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**HERNDON TOWN COUNCIL/  
HERITAGE PRESERVATION REVIEW BOARD (HPRB)  
Joint Work Session  
Monday, December 2, 2019**

The Town Council of the Town of Herndon, Virginia, met in a special work session in the Herndon Council Chambers Building, at 765 Lynn Street, Herndon, Virginia, on Monday, December 2, 2019, at 7:00 p.m., there were present:

- Mayor Lisa C. Merkel, presiding;
- Vice Mayor Sheila A. Olem;
- Councilmember Cesar del Aguila;
- Councilmember Pradip Dhakal;
- Councilmember Signe Friedrichs;
- Councilmember Bill McKenna;
- HPRB Member Eric Fielding;
- HPRB Member Mike McFarlane;
- HPRB Member Matthew Ossolinski;
- HPRB Member Hiren Shah;
- HPRB Vice Chair Leslie Blaker-Glass; and
- HPRB Chair Robert B. Walker.

Councilmember Jennifer K. Baker and HPRB Member Eric Boll were absent.

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Elizabeth Gilleran, Director of Community Development; Bryce Perry, Deputy Director of Community Development; Lauri Sigler, Deputy Town Attorney; Christopher Garcia, Community Design Planner; and Margie C. Tacci, Deputy Town Clerk.

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Mayor Merkel called the special work session meeting to order at 7:00 p.m., all members present, with the exception of Councilmember Baker and HPRB Member Boll, who were absent, and with Mayor Merkel presiding.

## **ANNOUNCEMENT**

Mayor Merkel announced that Councilmember Baker and HPRB Member Boll would be absent this evening.

## **DISCUSSION**

**1. Heritage Preservation Overlay District Guidelines and Resource Guide**

Certificates of Publication were filed from the Editor of the *Fairfax County Times Newspapers*, showing that notices of said work session had been duly advertised in the Friday, November 15 and Friday, November 22, 2019 issues.

### **Introduction**

Mayor Merkel welcomed Chairman Walker and members of the Heritage Preservation Review Board. She stated that tonight's joint work session was an opportunity to review and discuss the draft Heritage Preservation Overlay District Guidelines and Resource Guide as developed and presented by the project consultants and staff.

Mayor Merkel stated that comments received by Council on this item had been entered into the record. She stated that neither board had seen these draft guidelines and she thought it was important for everyone to have the first look of the document at the same time. She did not want anyone to have the notion that a decision would be made quickly and emphasized that this was the beginning of a lengthy process to review the proposed guidelines. There would be multiple opportunities to hear from the public after tonight's meeting.

Mayor Merkel stated that the goal for tonight's work session was for the Council and HPRB review and determine if the guidelines were moving in the direction they had hoped, so the staff and consultants can continue the project. Mayor Merkel recognized the Town Manager for comments.

The Town Manager opened the discussion. He provided and reviewed what Council had requested for the guidelines rewrite. This included making the document easier for residents to understand and for the boards to apply it; clarifying contributing and non-contributing structures; considering new materials; and allowing administrative approval of certain items. Staff worked

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with the town's consultants to prepare a working draft. Tonight, staff and the consultants would walk through the project to date. He recognized the Deputy Director of Community Development to start the discussion.

**Staff Presentation**

The Deputy Director of Community Development began the discussion and presented a PowerPoint dated December 2, 2019, which is on file in the Town Clerk's office. He reviewed several updates staff was implementing as part of the guidelines rewrite, as provided in the PowerPoint.

There was a brief question and answer session between Councilmember Friedrichs and the Deputy Director of Community Development regarding the HPRB's meeting schedule.

The Deputy Director of Community Development continued the PowerPoint. Tonight's meeting was being recorded and would be available on the town's website. He stated that public comment could be submitted through the website or to community development's email address. He introduced Mel Price, Principal, Work Program Architects; and Paige Pollard, Principal, Commonwealth Preservation Group, the town's consultants on this project.

Ms. Price and Ms. Pollard presented a PowerPoint dated December 2, 2019, which is on file in the Town Clerk's office. Following a brief overview of tonight's agenda, Ms. Price reviewed characteristics of the existing versus the proposed guidelines, along with the national trends for historic districts.

