



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, April 11, 2023**

The Town Council met in regular session on Tuesday, April 11, 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; Cindy Roeder, Director of Parks and Recreation; Marjorie Sloan, Director of Finance; Scott Robinson, Director of Public Works; Mike Mueller, Golf Course General Manager; Page Kalapasev, Director of Information Technology; Maria Lee, Budget Manager; David Stromberg, Zoning Administrator; Dave Bracamonte, Systems Manager; and Amanda Kertz, Chief Deputy Town Clerk.

1. CALL TO ORDER

Mayor Olem called the April 11, 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 discussed three upcoming spring events in the Town, which are (1) Herndon Parks and Stream Clean-Up on Sunday, April 15, 2023, (2) Spring Clean-Up, on each resident’s trash day, from April 26 to 28, 2023, and (3) Bike to Work Day on May 19, 2023. She stated that information about these events is posted on the Town’s website.

April 11, 2023 Meeting Minutes
Town Council Meeting

Mayor Olem stated that the Committee for Dulles was hosting a career fair at Dulles Airport.

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

3. PRESENTATIONS/REPORTS/COMMENTS

a. Proclamation to Recognize Autism Acceptance Month

Mayor Olem recognized Councilmember LeBlanc to read the Proclamation to Recognize Autism Acceptance Month into the record.

b. Town Manager Report

William H. Ashton II, Town Manager stated that there are several open positions with the Town of Herndon and urged those interested to review the job postings and apply through the Town's website.

Mr. Ashton stated that he did not have anything to report on the downtown project or other items.

c. Councilmember Comments

Councilmember del Aguila: stated that it was great to have spring back.

Councilmember Dhakal: thanked those who came to celebrate Autism Acceptance Month. He stated that he understands how important it is to acknowledge and accept autistic individuals within our community, and that the main aim of this proclamation is to promote the acceptance and understanding of autism, and to raise awareness of the challenges faced by individuals with autism and their families. He further stated that most importantly it is to celebrate the unique strength and abilities of autistic individuals.

Councilmember Dhakal stated that he hoped everyone had a nice Easter and thanked Parks and Recreation for hosting the egg hunt. He further thanked Information Technology and Herndon Police Department staff for the recent special session about IT and facility security.

Councilmember Dhakal stated that he and Councilmember Scherff are meeting with the Police Chief, Community Development, and Public Works staff to discuss traffic calming and safety issues on Friday. He stated that they will keep everyone updated on those discussions and ideas produced from those discussions.

Councilmember Scherff: expressed appreciation to Information Technology and facilities staff for the Chambers A/V upgrades including sound amplification.

April 11, 2023 Meeting Minutes
Town Council Meeting

Councilmember Scherff expressed her appreciation to her colleagues for a productive work session last week. She reminded the community that the Council is listening and there is an onslaught of communication about traffic and safety coming to them from the community. She expressed appreciation to residents for continuing to communicate with the Council on this topic, and thanked staff and Council for working on this issue in a cohesive way.

Councilmember Alam: welcomed those in attendance and wished everyone a Happy Easter. She recognized and welcomed former Mayors Mike O'Reilly and Lisa Merkel who were in the audience.

Councilmember LeBlanc: stated that he is incredibly excited that the first proclamation he read is on a topic near and dear to his heart, autism. He further stated that he has the privilege of working with Herndon-based organizations, International Association for Spelling as Communication (I-ASC) and Growing Kids Therapy Center. He noted that many families moved to Herndon for these resources as they lead the nation in research and development on this matter. He noted that the fabric of our community in Herndon is woven by many diverse colors and textures of threads, each deserving its own voice to be heard, seen, and counted amongst that patchwork quilt. This reminded him, as they discuss budget and other topics that are sensitive to our community, why it is so important that everyone is heard and engaged.

Vice Mayor Hedrick: thanked those in the audience for attending the meeting that evening to represent Autism Awareness Month or to comment on the agenda items. He noted that residents should have received the budget-in-brief pamphlet in the mail and reminded everyone to continue commenting during the budget process.

Mayor Olem: expressed thanks to Councilmember LeBlanc for reading the Autism Acceptance Month proclamation. She recognized Growing Kids for all their work in the Herndon community.

Mayor Olem stated that three businesses were recognized in the Dulles Regional Chamber of Commerce's 2023 Stars Over Dulles Award Gala: (1) Office Evolution, "Lift Off Award" and named Small Business of the Year; (2) Nothing Bundt Cakes, Minority-Owned Business of the Year, and (3) Northwest Federal Credit Union, Eileen Curtis Lifetime Achievement Award. She also stated that out-of-town business Queen Bee, whose owner runs Friday Night Live, was also recognized during Stars Over Dulles.

