



This does not represent a verbatim transcript of the Town Council meeting. Visit www.herndon-va.gov "agendas & minutes" to view agendas and videos. Copies of videotapes of the public hearing meetings are available on request by contacting HCTV at 703-689-2323. Individuals not having access to the town's website may contact the Town Clerk's office at 703-435-6804 or town.clerk@herndon-va.gov.

**HERNDON TOWN COUNCIL
Meeting Minutes
Tuesday, August 9, 2022**

The Town Council met in public session on Tuesday, August 9, 2022, at 7:00 p.m. in the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia. In attendance were: Mayor Sheila A. Olem; Vice Mayor Cesar del Aguila; and Councilmembers Naila Alam, Pradip Dhakal, Signe Friedrichs, Sean M. Regan, and Jasbinder Singh.

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Chief Maggie DeBoard, Herndon Police; Lisa Gilleran, Director of Community Development; Scott Robinson, Director of Public Works; Cindy Roeder, Director of Parks and Recreation; Mike Mueller, General Manager of the Golf Course; John Irish, Deputy Director of Public Works; Maria Lee, Budget Manager; Bryce Perry, Deputy Director of Community Development; and Amanda Kertz, Chief Deputy Town Clerk.

CALL TO ORDER

1. Pledge of Allegiance

Mayor Olem led the Pledge of Allegiance.

2. Roll Call and Determination of Quorum

Mayor Olem called the meeting to order at 7:00 p.m. and asked Amanda Kertz, Chief Deputy Town Clerk, to call the roll for attendance. Following the roll call, Mayor Olem confirmed there was a quorum present.

Mayor Olem reminded those participating to follow the town's meeting guidelines, which include: refrain from participation unless and until recognized by the chair; be respectful; refrain from threatening or intimidating language; profane, vulgar, obscene, or threatening remarks are not permitted; and attacks or other harmful are not tolerated.

**August 9, 2022
(public hearing)**

APPROVAL OF MINUTES

Vote on April 26, 2022

Town Council Public Hearing Minutes

On motion of Councilmember Friedrichs, seconded by Councilmember Dhakal, and carried by unanimous roll call vote, the minutes of the April 26, 2022 Town Council Public Hearing were approved. The vote was: Councilmembers Alam, Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye."

Vote on May 3, 2022

Town Council Work Session Minutes

On motion of Councilmember Dhakal, seconded by Councilmember Alam, and carried by unanimous roll call vote, the minutes of the May 3, 2022 Town Council Work Session were approved. The vote was: Councilmembers Alam, Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye."

COMMENTS

Mayor Olem stated that the Committee for Dulles is hosting a career fair on Wednesday, August 10, at the Fairfax Christian School in Dulles. The event will focus on careers with airport operations. Further details are listed on the Committee for Dulles' website.

Mayor Olem announced that the Virginia Department of Veteran Services named the Town as a Certified Employer for supporting and employing Virginia's veterans.

Mayor Olem was proud to share that the Town also received the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association. She expressed kudos to staff for their efforts in receiving these awards.

Mayor Olem advised that the Herndon Fortnightly Library's schedule will change on Sunday, August 14. It will be open on Mondays from 1:00 to 9:00 pm, and Tuesdays to Saturdays from 10:00 am to 6:00 pm. Further details are listed on Fairfax County's website.

3. Comments from the Town Manager

Town Manager William H. Ashton II did not have any comments.

4. Comments from the Town Council

Councilmember Alam: Expressed kudos to the Herndon Police Department (HPD) for the National Night Out (NNO) event last week. She enjoyed meeting many new people and seeing her colleagues.

**August 9, 2022
(public hearing)**

Councilmember Dhakal: Discussed an email about pickleball that a resident sent to the Council. He stated that he was sure they could find an alternative solution for the pickleball players while the courts are built. The project is included in the Capital Improvement Program (CIP).

