



**HERNDON TOWN COUNCIL
Work Session Meeting Minutes
Tuesday, May 2, 2023**

The Town Council held a work session meeting on Tuesday, May 2, 2023, at 5:30 p.m. in the Herndon Police Department (HPD) Community Room, 397 Herndon Parkway, Herndon. In attendance were: Mayor Sheila Olem, and Councilmembers Cesar del Aguila, Pradip Dhakal, and Keven LeBlanc.

Vice Mayor Clark Hedrick and Councilmembers Naila Alam and Donielle Scherff were absent for the closed meeting and arrived for the regular work session meeting that reconvened at 7:15 p.m.

1. CALL TO ORDER

Mayor Olem called the meeting to order at 5:39 p.m. and determined there was a quorum of four Councilmembers. Vice Mayor Hedrick and Councilmembers Alam and Scherff were absent from the closed meeting.

2. CLOSED MEETING

a. A closed meeting pursuant to the Code of Virginia Section 2.2-3711(A)(1) of the Code of Virginia for discussion of prospective candidates relative to appointments to boards and commissions

Mayor Olem said the Council needed to go into a closed meeting and that the appropriate meeting notices were provided in accordance with State law. The closed meeting was held in the Herndon Police Department Community Room, 397 Herndon Parkway, Herndon, Virginia.

Councilmember Dhakal moved that the Council convene in closed session to discuss the following as permitted by Virginia Code Section 2.2-3711(A)(1) of the Code of Virginia, for discussion of prospective candidates relative to appointments to boards and commissions. Motion seconded by Councilmember del Aguila and carried by a 4-0 roll call vote. The vote was: Councilmembers del Aguila, Dhakal, LeBlanc, and Mayor Olem voting "Aye." Vice Mayor Hedrick and Councilmembers Alam and Scherff were absent from the closed meeting.

The Council went into closed meeting at 5:41 p.m.

Councilmember LeBlanc moved to come out of the closed meeting. Motion seconded by Councilmember del Aguila and carried by a 4-0 roll call vote. The vote was:

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Councilmembers del Aguila, Dhakal, LeBlanc, and Mayor Olem voting “Aye.” Vice Mayor Hedrick and Councilmembers Alam and Scherff were absent from the closed meeting.

The Council came out of closed meeting at 6:55 p.m.

Councilmember del Aguila moved to certify that, to the best of each member's knowledge, in the closed meeting just concluded, nothing was discussed except the matter or matters (1) specifically identified in the motion to convene in closed meeting and (2) lawfully permitted to be discussed in a closed meeting under the provisions of the Virginia Freedom of Information Act as cited in that motion. Motion seconded by Councilmember Dhakal and carried by a 4-0 roll call vote. The vote was: Councilmembers del Aguila, Dhakal, LeBlanc, and Mayor Olem voting “Aye.” Vice Mayor Hedrick and Councilmembers Alam and Scherff were absent from the closed meeting.

Ayes: 4

Nays: 0

Absent: 3

WORK SESSION

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; Page Kalapasev, Director of Information Technology; Marjorie Sloan, Director of Finance; Mike Mueller, Golf Course General Manager; Scott Robinson, Director of Public Works; Cindy Roeder, Director of Parks and Recreation; Anne Papa Curtis, Chief Communications Officer; Maria Lee, Budget Manager; John Verdin, Capital Projects Manager; Dennis Holste, Economic Development Manager; Dave Bracamonte, Systems Manager; and Amanda Kertz, Chief Deputy Town Clerk.

RECESS

At 6:57 p.m. Mayor Olem called a brief recess, and at 7:15 p.m. the meeting reconvened in the Herndon Police Department Community Room. Mayor Olem determined there was a quorum, all members present, and with Mayor Olem presiding.

Mayor Announcements

Mayor Olem announced that Council had previously met in a closed meeting pursuant to State Code requirements. She stated for the record that Vice Mayor Hedrick and Councilmembers Alam and Scherff arrived for the work session, but they were not present at the closed meeting. Mayor Olem reminded those present of the meeting decorum.

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Mayor Olem stated that the Town's Citizens' Survey has started. While the Town Council is not able to participate, she asked her colleagues to encourage their friends and neighbors to take part in the survey.

Mayor Olem shared information about two upcoming events starting for the summer: (1) Opening Day for the Herndon Farmers' Market on Thursday, May 4, 2023, and (2) Friday Night Live starting on Friday, May 5, 2023.

