



**HERNDON TOWN COUNCIL
Work Session Minutes
Tuesday, March 19, 2024**

1. Call to Order

Mayor Olem called the March 19, 2024, Town Council work session 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, Keven LeBlanc, and Donielle M. Scherff.

Councilmember Pradip Dhakal was absent.

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Kirstyn Barr Jovanovich, Town Clerk; Lisa Gilleran, Director of Community Development; Marjorie Sloan, Director of Finance; Scott Robinson, Director of Public Works; Bob Williams, Director of Parks and Recreation; Mike Mueller, Golf Course General Manager; Bryce Perry, Deputy Director of Community Development; David Stromberg, Zoning Administrator; Mike Shindledecker, Transportation Engineer; Dave Bracamonte, Systems Manager; and Margie Tacci, Deputy Town Clerk.

Determination of a Quorum

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

Comments and Disclosures for the Record

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

Ms. Tacci stated that Councilmember LeBlanc entered a signed transactional disclosure declaration into the record on Consent Agenda Item 4(b), Resolution to authorize the Town Manager to submit a Creative Communities Partnership Grant Application to the Virginia Commission for the Arts, indicating that he is able to

participate in the discussion and action on the 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 comments or disclosures on any other items listed on the meeting agenda.

2. Public Hearings

a. Ordinance to approve Zoning Map Amendment ZMA #22-02, 13100 and 13150 Worldgate Drive, in the Planned Development-Worldgate (PD-W) zoning district with proffered conditions to allow the redevelopment of the site with single-family attached and multi-family residential uses

Bryce Perry, Deputy Director of Community Development, presented the staff report and reviewed the rezoning application to allow the redevelopment of the subject properties in accordance with the submitted Generalized Development Plan (GDP) and Proffer Statement. The proposal includes the demolition of two existing office buildings and part of an existing parking garage and will include the construction of approximately 460 residential units. In his presentation, Mr. Perry reviewed the proposed amendment, summarized the case, and discussed the following: (1) rezoning application process, (2) existing conditions, (3) proposed modifications, (4) traffic impacts, (5) zoning modification requests (nine), and (6) proposed development proffers.

Mr. Perry stated that a portion of the improvements will be on Town property, which requires the Town Council to approve a licensing agreement. He indicated that the appropriate time to process this agreement is prior to site plan approval when the design is more refined. This process is included in the updated proffers the applicant submitted earlier that day, which will be included in next week's agenda packet.

Mr. Perry reviewed the staff's analysis of the application and stated that staff recommends approval of the proposed ordinance, with the proffered conditions, as presented.

[Note: Councilmember Alam left the meeting at 7:22 p.m. and returned at 7:36 p.m.]

There was brief discussion among Council and staff on the rezoning application and proposed development proffers, including: (1) parking requirements, (2) stormwater management and environmental impacts, (3) landscaping and greenspace, (4) building density, (5) size requirements for: alleys, front and side entrances, (6) workforce and affordable housing, (7) lights on the property, and (8) property lines and access points to the property.

Responding to Councilmember Scherff, Mr. Perry stated he did not know at that time if all the units are owned.

Responding to Councilmember del Aguila, Mr. Perry said that while there are several zoning ordinance text amendments that should be updated, he thought that addressing parking, landscaping, and other specific requirements for development applications is important. Mr. Perry stated that he did not know for sure at that time, but he did not think there was an intent for the applicant to propose any level of volunteered affordable, workforce, or regulated housing.

Councilmember del Aguila asked for guidance from staff on specific zoning requirements that should be updated to make the application process easier on the staff and applicant. Vice Mayor Hedrick also stated that he would like guidance on removing outdated requirements from the zoning ordinance.

Responding to Vice Mayor Hedrick, Mr. Perry stated that he will clarify the property line delineation in the presentation at next week's regular meeting.

Responding to Mayor Olem, Mr. Perry stated he did not know the specifics around the tax buy out, and he could have the applicant's legal representative review it next week.

Mr. Perry indicated that the applicant can answer the Council's questions and the items staff needed clarification on during their comments at next week's regular meeting.

b. Resolution to adopt the Town of Herndon 2024-2029 Strategic Plan

Kirstyn Barr Jovanovich, Town Clerk, presented the staff report, stating that the purpose of this item is to provide the public with the opportunity to comment on the Draft Strategic Plan. The Plan is a collaborative effort between the Town Council, the Leadership Team, and other members of Town staff, which started with the Council's retreat in March 2023. The draft is posted on the Town's website in several places. She stated that once adopted, the Strategic Plan will be implemented and monitored, with progress updates provided quarterly.

Ms. Jovanovich stated that all changes and feedback previously provided by the Council had been incorporated into the draft plan. She indicated that she will provide the full presentation at next week's regular meeting.

There was no discussion on this item.

3. General

a. Ordinance to amend the Herndon Town Code, Chapter 74 (UTILITIES), Article IV (Billing Procedures), Section 74-424 to add language thereto relating to residential water-sewer leaks

Marjorie Sloan, Director of Finance, presented the staff report, and reviewed proposed changes to the Town Code regarding billing procedures for water leaks. The purpose of the proposed ordinance is to provide residents additional relief for catastrophic water or sewer leaks. Currently, a one-time credit is available for a five-year period to offset the financial impact of a leak on a property. The proposed amendment adds language providing residents with the option to request the reversal of a previous credit and replace it with a larger credit in the instance of a leak that has a greater impact within a five-year period. Staff recommends approval of the proposed ordinance that will be effective upon adoption and would apply to the billing quarter ending March 31, 2024. Ms. Sloan stated that there is a pending case in Town that will be impacted if this item is approved.