Several forms of outreach were conducted. The consultants held a public workshop, published a new website, and held interviews with residents, business owners, Council, HPRB members, and staff. Ms. Price summarized the interview findings, referenced in the PowerPoint.

Continuing the presentation, Ms. Pollard discussed the purpose of historic districts, which included analyzing the strengths of being in a heritage district. In her comments, Ms. Pollard used the Secretary of the Interior's Standards for Rehabilitation. She further addressed common themes and national trends relative to the town.

Following the interviews and public outreach, the consultants noted several areas of concern to be addressed in the revised guidelines. Ms. Price stated that this included areas where the Council, HPRB, business owners and property owners disagreed. There were several areas where the stakeholders agreed and Ms. Price stated that drawing on the interviews, the community was generally on the same page. She further discussed the process and how the guidelines would address

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what the consultants identified. She also mentioned what the new guidelines could not address. She stated that the guidelines would include several informational and flow charts to enhance clarity.

Ms. Price and Ms. Pollard previewed a layout and draft of the updated guidelines and discussed how they would be integrated and maintained with the existing guidelines.

Ms. Pollard went over the materials flow chart, which would allow the guidelines to react to changing materials and would provide flexibility to the boards. She emphasized that the use of new materials should be applied consistently throughout the town.

In response to HPRB Member McFarlane's queries about economic considerations, Ms. Pollard stated that economics could not be a factor in the guidelines, which were intended to analyze the appropriateness of building treatment. The guidelines would allow town to answer those questions consistently. Any discussion of economics would have to occur in accordance with policies and procedures. She recognized staff for further comment.

The Deputy Director of Community Development stated that it was his understanding that the town would not want to be put in the situation where they were evaluating economics. He thought the town should focus on the analysis and design aesthetics.

The Director of Community Development stated economic considerations could jeopardize consistency if the town tried to ascertain whether an individual or business owner could pay for a potential repair. The proposed guidelines could address some of those concerns by allowing newer, alternative materials, without looking at affordability.

Ms. Pollard stated that one of the questions on the flow chart asked if the materials was readily available.

There was a brief question and answer session between Councilmember Friedrichs and Ms. Pollard regarding the review of the guidelines.

Ms. Price continued the PowerPoint and the preview of the guidelines, followed by Ms. Pollard reviewing the consultant's resource guide.

Ms. Price stated that they did not provide a copy of the draft guidelines tonight because they had a few weeks of revisions to make.

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Ms. Pollard discussed ways the town could maintain positive relationships with the community, using the City of Norfolk as an example.

Ms. Price reviewed the upcoming schedule and next steps for the project, as provided in the PowerPoint. She expected the draft guidelines to be ready for the public to view mid-February. The next public meeting could be held in early March.

**Discussion**

There was discussion amongst Council, HPRB Members, consultants, and staff about the HPRB Guidelines.

In response to queries from Mayor Merkel, the Director of Community Development stated that when the next public meeting was held, there would be a short presentation and public comment. Following that, staff suggested moving to Council level to hold public hearings and consider adoption of the guidelines.

Councilmember Friedrichs suggested holding more public meetings to collect input. Mayor Merkel suggested that it could be a topic at one of the Council's community roundtables.

There was a brief question and answer session between HPRB Member Fielding, the Director of Community Development, and Ms. Price.

Ms. Gilleran stated that staff and the consultants were working on refining the application process and the roles of the applicant and HPRB in the guidelines.

There was a brief question and answer session between HPRB Member McFarlane and the Director of Community Development.

The Director of Community Development discussed the town's efforts with Fairfax County to include additional information on their website about homeowners living in historic districts.

HPRB Member McFarlane stated that the language on the county's website might be too ambiguous.

There was brief discussion amongst Council, HPRB, and staff about the town's attempts to have real estate agents disclose if a home is in a historic district, which had been unsuccessful in the General Assembly.

The director of Community Development stated that staff was working to add new street signs that would inform the public that it was in the historic district.