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 additional comments or disclosures from Councilmembers on any other items listed on the agenda that evening.

3. PUBLIC HEARINGS

FY 2024 Proposed Budget

- a. Ordinance 23-O-10 to Levy Taxes on Real Estate and Manufactured Homes, and Other Subjects for the Fiscal Year 2024 Budget;**
- b. Resolution 23-G-28 to adopt a Fiscal Planning Resolution for the Fiscal Year 2024 Budget for the Town of Herndon; and**
- c. 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.**

[Note: These items were continued from the April 11, and April 25, 2023 public hearings.]

Mayor Olem stated that the first three public hearings on the agenda are related to the FY 2024 proposed budget. She stated that these public hearings were continued at the April 11 and April 25, 2023 meetings. She recognized the Town Attorney for comments on the voting requirements for the budget items.

Lesa Yeatts, Town Attorney, stated that action on the Tax Levy Ordinance requires a two-thirds majority of Council which is five. The Fiscal Planning Resolution requires a majority of the Council, which is four. The Appropriation Ordinance also requires a majority of the Council, which is four.

Mayor Olem recognized William H. Ashton II, Town Manager for additional comments.

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Pay Increase for Law Enforcement

Mr. Ashton stated that jurisdictions around the Commonwealth are raising salaries for law enforcement personnel. He referenced several nearby localities, including Fairfax and Loudoun Counties and the Town of Leesburg, who recently adopted, or are planning to adopt, budgets with significant increases for police officers' salaries. He emphasized that the Town of Leesburg, who is very similar to the Town, is considering a 15 to 17 percent increase in police pay.

The Town Manager's proposed FY 2024 budget includes a 5.5 percent increase in law enforcement pay. Mr. Ashton is now proposing an additional six percent increase for law enforcement, for a total of 11.5 percent. This increase will not impact the amount advertised for the overall budget. Mr. Ashton plans to use money from vacancy savings that could have provided greater flexibility in a recessionary environment. However, staff believes the salaries for law enforcement are a higher priority.

There was discussion among Council and staff on increasing the salaries for law enforcement personnel, the amount of funding needed, how to fund the full 12.5 percent increase, and concerns about staffing shortages in the police department.

Tax Levy Ordinance Fiscal Planning Resolution Appropriations Ordinance

In response to Councilmember LeBlanc, Mr. Ashton outlined his proposal for covering a one-half cent reduction to the real estate tax, which included (amounts are approximate): (1) delay the Cost of Living Adjustment (COLA) to staff by three or four pay periods, (2) reduce community donations by \$60,000, (3) reduce Town Council Initiatives by \$50,000, (4) reduce special events by \$60,000, and (5) use \$50,000 from contingency funds. He stated because there was not one area where he could fully fund a tax reduction, he had to take it from several areas in the budget.

Responding to Councilmember Scherff, Mr. Ashton emphasized that individual departments had already greatly reduced their budgets in order to present the balanced proposed budget. He stated that per the Town's financial policy, reserves are meant to be used for one-time expenses. He advised that if funds are added to the proposed budget, readvertisement will be required, which will delay the adoption process by several weeks. By State law, the Town must adopt a budget by June 30, 2023.

There was discussion among Council and staff on how to reduce the real estate tax rate and reach a balanced budget. Topics discussed included: (1) Town Council Initiatives, (2) reviewing budget line items, (3) personnel costs, (4) estimated Business and Professional License revenue, (5) community donations, (6) mayor and town council compensation, (7) special events and mini festivals, and (8) use of vacancy savings and contingency funds.

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Responding to Councilmember LeBlanc, the majority of Council agreed not to change the COLA distribution date and to keep the law enforcement salary increase intact.

Responding to Councilmember Dhakal, Mr. Ashton indicated that FY 2024 funding for mini festivals is included under “special events” and is not allocated as part of the Town Council Initiatives. Mr. Ashton agreed that approximately \$77,000 of Town Council Initiatives money is being carried over from FY 2023 to FY 2024.

Following a brief question and answer session with Councilmember Dhakal, Mr. Ashton reviewed several adjustments that could equal a one-half cent reduction in the real estate tax rate. The suggestions by Councilmember Dhakal are to reduce: (1) contingency by \$50,000, (2) Town Council Initiatives by \$100,000, (3) community donations by \$60,000, and (4) use vacancy savings for the remaining amount.

