



## **TOWN COUNCIL REGULAR MEETING AGENDA**

Town Council Chambers  
765 Lynn Street, Herndon, VA 20170

Tuesday, December 10, 2024 | 7:00 PM

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### **1. Call to Order**

### **2. Pledge of Allegiance to the Flag of the United States of America**

### **3. Presentations/Reports/Comments**

- a. Recognition of Mayor Shiela A. Olem, Councilmember Pradip Dhakal, and Councilmember Donielle M. Scherff
- b. Town Manager Report
- c. Councilmember Comments

### **4. Comments from the Audience**

*Members of the public may, for one 3-minute period, provide public comments, requests, consent or general item comments, and comments on matters not included on the agenda.*

### **5. General**

- a. Herndon Downtown Redevelopment Project: Comprehensive Agreement
- b. Resolution 24-G-72 to affirm the Town of Herndon's commitment to creating a safe and welcoming community for all

### **6. Consent**

- a. Resolution 24-G-73 to approve and authorize the submission of two funding applications to the Regional Jurisdiction and Agency Coordinating Committee (RJACC) of the Northern Virginia Transportation Authority (NVTA) for Fiscal Year 2031 Regional Surface Transportation Program (RSTP) and Congestion Mitigation - Air Quality (CMAQ) funding

- b. Ordinance 24-O-30 to amend the Fiscal Year (FY) 2025 Adopted Budget for the General Fund
- c. September 10, 2024 Town Council Meeting Minutes
- d. September 17, 2024 Town Council Work Session Minutes
- e. September 19, 2024, Town Council Special Meeting - Affordable Housing Minutes
- f. September 24, 2024 Town Council Meeting Minutes

## **7. Adjournment**

Interpretación en Español está disponible en esta sesión.

**Agenda Item:** Herndon Downtown Redevelopment Project: Comprehensive Agreement

**Meeting Date:** December 10, 2024

**Category:** General

**Prepared by:** Christopher E. Martino, Interim Town Manager

**Description:**

The Town Manager will provide a status update on the project.

**Background:**

In 2016, the Town issued an RFP for award of a comprehensive agreement pursuant to the Virginia public private partnership act for the redevelopment of approximately 4.675 acres of town-owned land in downtown for a mixed-use town center project, arts center, and associated parking. Two responses were received and Comstock Herndon Venture, LC was selected by the Town Council following extensive public input. The parties proceeded to negotiate the terms of a Comprehensive Agreement pursuant to the provisions of the public private partnership.

The Town and Comstock Venture, LC entered into a Comprehensive Agreement defining responsibilities of both parties for the redevelopment of the parcel in the downtown on November 1, 2017. Thereafter both parties proceeded to pursue the requirements of the agreement.

- May 2018 - Initial Site Plan Submittal
- June 2018 - HPRB Hearing/COAs Approved
- July 2018 - Citizen Appeals filed, tolling further forward movement
- Oct 2018 - GC Preconstruction Pricing Budget
- April 2019 - Final Site Plan Approval
- May 2019 - HPRB Hearing/COAs Approved Unanimously
- May 2019 - Permit/Bid Drawings Complete
- August 2019 - Final Competitive Bids Received
- August - January 2020 - review of bids and value engineering exercise to preserve critical elements of design
- December 2020 - Amendment to Comprehensive Agreement and transfer of parcel to Comstock Herndon, LC
- December 21, 2021 - Letter Amendment to extend the Outside Satisfaction Date (the date upon which all remaining contract conditions are to be satisfied) ("OSD") to April 30, 2022

- April 29, 2022 - Comstock exercises its contractual right to a 24 month Market Pause of the OSD.
- April 25, 2024 - Letter Amendment to extend OSD to August 15, 2024
- August 13, 2024 - Project status update and Letter Amendment to extend OSD to September 10, 2024
- September 10, 2024 - Letter Amendment to extend OSD to December 10, 2024
- November 12, 2024 - Authorized the Interim Town Manager to execute a Letter of Intent (LOI) in pursuit of a financing plan related to the downtown redevelopment project

[Herndon Downtown Redevelopment Project Information](#) (website)

**Strategic Focus Area:**



Environmental and Economic Sustainability  
Thriving Community

**Fiscal Impact:**

N/A

**Legal Impact:**

N/A

**Staff Recommendation/Next Steps:**

The outside satisfaction date remains December 10, 2024.

**Attachments:**

None

**Agenda Item:** Resolution 24-G-72 to affirm the Town of Herndon's commitment to creating a safe and welcoming community for all

**Meeting Date:** December 10, 2024

**Category:** General

**Prepared by:** Amanda Kertz, Acting Town Clerk

**Description:**

During the discussion of the following item: "Discussion on steps the Town can take to protect our most vulnerable residents" at the December 3, 2024, Town Council work session, it was the consensus of the Town Council to add this item to the December 10, 2024 regular meeting agenda.

**Background:**

N/A

**Strategic Focus Area:**



Secure and Interconnected Community  
Thriving Community

**Fiscal Impact:**

N/A

**Legal Impact:**

N/A

**Staff Recommendation/Next Steps:**

Recommend approval as presented.

**Attachments:**

1. Resolution (Proposed)

**TOWN OF HERNDON, VIRGINIA  
TOWN COUNCIL**

**RESOLUTION**

**DECEMBER 10, 2024**

**Resolution-     to affirm the Town of Herndon's commitment to creating a safe and welcoming community for all.**

The Town of Herndon is a diverse community enriched by residents from various cultural and national backgrounds, and we value the contributions of all who call our town home.

The Town Council of Herndon remains committed to ensuring the safety, dignity, and rights of all residents regardless of their immigration status, and believes that everyone who resides in our town should be able to live without fear of harassment or unjust treatment.

The Commonwealth of Virginia operates under the Dillon Rule, which requires local governments to act within the authority expressly granted to them by the State, and it is essential that any actions by the governing body comply with both state and federal law. The Town Manager and Town Attorney routinely advise the Town Council on potential impacts of state and federal legislative actions.

**THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Herndon, Virginia that:

1. The Town of Herndon will continue to foster an atmosphere of inclusiveness, and reaffirm our commitment to ensuring the town government continues to provide programs and services to the entire Herndon community.
2. The Town of Herndon will continue to work collaboratively to build an inclusive community where all residents are treated with dignity and respect, and where diversity is celebrated as a source of strength.
3. The Town Council opposes any efforts that disrupt or harass individuals who are peacefully living in our community.
4. The Town Council of Herndon reaffirms our dedication to creating a safe and welcoming community for all, and that we oppose any initiatives that seek to create fear or division among our residents.

**BE IT FURTHER RESOLVED** by the Town Council of the Town of Herndon, Virginia that:

5. As appropriate, the Town Manager will inform the Town Council on potential impacts that future state and federal actions may have on the Town of Herndon.

**Agenda Item:** Resolution 24-G-73 to approve and authorize the submission of two funding applications to the Regional Jurisdiction and Agency Coordinating Committee (RJACC) of the Northern Virginia Transportation Authority (NVTA) for Fiscal Year 2031 Regional Surface Transportation Program (RSTP) and Congestion Mitigation - Air Quality (CMAQ) funding

**Meeting Date:** December 10, 2024

**Category:** Consent

**Prepared by:** Jaleh Moslehi, Capital Projects Planner/Engineer

**Description:**

Staff proposes submitting one RSTP application and one CMAQ application to the NVTA-RJACC. The deadline for application submittals is January 12, 2024. The proposed projects and respective funding requests are listed below, and project details are provided on the following pages.

RSTP proposed project (funding criteria: roadway projects that improve the region's transportation network and facilitate alternative modes of transportation):

- Sterling Road Multi-Modal Improvements project (VDOT-T25325) (CIP#: 03-CD-16-002): Funding application request up to \$1,500,000

CMAQ proposed project (funding criteria: advancing cost-effective transportation projects that reduce vehicle emissions and improve air quality for regional benefit):

- Locust Street ADA Sidewalk Improvements (VDOT-T28877) (CIP# 03: CD-24-002): Funding application request up to \$1,000,000

**Background:**

**RSTP project: Sterling Road Multi-Modal Improvements (VDOT-T25325):**

This project envisions the reconfiguration of approximately 0.9 miles along Sterling Road between Elden Street and Rock Hill Road and to include the Herndon Parkway, Crestview Drive and Elden Street intersections. This project intends to reflect the town's current plans for traffic access management and multimodal circulation along this residential street. The concept design is to include ADA-accessible sidewalks and proposed bike lanes along the length of the project. The project objective is to implement access management and multimodal measures, improve traffic signalization,

add applicable turning lanes; all to increase safety, reduce congestion, and enhance circulation and connectivity while retaining the residential character of the Sterling Road corridor. The Sterling Road Multi-Modal Improvements project is included in the town's Capital Improvement Program and Comprehensive Plan. It is also listed in the NVTA TransAction plan and VDOT's Six-Year Improvement Program. The project has accumulated \$1,109,000 of previous federal RSTP funding.

