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**HERNDON TOWN COUNCIL
Meeting Minutes
Tuesday, October 11, 2022**

The Town Council met in regular session on Tuesday, October 11, 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; Kirstyn Jovanovich, Town Clerk; Chief Maggie DeBoard, Herndon Police; Scott Robinson, Director of Public Works; Cindy Roeder, Director of Parks and Recreation; Tammy Chastain, Deputy Director of Public Works; and Margie Tacci, 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 Margie Tacci, Deputy Town Clerk, to call the roll for attendance. Following the roll call, Mayor Olem confirmed a quorum was present.

Mayor Olem reminded those participating to follow the Town's meeting guidelines, which are displayed in the Chambers.

APPROVAL OF MINUTES

**Vote on June 14, 2022
Town Council Public Hearing Minutes**

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Councilmember Friedrichs moved approval of the minutes of the June 14, 2022 Town Council Public Hearing. Motion seconded by Councilmember Alam.

Mayor Olem highlighted the “Comments from the Town Manager” section (pages three and four), which included pertinent information about the Transit Related Growth (TRG) Area.

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.”

Mayor Announcements

Mayor Olem provided several informational updates, including:

- The repainting of the red caboose on Lynn Street;
- Fall Clean-up, which starts on Wednesday, October 19, and goes through Friday, October 21, on each resident’s trash day;
- Leaf collection, which started last week and goes through the second week of December. There are alternating weeks for collection according to whether one lives north or south of the W&OD Trail;
- The FY 2022 Annual Report was mailed, and residents should have received it; and
- Mayor Olem asked residents to check their water bills as they are updated quarterly to include information about what is happening in the Town.

PRESENTATION

3. Proclamation, to recognize Paul C. LeReche for Dedicated Service

Mayor Olem stated that she is thrilled to recognize Paul LeReche for his dedicated service to the Town. She recognized those in attendance for his presentation, including his wife, Ann, along with Planning Commission Chair Michael Romeo, and other current and former members of the Town’s boards and commissions.

Mayor Olem reviewed the presentation process and read the proclamation recognizing Mr. LeReche into the record.

Councilmembers Regan, Singh, Alam, Dhakal, Friedrichs, Vice Mayor del Aguila, and Mayor Olem, provided brief comments thanking Mr. LeReche for his many years of dedicated service.

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The following individuals came forward to provide comments on Mr. LeReche's service:

- Michael Romeo, Chair of the Herndon Planning Commission;
- Melissa McKenna, 124 Fortnightly Boulevard, Former Chair of the Herndon Planning Commission; and
- Lisa Gilleran, Director of Community Development.

Mr. LeReche provided brief comments on his recognition.

COMMENTS

4. Comments from the Town Manager

Herndon Metrorail Bus Bays Project

William H. Ashton II, Town Manager, stated that the traffic signal for the Bus Bays at the Herndon Metro Station will be operational after the lights blinked red for 72 hours. Turning on the signal is one of the last steps before the Town opens the crosswalks and Bus Bays to the Metro Station. Staff will send an invitation for the Bus Bays' ribbon cutting soon. The event will also include County and Regional leaders.

Spring Street

Mr. Ashton stated that the Town conducted a speed study and installed a "Your Speed" sign between Bicksler Lane and Wood Street on Spring Street. Staff plans to run a weeklong speed study there during the first week in November to determine if the sign had an effect on vehicular speeds. Mr. Ashton stated that staff also ran a speed study on Alabama Drive to get a better understanding of the entire road network, but he has not yet reviewed the results.

Mr. Ashton stated that staff recommended installing the three-way stop sign at the Spring and Wood Street intersection. As part of the installation, staff is evaluating how to remove two crepe myrtle trees that interfere with the sign's location. Staff is moving the speed limit sign away from these trees as well, so it is more visible. Crosswalks will be installed after the stop sign at Wood Street is up for a few months.

Additionally, staff contacted consultants to study cut-through traffic on Locust Street and pedestrian behavior on Nash Street to help develop solutions for these roads. Because students may cross these streets on their way to Herndon schools, staff can potentially apply for Safe Routes to School grants for these projects next fall.

Downtown Redevelopment

Mr. Ashton stated that because the Downtown Redevelopment project utilizes the 2002 Public-Private Education Facilities and Infrastructure Act (PPEA), it is not a typical

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contract. He briefly reviewed the PPEA between the Town and Comstock, which is a collaboration between a government and private-sector company. In the agreement, Comstock is allowed an up to a two-year pause if they deem that market conditions are not favorable for development. If construction does not begin by the end of two years, the agreement could unravel, and there are provisions for that process. Comstock and staff are working together so Comstock can get started on the project as soon as the economy is more favorable. Mr. Ashton encouraged the community to review the Comprehensive Agreement and related information that is posted on the Town's website.