Responding to Councilmember del Aguila, Mr. Ashton stated that if the real estate tax rate is not reduced, he would not propose any changes to the FY 2024 budget.

Councilmember Scherff said it was her understanding that Council wanted to fund NextStop Theatre and Arts Herndon as part of the Town’s budget. She suggested removing the community donations process and allocating that funding to the two arts organizations.

Responding to Councilmember Scherff, Lesa Yeatts, Town Attorney, stated that Councilmember Scherff’s proposed change would be considered a donation under State Code.

Following Councilmember Scherff’s comments, Councilmember LeBlanc stated that the community donations line item could be reframed as an “arts donation” to NextStop Theatre and Arts Herndon at \$80,000, which is the donation amount given in FY 2023. He stated decreasing that fund by an additional \$40,000 would help cover the vacancy savings the Town Manager was planning to use.

Responding to Councilmember Dhakal, Mr. Ashton confirmed that the community donations line does not include Herndon Community Television (HCTV). They are a separate line item with their own revenue source that comes from Public, Educational, and Governmental Access (PEG) fees.

Following discussion and with the concurrence of Council, Mr. Ashton stated that staff will provide two drafts of the Tax Levy Ordinance and Fiscal Planning Resolution in the next regular meeting’s agenda. One option will have the base ordinance and resolution in accordance with the Town Manager’s proposed budget. Another option will include a one-half cent reduction in the real estate tax rate in the Tax Rate Ordinance, and the corresponding spending cuts to balance the budget will be listed in the Fiscal Planning Resolution.

Mr. Ashton reviewed the changes discussed for the alternate Fiscal Planning Resolution to balance a one-half cent reduction in the real estate tax rate for FY 2024:

1. Reduce Contingency by \$50,000.
2. Reduce Community Donations by \$100,000 and reframe the line item as an “arts donation” category of \$80,000 to be split evenly between NextStop Theatre and Arts Herndon.
3. Reduce Town Council Initiatives by \$112,500, which will include the \$12,500 that would have been funded by vacancy savings and other parts of the budget.

Mr. Ashton reiterated that the Herndon Police Department salary increase will be funded from vacancy savings and that COLA will be provided to staff as originally proposed.

d. Resolution to approve and authorize the Mayor to sign a 40-year License Agreement between the Town of Herndon and Northern Virginia Regional Park Authority (NVRPA) for Town use of NVRPA real property for the operation and maintenance of the Depot located at 717 Lynn Street

Lesa Yeatts, Town Attorney, presented the staff report dated May 2, 2023. The proposed resolution authorizes a 40-year lease with Northern Virginia Regional Park Authority (NVRPA), effective on March 30, 2023, and expiring on November 15, 2062. Similar to the previous lease with NVRPA, the Town is required to use the Depot specifically for public recreational, historic, or cultural purposes. Staff recommends approval of the proposed resolution, as presented.

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

e. Resolution to adopt the FY 2025 through FY 2029 portion of the FY 2024 - FY 2029 Town of Herndon Capital Improvement Program (CIP)

Mayor Olem stated that since the public hearings for the FY 2024 proposed budget were continued to May 9, 2023, staff recommends that the presentation on the FY 2025 to FY 2029 CIP be scheduled for the May 16, 2023 work session. At next week’s regular meeting, the public hearing should be continued to May 23, 2023. With the concurrence of Council, Mayor Olem stated that the presentation is rescheduled to the May 16, 2023 work session.

4. GENERAL

- a. Ordinance to amend and re-enact Chapter 30 (FINANCE AND TAXATION), Article VIII (Fiscal Procedures), Division 2 (Procurement) by repealing Sec. 30-301 – Sec. 30-318 and by adding thereto new Secs. 30-301 – 30-307 relative to procurement proceedings; and**
- b. Resolution to adopt the Town of Herndon Purchasing Policy and Procedures**

Mayor Olem stated that Marjorie Sloan, Director of Finance, will present these two items concurrently.

Ms. Sloan presented the concurrent staff report and a PowerPoint dated May 2, 2023. She stated that staff recently reviewed the procurement policy to see how the Town's policy lined up with the State Code and to understand how it is working for Town departments.