Comments and Disclosures for the Record

Mayor Olem asked Amanda Kertz, Chief Deputy Town Clerk, if she received comments for the record or Transactional Disclosure Declarations from Council. Ms. Kertz stated that comments were entered into the record on the proposed FY 2024 budget items. The Clerk did not receive disclosures from Council on any other item listed on the agenda that evening.

April 11, 2023 Meeting Minutes
Town Council Meeting

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:

- William McKenna, 124 Fortnightly Boulevard, provided comments on Autism Acceptance Month proclamation and recognized the contributions of Ian Nordling through his participation on the Herndon Youth Advisory Council (HYAC). He requested that the Town Council consider reinstating HYAC.
- Ian Nordling, 134 Pearl Street, through Elizabeth Vosseller, provided comments on the Autism Acceptance Month proclamation. He stated that the welcoming heart of this Town allows for his feeling of inclusion and acceptance. He thanked the Town Council for their service and acceptance of autistic people.
- Elizabeth Vosseller, 608 Spring Street, provided comments on the Autism Acceptance Month proclamation. She stated that she owns two businesses in the town of Herndon – Growing Kids Therapy Center and the nonprofit, International Association for Spelling as Communication (I-ASC). She stated that she could not ask for a better Town to serve their mission – communication for all non-speaking people – and is grateful for the support over the years.
- Kelly Berg, 645 Jefferson Street, provided comments on the Autism Acceptance Month proclamation as a representative of Growing Kids Therapy Center.
- Lisa Merkel, 911 Elden Street, provided comments on the Autism Acceptance Month proclamation. She echoed Mr. McKenna’s request to reinstate the HYAC.
- Steve Mundt, 814 Locust Street, provided comments on the Autism Acceptance Month proclamation.
- Rosaline Presley, 134 Pearl Street, noted that Ian and two other community members have launched a small business called “Independence and Inclusion” (I&I guys) that develops products for purchase.
- Melissa McKenna, 124 Fortnightly Boulevard, CEO Dulles Regional Chamber of Commerce, expressed appreciation for recognizing the Herndon businesses recognized at Stars Over Dulles, as well as recognizing Chamber member I-ASC, that evening. She also expressed her appreciation for the Town’s partnership with the Dulles Regional Chamber of Commerce.

April 11, 2023 Meeting Minutes
Town Council Meeting

- Laura Poindexter, on behalf of the Dulles Regional Chamber of Commerce, 730 Elden Street, President of Friday Night Live, thanked the Mayor, Council, and staff for supporting Friday Night Live.
- Jay Hadlock, 515 Alabama Drive, provided comments on administration of construction contracts. He asked several questions about how the Town uses contingency funds if a contractor makes a mistake on a project.
- John Lane, 786 Third Street, complimented staff and Golf Course General Manager Mike Mueller. He requested that golf course rates, especially for Town resident seniors, remain at current rates. He stated he was concerned about water rates increasing.
- Joanna Ormesher, 750 Center Street, CEO and President of Arts Herndon, provided comments on the Autism Acceptance Month proclamation. She announced that “Herndon Rock” will return, a punk rock evening for 15-18 year olds, and she noted other events that focus on programming for youth in the community.
- Steve Mundt, 814 Locust Street, expressed appreciation for the Council’s care and attention to traffic issues within the community. He provided comments on Van Buren, Spring, and Locust Streets and bicycle safety.

[Note: Councilmember Alam left the dais at 7:43 p.m. and returned at 7:54 p.m.]

5. **PUBLIC HEARINGS**

Mayor Olem opened the four public hearings on the agenda.

Proposed FY 2024 Annual Budget

- a. **Ordinance 23-O-09 to amend Chapter 74 (UTILITIES), Article II (Sewers and Sewage Disposal), Division 5 (Sanitary Sewer System Rates and Charges), Section 74-262 (Schedule of Rates); and Article III (Water), Division 2 (Service), Subdivision II (In-Town Service Charges), Section 74-326 (Schedule of Charges), to increase the service and usage charges for sanitary sewer and water, effective for meter readings taken on or after July 1, 2023**

Certificates of Publication were filed from the Editor of the *Fairfax County Times Newspapers*, showing that notice of the public hearing item had been duly advertised in the March 31, and April 7, 2023 issues.