**CMAQ project: Locust Street ADA Sidewalk Improvements (VDOT-T28877):** This project consists of 0.48 miles of 5-foot ADA accessible sidewalk improvements along both sides of Locust Street from Spring Street to Elden Street. This project also proposes new streetlighting, curb and gutter, ADA curb cuts and crosswalks to provide safer pedestrian access and connectivity between the Herndon Middle School, downtown and surrounding residential areas. Constructing continuous and ADA-compliant sidewalks aligns with the town's 2030 Comprehensive Plan's goals and objectives of integrating pedestrian and bike facilities with the street and transit network. The Locust Street ADA Sidewalk Improvements project is included in the town's Capital Improvement Program and Comprehensive Plan. It is also listed in VDOT's Six-Year Improvement Program. The project has accumulated \$2,132,000 of VDOT Revenue Sharing funding and \$528,000 of previous federal CMAQ funding.

### **Related Strategic Plan Goals:**

#### Secure and Interconnected Community

Goal 2: Provide a convenient and safe interconnected multimodal network.

Goal 3: Actively collaborate with regional jurisdictions and state and federal agencies to leverage resources.

### **Strategic Focus Area:**



Secure and Interconnected Community

### **Fiscal Impact:**

No town local match is required under the federal RSTP and CMAQ funding programs.

If approved, this resolution will permit staff to apply for federal funds as an alternative to the use of town general funds for capital improvement projects. However, grant recipients will not receive a lump-sum cash disbursement at the time of award announcement. Instead, projects receive federal funds through a reimbursement process, of which the recipient must make expenditures prior to receiving any funds. Therefore, jurisdictions must have access to sufficient town general funding sources to manage the cash flow associated with the project.

### **Legal Impact:**

Both projects will require the acquisition of right-of-way.

**Staff Recommendation/Next Steps:**

Staff recommends adoption of the attached resolution authorizing the submission of the funding applications to the Northern Virginia Transportation Authority (NVTA) for Regional Surface Transportation Program (RSTP) and Congestion Mitigation Air Quality (CMAQ) funding for fiscal year 2031 for the projects titled 'Sterling Road Multi-Modal Improvements' and 'Locust Street ADA Sidewalk Improvements'.

**Attachments:**

1. Resolution (Proposed)
2. Presentation (PowerPoint)

**TOWN OF HERNDON, VIRGINIA  
TOWN COUNCIL**

**RESOLUTION**

**DECEMBER 10, 2024**

**Resolution-** to approve and authorize the submission of two funding applications to the Regional Jurisdiction and Agency Coordinating Committee (RJACC) of the Northern Virginia Transportation Authority (NVTA) for Fiscal Year 2031 Regional Surface Transportation Program (RSTP) and Congestion Mitigation - Air Quality (CMAQ) funding.

**BE IT RESOLVED** by the Town Council of the Town of Herndon, Virginia that:

1. Town Council approves the submittal of two project applications to the Regional Jurisdiction and Agency Coordinating Committee (RJACC) of the Northern Virginia Transportation Authority (NVTA) for the requested funds through the federal Regional Surface Transportation Program (RSTP) and Congestion Mitigation-Air Quality (CMAQ) funding programs for fiscal year 2031.
2. This resolution evidences support for these federal transportation funding applications and commits to and supports the spending of the amount awarded in FY2031 for these capital improvement projects.
3. No town-local match is required under the federal RSTP and CMAQ funding programs.
4. The mayor is authorized to sign and deliver this agreement on such a form approved by the Town Attorney and any other instrument necessary to evidence or effectuate this agreement.

# FY31 RSTP-CMAQ Application for Transportation Funding

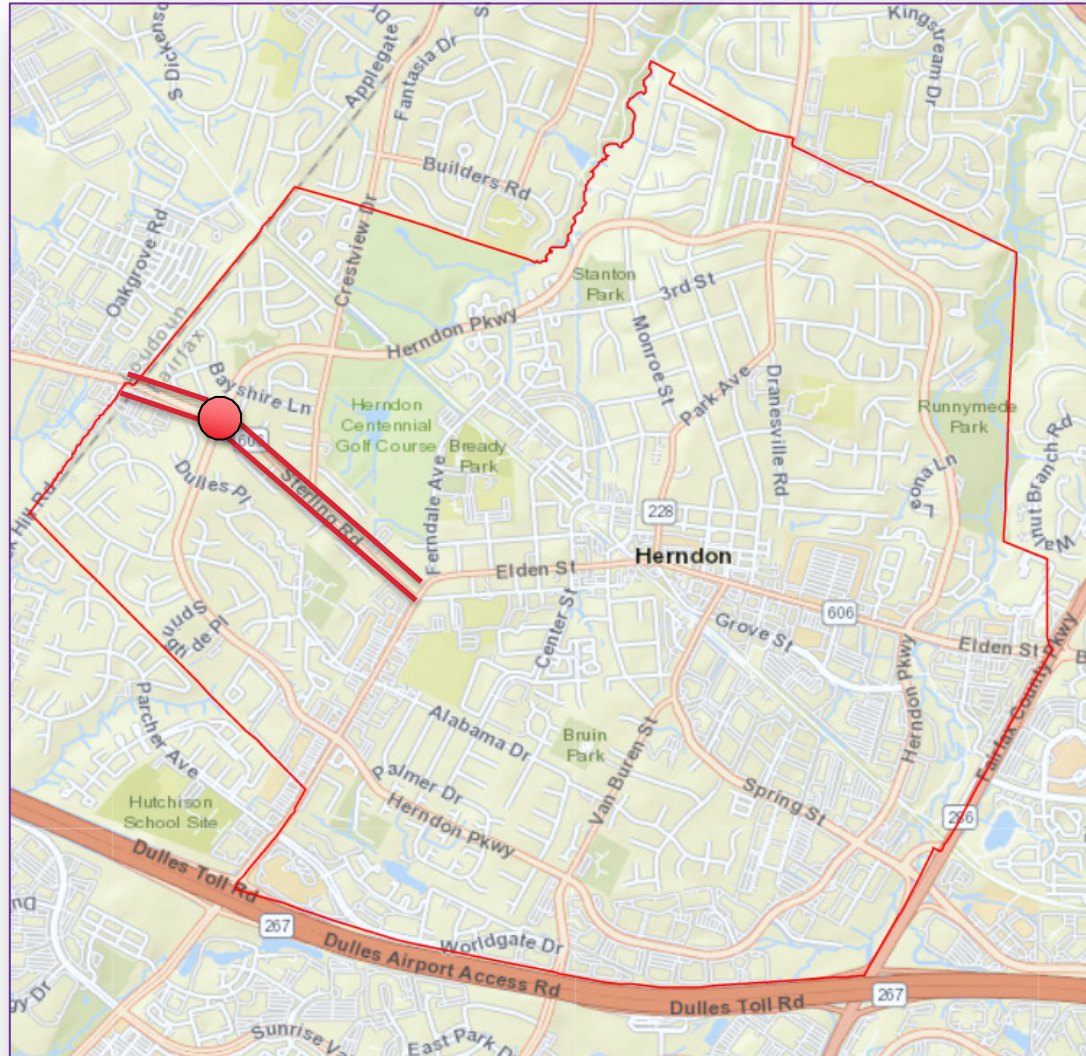
December 10, 2024

Jaleh Moslehi, PE  
CIP Planner/Engineer

# Tonight's Focus

- A resolution to authorize staff to submit two project applications for the FY31 RSTP and FY31 CMAQ funding cycle:
  - RSTP - Regional Surface Transportation Planning program is a federal program administered by NVTa. Staff plans to apply for \$1.5 million for the *Sterling Road Multi-Modal Improvements* Project.
  - CMAQ - Congestion Mitigation and Air Quality program is a federal program administered by NVTa. Staff plans to apply for \$1.0 million for the *Locust Street ADA Sidewalk Improvements* Project.
  - There are no local matching funds required.