The proposed items will amend the Town Code by repealing all sections in the current Division 2 in their entirety and replacing them with seven new sections that are more modern and concise. The proposed new language adopts the Virginia Public Procurement Act (VPPA), establishes and defines the procurement process, establishes and delegates authority to the procurement official, and sets general authorization limits. The proposed language provides for the formal adoption of a Procurement Policy and Procedures and authorizes the Town Manager to maintain and amend this policy as needed. Staff recommends approval of the proposed items, as presented.

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

Following brief discussion and with the concurrence of Council, staff was directed to place these items as presented on the Consent Agenda for the next meeting's agenda.

5. CONSENT AGENDA

- a. Resolution 23-G-31 to increase the compensation for certain Boards and Commissions**

Mayor Olem stated that this item was continued from the April 25, 2023 Town Council meeting due to the continuance of the FY 2024 budget public hearings. There have been no changes made since the initial presentation and discussion and the item will be included on the Consent Agenda for the May 9, 2023 meeting.

b. Resolution to approve a funding agreement between the Board of Supervisors of Fairfax County and the Town of Herndon to receive funds to design and implement the Sugarland Run (North) Stream Restoration project

Mayor Olem stated that staff has asked that Council discussion on this item be tabled until discussions with Fairfax County about the Memorandum of Understanding are completed. Mayor Olem stated that this item will be removed from the next meeting's agenda.

DISCUSSION

a. Town Council Objectives for the Business Survey

Dennis Holste, Economic Development Manager, stated that the Council expressed interest in conducting a survey of Town businesses, similar to the recent citizen's survey. He expected this survey to begin that summer. Mr. Holste explained how they will work with the Town's consultant on the survey, and he stated that they will also work with the George Mason University (GMU) Enterprise Center, Dulles Regional Chamber of Commerce, and the Fairfax County Economic Development Authority. He discussed the range of questions for the survey, which will involve: (1) demographic and identifying information, (2) diversity questions, (3) reasons for locating in Herndon, (4) opinions of the Town and quality of life measures, (5) challenges in the work force, (6) access to transportation and housing, and (7) additional services the Town can provide. Mr. Holste stated that from the survey, they hoped to learn about the Town's strengths, weaknesses, and potential challenges.

There was brief discussion among Council and staff on the business survey, and the topics included: (1) survey process and objectives, (2) questions and information that will be asked in the survey, (3) diversity, equity, and inclusion (DEI) information, (4) offering the survey in multiple languages, (5) following up on the results, (6) impact of the meals tax on restaurants, and (7) ways to formally recognize Town businesses.

Responding to Councilmember Alam, Anne Curtis, Chief Communications Officer, confirmed that the survey will also be offered in Spanish. She stated that she can contact the consultant about offering the survey in additional languages.

Responding to the discussion, Mr. Holste confirmed that there will be open-ended questions to allow respondents to provide feedback. He stated that staff will gather as much information as possible from the survey, analyze the data, and present the results to the Council at a future meeting.

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b. Proposed Budget Revision for the Communications and Economic Development Department

Mayor Olem recognized Councilmember Scherff to begin the discussion.

Councilmember Scherff reviewed documents provided to Council outlining proposed changes to the Communications and Economic Development portion of the FY 2024 budget. Through these proposed changes, she wants to acknowledge the growth of Town residents and businesses, modernize Town processes, and move toward more digital and online communication. She referenced the goals, objectives, and measures page for the Communications and Economic Development Department from the FY 2024 budget and asked about the following: (1) equity objectives, (2) providing information in multiple languages, (3) expanded social media presence, and (4) communication with residents. Councilmember Scherff stated that her proposal included having a consultant interpreter to provide translation services and (5) purchasing interpretation headsets to allow those who speak languages other than English to participate in Town meetings more easily. She would also like the Town Council to reinstate the Herndon Economic Development Advisory Committee.

There was discussion among Council and staff on Councilmember Scherff's proposals, including: (1) social media presence, (2) how information can be provided in multiple languages, including on the website, (3) digital communication tools, (4) expanded use of the e-newsletter, (5) items that staff is working on, (8) the "measures" pages provided by each department in the budget, and (9) creating a webpage specifically for Town businesses.

Responding to Councilmember Scherff, William H. Ashton II, Town Manager, stated that he thinks an area for improvement across the budget is the departmental measures pages that she referenced. He discussed ways to make the pages more cohesive and stated that he wants to measure performance compared to established objectives. He is asking staff to outline a plan to address the items the Council is discussing and to incorporate the survey results once they are received.