April 11, 2023 Meeting Minutes
Town Council Meeting

b. Ordinance 23-O-10 to Levy Taxes on Real Estate and Manufactured Homes, and Other Subjects for the Fiscal Year 2024 Budget

Certificates of Publication were filed from the Editor of the *Fairfax County Times Newspapers*, showing that notice of the public hearing item had been duly advertised in the March 24, and March 31, 2023 issues.

c. Resolution 23-G-28 to adopt a Fiscal Planning Resolution for the Fiscal Year 2024 Budget for the Town of Herndon

Certificates of Publication were filed from the Editor of the *Fairfax County Times Newspapers*, showing that notice of the public hearing item had been duly advertised in the March 24, and March 31, 2023 issues.

d. Ordinance 23-O-11 to Appropriate Funds to implement the Fiscal Year 2024 Budget for the Town of Herndon, establishing the Pay Plan, and reserving on-going and Capital Funding for this Fiscal Year

Certificates of Publication were filed from the Editor of the *Fairfax County Times Newspapers*, showing that notice of the public hearing item had been duly advertised in the March 24, and March 31, 2023 issues.

Mayor Olem stated that these public hearings on the FY 2024 Proposed Budget will remain open and be continued to April 25, 2023. She encouraged the public to continue to provide their comments on the budget.

Mayor Olem recognized William H. Ashton II, Town Manager, for the presentation.

Mr. Ashton stated that the FY 2024 Proposed Budget was released to the public by April 1, 2023, pursuant to state law. The budget book and an interactive budget tool were available on the Town's website. He presented a PowerPoint dated April 11, 2023.

During the presentation, Mr. Ashton discussed the: (1) proposed changes to the water and sewer rates outlined in the Ordinance to amend Chapter 74, (2) maintenance of the Town's current tax rates, including real estate, (3) priorities and guidance established by the Town Council at the start of the budget process, (4) critical budget pressures that impacted and shaped the proposed budget development, and (5) budget overview for the Town's funds including General Fund, Water and Sewer Fund, Cemetery Fund, Golf Course Fund, Capital Projects Fund, and American Rescue Plan Act (ARPA) funding.

In response to Mr. Hadlock's earlier question under Comments from the Audience, Mr. Ashton stated that contingency funds are used to address changes to a project's base contract and that contractors cover costs associated with mistakes made by the contractor.

April 11, 2023 Meeting Minutes
Town Council Meeting

Mr. Ashton noted that the proposed budget includes funding for Town Council Initiatives and highlighted several initiatives prioritized by Town Council, which include: (1) public tree inventory program, (2) compensation increase for boards and commissions, (3) efforts to address traffic calming including additional engineer to address traffic volume and safety issues, and funding for TEIC studies, and (4) funding for mini-festivals research and development.

Mr. Ashton recognized Budget Manager Maria Lee, Finance Director Marjorie Sloan, Town department heads, and the Town Council for their efforts in developing the proposed budget.

There was brief discussion amongst Council and staff on the FY 2024 proposed budget items, including: (1) Town Council Initiatives funding, (2) printing costs versus materials available electronically, (3) Enterprise Funds, including the water and sewer rate and the Water and Sewer Rate Study, and (4) real estate tax rate.

Responding to comments about reducing printing costs, Councilmember Alam noted that the community looks forward to receiving the annual calendars and supports continued production and distribution of the calendar.

Responding to Councilmember del Aguila, Mr. Ashton stated that the increase in the Water and Sewer Fund expenditures is driven mainly by capital investments, but it is also due to increases in cost of purchasing water, capital costs associated with investment in the Blue Plains Wastewater Treatment plant, and the age of the Town's current system.

Responding to Councilmember del Aguila, Mr. Ashton responded that staff will follow up with Council on prioritizing the Town Council Initiatives.

Vice Mayor Hedrick stated the Town has not adjusted its real estate tax rate in many years, and that the Town Council should be considering ways to offer relief from the impact of the assessment increases over the last two years, as well as looking at ways to offset the impact of the water and sewer rate increases through the General Fund.

Mayor Olem indicated she would call the public hearings.

**Public Hearing on
Ordinance 23-O-09, Water & Sewer**

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

- Jay Hadlock, 515 Alabama Drive, provided comments on the proposed water and sewer rates and he asked for more information on the Town's Utility Master Plan.

Mayor Olem stated that staff will get back to Mr. Hadlock regarding his questions on the Utility Master Plan.

April 11, 2023 Meeting Minutes
Town Council Meeting

- Steve Mundt, 814 Locust Street, provided comments on the projected water and sewer rates and the importance of investing in the Town's infrastructure.

Seeing no further comments, Mayor Olem asked for a motion to continue the public hearing to the April 25, 2023 meeting.