Councilmember Dhakal congratulated the Town Clerk Viki Wellershaus on her upcoming retirement. He thanked her for serving the Town and wished her the best.

Councilmember Dhakal thanked all who were involved with NNO, including community members, HPD, Parks and Recreation, and all staff that made the event happen.

Councilmember Dhakal recently met with a mayor from Nepal, who briefly visited the Town. He thanked Mr. Ashton and Ms. Wellershaus for coordinating the visit, which he enjoyed.

Councilmember Dhakal thanked Mr. Hadlock, a resident, for sending in comments on the Parkview Development.

Councilmember Friedrichs: Echoed her colleagues' previous comments.

Councilmember Friedrichs shared that as the Vice Chair of the Virginia Municipal League's (VML) Community and Economic Development Policy committee, she helped craft the group's legislative priorities. She gave an update on the committee's statement, which would be posted on VML's website, and included:

- Asserting local control over land use;
- Reviewing revenue sources for localities;
- Diversifying revenue streams;
- Tightening the State Code language regarding blight;
- Promoting designs for all citizens to increase accessibility; and
- Encouraging localities to be more flexible to address local housing needs.

Councilmember Regan: Stated that he enjoyed the 4-H Fair last weekend. He enjoyed the event and was glad the 4-H program continued to thrive.

Councilmember Singh: No comments.

Vice Mayor del Aguila: Provided comments about how he had been enjoying the summer in Town. He observed that Halloween décor was out already at the stores, and he hoped everyone would enjoy the rest of the summer.

**August 9, 2022
(public hearing)**

Vice Mayor del Aguila asked Mr. Ashton if the next Town Council Strategic Initiatives Meeting had been scheduled. Mr. Ashton advised that staff is trying to find a time in September that works with the moderator and staff schedules.

Mayor Olem: Stated that she picked up her 2022 Halloween Shirt last weekend.

Mayor Olem said that she had the privilege of meeting with the new Herndon Middle School Principal Monika Guerrero Vereb and enjoyed talking with her.

Mayor Olem was honored to attend HawkEye 360's ribbon cutting with several state and county officials. HawkEye 360 is a Herndon business, whose work includes making small satellites. They are a sponsor for Friday Night Live and assist with the tech arts program at ArtSpace.

Mayor Olem enjoyed attending July's Metro Monday and the 72nd Annual 4-H Fair Opening Ceremony with Councilmember Friedrichs in recent weeks. She was also thrilled to announce the winners of the annual town calendar photo competition on July 31 at ArtSpace.

Mayor Olem reminded those present that Town offices and the community center are closed for Labor Day on Monday, September 5. The next Town Council meeting is a work session on Tuesday, September 6, and she hoped that everyone would enjoy the rest of their summer.

Mayor Olem had a lot of fun attending NNO with several of her colleagues. She wanted to thank K-9 Officer Bragg for letting her ride in the car with him. She knows that it takes a lot of planning and coordination to make NNO happen.

Comments and Disclosures for the Record

Mayor Olem asked Ms. Kertz if she received comments for the record or Transactional Disclosure Declarations from Council on any items listed on that evening's agenda.

Ms. Kertz stated that comments were received for the record on item #5, Comments from the Audience, and on Public Hearing item #9, Ordinance 22-O-20, 593 Herndon Parkway, Parkview.

Additionally, Mayor Olem and Vice Mayor del Aguila filed Transactional Disclosure Declaration statements with the Town Clerk. The statements indicate that they each met with the applicants or applicants' agent to discuss the proposed development plan for 593 Herndon Parkway. Both stated they can participate in the discussions regarding these applications fairly, objectively, and in the public interest. The signed statements have been entered into the record and are on file with the Town Clerk and Town Attorney.