Mr. Ashton discussed the benefits of a strategic plan with long-term objectives. This type of plan helps staff formulate their measures and objectives.

6. ROUNDTABLE

Councilmember Dhakal: congratulated Lesa Yeatts, Town Attorney, for being elected President of the Local Government Attorneys (LGA) of Virginia.

Councilmember Dhakal stated that he attended the Herndon-Reston Rotary dinner, where he presented a proclamation on behalf of Mayor Olem to the Rotary's "Citizen of the Year," Mike O'Reilly.

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Councilmember Dhakal attended and read a book at “A Thousand Stories” for their Independent Bookstore Celebration. He was joined by Mayor Olem and Councilmembers LeBlanc and Scherff.

Councilmember Dhakal stated that he was contacted by organizers for the World Culture Festival scheduled for September 19 to October 1, 2023, on the National Mall in Washington, DC. He thinks it will be a great event and he asked the group to send information to the Town Clerk to distribute to the Council.

Councilmember Alam: stated that she was pleased to represent Town at an Eid Celebration at the White House.

Councilmember del Aguila: thanked staff and his colleagues for working through a difficult budget.

Councilmember Scherff: shared that Clearview Elementary invited the Town Council to their book day on May 8, 2023 and encouraged her colleagues to attend.

Councilmember Scherff stated that she is going to present information about the Juneteenth event at the next Herndon Diversity Equity and Inclusion Committee (HDEIC) meeting. She discussed what is being planned for the event at Art Space on Saturday, June 17, 2023.

Councilmember Dhakal, Chair of HDEIC, stated that he will make sure that item is included on their next meeting’s agenda.

Councilmember Scherff encouraged everyone to participate in the Juneteenth event and asked those interested to contact her for more information.

Councilmember LeBlanc: reviewed several upcoming events in Town, which are: (1) the Northern Virginia Tea Festival on Saturday, May 13, 2023, hosted by the Elden Street Tea Shop, (2) Indian Cultural Festival at Art Space Herndon on August 27, 2023, (3) a children’s literary festival with local author Kwame Alexander on October 9, 2023, and (4) a Hispanic Festival planned for this fall, date to be determined.

Vice Mayor Hedrick: echoed Councilmember del Aguila’s comments about working together on the FY 2024 budget. He thanked his colleagues and staff for their hard work.

Mayor Olem: offered kudos to the Department of Public Works staff for another successful Spring Clean-Up this year.

Mayor Olem stated that on Friday, April 28, 2023, the Town celebrated Earth Day-Arbor Day. At the event, the Town was formally designated “Tree City USA” for the 34th year in a row. The Town also received a more than \$20,000 grant for tree planting, and she enjoyed meeting with the representative from the Virginia Department of Forestry.

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Mayor Olem stated that last Thursday, she attended the Northern Virginia Regional Commission meeting, where they discussed the shortages of police, firefighters, and EMT's around the region. She expressed her appreciation to Town staff and to public safety personnel.

Mayor Olem echoed Councilmember Dhakal's congratulations to Ms. Yeatts on being elected president of the LGA.

Mayor Olem stated that last week, she saw a driver pulled over by the police on Nash Street and thanked the Herndon Police Department for patrolling the area.

William H. Ashton II, Town Manager: on behalf of Chief DeBoard and the Herndon Police Department, he thanked the Council for pivoting with the change to the police market rate adjustment.

Mr. Ashton stated that a tentative date has been proposed for the Town Council Strategic Planning Meeting. Staff will reach out with more information.

Mr. Ashton stated that Council received complaints from an individual about Alabama Drive Park. That person met with Chief DeBoard and seemed satisfied with the outcome of the meeting.

Mr. Ashton discussed the Sugarland Run Stream restoration. He said the area is stable, but they have to wait until the conditions are right to plant the trees. He wanted to advise the Council in case citizens ask them about the trees.

Mr. Ashton stated that he is going to be in Richmond on Thursday of that week.

7. ADJOURNMENT

There being no further business, Mayor Olem adjourned the May 2, 2023 Town Council work session at 9:53 p.m.



Amanda E.M. Kertz
Chief Deputy Town Clerk



Minutes approved by Town Council: June 13, 2023