, including: (1) the request to change the Town Council terms from two to four years, (2) the last Charter Amendment, which moved the Town Elections from May to November, (3) importance of public input in the Charter Amendment process, (4) consideration of staggered terms for the Town Council, (5) consideration of a referendum on changing the Council's term length, (6) other town councils in Virginia with four year terms, and (7) the request for the General Assembly to study Land Value Tax in towns.

[Note: Councilmember Scherff left the dais at 9:04 p.m. and returned at 9:06 p.m.]

Responding to Councilmember del Aguila, Ms. Sigler stated that she could not confirm at that time, but staff can verify and advise Council: (1) how many towns or cities in Virginia have four-year terms, and (2) that Town elections cannot be moved from November to May.

Responding to Councilmember del Aguila, Ms. Sigler noted that when the Town Charter is opened to the General Assembly, that body can make other changes. She also recalled that there was state legislation requiring towns to hold elections in November.

Councilmember Dhakal moved to amend Resolution 23-G-67, to remove the third bullet under item two (2): ~~"the Virginia General Assembly amend Section 3.1 of the Charter of the Town of Herndon regarding election, qualification and term of office to permit 4-year council terms for the Mayor and members of Town Council."~~

Following discussion, Vice Mayor Hedrick asked for clarification on whether there was a second to the motion.

Councilmember del Aguila seconded the motion.

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Following input from Kirstyn Barr Jovanovich, Town Clerk, Councilmember Dhakal amended his motion to add approval of Resolution 23-G-67, to include the aforementioned amendments. Councilmember del Aguila accepted the amended motion as the seconder.

There were brief comments from Council.

The question was called on the motion, which carried by a 6-0 roll call vote. The vote was: Councilmembers del Aguila, Dhakal, LeBlanc, Scherff, Vice Mayor Hedrick and Mayor Olem voting "Aye." Councilmember Alam was absent.

6. CONSENT

a. Resolution 23-G-68 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

On motion of Councilmember LeBlanc, seconded by Councilmember Scherff, the Consent Agenda item was approved and carried by a 6-0 roll call vote. The vote was: Councilmembers del Aguila, Dhakal, LeBlanc, Scherff, Vice Mayor Hedrick and Mayor Olem voting "Aye." Councilmember Alam was absent.

7. ADJOURNMENT

There being no further business, Mayor Olem adjourned the September 26, 2023, Town Council Regular Meeting at 9:14 p.m.



Amanda E.M. Kertz
Chief Deputy Town Clerk



Minutes approved by Town Council: October 24, 2023

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