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**HERNDON TOWN COUNCIL
Meeting Minutes
Tuesday, March 14, 2023**

The Town Council met in regular session on Tuesday, March 14, 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; Chief Maggie DeBoard, Herndon Police; Kirstyn Barr Jovanovich, Town Clerk; Lisa Gilleran, Director of Community Development; Cindy Roeder, Director of Parks and Recreation; Marjorie Sloan, Director of Finance; Mike Mueller General Manager of the Golf Course; David Stromberg, Zoning Administrator; Tammy Chastain, Deputy Director of Public Works; Page Kalapasev, Director of Information Technology; Dave Bracamonte, Systems Manager; and Amanda Kertz, Chief Deputy Town Clerk.

1. CALL TO ORDER

Mayor Olem called the March 14, 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 Announcements

Mayor Olem stated that due to the AV upgrades currently happening in the Council Chambers, there is no amplified sound for tonight’s meeting. She asked those participating in the meeting to speak loudly so the public could hear their comments. She stated that while the meeting is not live broadcast due to the construction, the meeting is being recorded and will be posted on the Town’s website once it is processed. The same factors would be in place for the Council’s regular meeting on March 28, 2023.

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

3. PRESENTATIONS/REPORTS/COMMENTS

a. Comments from the Town Manager

William H. Ashton II, Town Manager, offered his apologies for the lack of amplified sound in the Chambers that evening. He said the improvement project was scheduled for last August, but due to supply chain issues, the equipment did not arrive until this past February. While there is some inconvenience, he said it will be worth it for the improved product and equipment.

Mr. Ashton stated earlier that day, he received the moderators' notes from the Town Council's retreat. He stated that he was reviewing the notes and will send them to the Council along with the projected next steps based on the conversations they had this past weekend.

b. Comments from the Town Council

Councilmember Dhakal: stated that he thought the Town Council retreat was a great success. He thanked the staff for organizing the meeting and his colleagues for attending. He stated that they worked on strategic planning and creating working agreements as a Council.

Councilmember Dhakal stated that the Herndon, Diversity, Equity, and Inclusion Committee (HDEIC) has vacancies. The HDEIC is actively accepting applications and will be conducting interviews soon. Applications are available on the Town's website.

Councilmember Dhakal asked the Town Manager to address two topics: (1) accidents still occurring on Spring Street, and (2) installing pedestrian crossings from Senate Court to Haley Smith Park. He stated that residents had contacted him about these issues.

Mr. Ashton stated that staff was working on draft responses to address the safety concerns on both topics. He is planning to send the responses this week.

Councilmember del Aguila: echoed Councilmember Dhakal's comments on the Town Council retreat, thanking staff and his colleagues. He also thought the training the Council had that past week had been helpful.

Councilmember Scherff: echoed Councilmembers Dhakal's comments about Spring Street and stated that the Herndon Police Department also needed to be part of the conversation. She suggested more enforcement at the stop sign on Spring Street because drivers were not stopping.

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Councilmember Scherff thanked staff and her colleagues for their support of the Sunset Business Park. The businesses there are asking the Town to help mitigate the impact of the Virginia Department of Transportation's (VDOT) Spring Street widening project. She is looking forward to continuing these efforts.

Councilmember Scherff stated that the last Saturday in April is "Independent Book Store Day," and the Town's new independent bookstore, A Thousand Stories, is having an event for individuals to read to children. She stated that she planned to participate and said the Council will be receiving an email inviting them to participate as well.

Councilmember Alam: thanked the Town staff, her colleagues, friends, family, and constituents, who helped her while she dealt with an illness.

Councilmember LeBlanc: stated that he also wanted to talk about Sunset Business Park, a place that he often visits. This past weekend, he went to the opening of "The Cake" at NextStop Theatre, which runs through April 2, 2023. He really enjoyed it and stated that this play, along with the arts in general, are critical in understanding diversity and respecting, understanding, and embracing one another. Their next show is "In the Heights," written by Lin Manuel Miranda. The theatre has received grants and sponsorships and is able to provide \$5.00 tickets to that show to anyone who needs it. He emphasized the importance of the arts bringing everyone to all aspects of the community.

Vice Mayor Hedrick: stated that the Council met four days over the past week, and he thought that they made a lot of progress. This past Saturday, the Council started the strategic planning process. He encouraged the public to provide feedback and comments on their vision for the future of the Town.

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. Public hearings on the proposed budget will be held on Tuesday, April 11 and April 25, 2023, where individuals can also provide comments.