On motion of Councilmember Dhakal seconded by Councilmember del Aguila and carried by unanimous roll call vote, the public hearing Ordinance 23-O-09 to amend Chapter 74 (UTILITIES), Article II (Sewers and Sewage Disposal), Division 5 (Sanitary Sewer System Rates and Charges), Section 74-262 (Schedule of Rates); and Article III (Water), Division 2 (Service), Subdivision II (In-Town Service Charges), Section 74-326 (Schedule of Charges), to increase the service and usage charges for sanitary sewer and water, effective for meter readings taken on or after July 1, 2023, was continued to the Town Council's regular meeting on April 25, 2023. The vote was: Councilmembers Alam, del Aguila, Dhakal, LeBlanc, Scherff, and Vice Mayor Hedrick and Mayor Olem voting "Aye."

**Public Hearing on
Ordinance 23-O-10, Tax Levy**

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

- Steve Mundt, 814 Locust Street, provided comments on the tax levy.

Seeing no further comments, Mayor Olem asked for a motion to continue the public hearing to the April 25, 2023 meeting.

On motion of Vice Mayor Hedrick, seconded by Councilmember Alam and carried by unanimous roll call vote, the public hearing Ordinance 23-O-10 to Levy Taxes on Real Estate and Manufactured Homes, and Other Subjects for the Fiscal Year 2024 Budget was continued to the Town Council's regular meeting on April 25, 2023. The vote was: Councilmembers Alam, del Aguila, Dhakal, LeBlanc, Scherff, and Vice Mayor Hedrick and Mayor Olem voting "Aye."

**Concurrent Public Hearings on
Resolution 23-G-28, the Fiscal Planning Resolution; and
Ordinance 23-O-11, the Appropriation Ordinance.**

Mayor Olem called the concurrent public hearings and stated Council would take separate action on each.

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

- Michael O'Reilly, 761 Monroe Street, Chairman of the Board for Arts Herndon, urged the Council's continued support of the arts community in the budget.

April 11, 2023 Meeting Minutes
Town Council Meeting

- Jay Hadlock, 515 Alabama Drive, asked for more information on (1) current general obligation bonds, (2) proposed tree inventory, and (3) the new traffic engineer position. He provided comments on traffic calming, bicycle lanes, and discussed services provided by the County and the Town and associated taxes.

Vote on
Resolution 23-G-28

Seeing no further comments, Mayor Olem asked for a motion to continue the public hearing to the April 25, 2023 meeting.

On motion of Councilmember LeBlanc, seconded by Councilmember del Aguila, and carried by unanimous roll call vote, the public hearing on Resolution 23-G-28 was continued to the Town Council's regular meeting on April 25, 2023. The vote was: Councilmembers Alam, del Aguila, Dhakal, LeBlanc, Scherff, and Vice Mayor Hedrick and Mayor Olem voting "Aye."

Vote on
Ordinance 23-O-11

Mayor Olem asked for a motion to continue the public hearing to the April 25, 2023 meeting.

On motion of Councilmember Scherff, seconded by Vice Mayor Hedrick, and carried by unanimous roll call vote, the public hearing on Ordinance 23-O-11 to Appropriate Funds to implement the Fiscal Year 2024 Budget for the Town of Herndon, establishing the Pay Plan, and reserving on-going and Capital Funding for this Fiscal Year, was continued to the Town Council's regular meeting on April 25, 2023. The vote was: Councilmembers Alam, del Aguila, Dhakal, LeBlanc, Scherff, and Vice Mayor Hedrick and Mayor Olem voting "Aye."

6. CONSENT

- Resolution 23-G-29 to initiate consideration of a Zoning Ordinance Text Amendment ZOTA #23-02 to amend Chapter 78 (ZONING), Article XV (Decision-Making Authorities, Application Review, and Permitting), Section 78-150.3 (Board of Zoning Appeals), and Section 78-155.4 (Variances), to make housekeeping amendments aligning the zoning ordinance with the Code of Virginia and to consider adopting a time limit of up to one year before the Board of Zoning Appeals will consider substantially the same application on the same property;**
- Resolution 23-G-30 to adopt the Town Council Operating Agreement;**
- March 21, 2023 Town Council Work Session Minutes;**

April 11, 2023 Meeting Minutes
Town Council Meeting

d. March 28, 2023 Town Council Meeting Minutes; and

e. March 30, 2023, Town Council Special Meeting Minutes.

On motion of Councilmember Dhakal, seconded by Councilmember LeBlanc, 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 April 11, 2023 Town Council Regular Meeting at 8:54 p.m.



Kirstyn Barr Jovanovich
Town Clerk



Minutes approved by Town Council: May 9, 2023

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