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**HERNDON TOWN COUNCIL
Meeting Minutes
Tuesday, December 13, 2022**

The Town Council met in regular session on Tuesday, December 13, 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, Signe Friedrichs, and Sean M. Regan. Councilmembers Pradip Dhakal and Jasbinder Singh were absent.

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Kirstyn Jovanovich, Town Clerk; Marjorie Sloan, Finance Director; Jerry Schulz, Deputy Director of Finance; Lisa Gilleran, Community Development Director; Bryce Perry, Deputy Director of Community Development; David Stromberg, Zoning Administrator; Dennis Holste, Economic Development Director; John Irish, 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, with Councilmembers Dhakal and Singh absent.

3. Recognition of Councilmembers Signe Friedrichs, Sean M. Regan, and Jasbinder Singh for dedicated service to the Town of Herndon

Mayor Olem recognized outgoing Councilmembers Friedrichs, Regan, and Singh for their dedication and service on the Herndon Town Council. She presented plaques to Councilmembers Friedrichs and Regan to recognize their service. Councilmember Singh was absent, and Mayor Olem stated she would provide his plaque to him at another time.

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Vice Mayor del Aguila, Councilmember Alam, and Mayor Olem thanked the outgoing members of Council for their service.

Councilmembers Friedrichs and Regan expressed appreciation to their colleagues and gratitude for serving on the Town Council.

PRESENTATION

4. Presentation of the Town's Annual Comprehensive Financial Report (ACFR) for the Fiscal Year Ended June 30, 2022 by Brown Edwards and Company, LLP, Certified Public Accountants

Marjorie Sloan, Director of Finance, introduced Matthew Heatwole, Brown Edwards and Company, LLP, Certified Public Accountants, to present the Town's Annual Comprehensive Financial Report for Fiscal Year (FY) 2022.

Mr. Heatwole presented a PowerPoint providing an overview of the audit, which is on file in the Town Clerk's office. He stated that the Town received an unmodified, or clean, audit opinion, and he offered kudos to the Department of Finance. He pointed out there were some suggestions regarding internal controls in the "Management Letter" that the Council should review.

There was brief discussion between Council and Mr. Heatwole.

APPROVAL OF MINUTES

Mayor Olem stated that there are five sets of minutes on the agenda for approval, which can be moved as one motion.

- September 20, 2022 Town Council Work Session Meeting;
- September 22, 2022 Town Council Strategic Planning Initiatives Meeting;
- September 27, 2022 Town Council Meeting;
- October 4, 2022 Town Council Work Session Meeting; and
- October 11, 2022 Town Council Meeting.

Councilmember Friedrichs moved approval of the minutes of September 20, 2022, September 22, 2022, September 27, 2022, October 4, 2022, and October 11, 2022. Motion seconded by Councilmember Regan.

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The question was called on the motion, which carried by 5-0 roll call vote. The vote was: Councilmembers Alam, Friedrichs, Regan, Vice Mayor del Aguila, and Mayor Olem voting "Aye." Councilmembers Dhakal and Singh were absent.

COMMENTS

5. Comments from the Town Manager

Mr. Ashton commended the Finance team on their work in completing the FY 2022 Audit and for adapting to last minute changes in requirements.

Mr. Ashton discussed the Town's ongoing Transit Related Growth (TRG) survey that is posted on the website, www.herndonTRG.com. He encouraged residents to visit the website and participate in the survey. He noted that staff handed out approximately 150 postcards with the survey information at the Wintermarkt that past weekend.

Mr. Ashton stated that the three-way stop at the intersection of Spring and Wood Streets was now operational, and the Herndon Police were monitoring it.

6. Comments from the Town Council

Councilmember Alam: Expressed her appreciation to Councilmembers Friedrichs and Regan for their service on the Town Council.

Councilmember Friedrichs: Stated that she will miss attending the Town Council meetings, but she is looking forward to participating in other activities. She thanked Mayor Olem for her many years of partnership and mentorship. She expressed gratitude to her colleagues and stated that she has enjoyed their conversations. She was excited for the incoming Council and the work they will do.

Councilmember Friedrichs thanked staff for their efforts at the Wintermarkt event.

Councilmember Regan: Echoed Councilmember Friedrichs' comments about Wintermarkt, where he helped support fundraising for the Herndon Elementary School PTA.

Councilmember Regan thanked his wife and family for supporting him and while he served on the Planning Commission and Town Council.

Vice Mayor del Aguila: Expressed appreciation to the outgoing Councilmembers for their dedication, energy, and ideas.

Vice Mayor del Aguila thanked staff and Mr. Ashton for the update on the three-way stop sign on Spring Street. He thought the process staff used at that intersection could be used again and built on moving forward.

Vice Mayor del Aguila wished everyone Happy Holidays.