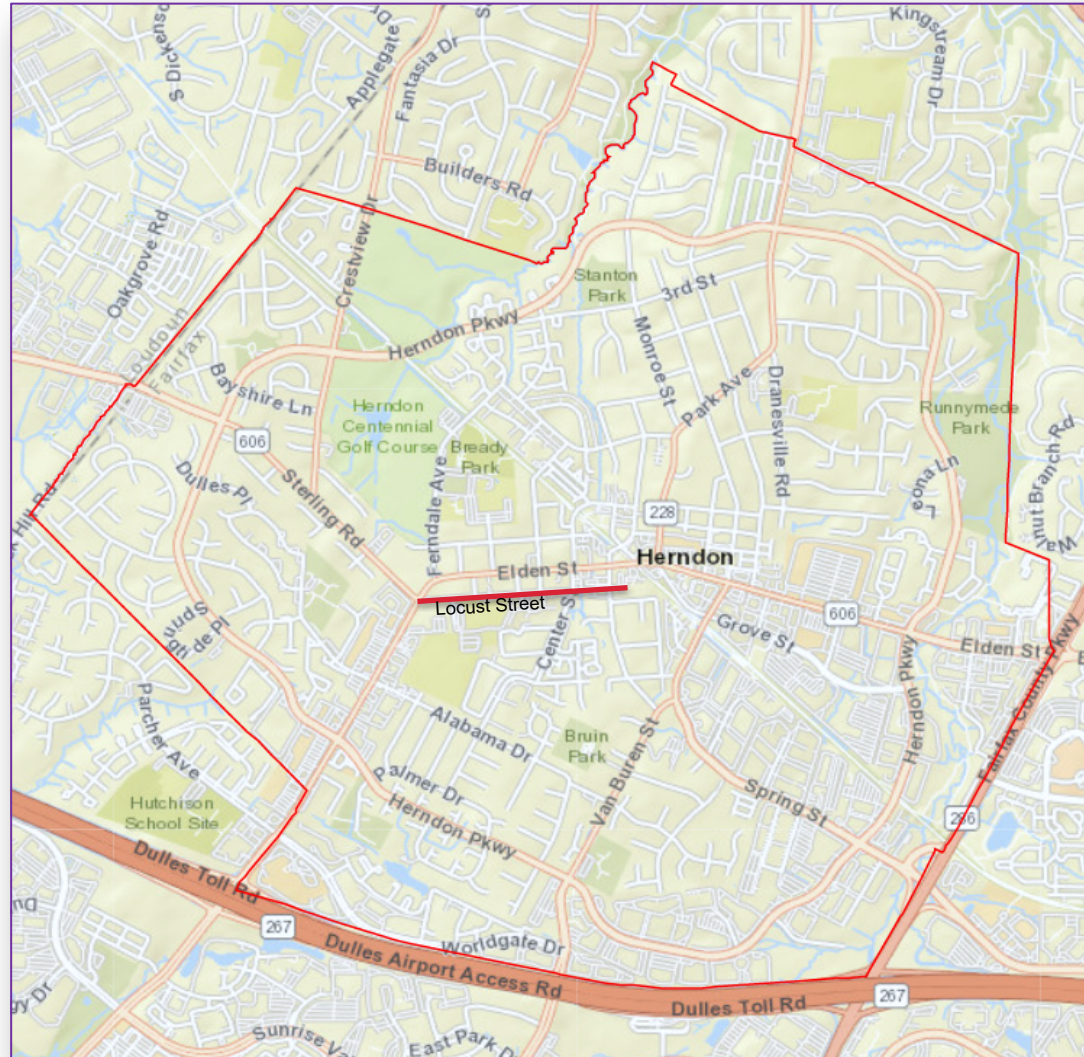
# Sterling Road Multi-Modal Improvements



# Sterling Road Multi-Modal Improvements

- This project reconfigures Sterling Road between Elden Street and Rock Hill Road to include additional lane capacity improvements for the Herndon Parkway and Sterling Road intersection. Objectives include:
  - provide safer multimodal circulation and connectivity to include ADA-accessible sidewalks and crosswalks as well as a proposed bike facility along the length of the project;
  - improve traffic signalization and add applicable turning lanes to increase safety, reduce congestion, and improve traffic circulation and connectivity; and
  - retain the residential character of the Sterling Road corridor.
- The RSTP application proposes a funding request for \$1,500,000.

# Locust Street ADA Sidewalk Improvements



# Locust Street ADA Sidewalk Improvements

- This project improves ADA accessibility, pedestrian safety and overall walkability on both sides of Locust Street between Spring Street and Elden Street. Objectives include:
  - provide for new 5-foot ADA sidewalks, streetlighting, curb and gutter as well as ADA curb cuts and crosswalks to provide safer pedestrian access and connectivity between the Herndon Middle School, downtown and surrounding residential areas;
  - integrate pedestrian and bicyclist facilities with the town's street and transit network; and
  - adhere to the Herndon Pedestrian Plan and the Herndon Bicycle Network Plan.
- The CMAQ application proposes a funding request for \$1,000,000.

**Agenda Item:** Ordinance 24-O-30 to amend the Fiscal Year (FY) 2025 Adopted Budget for the General Fund

**Meeting Date:** December 10, 2024

**Category:** Consent

**Prepared by:** Maggie DeBoard, Chief of Police

**Description:**

The Herndon Police Department (HPD) is requesting \$75,000 from state seized asset monies to purchase equipment supporting a real-time crime center within HPD. This involves the purchase of eight (8) additional Flock Safety cameras that offer license plate reader (LPR) technology to be installed throughout the town on entry/exit points and in specific areas identified through data analysis, as well as dedicated computers, TV monitors, and other supporting equipment inside HPD to view the cameras. The data captured by these cameras is connected nationally and shared among all participating law enforcement agencies, allowing us to detect crime and receive alerts that cross our jurisdictional border. The information captured from LPR cameras supports active leads for investigations and has become a critical tool in detecting crime. Money for reoccurring annual costs for maintenance updates and licenses will be included in the annual budget and will not come out of seized asset funding. Upon approval, this request will be Amendment 4 to the FY 2025 Adopted Budget.

**Background:**

The Herndon Police Department has had two Flock LPR cameras in the town for the past year. These two cameras alone have led to the quick apprehension of suspects in a number of felony investigations. The additional cameras requested will increase camera coverage throughout the town and provide the police department with greater opportunities to develop investigative leads in criminal cases.

**Timing Impact:**

These additional cameras were requested at the December 3, 2024, Town Council work session to support public safety initiatives to enhance community safety.

**Strategic Focus Area:**



Secure and Interconnected Community

**Fiscal Impact:**

The town will be responsible for funding the annual reoccurring costs associated with these cameras. Currently, the police department budget is supporting the reoccurring costs associated with two (2) cameras. That cost will expand to ten (10) cameras at a yearly cost of approximately \$38,000.

**Legal Impact:**

In accordance with the Town's Financial Policies, Town Council action is required for all budget amendments.

Code of Virginia §15.2-2507 provides that any locality may amend its budget to adjust the aggregate amount to be appropriated during the current fiscal year as shown in the currently adopted budget as prescribed by § 15.2-2504. A public hearing in accordance with § 15.2-1427 is required when the budget amendments exceeds one percent of the total expenditures shown in the currently adopted budget. As this budget amendment request does not exceed one percent of the total expenditures shown in the FY 2025 adopted budget, a public hearing is not required for this request.

**Staff Recommendation/Next Steps:**

Recommend approval as presented.

**Attachments:**

1. Ordinance (Proposed)

**TOWN OF HERNDON, VIRGINIA  
TOWN COUNCIL**

**ORDINANCE**

**DECEMBER 10, 2024**

**Ordinance-       to amend the Fiscal Year (FY) 2025 Adopted Budget for the  
General Fund.**

In adopting this ordinance, the Town Council has considered the Town Manager's recommended budget modification to appropriate \$75,000 in seized asset funding for the purposes described in the December 10, 2024 staff report as FY 2025 Budget Amendment Number 4.

**THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Herndon, Virginia that:

1. The financial adjustments to the FY 2025 budget, described as FY 2025 Budget Amendment Number 4 are approved.
2. This ordinance shall be effective on and after the date of its adoption.

**Agenda Item:** September 10, 2024 Town Council Meeting Minutes

**Meeting Date:** December 10, 2024

**Category:** Consent

**Prepared by:** Amanda Kertz, Acting Town Clerk

**Description:**

This is a request to approve the September 10, 2024 Regular Meeting Minutes.

**Background:**

N/A

**Strategic Focus Area:**



Good Governance

**Fiscal Impact:**

N/A

**Legal Impact:**

N/A

**Staff Recommendation/Next Steps:**

Recommend approval as presented.

**Attachments:**

1. September 10, 2024, Draft Minutes

**HERNDON TOWN COUNCIL  
Regular Meeting Minutes  
Tuesday, September 10, 2024**

**1. Call to Order**

Vice Mayor Hedrick called the September 10, 2024, Town Council regular meeting to order at 7:00 p.m. in the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia. In attendance were: Vice Mayor Clark Hedrick; and Councilmembers Naila Alam, Cesar del Aguila, Pradip Dhakal, Keven LeBlanc, and Donielle M. Scherff.

Mayor Sheila A. Olem was absent.

Vice Mayor Hedrick stated that he was chairing tonight's meeting on behalf of Mayor Olem, who was unable to attend the meeting that evening.

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Christopher Martino, Interim Town Manager; Kirstyn Barr Jovanovich and Scott Robinson, Acting Deputy Town Managers; Chief Maggie DeBoard, Herndon Police Department; Anne Papa, Chief Communications Officer; Lisa Gilleran, Director of Community Development; Marjorie Sloan, Director of Finance; Page Kalapasev, Director of Information Technology; Tammy Chastain, Acting Director of Public Works; Amanda Kertz, Acting Town Clerk; Margie Tacci, Acting Chief Deputy Town Clerk; Lauri Sigler, Deputy Town Attorney; and Judy Fry, Executive Assistant to the Town Manager.

**2. Pledge of Allegiance to the Flag of the United States of America**

Vice Mayor Hedrick led the audience in the Pledge of Allegiance to the Flag of the United States of America.

**Determination of a Quorum**

Vice Mayor Hedrick determined there was a quorum of six Councilmembers present, with Mayor Olem absent. Vice Mayor Hedrick reminded the Council of the meeting decorum.