The Town Clerk did not receive additional public comments or statements from Council for any other items listed on the agenda

**August 9, 2022
(public hearing)**

5. 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:

- Della Brown, 302 Missouri Avenue, provided written comments for the record, which are on file in the Town Clerk's office, requesting pickleball courts at the Herndon Community Center. She stated there were several others in attendance that evening supporting Pickleball. She invited the Council to join a group that plays pickleball at 9:30 am on Wednesdays in the area.
- Jay Hadlock, 515 Alabama Drive, provided comments on the Herndon Transit Oriented Core (HTOC). He reviewed the history of the area and said that citizen interest in the HTOC had waned.
- Bessie Denton, 496 Virginia Avenue, asked for an update on the Herndon Diversity and Equity Inclusion Committee. Mr. Ashton replied that staff would contact her with that information.

PUBLIC HEARINGS

- 6. Resolution 22-G-48, to authorize the Reserve of Fiscal Year 2022 funding for on-going operations and maintenance, Capital Projects, ARPA funds and for Outstanding Encumbrances on June 30, 2022 for the FY 2023 Adopted Budget; and**
- 7. Ordinance 22-O-18, to amend the Fiscal Year (FY) 2023 Adopted Budget for the General Fund, Water and Sewer Fund, Chestnut Grove Cemetery Fund, Herndon Centennial Golf Fund, Capital Projects Funds and ARPA funds by recognizing the outstanding encumbrances, reserved amounts, and reappropriating funds for FY 2022 as appropriated amounts for FY 2023**

A Certificate of Publication was filed from the Editor of the *Fairfax County Times Newspapers*, showing that notice of said public hearing items had been duly advertised in the Friday, June 29, 2022 issue.

Mayor Olem opened the public hearings. The first two items are being presented concurrently and Council will act separately on each item. She recognized Maria Lee, Budget Manager, who presented the staff report dated August 3, 2022, which is on file in the Town Clerk's office. As of June 30, 2022, some projects that were authorized in Fiscal Year (FY) 2022 were not completed. Under State and Town Codes, the Council is required to authorize and reappropriate funds for those projects to FY 2023. Ms. Lee stated that there is one revision in Attachment A from last week's meeting, which was a decrease of \$26,000 to the Capital Projects Funds.

**August 9, 2022
(public hearing)**

Along with the proposed resolution, Ms. Lee stated that the Council is required to appropriate the amounts to the FY 2023 adopted budget separately. This action would recognize and authorize the reserves and encumbrances listed in the resolution for the FY 2023 budget. Staff recommends approval of the proposed items, as presented.

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

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

**Vote on
Resolution 22-G-48**

On motion of Councilmember Regan, seconded by Councilmember Dhakal, and carried by unanimous roll call vote, Resolution 22-G-48, to establish and re-appropriate the reserved or encumbered amounts for the fiscal year ended June 30, 2022, as listed on Schedules 1 through 4, effective retroactively to June 30, 2022, was approved, as presented. The vote was: Councilmembers Alam, Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye."

**Vote on
Ordinance 22-O-18**

Vice Mayor del Aguila moved approval of Ordinance 22-O-18, to amend the FY 2023 Adopted Budget for the General Fund, Water and Sewer Fund, Chestnut Grove Cemetery Fund, Herndon Centennial Golf Fund, Capital Projects Funds and ARPA funds by recognizing the outstanding encumbrances, reserved amounts, and reappropriating funds for FY 2022 as appropriated amounts for FY 2023, as described in REVISED Attachment A.

Motion seconded by Councilmember Dhakal.

There were brief comments from Council.

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

8. Ordinance 22-O-19, to authorize the American Rescue Act (ARPA) Allocation Plan and to appropriate ARPA funds for FY 2023

A Certificate of Publication was filed from the Editor of the *Fairfax County Times Newspapers*, showing that notice of said public hearing item had been duly advertised in the Friday, June 29, 2022 issues.

**August 9, 2022
(public hearing)**

Mayor Olem opened the public hearing and recognized Ms. Lee, who presented the staff report dated August 3, 2022, which is on file in the Town Clerk's office. Ms. Lee discussed ARPA, a federal government program that provides funding to address the COVID-19 pandemic. The Town will receive approximately \$25.5 million in two installments. All funds must be obligated by December 31, 2024 and used by December 31, 2026. Staff recommends approval of the proposed ordinance, as presented.

