



**HERNDON TOWN COUNCIL
Work Session Meeting Minutes
Tuesday, October 17, 2023**

The Town Council held a work session meeting on Tuesday, October 17, 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 (arrived at 7:05 p.m.), 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 Maggie DeBoard, Herndon Police; Lisa Gilleran, Director of Community Development; Marjorie Sloan, Director of Finance; Anne Papa, Chief Communications Officer; Mike Mueller, Golf Course General Manager; Tanya Kendrick, Director of Human Resources; Cindy Roeder, Director of Parks and Recreation; Scott Robinson, Director of Public Works; Bryce Perry, Deputy Director of Community Development; Cynthia Hoftiezer, Deputy Director of Parks and Recreation; David Stromberg, Zoning Administrator; Fadrique Iglesias, Community Planner; Dave Bracamonte, Systems Manager; and Amanda Kertz, Chief Deputy Town Clerk.

1. CALL TO ORDER

Mayor Olem called the October 17, 2023, Town Council work session to order at 7:00 p.m.

Determination of a Quorum

Mayor Olem determined there was a quorum of six Councilmembers present, with Councilmember Dhakal having not yet arrived. Mayor Olem reminded the Council of the meeting decorum.

Mayor Announcements

Mayor Olem stated that the annual Fall Clean-Up will be held on the residents' 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.

Comments and Disclosures for the Record

Mayor Olem asked Amanda Kertz, Chief Deputy Town Clerk, if she received comments for the record on any items listed on the agenda. Ms. Kertz stated that comments were

provided to the Council and entered into the record on Consent Agenda item 4(b) and Discussion items 5(a), 5(b), 5(c), and 5(d).

2. PUBLIC HEARING

a. Resolution to approve Special Exception Application SE #23-02, to allow product repair services for cell phones and computers in a multi-tenant commercial office building in a Commercial Office, CO, zoning district

Fadrique Iglesias, Community Planner, presented the staff report and PowerPoint dated October 17, 2023. He reviewed the location, existing zoning, and land use designation for the property at 1020 Elden Street, Suite 206. He provided an overview of the special exception application, including the proposed uses, building layout, hours of operation, and parking.

Mr. Iglesias stated that the by-right uses on the property remain, and staff does not foresee any negative impacts with the conditions in the proposed resolution. Following analysis, staff recommends approval of SE #23-02 with conditions as listed in the draft resolution.

There was brief discussion among Council and staff on the proposed resolution, including: (1) proper electronic waste disposal, (2) enforcement of special exception conditions, (3) special exception application process, and (4) hours of operation and parking.

[Note: Mayor Olem noted for the record that Councilmember Dhakal arrived at 7:05 p.m.]

3. GENERAL

a. Ordinance to amend and reenact Chapter 54 (PERSONNEL), Article I (In General), Article II (Pay)

Tanya Kendrick, Director of Human Resources, presented the staff report dated October 17, 2023. Chapter 54, Article II of the Town Code details the holiday worked payment provisions for Town employees. Due to modern demands on the workforce, a nationwide staffing crisis, and to reward employees their time spent working on a Town holiday, staff recommends an increase in the Holiday Worked Pay formula to 1.5 times the regular rate of hourly pay. The Holiday Worked Pay will now also apply to both the day observed by the Town and the day of the holiday, which happens a few times a year.

Ms. Kendrick stated that staff reviewed analysis between the proposed changes and several other comparative jurisdictions. She stated that staff is also taking this opportunity to make Holiday Worked-related terminology consistent throughout the Town Code. Staff recommends approval of the proposed ordinance, as presented.

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There was brief discussion among Council and staff on the proposed ordinance, which included: (1) full and part-time employment regulations, (2) holidays observed by the Town, (3) Holiday Worked Pay formula in comparable jurisdictions, (4) looking at increasing the Holiday Worked Pay formula to 2.0 times the regular rate of hourly pay, (5) employee retention concerns, and (6) trash and recycling pick-up on holidays.

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.

4. CONSENT

a. Resolution to adopt the Community Cultural Festivals Policy Statement

There was discussion among Council and staff on the proposed resolution to adopt the Community Cultural Festivals Policy Statement. Topics of discussion included: (1) festival policy statement and process, (2) timelines for the funding application and process following approval, (3) existing special event facilities rental process, (4) festival stakeholders and their level of involvement, (5) distinction between religious and cultural events, and (6) use of the Town sign board.

Vice Mayor Hedrick asked staff to walk through the process piece with Council at their December work session. He stated that the Council could review the process again in December 2024 to discuss what occurred throughout the year.

