



**HERNDON TOWN COUNCIL
Work Session Minutes
Tuesday, February 6, 2024**

1. Call to Order

Mayor Olem called the February 6, 2024, Town Council meeting to order at 7:00 p.m. in the Town Council Chambers 765 Lynn Street, Herndon. In attendance were: Mayor Sheila Olem, Vice Mayor Clark Hedrick, and Councilmembers Naila Alam, Cesar del Aguila, Pradip Dhakal, Keven LeBlanc, and Donielle M. Scherff.

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Kirstyn Barr Jovanovich, Town Clerk; Chief Maggie DeBoard, Herndon Police Department; Lisa Gilleran, Director of Community Development; Marjorie Sloan, Director of Finance; Scott Robinson, Director of Public Works; Tammy Chastain, Deputy Director of Public Works; Mike Mueller, Golf Course General Manager; David Stromberg, Zoning Administrator; Maria Lee, Budget Manager; Fadrique Iglesias, Community Planner; Amanda Kertz, Chief Deputy Town Clerk; and Dave Bracamonte, Systems Manager.

Determination of a Quorum

Mayor Olem determined there was a quorum of all Councilmembers present. Mayor Olem reminded the Council of the meeting decorum.

2. Presentations

a. Presentation on the Origin/Destination Study (To be presented at the February 13, 2024 Town Council Meeting)

Mayor Olem stated that the Council will receive the presentation of the Origin/Destination Study at the February 13, 2024, Regular Meeting.

William H. Ashton II, Town Manager, stated that the study relates to the regional cut through traffic discussion.

Responding to Councilmember Dhakal, Lisa Gilleran, Director of Community Development, stated that staff will ask the traffic consultant to provide the PowerPoint in advance of the regular meeting.

3. Public Hearings

a. Ordinance to amend the Fiscal Year (FY) 2024 Adopted Budget for the General Fund, Golf Fund, and American Rescue Plan (ARPA) Fund

Marjorie Sloan, Director of Finance, presented the staff report and reviewed the proposed amendments to the General Fund, which included: (1) \$40,000 to the Herndon Police Department, (2) \$125,000 for Community Development, contingent on receiving a grant to purchase trees, (3) \$24,387 to Public Works for fire and litter programs, (4) \$30,000 for the Golf Fund to purchase materials and supplies, to be funded by increased driving range fees, and (5) a reclassification of \$50,000 in the ARPA fund. She stated that the total fiscal impact is neutral for the Town. Staff recommends approval of the proposed ordinance, as presented.

There was discussion among Council and staff on the proposed budget amendment, including: (1) paving project included in the reclassification of ARPA funds, (2) funds allocated to purchase trees, and (3) tree inventory.

Responding to Councilmember Scherff, Lisa Gilleran, Director of Community Development, provided an update on the public tree inventory staff is compiling. She explained how the Arborist/Landscape Architect uses a tree equity score to determine the distribution of trees throughout the Town. She did not know at that time, but she would find out from staff when the survey will be finished.

b. Resolution to approve Special Exception SE #23-03, to permit a personal service use consisting of cosmetics and aesthetic services within the multi-tenant commercial office building in a Commercial Office, CO, zoning district

Fadrique Iglesias, Community Planner, presented the staff report. He provided an overview of the special exception application, including the: (1) location, (2) existing zoning and land use designation, (3) existing (granted in 2021 and amended in 2023) and proposed special exception use, (4) impact of the special exception on the property, (5) number of parking spaces, and (6) staff analysis. Staff recommends approval of the proposed resolution as presented, which includes staff's recommended conditions.

There was brief discussion among Council and staff on the proposed special exception, including: (1) impact on adjacent property owners, (2) total square footage, (3) number of parking spaces, (4) proposed conditions, and (5) enforcement mechanisms.

4. **General**

- a. **Ordinance to amend the Herndon Town Code, Chapter 2 (ADMINISTRATION), Article I (In General), Section 2-4 to increase the number of times participation can occur electronically per year, Section 2-5 to reference the ethical duty to attend meetings and to add thereto a new Section 2-6 specifying attendance responsibility and process**

Lesa Yeatts, Town Attorney, presented the staff report and stated that following the Council's review of a similar item on January 16, 2024, Councilmember Dhakal researched electronic meeting regulations and attendance policies among other jurisdictions and in the State Code. Councilmember Dhakal submitted that research along with draft language for a proposed amendment to Chapter 2 of the Town Code. Ms. Yeatts used that language to draft the proposed ordinance.

Ms. Yeatts stated that the first portion of the proposed ordinance amends the electronic attendance section. The Town Code currently allows for Council or board and commission members to attend two or 25 percent of meetings, whichever is lower, electronically. The proposed language would increase that number to the greater of two or 25 percent of meetings, which is the number permitted under the State Code.