Questions from Council

Responding to Councilmember Regan, Mr. Ashton stated a date had not been set for installing a crosswalk on Spring Street. Staff wanted to proceed with the speed study in November and find a solution for the trees. He also wanted the drivers to get used to the stop sign before adding the crosswalk.

Responding to Councilmember Regan, Mr. Ashton stated that he was concerned about students crossing Nash Street and thought it could be part of the Safe Routes to School grant application.

Councilmember Regan stated that he understood the stop sign was the short-term solution; the crosswalk was the intermediate solution; and the long-term project included curb and gutter. Mr. Ashton agreed with Councilmember Regan's synopsis, emphasizing that the curb and gutter project was still conceptual.

Responding to Councilmember Regan, Mr. Ashton stated that Comstock wanted construction material and labor costs to decrease before starting construction. He did not think that Comstock would have to rebid the entire project. He stated that the Town retained experts in PPEA, real estate, and bonding to assist with the Comprehensive Agreement.

Responding to Councilmember Dhakal, Mr. Ashton replied that for safety concerns, the three-way stop sign had to be installed before the crosswalks.

Responding to Councilmember Dhakal, Mr. Ashton stated that the Comprehensive Agreement accounts for what would happen if Comstock defaults or if they provide a notice not to proceed. He indicated that on the land record, there is a right of reversion back to the Town.

Responding to Councilmember Dhakal, Mr. Ashton does not think the Herndon Festival should move back to the downtown, because Comstock owns the property and environmental remediation has to occur on the site. The Town has a good partnership with Northwest Federal Credit Union, who currently hosts the Festival, and he thought that location was preferable.

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Responding to Councilmember Dhakal, Mr. Ashton stated that the Biergarten has not responded to the Town's site plan comments. Staff reviews the status of this project and others in Town on a weekly basis.

Responding to Vice Mayor del Aguila, Mr. Ashton emphasized the steps the Town has to take before installing the crosswalk and that a date had not been set for installing the stop sign. Vice Mayor del Aguila thought the spirit of the green space initiative was not one-for-one tree replacement, but to incorporate more green space overall.

Responding to Vice Mayor del Aguila, Mr. Ashton stated that he could discuss Vice Mayor del Aguila's suggestion of using bonds for the project with the Town's financial advisors.

Vice Mayor del Aguila provided comments about the cost of materials and suggested the Council consider a Closed Meeting to better understand Comstock's decision.

Mr. Ashton stated that while there is a risk that the cost for materials could increase, the market may also lower demand, which would reduce construction costs.

5. Comments from the Town Council

Councilmember Regan: Comments noted under Comments from the Town Manager; no additional comments.

Councilmember Singh: No comments.

Councilmember Alam: No comments.

Councilmember Dhakal: Comments noted under Comments from the Town Manager; no additional comments.

Councilmember Friedrichs: Appreciated the Town Manager's updates on upcoming projects and referenced the height limit set in the downtown as one of the challenges to development there.

Vice Mayor del Aguila: Comments noted under Comments from the Town Manager; no additional comments.

Mayor Olem: Reviewed several events she recently attended, including:

- 20th Annual Hispanic Business Reception on September 29, where she presented the Town's proclamation for Hispanic Heritage Month;
- Virginia Municipal League (VML) Conference in Richmond from October 2 through October 4, where she learned a lot, met new people, and interacted with elected officials from all around the Commonwealth. She congratulated Councilmember Friedrichs adding an item to support speed cameras to the VML Legislative Agenda;

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- Ribbon Cutting for Nothing Bundt Cakes on Elden Street on October 7, which was hosted by the Dulles Regional Chamber of Commerce; and
- Herndon High School Homecoming Parade on October 8, where she enjoyed being part of the parade, seeing the floats and participants, and supporting the Herndon Hornets. She named and congratulated several of the parade award winners.

Comments and Disclosures for the Record

Ms. Tacci entered into the record a signed Transactional Disclosure Declaration that she received from Mayor Olem on public hearing items #7 and #8: Ordinance 20-O-22, to approve and authorize a third lease amendment to Cellco Partnership, d/b/a Verizon Wireless, at the Town's 3rd Street Water Tower; and Ordinance 20-O-23, to approve and authorize a third lease amendment to Cellco Partnership, d/b/a Verizon Wireless, at the Town's Alabama Drive Water Tower.