**Amend the Agenda**

Councilmember LeBlanc moved to move Resolution 24-G-54 to establish the Herndon Town Council meeting schedule for January 1, 2025, to December 31, 2025, from the General portion of the agenda to the Consent Agenda, and add it as item 7(f) to the meeting agenda. Councilmember Scherff seconded the motion.

Lesa Yeatts, Town Attorney, stated that there was no need for a vote and stated that the item had been moved.

### **Mayor Announcements**

Vice Mayor Hedrick stated that translation services were available that evening, and that the equipment was located at the back of the chambers.

Vice Mayor Hedrick took a moment to recognize the 23<sup>rd</sup> anniversary of September 11, 2001, which is tomorrow. He stated that he would like to remember the families and loved ones of those who were killed or injured on September 11th, and keep in our thoughts the firefighters, police officers, and public safety personnel who risk their lives daily to ensure the safety of our community.

Vice Mayor Hedrick reviewed the Comments from the Audience process, stating that if individuals were there to provide comments on the Comstock Herndon project, which is a General Item, they would need to speak during "Comments from the Audience" portion of the meeting. He requested those wanting to comment during that portion of the agenda to use the Speaker Sign-Up Sheet by the door of the Chambers. He stated that the Town Clerk would call the names in the order they are received, and he would then ask if there were additional comments.

### **3. Presentations/Reports/Comments**

#### **a. Recognition of William H. Ashton II, Town Manager, for dedicated service to the Town of Herndon**

Vice Mayor Hedrick stated that it was his privilege to recognize Mr. Ashton for his more than 27 years of service to the Herndon community. He asked his colleagues to join him in expressing their appreciation for Mr. Ashton and wishing him well as the new Stafford County Administrator.

Councilmembers Scherff, Alam, LeBlanc, Dhakal, del Aguila, and Vice Mayor Hedrick provided comments expressing appreciation for Mr. Ashton's hard work ethic and commitment to the Town of Herndon, the staff, and its residents. They wished him well in his new position at Stafford County.

Vice Mayor Hedrick recognized Senator Boysko, 38th District of Virginia, and Delegate Irene Shin, 8th District House of Delegates, who presented commendations to Mr. Ashton for his service to the Town of Herndon and the Commonwealth.

Vice Mayor Hedrick recognized representatives from the Dulles Regional Chamber of Commerce. Joe Malazo, Chairman of the Board, Dulles Regional Chamber of Commerce, presented a framed proclamation to Mr. Ashton, expressing appreciation on behalf of the Chamber of Commerce's Board of Directors.

**b. Proclamation to recognize National Hispanic American Heritage Month**

Councilmember del Aguila read the proclamation into the record National Hispanic American Heritage Month and encouraged everyone to attend the Que Pasa Herndon Festival that was occurring on Saturday, September 14.

Vice Mayor Hedrick stated that members of the audience were welcome to comment on the presentations during the Comments from the Audience portion of the agenda.

**c. Town Manager Report**

William H. Ashton II, Town Manager, thanked the Herndon Police Department and local law enforcement partners that assisted in dealing with a difficult situation last Friday. He thanked the Town's partners with Fairfax County and at the federal level for coming to the Town's assistance, and stated he was grateful the situation was resolved quickly and safely.

Mr. Ashton provided comments on his 27 years of service to the Town of Herndon, discussing his history of service at the Town. He thanked the Herndon community, the Town Councils he has served, his family, leadership team members and Town staff, for all their support over the years. He stated that it was bittersweet, because he was provided the opportunity to lead one of the largest jurisdictions in Virginia, but he was sad to leave the Town of Herndon. He stated that he was hopeful for the future of the Town.

**d. Councilmember Comments**

Councilmember Scherff: stated that this Saturday is the first Que Pasa Festival in Herndon, being held in partnership with the Virginia Hispanic Chamber of Commerce, and she encouraged everyone to attend this free event. At the event, she stated that there was going to be an oral history project to capture the history of the Hispanic community in Herndon. Interpretation services will be on hand and Herndon Community Television is going to be facilitating the project.

Councilmember Alam: echoed Councilmember Scherff's comments about the Que Pasa event. She thanked William H. Ashton II, Town Manager, for his service.

Councilmember LeBlanc: thanked those in the audience for attending that evening and provided comments about the significance of the Proclamation to recognize National Hispanic American Heritage Month, stating that the celebration should be longer than one month, and that the impact on the community is immeasurable.

Councilmember LeBlanc provided an update on the rebranding effort, stating that there have been five focus groups to gather data - including youth, Spanish speakers, nonprofits, and others. He stated that the item would be brought to the Town Council at their work session on October 1.

Councilmember del Aguila: thanked those in the audience for attending that evening and thanked those that wrote to the Town Council regarding downtown redevelopment. He provided comments on what has occurred with the downtown redevelopment project over the course of the project, starting in 2017, through the present.

Councilmember del Aguila thanked the Herndon Police Department for their response to the events on Friday, which occurred in his neighborhood.

Councilmember Dhakal: thanked those in the audience for attending that evening and provided comments about the Proclamation to recognize National Hispanic American Heritage Month. He echoed his colleague's comments about the Que Pasa Herndon Festival that will be held on Saturday.

Councilmember Dhakal stated that he has been working with a nonprofit group, the Harraseeket Foundation, and Fairfax County Public Schools, to help connect students at Herndon High School with job opportunities. He stated that the organization asked teachers and staff at Herndon High School to recommend students for the program, and 58 referrals were received. He indicated that the organization is seeking adult mentors and employment partners to help encourage students to pursue opportunities after high school.

Councilmember Dhakal encouraged everyone present to sign up for a pickleball tournament that is planned for September 21, at the Herndon Community Center. He thanked Councilmember del Aguila and Soma Ramesh, Vice Chair of the Herndon Diversity, Equity, and Inclusion Committee, along with Parks and Recreation staff, for their efforts in planning this event.

Councilmember Dhakal stated that he would provide his comments on the downtown redevelopment during the discussion of that item. He indicated that he had a good conversation with the Town Manager about this item, and he hoped

Mr. Ashton will shed some light on the questions that residents had.

Vice Mayor Hedrick: thanked those in the audience for attending that evening and provided comments about the Proclamation to recognize National Hispanic American Heritage Month.

Vice Mayor Hedrick stated that there will be a special Town Council meeting on September 19, 7:00 p.m., where Tom Fleetwood of the Fairfax County Housing Authority will facilitate a discussion with the Town Council on affordable housing.

Vice Mayor Hedrick stated that he enjoyed the first meeting of the Herndon Youth Advisory Committee (HYAC) last Thursday evening, a group for which he is the Council liaison. He stated that the group engaged in a rebranding focus group exercise, through which they mentioned many ideas, and discussed events that are already occurring in the Town, like Friday Night Live. He indicated the group is looking for more events in the downtown, which he stated has been a priority for this Council.

#### **Comments and Disclosures for the Record**

Vice Mayor Hedrick asked Amanda Morrow Kertz, Acting Town Clerk, if she received comments for the record or signed disclosure declarations from the Council. Ms. Kertz stated that comments were provided to Council and entered into the record on General item #6(a), Resolution 24-G-52, final extension of the Outside Satisfaction date to December 10, 2024.

Additionally, Ms. Kertz stated that Councilmember Dhakal entered a signed transactional disclosure statement into the record on Consent Agenda item 7(c) Resolution 24-G-57 appointment to the ARB/HDRB. The statement indicates that he is able to participate in the discussions on this item fairly, objectively, and in the public interest. The signed disclosure statement has been entered into the record with the Town Clerk and Town Attorney.

The Town Clerk did not receive additional public comments or disclosures on any other items listed on that meeting's agenda.

#### **4. Comments from the Audience**

Vice Mayor Hedrick reviewed the process and asked those who wanted to provide Comments from the Audience to come forward.

The following individuals provided comments on a fountain in the Darlington Oaks neighborhood; requesting that their HOA repair or replace the fountain:

- Tahmineh Dehbozorgi, 115 Anthem Avenue, Herndon; and
- Lauri Kenny Whalen, 117 Anthem Avenue, Darlington Oaks, Herndon; she also thanked William H. Ashton II, for his service to the Town.

The following individuals provided comments on General Item 6(a) Resolution 24-G-52 to approve a final extension of the Outside Satisfaction date to December 10, 2024:

- Stevan Porter, 905 Vine Street, Herndon: also thanked Mr. Ashton for his service to the Town, and provided comments about his excitement about the upcoming Que Pasa Festival.
- Spencer Lepler, 1104 Grant Street, Herndon.
- Alexander Burke, 910 Jorss Place, Herndon.
- Brian Hedlund, 100 Fortnightly Boulevard, Herndon: also thanked Mr. Ashton for his service to the Town.
- Lorena Brady, 508 Aspen Drive, Herndon.
- Barbara Glakas, 935 Barton Oaks, Herndon: also spoke on the following: (1) Proclamation to recognize National Hispanic American Heritage Month, and (2) Recognition of Mr. Ashton, Town Manager.
- Adam Renner 11062 Saffold way, Reston.
- Tyler Garling, 2140 Whisperwood Glen Lane, Reston.
- Demeter Capsalis, 1483 Powells Tavern Place, Herndon: provided photos for the record of the proposed arts facility.
- Rusty Budd, 330 Reneau Way, Herndon.
- Hapa Sinhengalu, 1121 Cypress Tree Place, Herndon: also provided comments on: (1) Proclamation to recognize National Hispanic American Heritage Month, and (2) provided thoughts on the recent discussions about the topic of affordable housing in the Town.