Ms. Yeatts stated that the second portion of the ordinance: (1) amends Section 2-5, adding language identifying the responsibility for Council and board and commission members to attend meetings, and (2) adds Section 2-6, which: (a) assumes good cause, (b) sets the process of how a Councilmember will notify and record their absence, (c) specifies that a Councilmember cannot miss more than four meetings in a row, or 25 percent of all Town Council meetings in a year, without notification, (d) members may be subject to censure for exceeding the number of unexcused absences, and (e) states that board and commission members are accountable to their bylaws. She deferred to Councilmember Dhakal for his comments on this item.

Councilmember Dhakal stated that the language he provided is transparent, exhaustive, and detailed. He thought it was important to include the process for notifying and recording an absence, and he believed that the proposed language addresses the root causes of absenteeism. He stated that the change in the electronic participation language provides greater flexibility by increasing the number of electronic participation meetings that are allowed in the State Code.

There was discussion among Council and staff on the proposed amendment, including: (1) remote participation language and number of meetings that can be attended electronically, (2) technical and equipment updates needed for remote participation in the Council Chambers, (3) what constitutes a quorum with members participating electronically, (4) absence notification process, (5) State Code electronic participation language, and (6) application of the proposed

ordinance to the Town's boards and commissions.

Ms. Yeatts clarified that the language concerning two or 25 percent of meetings for electronic participation relates to personal reasons. Remote participation for reasons related to disability or illness is unlimited under the State Code.

b. Resolution to award contract RFP #24-01, Custodial Services

Tammy Chastain, Deputy Director of Public Works, presented the staff report. The proposed resolution is to award a contract for custodial services to several Town buildings, including the Herndon Municipal Center, Herndon Community Center, Herndon Police Department, and Council Chambers. Following the Request for Proposals (RFP) process, staff recommended awarding the contract to two companies, with the Herndon Community Center having its own contract. Staff recommends approval of the proposed resolution, as presented.

There was no discussion on this item. With the concurrence of the Council, staff was directed to place this item as presented on the Consent Agenda for the next meeting's agenda.

5. Discussion

a. Budget Process Update

Mayor Olem recognized William H. Ashton II, Town Manager, who provided an update on the FY 2025 budget process. He outlined what staff would discuss with the Council during their individual budget meetings scheduled for the coming week and indicated that the numbers should be balanced by the end of February. In March, staff will put the budget together and will keep the Council updated, including a "Budget Q&A" process to ensure the answers to budget questions are tracked and provided to everyone. He stated that in two weeks, the Town's financial consultant, Davenport, will present the water and sewer rate study to the Town Council and staff will provide the PowerPoint in advance of the meeting. He recognized Councilmember del Aguila, who had requested this item on the agenda.

Councilmember del Aguila asked Mr. Ashton about his top concerns for this budget, to which Mr. Ashton responded that, similar to the previous year, he is concerned about the impact of inflation throughout the budget. Other areas of concern he identified included: (1) imposed costs on the Town, e.g., the Virginia Retirement System and health care costs, (2) water and sewer treatment commodity costs, and (3) higher costs for Federal and State regulations and requirements. He indicated that the external uncontrolled costs are his biggest concerns.

There were comments from the Council.

Councilmember del Aguila stated that he would like to prepare the public for rising costs sooner rather than later and asked staff to project increased operating costs trends in the out years.

6. Roundtable

Councilmember del Aguila: stated that he brought forward the traffic calming initiative for discussion at a recent Pedestrian and Bicycle Advisory Committee (PBAC) meeting. He stated that PBAC discussed the issue, and he shared that they are in favor of: (1) an educational awareness campaign about slowing down vehicle speeds, (2) installing red light or traffic speed cameras, (3) increased enforcement, to include violations by pedestrians and cyclists, (4) adding stop signs and/or more 'no turn on red' signs to intersections, and (5) looking at ways to limit speeding on the Herndon Parkway.

Councilmember Scherff: stated that the Opportunity Neighborhood group is working with the Jefferson Mews Homeowners Association and law enforcement to create a safety planning model. She indicated that the group may be asking for coordination with the Town and asked that the Town prioritize any action items that come out of that effort.

Councilmember Scherff thanked Anne Papa, Chief Communications Officer, and her staff for sending out the press release about community festivals.

Councilmember Scherff asked the Town Manager for an update on the site plan for the Herndon Elementary School project.

Mr. Ashton stated that he plans to send a rebuttal to the allegations that were made in an email from the consultant for the Herndon Elementary School project. He stated that it is important that the Town took their time and vetted the plans through the process to ensure safety for the students and considered the impact to the adjacent residents. He stated that typically, the special exception that the Council recently approved had to occur before the site plan process. The applicant opted to run the special exception and site plan process simultaneously and following the special exception approval, the applicant has to make several changes to the site plan, which was the subject of the recent email to the Council.