Mayor Olem stated that the Kid's Trout Fishing Derby is on Saturday, March 18, 2023, from 8:00 a.m. to noon at Runnymede Park. Further information and registration are available on the Town's website.

Mayor Olem stated that she attended the Friends of Runnymede Park's annual meeting on Sunday, where they heard about an eagle habitat established off the Dulles Greenway, containing over 100 acres of wetlands preserve.

Mayor Olem echoed Councilmember LeBlanc's comments on NextStop Theatre and stated that she has tickets for the "The Cake." She provided complimentary comments for the theatre, is excited about their upcoming plays, and encouraged everyone to attend a show.

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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 about the Sunset Business Park and requested the Town's assistance and partnership in mitigating impacts from the VDOT road construction occurring on Spring Street:

- Paul Olsen, 902 Young Dairy court, Owner of Weird Brothers Coffee;
- Evan Hoffmann, 650 Spring Street, Producing Artistic Director, NextStop Theatre, and President of the Master Association for the Sunset Business Park; and
- Charlie Kendall, who owns four businesses units and serves on two of the association boards at Sunset Business Park. He stated that the business owners were looking at improvements that would further energize the park and asked the Town to elevate their concerns to a level of "critical importance."

5. PUBLIC HEARINGS

- a. **Ordinance 23-O-07 to approve and authorize the Mayor to sign a Fourth Lease Amendment with New Cingular Wireless PCS, LLC d/b/a AT&T Mobility Corporation to revise the exhibits, utility and access easement description, premises description, approved equipment list, and rent at the Town's Alabama Drive Water Tower**

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 February 24 and March 3, 2023 issues.

Tammy Chastain, Deputy Director of Public Works, presented the staff report dated March 7, 2023. The proposed amendment to the lease on the Town's Alabama Drive Water Tower will allow AT&T to remove three antennae and replace them with six two-over-two antennae, resulting in a rent increase. There will also be some minor changes to the equipment. She stated that the lease is set to expire in May 2026, and that staff recommends approval of the proposed ordinance, as presented.

Mayor Olem invited the applicant or applicant's agent forward to address the Council, who did not have any comments for the Council. The Council did not have any questions of the applicant.

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

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On motion of Councilmember Dhakal, seconded by Vice Mayor Hedrick, and carried by unanimous roll call vote, Ordinance 23-O-07 to approve and authorize the Mayor to sign a Fourth Lease Amendment with New Cingular Wireless PCS, LLC d/b/a AT&T Mobility Corporation to revise the exhibits, utility and access easement description, premises description, approved equipment list, and rent at the Town's Alabama Drive Water Tower 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-08 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 February 24 and March 3, 2023 issues.

David Stromberg, Zoning Administrator, presented the staff report dated March 14, 2023. He provided a brief overview of the zoning ordinance text amendment and stated that the request is before the Council due to a recent Historic District Review Board (HDRB) case. The proposed amendment will allow businesses located in the downtown zoning districts to install signs above the ground floor with an approved Certificate of Appropriateness. The Planning Commission and staff recommend approval of the proposed ordinance, as presented.

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

Responding to Councilmember Dhakal, Mr. Stromberg stated that currently, the HDRB has to approve all sign applications in the historic district. However, in the near future, the Board is considering adopting Universal Design Standards for Signs. If that passes, any ground floor signs could be administratively approved. Under the proposed standards, any signs above the ground floor will still need a Certificate of Appropriateness from the HDRB.

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

- Steve Mitchell, Manager of the James Building, LLC, which is located in the historic district. He thanked staff for bringing this forward and asked the Council to approve the item.

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 Alam, and carried by unanimous roll call vote, 23-O-08 to consider zoning ordinance text amendment,

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ZOTA #23-01, to amend Chapter 78 (ZONING), Section 78-141.6 (Sign Standards for Downtown Mixed-Use Districts), to revise the regulations governing the location of wall mounted signs, 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

- a. **Resolution 23-G-23 to approve the Town's participation in the proposed settlement of opioid-related claims against Teva, Allergan, Walmart, Walgreens, CVS, and their related corporate entities, and to direct the Town Manager and/or Town Attorney to execute the documents necessary to effectuate the Town's participation in the settlements**
- b. **February 21, 2023, Town Council Work Session Minutes**
- c. **February 28, 2023, Town Council Meeting Minutes**
- d. **March 9, 2023, Town Council Special Meeting Minutes**

On motion of Councilmember 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, 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 March 14, 2023 Town Council Regular Meeting at 7:40 p.m.

Amanda E. Monaw Kertz

Amanda E.M. Kertz
Chief Deputy Town Clerk



Minutes approved by Town Council: March 28, 2023

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