The following individual provided comments on the Proclamation to recognize National Hispanic American Heritage Month:

- Ava Escobar, 503 Florida Avenue, apartment #203, Herndon (through translator Carla Falconi): stated that she is a community leader with the Virginia New Majority and provided comments on the proclamation. She also expressed thanks to Mr. Ashton for his service to the Town.

The following individuals provided comments on various topics:

- Charles Shea, 839 Moffett Forge Road, Herndon: discussed the following: (1) thanked Mr. Ashton for his service to the Town, (2) Proclamation to recognize National Hispanic American Heritage Month, (3) provided a rendering for the record of the concrete replacement of his driveway that the Town recently replaced. He asked the Town to inspect the work in the area and have the Department of Public Works replace the apron.
- Jay Hadlock 515 Alabama Drive, Herndon: on behalf of the Friends of Runnymede Park, invited those present to attend NatureFest, on Sunday, September 29, from 1:00 to 5:00 p.m. in Runnymede Park. Mr. Hadlock also provided comments on General Item 6(a) Resolution 24-G-52 to approve a final extension of the Outside Satisfaction date to December 10, 2024.
- Steve Mundt 814 Locust Street, Herndon: discussed the following: (1) thanked Mr. Ashton for his service to the Town, (2) a recent debate between the candidates running for mayor of Herndon, (3) expressed excitement about the Que Pasa Festival; requested that events be advertised more broadly, and (4) provided comments about transparency from the Town Council.

**5. Public Hearings**

**a. Ordinance 24-O-27 to amend the Fiscal Year (FY) 2025 Adopted Budget for the General Fund and the Water and Sewer Fund**

Certificates of Publication were filed from the Editor of the Fairfax County Times Newspapers, showing that notice of said public hearing items had been duly advertised in the Friday, August 23, and August 30, 2024, issues.

Vice Mayor Hedrick opened the public hearing and recognized Marjorie Sloan, Director of Finance, who provided the staff report for the second amendment to the FY 2024 budget. The first three items are for the general fund, which include: (1) appropriate funds related to the Town Manager transition, (2) repairs to the Herndon Community Center tennis courts that were damaged by the tennis bubble, and (3) add e-summons grant expenditures. The fourth item is to reclassify the cost budgeted for professional fees used for lead and copper testing in the water and sewer fund, which is being funded by the unrestricted fund balance.

Vice Mayor Hedrick called for comments from the audience.

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

Councilmember LeBlanc moved to Approve Ordinance 24-O-27 to amend the Fiscal Year (FY) 2025 Adopted Budget for the General Fund and the Water and Sewer Fund, as presented.

Motion seconded by Councilmember Alam.

There were comments from Council.

The question was called on the motion, which carried by a 6-0 roll call vote. The vote was: Councilmembers Alam, del Aguila, Dhakal, LeBlanc, and Scherff, and Vice Mayor Hedrick voting "Aye." Mayor Olem was absent.

**6. General**

**a. Resolution 24-G-52 to approve a final extension of the Outside Satisfaction date to December 10, 2024**

William H. Ashton, Town Manager, presented the staff report, and stated that the proposed resolution is an extension of the outside satisfaction date (OSD) to December 10, 2024. He stated that for the first time, the proposal for the contract extension includes enforceable deadlines of March 30, 2025, to close financing, and April 30, 2025, to begin construction. Mr. Ashton discussed what had occurred over the last month to prepare the agreement, stating that the Virginia Public Private Educational Infrastructure Action (PPEA) aspect of the development was one of the harder aspects to finalize. Mr. Ashton also discussed the construction market and other conditions that caused challenges in finalizing the agreement.

Mr. Ashton stated that he is pleased with the proposed agreement, and he has faith that the Town and Comstock can work together to secure a final contract in December that reflects the good faith agreement. He thanked the Town Council, the legal team, financial advisors, and Chris Clemente at Comstock for his willingness to continue to have conversations. Mr. Ashton stated that while he would not be a part of the project going forward, he encouraged the Council and Town's leadership to continue to pursue the agreement with Comstock.

There was discussion among the Council and staff about the proposed resolution, and about the options for the Comstock project going forward, including: (1) how the contract would unwind if either party wanted to end it; and what would happen to the property, (2) frustration expressed by the Council and the community over the development not proceeding at this time, (3) stressing importance of

communication with the public on this project, (4) comments received about the size of the space allocated for an arts center, (5) how variables, e.g. costs, securing financing, and interest rates have impacted the project, (6) discussions about workforce housing, (7) grant money previously allocated toward the project, and (8) work that has been done to protect the Town's interests.

Councilmember del Aguila moved to approve Resolution 24-G-52 to approve a final extension of the Outside Satisfaction date to December 10, 2024, as presented.

Motion seconded by Councilmember Dhakal.

There were comments from Council.

The question was called on the motion, which carried by a 5-1 roll call vote. The vote was: Councilmembers Alam, del Aguila, Dhakal, LeBlanc, and Vice Mayor Hedrick voting "Aye." Councilmember Scherff voting "No." Mayor Olem was absent.

**b. Resolution 24-G-53 to accept the Annual Report Fiscal Year (FY) 2024**

William H. Ashton II, Town Manager, presented the staff report, and stated that the State Code requires the Town Manager to present the State of the Town Report every year. While he stated that he usually presents this item at the end of September, he wanted to present it that evening at his last meeting for the Town of Herndon.

Mr. Ashton presented the summary brochure that was being sent to all households and businesses in the Town. He indicated that the report is being translated into Spanish and is posted on the Town's website. The work on the report is greatly informed by the adopted Strategic Plan, which demonstrates the Council's vision and commitment to the residents. Mr. Ashton reviewed how the Strategic Plan was formulated, and then provided highlights for each department, providing a list of accomplishments and impacts that the departments had on the Town over the last fiscal year. Mr. Ashton thanked the Town Council for providing the resources to allow the Town's leadership team to do their best work, stating that the staff is devoted to the community. He especially thanked Town Attorney, Lesa Yeatts, for all of her support over the past year and throughout his tenure as Town Manager.

Councilmember LeBlanc moved to Approve Resolution 24-G-53 to accept the Annual Report Fiscal Year (FY) 2024, as presented.

Motion seconded by Councilmember Scherff.

There were comments from Council.

The question was called on the motion, which carried by a 6-0 roll call vote. The vote was: Councilmembers Alam, del Aguila, Dhakal, LeBlanc, and Scherff, and Vice Mayor Hedrick voting "Aye." Mayor Olem was absent.

**7. Consent**

- a. Resolution 24-G-55 to express appreciation to William H. Ashton II, Town Manager**
- b. Resolution 24-G-56 to appoint a member to the Historic District Review and Architectural Review Boards**
- c. Resolution 24-G-57 to appoint a 'Virginia State Bar' member to the Historic District Review and Architectural Review Boards**
- d. Resolution 24-G-58 to appoint a member to the Planning Commission**
- e. July 9, 2024, Town Council Work Session Minutes**
- f. Resolution 24-G-54 to establish the Herndon Town Council meeting schedule for January 1, 2025 to December 31, 2025 [moved to Consent Agenda]**

On motion of Councilmember Dhakal, seconded by Councilmember del Aguila, the Consent Agenda items were approved and carried by a 6-0 roll call vote, as presented, without comment. The vote was: Councilmembers Alam, del Aguila, Dhakal, LeBlanc, and Scherff, and Vice Mayor Hedrick voting "Aye." Mayor Olem was absent.

**8. Adjournment**

There being no further business, Vice Mayor Hedrick adjourned the September 10, 2024 Town Council regular meeting at 10:28 p.m.

**Amanda E.M. Kertz**  
**Acting Town Clerk**

Minutes approved by Town Council : \_\_\_\_\_

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

**Agenda Item:** September 17, 2024 Town Council Work Session Minutes

**Meeting Date:** December 10, 2024

**Category:** Consent

**Prepared by:** Amanda Kertz, Acting Town Clerk

**Description:**

This is a request to approve the September 17, 2024 Work Session Minutes.

**Background:**

N/A

**Strategic Focus Area:**



Good Governance

**Fiscal Impact:**

N/A

**Legal Impact:**

N/A

**Staff Recommendation/Next Steps:**

Recommend approval as presented.

**Attachments:**

1. September 17, 2024, Draft Work Session Minutes

**HERNDON TOWN COUNCIL**  
**Work Session Minutes**  
**Tuesday, September 17, 2024**

**1. Call to Order**

Mayor Olem called the September 17, 2024, Town Council meeting to order 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, and Keven LeBlanc.

Councilmember Donielle M. Scherff was absent.