Councilmember Scherff stated that she understands the Town is not trying to be difficult, but she observes that she continually hears that projects in the Town are taking a lot longer than applicants expect.

Mr. Ashton explained that the typical special exception process, like changing use of a business in a zoning district, takes approximately 14 weeks. The Herndon Elementary School project has taken longer because it was a major construction project, included public information sessions, and had several changes in the plans that have gone back and forth between the applicant and the Town.

Councilmember Scherff stated that she recalled having a similar conversation about Aslin Brewery. She asked if there are any resources the Town can provide to assist the applicants in the process. She encouraged the Town Manager to talk with his counterpart in the Town of Vienna, who she said is facing similar issues with the schools.

Mr. Ashton stated that the applicant had to change their site plan. He explained how the Town had to repeatedly go to Fairfax County to push for renovations at Herndon Elementary School.

Councilmember Scherff stated that a petition is circulating from parents complaining about the condition of Herndon Middle School. She thought that the Town could push for renovations there like they did for Herndon Elementary School. She expressed concern for the children at the schools that are not operating in the best conditions.

Councilmember Scherff asked the Town Manager for any updates on the Comstock project.

Mr. Ashton stated there will be a meeting next week between all parties to the agreement on the legal process. He stated that Comstock is working on some changes to their site plan that were provided by the Town.

Councilmember Alam: stated that residents have contacted her about the ongoing war in Gaza and have asked her to request that the Council pass a proclamation to end the war in Gaza.

Councilmember Alam stated that during the recent Virginia Municipal League (VML) Legislative Day, she attended a subcommittee session on a potential casino in Northern Virginia, where she voiced her opinions. She said she was aligned with other officials, including Senator Boysko, Delegate Shin, Mayor of the Town of Vienna, and Chairman McKay and Dranesville District Supervisor Bierman of the Fairfax County Board of Supervisors. She is happy to report the casino bill is on hold until 2025.

Councilmember Alam stated that she was glad to see Councilmember LeBlanc and Mayor Olem in attendance at the VML Legislative Day.

Councilmember LeBlanc: provided comments on his experience at VML Legislative Day and about legislation before the General Assembly. He stated that the municipalities at VML Legislative Day supported red light and speed cameras, and he shared that he spoke with other legislators about his personal objection to a casino in Northern Virginia. He also attended a town hall meeting that past Saturday about the casino.

Councilmember LeBlanc stated that he presumes good intent, but he wanted to mention that while he was in a meeting with the Town's state representatives, he received calls from residents advising him that Councilmember Alam was giving testimony about a casino in Northern Virginia on behalf of the Town. Mayor Olem also received a call about this matter from the media. Councilmember LeBlanc stated that unless the body has voted on an issue, it is important not to provide comments that represent the public body. He stated that he was concerned about the legal ramifications of the comments, because the developer of the casino is the same entity that is in a contract with the Town. He reminded everyone that they individually cannot represent the body without the body making a decision.

Councilmember Dhakal: stated that for the past six months, he has been working with a nonprofit group, the Harraseeket Foundation, and Fairfax County Public Schools, to provide mentoring resources to students at Herndon High School. He stated that the plan for this group is to connect students with mentors and to engage local employers to offer more internships. Councilmember Dhakal serves as Chair of the Herndon Diversity, Equity, and Inclusion Committee (HDEIC), and he shared that he and the Vice Chair of HDEIC, Soma Ramesh, want to form a "Herndon Advisory Committee," to bring teachers, parents, and others together to expand this program. He asked anyone interested in helping with this effort to contact him.

Vice Mayor Hedrick: no comments.

Mayor Olem: shared that she also attended VML Legislative Day. Unfortunately, she stated that she just saw an email that one of the speed camera bills had died in the House of Delegates.

Mayor Olem expressed her surprise at receiving a call from the media asking her when the Council met on supporting casinos or not. She stated that she also received a letter from a resident earlier that day on this topic, and she asked her colleagues to be careful of their comments expressed on behalf of the Council.

Mayor Olem stated that she enjoyed attending an Opportunity Neighborhood meeting with the Town Manager, which she said was informative and productive. She was glad to see Dranesville District School Board Representative and Town resident Robyn Lady at the meeting.

Mayor Olem stated that in her experience, having more parent and corporate volunteers in the schools has a big impact on student performance. She stated that the Rotary Club of Herndon-Reston has a robust presence at Herndon High School, and she thought that might be resource for Councilmember Dhakal.

William H. Ashton II, Town Manager: no comments.

7. **Adjournment**

There being no further business, Mayor Olem adjourned the February 6, 2024, Town Council Work Session at 8:22 p.m.

Amanda E. Monaw Kertz

Amanda E.M. Kertz
Chief Deputy Town Clerk



Minutes approved by Town Council: **March 12, 2024**