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Vice Mayor Olem discussed prior efforts to encourage real estate agents to disclose if a home is in the Heritage District. She stated that legislation was passed naming it the buyers' responsibility to find out if they were located in a historic district.

There was a brief question and answer session between Councilmember del Aguila and Ms. Pollard.

There was a brief question and answer session between Councilmember McKenna and Ms. Pollard.

There was a brief question and answer session between HPRB Member Blaker-Glass and Ms. Pollard.

Ms. Pollard asked the Council and HPRB to let the consultants know if they observe any resources that were missing from the guidelines.

There was a brief question and answer session between HPRB Chairman Walker and Ms. Pollard.

HPRB Chairman Walker suggested additional meetings between the HPRB and Council about the guidelines.

Councilmember Dhakal suggested that the town identify how to answer when homeowners ask about opting out of the Heritage District; address the economic issue; allow additional time to review the guidelines; provide more outreach to residents; and address walkability, environmental, and fiscal concerns.

HPRB Member Ossolinski echoed Councilmember Dhakal's concern about addressing economic issues in the guidelines. He stated that the board often deals with improvements to a home that were done ex post facto. He supported the use of the resource guide.

HPRB Member Shah requested a comparison chart between the old and proposed guidelines.

Councilmember Friedrichs emphasized the importance of maintaining the relationship with the community and thanked staff for including that in the PowerPoint.

Mayor Merkel provided comments and had a brief question and answer session with Ms. Price.

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Mayor Merkel suggested the that town consider requiring a discussion with the HPRB and an applicant before a matter formally goes before the HPRB. She supported ongoing communications with residents in the Heritage District and suggested separate welcome letters highlighting the District and providing contact information for the town. She encouraged thinking about a different way to handle HPRB appeals.

Councilmember Friedrichs suggested further discussion and clarification of policy and procedures related to the revised guidelines.

There was brief discussion amongst the Council, HPRB and staff about the appeal process and the costs.

HPRB Chairman Walker suggested adding a judge to the HPRB appeal process.

The Deputy Director of Community Development stated that the town has procedure guides that were old. Staff was updating the procedures, which would be made available with the new guidelines.

Mayor Merkel suggested a narrower focus for the guidelines and considering more flow charts to provide further clarification.

Councilmember del Aguila asked for more discussion on the flow charts.

There was discussion amongst the Council, HPRB, consultants, and staff about the HPRB appeal process, through which the Council reviews the appeal.

Councilmember Friedrichs suggested that staff have a process for notifying those considering an appeal to inform them about the process.

Mayor Merkel stated the that the Council and HPRB should meet more often to discuss these issues.

In response to HPRB and Council's discussion about the HPRB appeal process, the Town Attorney suggested a separate Council discussion on that topic.

Councilmember del Aguila stated that he would like the HPRB's input on the appeal process discussion as well.

Chairman Walker provided input on the Council's role in HPRB appeals.

Ms. Pollard stated that it was a commonly applied best legal practice that the deciding body should not discuss the application with the appellant.

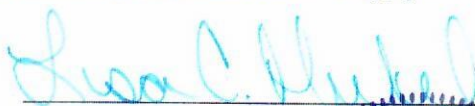
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Mayor Merkel emphasized ongoing communications with the community.

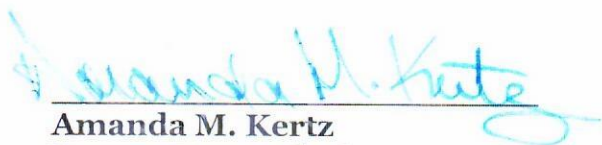
Following further discussion, in conclusion, Mayor Merkel stated that the staff comments would go to the consultants mid-December, which would be returned after the first of the year. An updated draft of the guidelines was expected mid-February; and the guidelines would go public, followed by a series of public meetings, in March. She encouraged all in attendance to provide the town with their comments. She asked the Council and HPRB to email their comments and suggestions to the Town Clerk and Town Manager.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 8:43 p.m.



**Lisa C. Merkel  
Mayor**



**Amanda M. Kertz  
Deputy Town Clerk**



**Minutes approved by Town Council: January 14, 2020.**