Responding to Councilmember Dhakal, William H. Ashton II, Town Manager, spoke about how the policy statement differed from the process and highlighted the existing special events facilities rental process. He stated that staff can discuss the events process with Council further at their direction.

Responding to Councilmember Alam, Lesa Yeatts, Town Attorney stated that there is no definition for religious events that can be applied across the board. She reviewed the State Code section that addresses religious events, stating that the Town cannot provide a donation for an entirely religious event. Funding can be provided through a neutral funding program, if it is used to provide community services for secular purposes, and without a religious requirement.

[Note: Councilmember Scherff left the dais at 8:06 p.m. and returned at 8:08 p.m.]

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

b. Resolution to identify holidays to be included in the Town Calendar and to remove the Thursday Farmers Market listing from the Town Calendar

There was discussion among Council and staff about the proposed resolution to identify holidays in the Town Calendar and to change the Thursday farmers market listing.

The discussion on the farmers market listing in the calendar included: (1) keeping the farmers market listing on Thursdays with an asterisk referencing the website for potential changes, (2) possibility of moving the farmers market from Thursday to the weekend, and what that would impact, (3) Fairfax County's farmers market schedule, which is expected in February, (4) exploring other vendor options for the farmers market, and (5) discussing the day for the farmers market separately from the Town Calendar.

Councilmember LeBlanc summarized the discussion, and with Council's concurrence, he stated that the following is requested for the resolution included in the next meeting's agenda: (1) keep the holidays consistent with the standard holidays recognized by Fairfax County Public Schools, and (2) leave the farmers market listed on Thursdays, with an asterisk indicating that the date is subject to change.

Councilmember del Aguila stated that he would like the Council to follow up on this and address the farmers market day as the next step.

Following discussion and with the concurrence of Council, staff was directed to move this item from the Consent Agenda to the General portion of the next meeting's agenda.

5. DISCUSSION

a. Bike and Pedestrian Projects Presentation

Bryce Perry, Deputy Director of Community Development, presented a PowerPoint dated October 17, 2023. He provided an overview of the Town's 62 ongoing and planned bicycle and pedestrian projects. Of these projects, 38 are pedestrian, 16 are bicycle, and eight are shared facilities. The projects listed are recently completed, under construction, in design, planned, or under analysis. They originated from the Pedestrian Safety Action Plan, the adopted Bicycle Network Master Plan, and the CIP. The projects include review and input from the Pedestrian and Bicycle Advisory Committee (PBAC) and the Traffic Engineering Improvements Committee (TEIC).

Mr. Perry stated that along with the transportation infrastructure projects he reviewed, staff is pursuing other plans and policy documents intended to improve active transportation safety in Town. This includes renewing the Americans with Disabilities Act (ADA) Transition Plan, revising the Town's Streetscape Manual, updating the Traffic Calming Guide, and finishing a draft Complete Street Policy.

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There was discussion among Council and staff about the bicycle and pedestrian projects and upcoming transportation safety plans, including: (1) update process for the related plan and policy documents, (2) projects in progress and their funding, (3) request for a visual indicator of crosswalks and sidewalk locations in the presentation, and (4) request for a broad estimate of right-of-way/land acquisition costs related to these projects.

Responding to Councilmember Scherff, Scott Robinson, Director of Public Works, stated he did not know the schedule at that time, but he anticipates the updated traffic calming guide will be released by next spring.

Responding to Mayor Olem and Councilmember Dhakal, Mr. Ashton agreed that staff could use the costs of land acquisition from the Spring/Van Buren Street to Herndon Parkway project to provide a high-level estimate of future costs.

Responding to Councilmember del Aguila, Mr. Perry stated that he can add columns to the chart showing when the projects started and how long they have been active.

b. Town of Herndon Community Events

Mayor Olem recognized Councilmember Scherff to begin the discussion.

Councilmember Scherff stated this item is predicated on staff's memorandum on Town events that was provided at their last work session. She stated that the Town hosts 72 annual community events, most of which are held in the last three quarters of the year. She discussed the staff impacts, financial costs, and the departments that are most affected, with the Herndon Festival having the greatest impact. Drawing on what she observed from the feedback from the business survey, the Council's priorities, and changing demographics, Councilmember Scherff stated that she wanted to review and analyze how the Town events are serving the community, and what can the Town handle to put on a quality event that is meaningful to the public. Her main focus is on the middle tier rather than the top or bottom few events. In consideration of Town events, Councilmember Scherff asked if there is a specific number of staff shifts or number of events that will make the event workload more manageable for the staff.

