



Visit www.herndon-va.gov “agendas and minutes” to view agendas and videos. Individuals without 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, February 28, 2023**

The Town Council met in regular session on Tuesday, February 28, 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, 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; Lisa Gilleran, Director of Community Development; Cindy Roeder, Director of Parks and Recreation; Marjorie Sloan, Director of Finance; David Stromberg, Zoning Administrator; Page Kalapasev, Director of Information Technology; and Dave Bracamonte, Systems Manager.

1. CALL TO ORDER

Mayor Olem called the February 28, 2023, Town Council meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

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

Determination of a Quorum

Mayor Olem determined there was a quorum, with all members present. Mayor Olem reminded those participating to follow the Town’s meeting guidelines that are displayed in the Council Chambers.

Mayor Announcements

Mayor Olem stated that on Sunday, March 5, 2023, from noon to 3:00 p.m. the Herndon Depot Museum will hold its re-opening event for the 2023 season, which will include new exhibits and activities.

February 28, 2023 Meeting Minutes
Town Council Meeting

Mayor Olem reminded everyone to submit nominations for this year's Mayor's Volunteer Appreciation Awards, which is on Sunday, April 16. Nomination forms are available on the Town's website under "Volunteer Appreciation" and are due to Parks and Recreation by Monday, March 13, 2023.

Mayor Olem noted that each resident's water bill contains a quarterly insert that includes seasonal information, such as snow removal.

3. PRESENTATIONS/REPORTS/COMMENTS

a. Comments from the Town Manager

William H. Ashton II, Town Manager, apologized for the odor in the Chambers and stated that the Department of Public Works will continue to work to abate the issue. He stated that the AV upgrade project has begun within the Chambers and will take place over the next several weeks. He stated that the work may impact the location of the next public hearing meeting and that he would keep the Council apprised as the project moves forward.

b. Comments from the Town Council

Councilmember del Aguila: No comments.

Councilmember Dhakal: Reported that he attended the Fairfax County Economic Advisory Committee, which focused on how to bolster investment and building relationships between investors and entrepreneurs. He stated he is part of the Fairfax Strategic Alignment Team with Fairfax County Public Schools, and they are meeting tomorrow about equity-centered strategic planning.

Councilmember Dhakal said that he received a question from a constituent concerning why the recycling fee cannot be prorated for the size of the family and requested a response as part of the upcoming budget discussions. Mr. Ashton stated the response will be provided during the budget discussions.

Councilmember Scherff: No comments.

Councilmember Alam: No comments.

Councilmember LeBlanc: Reported that he attended the Committee for Dulles open house and donated \$200 to their local food drive. He stated that he also has a meeting this week with their legislative and economic development group focused on transportation projects within the region.

Vice Mayor Hedrick: No comments.

February 28, 2023 Meeting Minutes
Town Council Meeting

Mayor Olem: In honor of Black History Month, she recognized one of Herndon's own, Darryl C. Smith, Sr., who was born and raised in Herndon, and in 1973 became the first African American member of the Herndon Police Department. He rose to the rank of Captain, retiring from the Town of Herndon in 2004. In May 2004, he was the first African American elected to the Herndon Town Council and served as Vice Mayor through June 2006. He went on to serve as Chief of Police in Purcellville for nine years, retiring in 2015. He passed away in April 2020, however, his wife Maria still lives in Herndon, and she encouraged people to let her know that Darryl is still remembered for his impact on the community.

Mayor Olem encouraged the public to provide comments throughout the development of the proposed budget during Comments from the Audience or via email to the Town Clerk's office. She stated that the Town Manager's proposed budget will be available on April 1, 2023 and public hearings on the proposed budget will be held on Tuesday, April 11 and April 25, 2023.

Mayor Olem stated that the "Makers Lab" is open at the Herndon Fortnightly Library during regular library hours. Supported by a partnership between Arts Herndon and the Fairfax County Public Library, it will support STEAM (Science, Technology, Engineering, Arts and Math) activities for all ages. She stated that more information is available through the Fairfax County Public Library.