Staff present during the meeting: Christopher Martino, Interim Town Manager; Lesa Yeatts, Town Attorney; Kirstyn Barr Jovanovich and Scott Robinson, Acting Deputy Town Managers; Chief Maggie DeBoard, Herndon Police Department; Lisa Gilleran, Director of Community Development; Page Kalapasev, Director of Information Technology; Marc Smith, Director of Economic Development; John Irish, Acting Director of Department of Public Works - Engineering; Tammy Chastain, Acting Director of Department of Public Works - Operations; Mike Mueller, Golf Course General Manager; Nick Maletta, Arborist/Landscape Architect; Ben Schitter, Development Program Planner; and Margie Tacci, Acting Chief Deputy Town Clerk.

**Mayor Announcements**

Mayor Olem stated that a Special Town Council Meeting on affordable housing will be held this Thursday, September 19, 7:00 p.m. in the Herndon Council Chambers. Tom Fleetwood, Fairfax County Department of Housing and Community Development, will facilitate a discussion with the Town Council on affordable housing.

**Comments and Disclosures for the Record**

Mayor Olem asked Margie Tacci, Acting Chief Deputy Town Clerk, if she received comments for the record or signed disclosure declarations from Council.

Ms. Tacci stated that comments were entered into the record on Discussion item #4(a), Strategic Plan Quarterly Discussion. She stated that the Town Clerk did not receive additional public comments or disclosures on any other items listed on that meeting's agenda.

**2. Public Hearings**

- a. **Resolution to approve a Special Exception Amendment SE #24-02, 1031 Sterling Road, Suite 104 [Presentation at September 24, 2024 Meeting];**

**3. Consent**

- a. **Resolution to award a contract for Folly Lick Sanitary Sewer and Stormwater Improvement Project;**
- b. **Ordinance to amend Chapter 26 (ENVIRONMENT), Article III. (Erosion and Sediment Control), Sec. 26-49 (Erosion and sediment control program), Article VIII. (Stormwater Management), Sec. 26-322 (Definitions), Sec. 26-325 (Stormwater pollution prevention plan contents), Sec. 26-328 (Pollution prevention plan contents), and Sec. 26-329 (Technical criteria for regulated land disturbing activities), to replace repealed Virginia Administrative Code references with the newly adopted Virginia Administrative Code references; and**
- c. **Resolution to appoint a member to the Police Supplemental Retirement Plan Administrative Committee (PSRPAC).**

Mayor Olem stated that there is one public hearing item and several consent items on the schedule for next week's regular meeting, and information on these items are included in tonight's meeting materials. She recognized Christopher Martino, Interim Town Manager, for comments. Mr. Martino briefly went through the agenda.

There were brief comments from the Council.

**4. Discussion**

- a. **Strategic Plan Quarterly Discussion: Strategic Focus Area #3 - Environmental and Economic Sustainability**

**1. Welcome, Overview, Check-in**

Mayor Olem recognized moderator Kristi Dooley, with True Purpose Leadership, to begin the discussion on the Strategic Plan Quarterly Update. Ms. Dooley provided an outline for this portion of the meeting, which focused on the Environmental and Economic Sustainability Focus Area of the adopted 2024-2029 Strategic Plan.

**2. Environmental Briefing; and**

**3. Facilitated discussion related to environmental strategies.**

*Staff Briefing: Energy and Air Quality, and Increasing Electric Vehicle (EV) Charging Station Availability*

Scott Robinson, Acting Deputy Town Manager - Operations, provided an overview of how the Town was addressing energy and air quality, including: (1) strategies to improve energy efficiency in town-owned buildings, (2) using the Virginia Department of Energy's Energy Savings Performance Contract (ESPC) program toward the Town's energy efficiency goals, (3) review of the energy savings project, through which a memorandum of understanding (MOU) with a contractor - CMTA - is being utilized, and (4) strategies to increase EV charging stations in Herndon on both public and private property.

There was discussion among the Council and staff on ways to optimize energy efficiency including: (1) elements of the energy savings project using the ESPC program: (a) MOU with CMTA; and (b) project timeline, (2) funding for energy savings projects, (3) cost savings resulting from energy efficiency, (4) infrastructure needed to increase EV stations in the Town, (5) potential incentives to encourage EV stations on private property, and (6) considering the installation of solar panels on Town buildings.

*Staff Briefing: Community Forestry*

Nick Maletta, Town Arborist, provided an overview of urban forestry management, which included an overview of the following: (1) environmental benefits of trees, (2) Town's tree equity score and tree inventory, (3) tree planting opportunities; challenges and solutions, and (4) strategies for a successful urban forestry management program.

There was discussion among the Council and staff on the urban forestry presentation, which included: (1) Council expressing concern over the low tree equity score; looking at ways to improve it, (2) ways to increase the tree inventory and canopy, (3) best practices for tree planting, (4) impacts of invasive plants and tree species, (5) community engagement opportunities, (6) including a tree fund in the budget; with a goal of adding to the tree canopy each year, and (7) current tree planting projects.

Mayor Olem suggested that staff review the recent tree study done by the Northern Virginia Regional Commission that took inventory of trees in the Northern Virginia region.

Responding to Councilmember Alam, Mr. Maletta stated that he could investigate her suggestion about growing fruit trees that residents could use for food. Mr. Maletta stated that there may be grant monies available for that type of project.

There was a brief question and answer session between Ms. Dooley and the Council about the process for the rest of the meeting. Following the discussion,

staff was asked to proceed with the economic development presentation, and after that, the Council would discuss prioritizing items.

**4. Economic Development Briefing; and**  
**5. Facilitated discussion related to Economic Development strategies.**

Marc Smith, Director of Economic Development, provided an introduction of his background, and he reviewed his observations about economic development in the Town. He provided a presentation on economic development, which included reviewing: (1) the business profile of the Town, including (a) size and type; (b) top sales companies; and (c) locations, (2) staff's top priorities going forward, including: (a) downtown redevelopment; (b) working with and expanding existing businesses; (c) attracting investment; (d) promoting Herndon as a business location; (e) collaboration with internal and external partners; and (f) data collection and measurement, and (3) a market study, which would be related to the Comprehensive Plan update, to aid in forming an economic development strategic plan.

There was discussion among the Council and staff on economic development and Herndon's business community, focusing on: (1) rebranding effort, (2) promoting the Town to businesses, (3) evaluating why businesses leave the Town; along with talking with those that choose to stay, (4) suggestion to create an economic development website, and (5) suggestion to contact businesses that have leases that are about to expire.

**6. Wrap Up – Next Steps**

Ms. Dooley stated that the Council would review the topics that were discussed that evening and consider next steps.

There was discussion among the Council, staff, and Ms. Dooley about items to discuss that evening, including:

1. Improving the tree canopy and green space; including "no net loss" of trees;
2. Educational campaign for residents on environmental matters;
3. EVs; and
4. Promoting economic development for the town; following data collection and analysis.

Following input from Ms. Dooley and with the consensus of the Council, the following topics were selected for focused discussion that evening: (1) educational campaigns for matters pertaining to the environment, and (2)

improving the tree canopy.

There was discussion among the Council, staff, and Ms. Dooley about ways to educate the public on trees and increasing the tree canopy including: (1) an educational campaign through various means, including videos on the Town's website and social media channels, (2) having a table at the Farmers Market or other events providing educational information, (3) working with local businesses and nonprofits to promote tree planting, and (4) working with neighborhoods on removing invasive plants and diseased trees.

There was discussion among the Council, staff, and Ms. Dooley on additional ways to increase the tree canopy, including: (1) exploring a partnership with the Northern Virginia Park Authority to increase the tree canopy along the W&OD Trail in Herndon, (2) considering changes to the zoning ordinance to increase the required number of trees, (3) considering changes to parking requirements to potentially increase green space, and (4) working with Fairfax County on solutions to increase the tree canopy.

Following up on the discussion, Christopher Martino, Interim Town Manager, stated that staff is working on a comprehensive tree program, which would have short, mid, and long term components, to be incorporated into the upcoming budget and capital improvement plan (CIP) cycles.

There was discussion among the Council, staff, and Ms. Dooley about the meeting format used that evening, including: (1) data and information being available prior to the meeting to better facilitate discussion, (2) having open discussion between the Council and staff, with staff sitting at the table, (3) suggestion to time the discussion and/or presentations to streamline the meeting, and (4) not using Roberts Rules of Order during strategic planning work session discussions.

Following up on the discussion, Mr. Martino stated he and the staff intend to pursue a work session meeting format for future meetings similar to the meeting held that evening.

There were brief comments from the Council about the meeting format for work sessions.

## **5. Roundtable**

Councilmember del Aguila: shared that there is a group working with Comstock to plan a Fall Festival near the Arts Herndon property, and he wanted to advise staff that was coming down the pike. He indicated that Comstock had agreed to be a sponsor for this potential event.

Councilmember Dhakal: stated that he enjoyed the first Que Pasa Herndon event

that was held in the downtown last weekend. He thought it was a great success and thanked everyone who was involved in it.

Councilmember Alam: no comments.

Councilmember Le Blanc: no comments.

Vice Mayor Hedrick: no comments.

Mayor Olem: no comments.

Christopher Martino, Interim Town Manager: no comments.

6. **Adjournment**

There being no further business, Mayor Olem adjourned the September 17, 2024 Town Council work session at 10:21 p.m.