There was discussion among Council and staff on the annual Town events, including: (1) staff impacts, (2) financial impacts, (3) adding a column showing the total impacts to the chart provided by staff, (4) Town-led events, (5) attendance, (6) how to calculate return on investment, (7) target number of events that will not over-burden staff, (8) meals tax revenue, and (9) impact of the Herndon Festival.

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Responding to Councilmember Scherff, William H. Ashton II, Town Manager, stated that in the past, he asked staff to advise him of the ideal number of events for employees to work. He stated that he can ask staff again to try and refine those numbers to see what staff's tolerance level is.

Following discussion, Councilmember Scherff requested staff to provide: (1) target number of total shifts that is tolerable for staff supporting events, (2) number of events led by the Town versus those that are not, (3) number of attendees per event, and (4) breakdown of the costs showing the work that is part of Parks and Recreation and Golf's normal workload versus work that is required by special events.

Recess

At 9:30 p.m. Mayor Olem called a brief recess, and at 9:35 p.m., the work session meeting reconvened, with all members present, and with Mayor Olem presiding.

c. Small-Business Community Committee

Mayor Olem recognized Councilmember LeBlanc to begin the discussion.

Councilmember LeBlanc provided a brief overview of his memorandum dated October 17, 2023, regarding the establishment of a short-term small business community committee. Drawing on the results from the business survey and adding on to something that Councilmember Scherff previously suggested, he thought that the Council consider forming small "micro-committees," which would have a specific purpose to complete. The committees would provide feedback to the Town Council for their review and consideration.

Councilmember LeBlanc suggested that the first micro-committee could focus on events that support the small business community. He suggested an initial timeframe of six months and asked Councilmember Scherff if she would like to assist with this effort, given her interests and expertise. Councilmember Scherff responded that she is happy to help coordinate or lead such a group.

There was discussion among Council about Councilmember LeBlanc's proposal, including: (1) current ad-hoc committee formation and guidelines, (2) process for forming committees for small business events and other subjects, and (3) the appointment process.

Councilmember Scherff stated that she plans to propose, as a larger initiative, that the Town's other ad-hoc committees follow a similar targeted path that has a specific focus.

Following discussion, William H. Ashton II, Town Manager, stated that he will come back to the Council with next steps in forming a small business committee. After that, staff can draft a resolution for Council's consideration.

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Point of Order

Vice Mayor Hedrick asked for a Point of Order to clarify the remaining discussion items. He asked that his colleagues remain accountable to the Town Council Operating Agreement in submitting agenda items. The Operating Agreement includes provisions for having a short description and supporting documents for all agenda items, in order to facilitate a better discussion.

d. Equity

Mayor Olem recognized Councilmember del Aguila to begin the discussion on equity.

Councilmember del Aguila stated it was his understanding from previous discussions that the Council valued equity. He read a definition of equity into the record, stating that: “equity refers to fairness and justice and is distinguished from equality. Whereas equality means providing the same to all, equity means recognizing that we do not all start from the same place and must acknowledge and make adjustments to imbalances.” He felt that the Council has occasionally deviated from this definition of equity. He asked the Town Manager how much money they moved out of the Council Initiatives fund, because he thought the purpose of moving that money was to broaden equity across the budget.

Responding to Councilmember del Aguila, William H. Ashton II, Town Manager, stated he did not know the exact amount the Council moved from their Initiatives fund.

Councilmember Scherff recalled it was approximately \$240,000.

There was discussion among the Council and staff about equity, as it relates to: (1) Town’s budget, (2) definition of: equality, inclusion, and imbalance, (3) Council values statement, (4) ways to address and incorporate equity, and (5) the delivery of Town services.

Councilmember del Aguila said that the discussion on equity is going to provide context to the conversations on the next three agenda items.

e. Stars & Stripes Donation

Mayor Olem recognized Councilmember del Aguila to begin the discussion.

Councilmember del Aguila stated he has been working with the Stars and Stripes Committee of Northern Virginia, who he stated are a group that is dedicated to military personnel and first responders. He said that they have held events in Reston, but they are planning to hold two upcoming events in Herndon, which are: (1) food and clothing drive in December, and (2) a larger event in May. He wanted to advise the Council that the group plans to request the Town’s assistance with the food and clothing drive in

December. He also wanted to discuss what has worked well for similar events that have been held in the past.

There was brief discussion among the Council and staff about the Stars and Stripes group and the events and the assistance they may request.

William H. Ashton II, Town Manager, asked Councilmember del Aguila if the group had filed an application to use Town facilities for their event in December, to which Councilmember del Aguila said that the group is handling that aspect.

Responding to Councilmember Scherff, Councilmember del Aguila stated that the May event is a golf fundraiser. He indicated that the group met with the General Manager of the Golf Course and that they have visited the facility.