The public hearing was held, and the following individual provided testimony:

- Jay Hadlock, 515 Alabama Drive, asked for clarification on the amount of money that the Town received, and asked if some of the ARPA money had been spent or committed.

Mayor Olem asked staff to get back to Mr. Hadlock, and Mr. Ashton replied that he would.

Councilmember Friedrichs asked staff to share more information to answer Mr. Hadlock's question. Mr. Ashton stated that the Council recently adjusted the budget for ARPA encumbrances that did not occur last year. He briefly reviewed some of the proposed projects and stated that the town appropriated approximately \$17.3 million out of the \$25.5 million that Town will receive. Additional appropriations for ARPA will occur in FY 2024.

Seeing no other speakers, Mayor Olem closed the public hearing and moved to Council level for discussion and action.

Councilmember Friedrichs moved approval of Ordinance 22-O-19, to authorize the financial adjustments to the FY 2023 Budget, as described in the ARPA Allocation Plan.

Motion seconded by Councilmember Alam.

There were brief comments from Council.

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

9. Ordinance 22-O-20, to consider Development Plan, DP #19-01, 593 Herndon Parkway, Parkview, a development plan in the Planned Development-Transit Oriented Core zoning district with proffered conditions to allow the redevelopment of the site with mixed office, retail, and multi-family residential uses

Certificates of Publication were filed from the Editor of the *Fairfax County Times Newspapers*, showing that notice of said public hearing item had been duly advertised in the Friday, July 22 and July 29, 2022 issues.

**August 9, 2022
(public hearing)**

Mayor Olem opened the public hearing and stated that the applicant submitted revisions to the proffer statement and provided an Interim Promenade exhibit after the meeting agenda was published. As a result, staff prepared and provided an addendum to the meeting agenda including a revised ordinance, proffer statement, and memorandum. The Town Clerk provided the amended documents to the Council, and staff posted the amended documents on the town's website and provided copies for the public. She recognized Lesa Yeatts, Town Attorney, to explain the process.

Ms. Yeatts stated that at last week's work session, staff did not have the final proffers and recommended to continue the public hearing to September. Since then, the applicant filed the ordinance and the final signed proffers, and staff now recommends approving the proposed ordinance. As Mayor Olem said the applicant also submitted an Interim Promenade Exhibit today, which was handed out at the dais. That submission caused the revision to the original draft ordinance, but it did not change the proffers. Staff would outline the revised draft ordinance and proffers during their presentation and the applicant would provide more information during their comments.

Ms. Yeatts stated that after the public hearing, Mayor Olem will call for action on the item. Mayor Olem will read the motion, which will include amending the Generalized Development Plan. The Councilmember making the motion can then say "so moved" once Mayor Olem reads it. The Council cannot amend proffers on the dais and will need to continue the matter if they do not want to take action this evening.

Mayor Olem recognized Bryce Perry, Deputy Director of Community Development, who presented the staff report, PowerPoint, and memorandum dated August 9, 2022. These documents are on file in the Town Clerk's office. The applicant is proposing two options for development, with the first being a mixed-use development with a combination of residential and office space. The second option was a commercial space with office and retail uses.

Mr. Perry stated that both the Architectural Review Board (ARB) and Planning Commission reviewed the application. The Planning Commission recommended approval, to include coordinating with staff on the proffers and the ARB on the garage design. Staff recommends approval of the draft ordinance, as amended.

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

Mayor Olem invited the applicant or applicant's agent forward to address the Council.

- Lori Greenlief, Senior Land Use Planner, McGuireWoods (applicant's agent), presented a PowerPoint dated August 9, 2022, which is on file in Town Clerk's office, outlining the application.

There was brief discussion amongst Council, staff, and Ms. Greenlief.