**Amanda E.M. Kertz**  
**Chief Deputy Town Clerk**

Minutes approved by Town Council : \_\_\_\_\_

**Agenda Item:** September 19, 2024, Town Council Special Meeting - Affordable Housing Minutes

**Meeting Date:** December 10, 2024

**Category:** Consent

**Prepared by:** Amanda Kertz, Acting Town Clerk

**Description:**

This is a request to approve the September 19, 2024 Town Council Special Meeting - Affordable Housing Minutes.

**Background:**

N/A

**Strategic Focus Area:**



Good Governance

**Fiscal Impact:**

N/A

**Legal Impact:**

N/A

**Staff Recommendation/Next Steps:**

Recommend approval as presented.

**Attachments:**

1. September 19, 2024, Draft Special Meeting - Affordable Housing Minutes

**HERNDON TOWN COUNCIL**  
**Special Meeting – Affordable Housing Minutes**  
**Thursday, September 19, 2024**

**1. Call to Order**

Mayor Olem called the September 19, 2024, Town Council special meeting – affordable housing – to order 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 Cesar del Aguila, Pradip Dhakal, and Keven LeBlanc.

Participating remotely: Councilmember Donielle M. Scherff.

Councilmember Naila Alam was absent.

Staff present during the meeting: Christopher Martino, Interim Town Manager; Lesa Yeatts, Town Attorney; Kirstyn Barr Jovanovich, Acting Deputy Town Manager; Lisa Gilleran, Director of Community Development; David Stromberg, Zoning Administrator; Bryce Perry, Deputy Director of Community Development; and Amanda Kertz, Acting Town Clerk.

**Determination of a Quorum**

Mayor Olem stated, for the record, under Section 2.2-3708.3, Subsection D, of the Code of Virginia, and in accordance with Section 2-4 of the Town Code, the Chair received a request from Councilmember Scherff to participate through electronic communication means in tonight's special meeting due to an illness that prevents her physical attendance. She stated that there was a quorum of the public body physically assembled at the meeting location, with five Councilmembers present in the Herndon Council Chambers Building. With the concurrence of Council, Councilmember Scherff joined the meeting virtually to participate in the meeting that evening.

Mayor Olem determined there was a quorum of six members participating, five located in the Council Chambers, and one participating remotely in accordance with Herndon Town Code Section 2-4. Mayor Olem reminded the Council of the meeting decorum.

## **2. Discussion**

### **a. Discussion of Affordable Housing Options In Cooperation with Fairfax County**

Mayor Olem recognized Christopher Martino, Interim Town Manager, who provided introductory remarks for Tom Fleetwood, Director, Fairfax County Department of Housing and Community Development.

Mr. Fleetwood presented a PowerPoint and provided an overview of his presentation that evening, which included: (1) affordable housing status and availability in Fairfax County, (2) Fairfax County's affordable housing goals: (a) to produce a minimum of 10,000 new affordable units by 2034, and (b) commitment to no net loss of existing market affordable units, (3) affordable housing development around the Town; e.g. Ovation at Arrowbrook and the Herndon Harbor House, (4) future affordable housing projects, (5) how Fairfax County Redevelopment and Housing Authority (FCRHA) and the Town can move forward together toward housing goals, and (6) the Town's continued partnership through the Housing and Neighborhood Improvement Coordinator position. Mr. Fleetwood shared that Brooke Hardin, Director of Community Development and Planning for the City of Fairfax, was in attendance that evening to provide input into the discussion.

There was discussion among the Council, staff, Mr. Fleetwood, and Mr. Hardin, about how Fairfax County and the Town can work together to partner on affordable housing, including: (1) following a process similar to the City of Fairfax to partner with Fairfax County on affordable housing, (2) potential role of proffers in addressing affordable or workforce housing, (3) administration of FCRHA's current affordable housing program, specifically the voucher process, and (4) how different levels of government funds, e.g., federal and county, impact housing programs.

Responding to Councilmember del Aguila's questions about the City of Fairfax and Fairfax County's partnership for affordable housing, Mr. Hardin described the process whereby the City of Fairfax amended their comprehensive plan and updated the zoning ordinance so that Fairfax County could assist them in administering an affordable housing program. Through a Memorandum of Understanding (MOU), Fairfax City works with the FCRHA to administer the affordable dwelling units (ADU) in the City, while the City provides zoning enforcement for the program.

Responding to Councilmember Scherff, Lesa Yeatts, Town Attorney, discussed proffers relative to affordable housing. She stated that since 2016, Virginia localities have not been able to provide a list of proffers directly to developers. However, a developer can offer specific proffers to the locality.

Responding to Councilmember del Aguila, Lisa Gilleran, Director of Community Development, stated that the Planning Commission is currently reviewing the Transit Related Growth (TRG) area, and staff is examining zoning areas throughout the Town. The staff plans to work with Mr. Fleetwood's staff to determine the most appropriate areas for affordable housing. Once this effort is compiled, staff will return to the Council with more information.

Mayor Olem mentioned previous discussions between the Town and Fairfax County about using some of the land owned by Fairfax County Park Authority near Alabama Drive for affordable housing. Responding, Mr. Fleetwood stated that the conversation Mayor Olem referenced was about the Berkdale Apartments and a Fairfax County park near Alabama Drive. He stated that he could not speak about that matter directly, as the land was owned by the Park Authority.

Supervisor James Bierman, Dranesville District, Fairfax County Board of Supervisors, stated that he told the Park Authority that he believes using the land Mayor Olem mentioned for affordable housing is a good idea. He said that project would involve using park-owned land and the redevelopment of the Berkdale Apartments. It would involve several entities - the Town, Fairfax County Park Authority, and FCRHA. Supervisor Bierman also advised that the County has successfully engaged developers in new affordable housing projects by having County-owned land be available at lower prices.

Responding to Councilmember del Aguila, Mr. Fleetwood stated the FCRHA could advise and work with the Town when the wait list opens for the voucher program.

Responding to Vice Mayor Hedrick, Ms. Yeatts and Ms. Gilleran advised that the best practice is to amend the Comprehensive Plan first before adopting policy through the zoning ordinance. Ms. Gilleran advised that toward the end of the Comprehensive Plan amendment process, staff could begin looking at language to amend the zoning ordinance.

Following discussion and with the consensus of Council, staff was requested to: (1) draft a road map of the process to proceed with affordable housing in the Town, (2) further investigate the Berkdale Apartments and Fairfax County Park Authority land idea; address any concerns from the County on that project, and (3) work with the FCRHA to publicize when the wait list for the housing voucher program next opens. Ms. Gilleran advised that the staff needed some time to go through the research and review the process.

There were closing comments from the Council, thanking the staff, Fairfax County representatives, and community members who attended the meeting that evening.

**3. Adjournment**

There being no further business, Mayor Olem adjourned the September 19, 2024 Town Council special meeting at 8:46 p.m.

**Amanda E.M. Kertz  
Acting Town Clerk**

**Minutes approved by Town Council :**

DRAFT

**Agenda Item:** September 24, 2024 Town Council Meeting Minutes

**Meeting Date:** December 10, 2024

**Category:** Consent

**Prepared by:** Amanda Kertz, Acting Town Clerk

**Description:**

This is a request to approve the September 24, 2024 Regular Meeting Minutes.

**Background:**

N/A

**Strategic Focus Area:**



Good Governance

**Fiscal Impact:**

N/A

**Legal Impact:**

N/A

**Staff Recommendation/Next Steps:**

Recommend approval as presented.

**Attachments:**

1. September 24, 2024 Draft Minutes

**HERNDON TOWN COUNCIL**  
**Regular Meeting Minutes**  
**Tuesday, September 24, 2024**

**1. Call to Order**

Mayor Olem called the September 24, 2024, Town Council regular meeting to order 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, Cesar del Aguila, Pradip Dhakal, Keven LeBlanc, and Donielle M. Scherff.

Councilmember Naila Alam was absent.

Staff present during the meeting: Scott Robinson, Acting Town Manager; Lesa Yeatts, Town Attorney; Chief Maggie DeBoard, Herndon Police Department; Lieutenant Chad Finley, Herndon Police Department; Lisa Gilleran, Director of Community Development; John Irish, Acting Director of Department of Public Works Engineering; Fadrique Iglesias, Community Planner; and Margie Tacci, Acting Chief Deputy Town Clerk.

**2. Pledge of Allegiance to the Flag of the United States of America**

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

**Determination of a Quorum**

Mayor Olem determined there was a quorum of six Councilmembers present, with Councilmember Alam absent. Mayor Olem reminded the Council of the meeting decorum.

**Mayor Announcements**

Mayor Olem stated that NatureFest will be held on Sunday, September 29, from 1:00 p.m. to 5:00 p.m. at Runnymede Park. She stated that NatureFest is a family-friendly nature event, which spotlights the animals, plants, and insects that live in Runnymede Park. Further details are on the Town's website.

### **3. Presentations/Reports/Comments**

#### **a. Town Manager Report**

Scott Robinson, Acting Town Manager, stated last week a request was made to have the September 19 special meeting on affordable housing made available in Spanish. He stated that the video is now available on the town's website through closed captioning with the capability of either English or Spanish.