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:

- Steve Mitchell, 1291 Monroe Street, provided written comments for the record, which were distributed to the Town Council. He requested that the Town Council champion a zoning text amendment to amend the R-15 dimensional standards.
- Jay Hadlock, 515 Alabama Drive, provided comments on behalf of the Friends of Runnymede Park, inviting the Council and the public to their annual meeting on March 9, 2023, 7:00 to 9:00 p.m., at Arts Herndon. He also provided a summary of written comments he had previously submitted for the Council's consideration during the FY 2024 budget.
- Charles Williams, 421 Kings Row Street, suggested: (1) looking at ways to cut the budget to justify the Town Council and Mayor's salaries and (2) developing opt-in choices for items such as the Town calendar, parks and recreation brochures, and water bill inserts, as a way to reduce costs.
- Rory Spencer, 620 Worchester Street, expressed concern about speeding on Worchester Street and throughout Town, and indicated that she had provided

comments on this topic a year ago. She is also concerned about drivers ignoring traffic signals on Herndon Parkway and asked the Council to address these issues.

- Stevan Porter, 905 Vine Street, stated that he enjoyed Davenport's presentation on water and sewer rates at the last Town Council work session. He encouraged individuals to watch the recording and to share their thoughts with the Town Council and staff.

5. PUBLIC HEARINGS

a. Ordinance 23-O-04 to consider amending the Fiscal Year (FY) 2023 Adopted Budget for the budgets of the General Fund, Golf Fund, Water and Sewer Fund, and American Rescue Plan Act (ARPA) Fund

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, February 17, 2023 issue.

Mayor Olem opened the public hearing and called on Marjorie Sloan, Director of Finance, who presented the staff report dated February 28, 2023. The proposed amendment would allocate funding to the General, Golf, Water and Sewer, and the ARPA Funds, as outlined in Attachment A to the proposed ordinance. The \$1.6 million expenditure for the General Fund would be funded by insurance recoveries, grants, vacancy savings, interest income, and use of Fund Balance. The Golf Fund's budgeted revenues are expected to increase by approximately \$160,000 which allows for the appropriation of expenditures, and the Master Plan Capital Project expenditure of \$700,000 is expected to be funded from the Fund's Net Position. The \$240,000 expenditure for the Water and Sewer Fund will be funded by current and future rates. The ARPA fund is capped at \$25.5 million, and the amendment will appropriate the last \$8.2 million of the federal funds. Staff recommends approval of the proposed ordinance, as presented.

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

Responding to Councilmember del Aguila, William H. Ashton II, Town Manager, stated he noticed structural issues within the Water and Sewer Fund in 2017, and the Town worked with Davenport to develop a multistage plan to increase rates over time. The Town began implementing these rate increases, but this was paused during COVID. With the COVID emergency now over, there are two major fund drivers: (1) commodity charges from Fairfax Water have significantly increased, and (2) increased capital costs the Town will pay into for improvements at the Blue Plains sewer treatment facilities.

Councilmember del Aguila noted for the record that the Town is trying to fix what "was handed to us" and asked Mr. Ashton, even with the proposed rates, how long it will take to close the gap between revenue and expenditures in the Water and Sewer Fund.

February 28, 2023 Meeting Minutes
Town Council Meeting

Mr. Ashton stated that if the Town implements the recommended rate plan over the next few years, and reviews annually, they will be in good shape. As part of the accelerated sewer plan, Davenport recommends capitalizing a portion of the sewer costs, as it is anticipated that this capital cost will come back down. He stated that the Enterprise Funds will be discussed as part of the FY 2024 budget process at the March 21, 2023 work session.

Following comments from Mayor Olem about the ARPA funds, Mr. Ashton noted that staff is aware of the ARPA deadlines and can shift projects as needed in order to meet the requirements.

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

- Jay Hadlock, 515 Alabama Drive, asked why there was funding requested for consultants to work on the Transit-Related Growth (TRG) Area, when he thought a group of landowners is paying those costs.

In response to Mr. Hadlock's question, Ms. Sloan stated that the budget amendment includes both the expenditures and the anticipated receipt of the owners' contribution for the TRG consultant's work. This amendment will serve as a passthrough where the Town will pay the consulting fees, while also billing and receiving the funds for the consultant from the private ownership group.

