

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. Moraw Kertz

Amanda E.M. Kertz
Chief Deputy Town Clerk



Minutes approved by Town Council: December 10, 2024

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