#### **b. Councilmember Comments**

Councilmember Dhakal: welcomed Scott Robinson as Acting Town Manager, and stated that he had several questions for him that evening, including: (1) speeding concerns on Jeff Ryan Drive; he asked staff to communicate with the residents, and consider short-term traffic calming improvements for the neighborhood, (2) revitalization for the Pines Shopping Center; he requested staff to consider incentives for the owner to consider updating the shopping center, and (3) expressed concerns over information he received about unfair lease agreements for rental units in the Town; he asked staff to look into this and see what can be done to ensure housing rights are being protected.

Councilmember Dhakal congratulated the organizers of the first Que Pasa Festival in Herndon. He thought that while the event had a good turnout, there were some areas that could be improved. He stated that he looked forward to the event next year.

Councilmember Scherff: asked Mr. Robinson to provide any updates on the Comstock Herndon project that were outstanding from the August 13 regular meeting. She indicated that Chris Clemente, CEO of Comstock, stated that he would remove the sign in from of the development, and she stated that it has not yet happened. She asked for an update on the sign when possible.

Councilmember Scherff discussed several recent events, including: (1) Pickleball Tournament on Saturday, September 21, which although she was not able to attend due to illness, she congratulated the Department of Parks and Recreation and those who assisted with this event, and (2) Que Pasa Festival; on Saturday, September 14; expressing her appreciation to the event's sponsors, planners, and other groups, like Opportunity Neighborhoods Ambassadors and to the Herndon High School NJROTC.

Councilmember Scherff provided further comments on the Que Pasa Festival, stating that she wanted to clarify that the event was led and planned by Herndon organizations, businesses, and individuals. She said that Herndon organizations were the first groups asked to participate, and that spaces were held for Herndon groups until the last day. She indicated that she received feedback about this event that she would pull together and send to her Council colleagues.

Councilmember LeBlanc: stated that he, like Councilmember Dhakal, had heard

concerns from citizens about speeding on Jeff Ryan Drive and Bayshire Lane. He also requested staff to review traffic concerns he sent to staff about Missouri Avenue and Bond Street.

Councilmember LeBlanc echoed previous comments on the Que Pasa Festival, stating that he enjoyed attending the event.

Vice Mayor Hedrick: thanked everyone who was in the audience for attending tonight's meeting.

Vice Mayor Hedrick echoed his colleague's comments about Town events and safety concerns.

Vice Mayor Hedrick provided comments on two recent Town Council meetings, which were last week's work session that included a strategic plan component, and the special meeting on affordable housing held last Thursday, September 19. He thought the two meetings were productive and allowed the staff and Council to move forward with concrete steps toward measurable actions. He encouraged those interested to watch the recordings of the Town Council meetings on the Town's website.

Mayor Olem: stated that she, along with Delegate Irene Shin, welcomed a Delegation from Gangwon Province of South Korea on Tuesday, September 3. The visit included a tour of the Herndon Community Center, conducted by Parks and Recreation Director, Bob Williams, and staff. Following the tour, Delegate Shin and Mayor Olem held an interactive discussion with the group about tourism and special events.

Mayor Olem provided comments on the following: (1) Neighborhood Resource Center Open House on Saturday, September 14; after which she attended the Que Pasa Festival in the downtown, (2) congratulated the Department of Public Works for completing the Hunters Creek pedestrian bridge replacement project, during which there was work done to correct stream erosion and help protect wildlife habitats, and (3) congratulated the Department of Parks and Recreation and Department of Public Works, as Parks and Recreation received an award for "*Best New Environmental Sustainability*" for the Sugarland Run Stream Restoration project.

Mayor Olem provided information about several upcoming events, including: (1) Harvest Moon Invitational Swim Meet from October 5 through 6 at the Community Center, and (2) the annual leaf Collection that begins on October 7. She encouraged those interested to check the Town's website for more information.

Councilmember del Aguila: expressed his appreciation to his colleagues for holding the special meeting on affordable housing last week. He provided comments on affordable housing and stated that he would like to focus more on proactive measures the Council can take on topics like affordable housing and the tree canopy. Councilmember del Aguila stated that at the special meeting last week, the Council

committed to working toward a Comprehensive Plan amendment on affordable housing. He asked that this item be included at a future work session for Council discussion and consideration.

Councilmember del Aguila echoed his colleagues' comments about the Que Pasa Festival, pickleball tournament, and other events, stating that these events demonstrate the Council's commitment to forward-thinking.

Councilmember del Aguila echoed Councilmember Dhakal's concerns about leasing practices on rental units in the Town and asking staff to look into the matter.

Following Councilmember del Aguila's comments, Mayor Olem encouraged those interested to watch the Town Council special meeting on affordable housing, stating that during the meeting, she invited Dranesville District Supervisor Bierman to the table to address one of the potential affordable housing sites.

#### **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:

- Otmaro Aguirre, 1217 Springtide Place, Herndon: (through translator Carla Falconi) provided comments on affordable housing in Herndon.
- Ana Chavarria, 665 Dulles Court, Herndon: (through translator Carla Falconi) provided comments on affordable housing and rental costs in Herndon; requesting programs for working class families in Herndon.
- Barbara Glakas, 935 Barton Oaks Place, Herndon: provided comments on how funds are being spent, specifically mentioning the amount that has been spent on professional moderators and the Town Council initiatives fund. Ms. Glakas also stated that she aligned herself with the speakers who commented on affordable housing.

#### **Comments and Disclosures for the Record**

Mayor Olem asked Margie Tacci, Acting Chief Deputy Town Clerk, if she received comments for the record or signed disclosure declarations from Council. Ms. Tacci stated that the Town Clerk did not receive public comments or disclosures on any items listed on that meeting's agenda.

## **5. Public Hearings**

### **a. Resolution 24-G-59 to approve a Special Exception Amendment SE #24-02, 1031 Sterling Road, Suite 104**

Certificates of Publication were filed from the Editor of the Fairfax County Times Newspapers, showing that notice of said public hearing items had been duly advertised in the September 6 and September 13, 2024, issues.

Mayor Olem opened the public hearing and recognized Fadrique Iglesias, Community Planner, who presented the staff report on the application for a special exception amendment at "Ice Ice Ice Cream," located at 1031 Sterling Road, unit 104. This special exception is to consider an amendment to the previously approved CU #89-11 to expand the hours of operations and number of seats within the Commercial Office Zoning District. Mr. Iglesias reviewed the business location, zoning and land use designation, along with the proposed application. He also discussed the proposed conditions, which included a maximum of 12 seats and the hours of operation being set to Monday through Thursday from 11:00 a.m. to 9:00 p.m.; Friday through Saturday from 11:00 a.m. to 10:00 p.m.; and Sunday from 11:00 a.m. to 9:00 p.m. The Planning Commission recommended approval of the proposed amendment, and staff also recommended approval with conditions, as proposed.

There was discussion among the Council and staff on the proposed special exception including: (1) by-right land designation and the special exception process, (2) forthcoming comprehensive plan update process, and (3) timing of planned new developments near the site.

Mayor Olem asked if the applicant or applicant's agent would like to address the Council on this item.

Mr. Spiro Souliotis (applicant) provided brief comments on the application.

There was a brief discussion between the Council and the applicant.

Responding to Councilmember del Aguila's question about his feedback on the process, Mr. Souliotis stated that the amount of time the process took was his biggest concern.

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

Councilmember LeBlanc moved to approve Resolution 24-G-59 to approve a Special Exception Amendment SE #24-02, 1031 Sterling Road, Suite 104, as presented.

Motion seconded by Vice Mayor Hedrick.

There were comments from Council.

Councilmembers del Aguila and Dhakal requested staff to review the special exception process and to look at ways to improve it.

Councilmember del Aguila asked that the Council consider amendments to the Comprehensive Plan where the land use has shifted. He requested to have this discussion at a future work session.

The question was called on the motion, which carried by a 6-0 roll call vote. The vote was: Councilmembers del Aguila, Dhakal, LeBlanc, Scherff, and Vice Mayor Hedrick and Mayor Olem voting "Aye." Councilmember Alam was absent.

## **6. Consent**

- a. **Resolution 24-G-60 to award contract IFB# B-25-01 Folly Lick Sanitary Sewer and Stormwater Improvement Project**
- b. **Ordinance 24-O-28 to amend Chapter 26 (ENVIRONMENT), Article III. (Erosion and Sediment Control), Sec. 26-49 (Erosion and sediment control program), Article VIII. (Stormwater Management), Sec. 26-322 (Definitions), Sec. 26-325 (Stormwater pollution prevention plan contents), Sec. 26-328 (Pollution prevention plan contents), and Sec. 26-329 (Technical criteria for regulated land disturbing activities), to replace repealed Virginia Administrative Code references with the newly adopted Virginia Administrative Code references**
- c. **Resolution 24-G-61 to appoint a member to the Police Supplemental Retirement Plan Administrative Committee (PSRPAC)**

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

## **7. Adjournment**

There being no further business, Mayor Olem adjourned the September 24, 2024 Town Council regular meeting at 7:59 p.m.

**Amanda E.M. Kertz**  
**Acting Town Clerk**

**Minutes approved by Town Council**

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