Mayor Olem: Echoed her colleagues' comments and stated that she enjoyed Wintermarkt. She enjoyed seeing so many people attend from around the region. Mayor Olem stated that she also enjoyed the tree lighting at Town Hall Square on Saturday December 3, which had around 400 attendees. She enjoyed the music from the Herndon High School Band and seeing Santa arrive to the event.

Mayor Olem recognized three new businesses that opened at Junction Square: Deli Italiano, Midtown Jewelers, and Fire and Eve Spa. She participated in a ribbon-cutting event for Deli Italiano and Midtown Jewelers, and she stated that the spa is holding their ribbon-cutting later.

Mayor Olem reminded the community that Wreaths Across America is on Saturday, December 17, which is when the Herndon Women's Club and volunteers will place wreaths on every veteran's grave at Chestnut Grove Cemetery. There is also a remembrance ceremony at 12:00 p.m., which is open to the public.

Mayor Olem stated that Town offices are closing at noon on Friday, December 23, and will be closed on Monday, December 26, and Monday, January 2. She encouraged residents to check the Town's website for information on trash collection and any other schedule changes.

Mayor Olem echoed the Town Manager's comments on the TRG survey and encouraged the community to fill out the survey. She also encouraged individuals to complete a transportation survey related to Dulles Airport, which she posted on her Facebook page.

7. 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:

- Keven LeBlanc, 818 Locust Street, thanked Councilmembers Friedrichs and Regan for their service to the Town. He participated in last weekend's Model Train Show and serves as Volunteer Coordinator for Wintermarkt and the Holiday Homes Tour. He discussed these events and thanked Town staff for their support.
- Stevan Porter, 905 Vine Street, expressed support for Consent agenda item Resolution 22-G-63, to approve a Memorandum of Agreement for the Mason Enterprise Center – Herndon, thanked the Council and staff for their work this past term, and he wished everyone Happy Holidays.

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- Barbra Glakas, 935 Barton Oaks Place, provided comments on the Model Train Show, where over 1,800 people attended, and expressed appreciation to Councilmembers Friedrichs and Regan for their service.

PUBLIC HEARING

8. Ordinance 22-O-28, to consider Development Plan DP #21-01, 555 Herndon Parkway, with proffered conditions to allow redevelopment 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 November 24 and December 2, 2022 issues.

Mayor Olem opened the public hearing and recognized Bryce Perry, Deputy Director of Community Development, who presented the staff report and PowerPoint dated December 13, 2022, which are on file in the Town Clerk's office.

Mr. Perry provided an overview of the application for a rezoning at 555 Herndon Parkway, using a Herndon Transit Oriented Core (HTOC) development plan. If approved, this plan would supersede the previous submission approved for the property in 2019. He discussed the process and reviewed the following documents: 1) Generalized Development Plan (GDP), 2) Proffer Statements, 3) zoning modification requests, 4) traffic impact analysis, 5) design waivers, 6) Planning Commission resolution, and 7) Architectural Review Board (ARB) design evaluation.

Mr. Perry stated the revised application includes a mix of office, retail, and residential uses like the approved plan. He then discussed the proposed changes, which included: 1) reducing the building phases from three to two, 2) decreasing the maximum floor area ratio (FAR) from 4.3 to a 3.69, and 3) adding several lined parking spaces.

Mr. Perry reviewed the proposed interim conditions for the property, which incorporate landscaping and screening. The proposed plan also includes an alternative design for building A, which will impact the amenity space and loading dock/trash pick-up area.

Mr. Perry stated that since last week's work session, the applicant provided staff with the: 1) revised GDP, including the corrected FAR, 2) revised proffer statement, and 3) updated draft ordinance. In the revised proffer statement, dated and distributed on December 13, 2022, Condition 3 (Uses), Item C, was revised to allow additional non-residential uses in the office space.

If the Council wants to consider the revised proffer statement, Mr. Perry suggested taking a short recess so the proffers can be signed and notarized. He noted that the proffers would also need to reflect that night's meeting date and the draft ordinance would need to be updated to reference the revised proffers. Staff recommends approval of the proposed ordinance, as presented that evening.

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In response to Councilmember Regan's question about the modified proffer statement, staff distributed hard copies of the document to the Council at the dais.

There was brief discussion between Council and staff.

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

Ken Wire, Wire Gill LLP, applicant's agent, presented a PowerPoint which is on file in the Town Clerk's Office. He provided an overview of the original application and proposed changes to what Council had approved. During his presentation, Mr. Gill addressed concerns about the amount of retail space.

There was brief discussion between Council and Mr. Gill.

Responding to Vice Mayor del Aguila, Mr. Gill reviewed the square footage and height of the retail space. Mr. Wire stated the first level is 23 feet in height and that a standard retail space is usually at least 15 feet. He said the applicant is committed to a minimum of 5,000 square feet of retail, but with the current lay out, 7,500 to 8,000 square feet of retail was possible.

Responding to Mayor Olem, Mr. Wire stated that in addition the required Town board meetings, the applicant held a virtual community meeting about the redevelopment, which was recorded and sent to several community organizations.