**August 9, 2022
(public hearing)**

Vice Mayor del Aguila expressed concern over the commercial option and stated that he wanted to publicly communicate a desire for housing.

Councilmember Regan expressed concern over emergency access to the promenade as it was being built. Ms. Greenlief reviewed the location and stated that it could shift slightly during construction.

The public hearing was held, and the following individuals provided testimony:

- Barbara Glakas, 935 Barton Oaks Place, expressed support for the application. She discussed the possibility of a Herndon Historic Walk and a trolley at the site.
- Stevan Porter, 905 Vine Street, expressed support for the application. He briefly discussed the HTOC guidelines, how the town has changed over time, and how it was important to ask what the town's identity is.

Seeing no other speakers, Mayor Olem closed the public hearing and moved to Council level for discussion and action.

**Motion to approve (Approved)
Revised Ordinance 22-O-20**

Vice Mayor del Aguila moved to approve the REVISED Ordinance 22-O-20, which was dated and distributed August 9, 2022, which:

- AMENDS the zoning to allow the use as proposed in the Generalized Development Plan dated June 21, 2022, as amended by the applicant's "Interim Promenade Exhibit" dated August 9, 2022, and the Proffer Statement dated August 5, 2022, executed & signed August 8, 2022 and identified as "Attachment 2."

Motion seconded by Councilmember Friedrichs.

There were brief comments from Council.

Clarification

Councilmember Singh expressed concern over the Worldgate Drive extension. He asked if the access road will be partially on Town property.

Ms. Yeatts asked Mayor Olem if it is appropriate to be asking questions at this point.

Point of Order

Vice Mayor del Aguila called for point of order. He stated they were at the comments portion.

**August 9, 2022
(public hearing)**

Mayor Olem stated they were not asking questions at that time.

Councilmember Singh said he is concerned, he thought there was a comment made that part of the access road was on Town property, and he is asking for clarification.

Mayor Olem stated there is access.

Ms. Yeatts stated that Mayor Olem had discretion in this matter, but they were at comments at that point.

Mayor Olem stated that Councilmember Singh could read the report and that the information is there. She asked if he had any other comments.

Councilmember Singh thought it was "inappropriate to not answer that question, whether it was comment period or not comment period." He thought staff should respond to him.

Discussion Continued

There were further comments from Council.

Councilmember Regan expressed concern over phasing the construction of the development. He asked if the property would face a zoning violation if the residential is built first and the rest of the development takes years to complete.

**Vote on (Approved)
Motion to approve
Revised Ordinance 22-O-20**

The motion on the floor was restated for clarity, which was to approve the REVISED Ordinance 22-O-20, dated and distributed August 9, 2022.

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

CONSENT

- 10. Resolution 22-G-49, to approve an equipment lease purchase agreement between the Town of Herndon, Virginia and United Financial for the financing of HVAC equipment for the Herndon Centennial Golf Shop;**
- 11. Resolution 22-G-50, 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 for an event;**

**August 9, 2022
(public hearing)**

- 12. Resolution 22-G-51, to award contract IFB #B-22-09, Trail to Herndon Metro Station; and**
- 13. Resolution 22-G-52, to appoint/reappoint members to the Herndon Planning Commission.**

On motion of Councilmember Dhakal, seconded by Councilmember Alam, the Consent agenda items were approved and carried by unanimous roll call vote, without comment. The vote was: Alam, Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye."

ADJOURNMENT

Vice Mayor del Aguila moved to adjourn the August 9, 2022 public hearing at 10:07 p.m., and Councilmember Dhakal seconded the motion. The question was called on the motion, which carried by unanimous roll call vote. The vote was: Councilmembers Alam, Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye."

Amanda E. Monahan Kertz

**Amanda E.M. Kertz
Chief Deputy Town Clerk**



Minutes approved by Town Council: November 15, 2022

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

August 9, 2022
(public hearing)

NOTE:

This page was intentionally left blank