Mayor Olem stated that she is the owner of a commercial property in North Augusta, South Carolina. The group she leases to is in the Verizon Global Real Estate division of Cellco Partnership d/b/a Verizon Wireless, out of Temple Terrace, Florida. She stated that she is able to participate in the discussion and action on these applications fairly, objectively, and in the public interest. The signed statement was entered into the record and is on file with the Town Clerk and Town Attorney.

Ms. Tacci stated that the Town Clerk did not receive public comments or additional statements from Council for any other items listed on the agenda.

6. 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 individual provided comments:

- Stevan Porter, 905 Vine Street, provided comments on Consent Agenda item #10, Ordinance 22-O-24, to approve and authorize the Mayor to sign a Third Lease Extension between Town and the Board of Supervisors of Fairfax County, Virginia, for office space at 397 Herndon Parkway. He asked the Town to take a closer look at the financial relationships the Town has with Fairfax County.

PUBLIC HEARINGS

- 7. Ordinance 22-O-22, to approve and authorize the Mayor to sign a third lease amendment with Cellco Partnership d/b/a Verizon Wireless to revise the premises description, approved equipment list, drawings, and contact information at the Town's 3rd Street Water Tower**

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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, September 23 and September 30, 2022 issues.

Mayor Olem opened the public hearing and recognized Tammy Chastain, Deputy Director of Public Works. She presented the staff report dated October 4, 2022, which is on file in the Town Clerk's office. The proposed ordinance would authorize a third lease amendment at the Town's 3rd Street Water Tower. The agreement includes changes to the equipment list and updated contact information. Staff recommends approval of the proposed ordinance, as presented.

There were no comments from the applicant or audience. Mayor Olem closed the public hearing and moved to Council level for discussion and action.

Councilmember Friedrichs moved to approve Ordinance 22-O-22, as presented, to approve and authorize the Mayor to sign a third lease amendment with Celco Partnership, d/b/a Verizon Wireless, to revise the premises description, approved equipment list, drawings, and contact information at the Town's 3rd Street Water Tower. Motion seconded by Councilmember Regan.

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-23, to approve and authorize the Mayor to sign a third lease amendment with Celco Partnership d/b/a Verizon Wireless to revise the premises description, approved equipment list, drawings and contact information at the Town's Alabama Drive Water Tower

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, September 23 and September 30, 2022 issues.

Mayor Olem opened the public hearing and recognized Tammy Chastain, Deputy Director of Public Works. She presented the staff report dated October 4, 2022, which is on file in the Town Clerk's office. The proposed ordinance would authorize a third lease amendment at the Town's Alabama Drive Water Tower. The proposed changes are very similar to the previous public hearing item. The agreement includes minor changes to the equipment list and updates the contact information. As with the previous lease, staff will hold a pre-construction meeting with Verizon to make sure there are not any maintenance issues with the site. Staff recommends approval of the proposed ordinance, as presented.

There was brief discussion amongst Council and staff.

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There were no comments from the applicant or audience. Mayor Olem closed the public hearing and moved to Council level for discussion and action.

On motion of Councilmember Regan, seconded by Councilmember Alam, and carried by unanimous roll call vote, Ordinance 22-O-23, to approve and authorize the Mayor to sign a third lease amendment with Celco Partnership d/b/a Verizon Wireless to revise the premises description, approved equipment list, drawings and contact information at the Town's Alabama Drive Water Tower, was approved as presented. The vote was: Councilmembers Alam, Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye."

CONSENT

9. **Resolution 22-G-60, to approve an Agreement for Construction of Water Facilities between the Town of Herndon and Fairfax Water for the construction of a 10 million gallon per day pump station in the Town**
10. **Ordinance 22-O-24, to approve and authorize the Mayor to sign a Third Lease Extension between Town of Herndon and the Board of Supervisors of Fairfax County, Virginia, to extend the expiration date to December 31, 2023 for office space at 397 Herndon Parkway**

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

ADJOURNMENT

Councilmember Friedrichs moved to adjourn the October 11, 2022 regular meeting at 8:07 p.m., and Councilmember Singh seconded the motion. The question was called on the motion, which carried by unanimous roll call vote. The vote was: Alam, Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye."

Amanda E. Monan Kertz

Amanda E.M. Kertz
Chief Deputy Town Clerk



Minutes approved by Town Council: December 13, 2022

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