



**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 23rd 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. Monaw Kertz

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



Minutes approved by Town Council : December 10, 2024

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