Mayor Olem suggested connecting the Stars and Stripes group with other community organizations that host food drives in Town.

f. Latino Festival

Mayor Olem recognized Councilmember del Aguila to begin the discussion. Councilmember del Aguila stated that he will forgo the discussion on the Latino Festival, since the Council had discussed the policy and process for these types of events earlier in the meeting.

g. Housing Initiative

Mayor Olem recognized Councilmember del Aguila to begin the discussion.

Councilmember del Aguila stated that he wanted to discuss a housing initiative and requested an update on Fairfax County's plans for housing in the Town. Based on that update, he wanted to determine what can be done to move housing projects forward in Herndon. Councilmember del Aguila also asked for an update on upcoming workforce housing projects in the Town.

There was a brief question-and-answer session between Councilmember del Aguila and William H. Ashton II, Town Manager about housing. Responding to Councilmember del Aguila, Mr. Ashton stated that staff can ask representatives from the Fairfax County Housing Authority to come to a Town Council work session. Regarding his question about potentially rezoning areas to mixed use or residential, Mr. Ashton suggested that Councilmember del Aguila ask this at the forthcoming discussion on zoning.

There was a brief question-and-answer session between Councilmember del Aguila, Mr. Ashton, and Lesa Yeatts, Town Attorney, about a recent email the Town Council received from a citizen related to a zoning enforcement issue on Nash Street.

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6. ROUNDTABLE

Councilmember Dhakal: no comments.

Councilmember del Aguila: no comments.

Councilmember Alam: shared that she enjoyed attending the Virginia Municipal League (VML) Conference that past week.

Councilmember Scherff: stated that she enjoyed attending the Herndon Homecoming Parade in spite of the rain. She expressed kudos to the Departments of Parks and Recreation and Public Works for doing a great job with the parade.

Councilmember LeBlanc: no comments.

Vice Mayor Hedrick: asked staff for an update on the audit of contributing structures in the Historic District that was discussed at the last Town Council Initiatives Meeting. He also asked if staff needed more information from the Council.

William H. Ashton II, Town Manager, stated that a survey had not advanced at that time.

Lisa Gilleran, Director of Community Development, stated that following the Council Initiatives Meeting, her understanding was that the Council was looking at a new survey of contributing structures in the Historic District. She stated that the staff needs more direction on how extensive the Council wants the interviews with the homeowners to be. To conduct this type of survey, the staff has to identify a historic preservation consultant that can do the interviews. Staff also has to consider the costs.

There was discussion among Council and staff about conducting a survey of contributing structures in the Historic District, including: (1) defining the parameters for the survey, (2) the most recent survey of contributing structures, and (3) funding considerations.

Vice Mayor Hedrick asked staff to schedule this as a discussion item on a future Town Council work session agenda so the Council can provide additional direction to the staff.

Ms. Gilleran indicated that staff could likely discuss this topic at the Council's December work session. She will also work with her staff to determine the best way to provide the Council with the data from the Historic District survey that was conducted a few years ago.

Mayor Olem: thanked her colleagues – Vice Mayor Hedrick and Councilmember Alam – for attending the VML Conference with her that past week. At the conference, they talked about appreciating and considering the impacts of long-term planning in their municipalities.

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William H. Ashton II, Town Manager: stated that the Sunset Business Park and East Spring Street project is partially completed. Before going to the next phase, the Virginia Department of Transportation (VDOT) has advised him that the median near the Herndon Parkway entrance to Sunset Business Park is being removed and Sunset Business Park will have time to put up directional signage.

Regarding the East Spring Street project, Mr. Ashton stated that VDOT advised him that because of duct bank work and widening required for the project, they are expecting an approximate 45 percent cost increase over what is budgeted, including what was provided in federal, state, and local grants. He stated that the Council may have to have a serious conversation about the status of that project due to the projected increases.

Mr. Ashton stated that the stoplights on Elden Street have been timed to work together to promote traffic flow on Elden Street. He stated that the staff is monitoring the lights to make sure that everything is working smoothly.

Mr. Ashton offered kudos to Chief DeBoard and the Herndon Police Department for being a finalist in four out of the five categories of awards presented by the National Law Enforcement Memorial Fund. This is the second year in a row that the Herndon Police Department received this honor, which includes jurisdictions of varying sizes across the country. He indicated that he is going to send information about the award to Council.

7. ADJOURNMENT

There being no further business, Mayor Olem adjourned the October 17, 2023, Town Council work session at 10:37 p.m.



Amanda E.M. Kertz
Chief Deputy Town Clerk



Minutes approved by Town Council: December 12, 2023