Responding to Vice Mayor del Aguila, Mr. Wire stated that the applicant did not discuss affordable housing for the project with Fairfax County.

Vice Mayor del Aguila said it was his understanding that the current and incoming Council appreciated a variety of unit types in residential buildings. Mr. Wire responded that generally, 60 percent of units are one-bedroom or studios, with the remainder being two- or three-bedroom units. He indicated that the applicant would conduct a market study before deciding on the number and types of units.

Responding to Councilmember Friedrichs, Mr. Wire stated at that time, he did not have the number of units that would have more than two bedrooms.

Recess

At 8:50 p.m. Mayor Olem called a brief recess, and at 8:56 p.m., the regular Town Council meeting reconvened, all members present except Councilmembers Dhakal and Singh, and with Mayor Olem presiding.

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Comments from the Audience

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

- Stevan Porter, 905 Vine Street, thought the Council should continue the public hearing since the revised proffers had not been provided to the public.
- Keven LeBlanc, 818 Locust Street, expressed overall support for the plan.
- Barbara Glakas, 935 Barton Oaks Place, expressed overall support for the plan. She asked the Council to consider continuing the public hearing so the revised proffers could be reviewed further.

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

Motion to remand Ordinance 22-O-28 to the Planning Commission

(Died for Lack of a Second)

Councilmember Regan moved to remand Ordinance 22-O-28 to the Planning Commission for further consideration and guidance.

Mayor Olem asked Councilmember Regan to clearly state why he wanted to remand the Ordinance to the Planning Commission.

Councilmember Regan stated that he wanted the Planning Commission to look at an increase in retail space, particularly at the streetscape.

Lesia Yeatts, Town Attorney, stated that Councilmember Regan's statement was adequate to ask for a second on the motion, but she did not think it was adequate to remand the item to the Planning Commission.

Mayor Olem asked for a second. Seeing none, the motion died for lack of a second.

Motion to approve Ordinance 22-O-28

(Approved as Revised)

Vice Mayor del Aguila moved to approve Ordinance 22-O-28, to consider Development Plan DP#21-01, 555 Herndon Parkway, a development plan in the Planned Development-Transit Oriented Core zoning district, with proffered conditions, to allow redevelopment of the site with office, retail, and multi-family residential uses, with proffered conditions, revised, dated, and distributed on December 13, 2022. Motion seconded by Councilmember Friedrichs.

There were brief comments from Council.

Vice Mayor del Aguila expressed support for moving this item forward.

Councilmember Friedrichs agreed with several of Councilmember Regan's statements, including concerns about the public amenities that were part of the project.

Councilmember Regan discussed his concerns about the project. He did not think there was enough retail space, especially as compared to the residential area, which he thought would not attract the public to this site. He thought that the project fell short of what was intended for the HTOC. He reiterated his opinion that the item should be returned to the Planning Commission.

Mayor Olem thought that the proposed redevelopment plan will help the Town increase its residential tax base, attract more residents, and improve access to Metro and nearby businesses.

The question was called on the motion, which carried by 3-2 roll call vote. The vote was: Councilmembers Alam, Vice Mayor del Aguila, and Mayor Olem voting "Aye." Councilmembers Friedrichs and Regan voting "Nay." Councilmembers Dhakal and Singh were absent.

CONSENT

- 9. Resolution 22-G-62, to authorize two applications to the RJACC of the NVTa, for FY2029 RSTP and CMAQ transportation funding**
- 10. Resolution 22-G-63, to approve a Memorandum of Agreement between the Town and George Mason University for the Mason Enterprise Center – Herndon**
- 11. Resolution 22-G-64, to initiate ZOTA #22-01, to amend Chapter 78 (ZONING), to increase the maximum number of freestanding signs permitted with a drive-through use**
- 12. Resolution 22-G-65, to award a contract for Concession Food Services, Herndon Centennial Golf Course, RFP #23-02**

On motion of Vice Mayor del Aguila, seconded by Councilmember Alam, the Consent agenda items were approved and carried by 5-0 roll call vote, without comment. The vote was: Councilmembers Alam, Friedrichs, Regan, Vice Mayor del Aguila, and Mayor Olem voting "Aye." Councilmembers Dhakal and Singh were absent.

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ADJOURNMENT

Vice Mayor del Aguila moved to adjourn the December 13, 2022 regular meeting at 9:17 p.m., and Councilmember Friedrichs seconded the motion. The question was called on the motion, which carried by 5-0 roll call vote. The vote was: Alam, Friedrichs, Regan, Vice Mayor del Aguila, and Mayor Olem voting "Aye." Councilmembers Dhakal and Singh were absent.

Amanda E. Monan Kertz

Amanda E.M. Kertz
Chief Deputy Town Clerk



Minutes approved by Town Council: January 24, 2023

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

NOTE:

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