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

On motion of Councilmember del Aguila, seconded by Councilmember LeBlanc, and carried by unanimous roll call vote, Ordinance 23-O-04 to amend the Fiscal Year (FY) 2023 Adopted Budget for the budgets of the General Fund, Golf Fund, Water and Sewer Fund, and American Rescue Plan Act (ARPA) Fund, was approved as presented.

The vote was: Councilmembers Alam, del Aguila, Dhakal, LeBlanc, Scherff, and Vice Mayor Hedrick and Mayor Olem voting "Aye."

- b. Ordinance 23-O-05 to consider zoning ordinance text amendment, ZOTA #22-01, to amend Chapter 78 (ZONING), Article XIV (Signs), Section 78-141.4 (Sign Standards for Commercial Districts), and Section 78-180 (Definitions), to revise the regulations governing the maximum number of freestanding signs permitted with a drive-through use**

Certificates of Publication were filed from the Editor of the *Fairfax County Times Newspapers*, showing that notices of said public hearing item had been duly advertised in the Friday, February 10 and February 17, 2023 issues.

Mayor Olem opened the public hearing and called on David Stromberg, Zoning Administrator, who presented the staff report dated February 28, 2023. He provided a

February 28, 2023 Meeting Minutes
Town Council Meeting

brief overview of the who zoning ordinance text amendment process and stated that this application was submitted by Pollo Campero of Virginia, LLC. The applicant received an approved special exception (SE #20-01) on March 23, 2021 for an eating establishment with drive-through service.

Mr. Stromberg stated that the sign ordinance was amended in 2016 (ZOTA #16-08) in order to comply with the 2015 United States Supreme Court decision on Reed v. Town of Gilbert, Arizona. Under the Town's current regulations, the applicant cannot add signs to their drive-through. Pollo Campero is the first new drive-through eating establishment proposed within the Town since the sign provisions were amended.

Mr. Stromberg stated that staff and the applicant agree on the proposed language as presented. The proposed ordinance will allow two primary drive-through signs of up to 24 square feet and two secondary drive-through signs of up to six square feet. The Planning Commission and staff recommend approval of the proposed ordinance, as presented, which is listed as "Attachment 1" in the agenda.

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

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

- Kelly Posusney, Walsh Colucci Lubeley & Walsh, representing the applicant, stated that they agree with the proposed language.

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

On motion of Councilmember LeBlanc, seconded by Councilmember Dhakal, and carried by unanimous roll call vote, Ordinance 23-O-05 to consider zoning ordinance text amendment, ZOTA #22-01, to amend Chapter 78 (ZONING), Article XIV (Signs), Section 78-141.4 (Sign Standards for Commercial Districts), and Section 78-180 (Definitions), to revise the regulations governing the maximum number of freestanding signs permitted with a drive-through use, was approved, as presented.

The vote was: Councilmembers Alam, del Aguila, Dhakal, LeBlanc, Scherff, and Vice Mayor Hedrick and Mayor Olem voting "Aye."

6. CONSENT

- Ordinance 23-O-06 to approve and authorize the Mayor to sign a three year lease agreement between Town of Herndon and The Elden Street Players d/b/a NextStop Theatre Company, for space at 717 Lynn Street, commonly known as the Depot**
- Resolution 23-G-22 to approve an Interjurisdictional and Cooperative Agreement for Organic Material Disposal with Prince William County**

February 28, 2023 Meeting Minutes
Town Council Meeting

- c. **February 7, 2023 Town Council Work Session Minutes**
- d. **February 14, 2023 Town Council Meeting Minutes**
- e. **February 16, 2023 Special Joint Town Council/Planning Commission Work Session Meeting Minutes**

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

7. **ADJOURNMENT**

There being no further business, Mayor Olem adjourned the February 28, 2023 Town Council Regular Meeting at 7:48 p.m.



Kirstyn Barr Jovanovich
Town Clerk



Minutes approved by Town Council: March 15, 2023

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