The discussion between Council and staff on this ordinance focused on the process and administrative procedures for water-sewer leaks and billing when there is a large leak at a residence.

Following brief discussion and with the concurrence of Council, staff was directed to place this item as presented on the Consent Agenda for the next meeting's agenda.

b. Resolution to initiate consideration of a Zoning Ordinance Text Amendment ZOTA #24-01 to amend Chapter 78 (ZONING), Article XV (Decision-Making Authorities, Application Review, and Permitting), Section 78-152.2(b)(3) (Fees for Development Applications) to adjust development fees for inflation to current rates

David Stromberg, Zoning Administrator, presented the staff report, stating that this is an initiating resolution that would send the draft ordinance to the Planning Commission for review and recommendation. The proposed resolution will adjust fees for development applications specified in Article XV of the zoning ordinance. He stated that development fees were last adjusted in June 2006 (ZOTA #06-01). The fees are meant to help cover staff time spent processing the development application. Mr. Stromberg indicated that staff is working on a more comprehensive adjustment to the Town's fee schedule, which will be presented to the Town Council in the future. Staff recommends approval of the proposed initiating resolution, as presented.

There was discussion among the Council and staff on the proposed initiating resolution, including comparison of the Town's development fees to surrounding jurisdictions and the impact that raising the fees will have on recouping the staff time spent on these types of applications. Mr. Stromberg indicated that the fees

have a proposed effective date of July 1, 2024.

Responding to Councilmember Scherff, Mr. Stromberg indicated that he did not know for certain at that time, but he thought a more comprehensive review and proposed changes to the fee schedules should be ready for consideration in the FY 2026 budget.

Following brief discussion and with the concurrence of Council, staff was directed to place this item as presented on the Consent Agenda for the next meeting's agenda.

4. Consent

- a. Resolution to authorize the Town Manager to submit a grant application to the Office of the Secretary of Transportation, United States Department of Transportation, for federal funding under the Safe Streets and Roads for All (SS4A) program, to be directed towards the development of a Safety Action Plan for the Town**
- b. Resolution to authorize the Town Manager to submit a Creative Communities Partnership Grant Application to the Virginia Commission for the Arts**
- c. Ordinance to approve and authorize the Mayor to sign a lease agreement between the Town and Herndon Historical Society for space at 717 Lynn Street, commonly known as the Depot**

There was no discussion on the Consent Agenda items.

5. Discussion

a. Roadway Safety Plan

Mayor Olem recognized Mike Shindledecker, Transportation Engineer, who began the presentation. He provided an overview on the past five years of roadway crash data in the Town of Herndon, as provided by the Herndon Police Department, and explained how the crash data is used to monitor the public transportation network. Included in the analysis is comparative crash data from similar towns and small cities in the state, along with state-wide data over the past five years. In looking at trends in the data, Mr. Shindledecker stated that staff plans to examine why the Town has a far lower percentage of "property damage only" crashes and why the crash per million daily vehicle miles traveled rate is somewhat higher than the Town's counterparts in the state.

Mr. Shindledecker stated that the goal in looking at this data is to reduce fatal and serious injury crashes in the Town, and he reviewed potential current, near term, and long term solutions that will help in meeting that goal. This includes seeking

state and federal funding to address traffic safety issues. In the long term, establishing a Safety Action Plan will open up additional funding sources and is a plan that is created in conjunction with the community.

There was discussion among Council and staff on the crash data analysis, potential solutions, and considering a Safety Action Plan. Discussion on the item included: (1) cut thru traffic levels, (2) types of crashes and locations, (3) pathways to creating a Safety Action Plan, (4) enforcement of safety measures, and (5) leveraging technology.

Responding to Councilmember del Aguila, Mr. Shindeldecker stated that staff is working to update the existing Traffic Calming Guide and stated that concerns about crosswalks and other safety measures will be addressed in that document.

b. FY 2025 Budget Discussion on Enterprise Funds: Water-Sewer Fund, Centennial Golf Fund, and Chestnut Grove Cemetery Fund

Mayor Olem recognized Marjorie Sloan, Director of Finance, to begin the discussion item.

William H. Ashton II, Town Manager, provided opening remarks, stating that this presentation will focus on the projected numbers for the Enterprise Funds, similar to the presentation on the General Fund staff gave a few weeks ago.

Ms. Sloan started the presentation by providing an overview of the projected FY 2025 Enterprise Fund levels, which are: (1) Herndon Centennial Golf Fund, (2) Chestnut Grove Cemetery Fund, and the (3) Water and Sewer Fund. She indicated that the budgetary pressures that impact the entire budget are also reflected in the projections for the Enterprise Funds. These funds are self-sustaining and primarily funded by fees.

Ms. Sloan highlighted several updates in the Enterprise Funds budgets for FY 2025, including: (1) Golf Course: (a) request for a full-time Assistant Golf professional focused on teaching and (b) clubhouse improvement project; (2) Cemetery: (a) impacts of diminishing inventory of the cemetery and (b) status of the Cemetery Development project, and (3) Water and Sewer: (a) recommendations from the Davenport study with their updated rate model, (b) debt service, and (c) proposed rates for the FY 2025 budget. Ms. Sloan focused on the user fees contributing to these funds, stating that staff is reviewing the water and sewer availability rates, and the Council will be briefed on those later that spring.

There was no discussion on this item.

6. Roundtable

Councilmember Alam: expressed her appreciation to the staff for their presentations that evening.

Councilmember del Aguila: no comments.

Councilmember Scherff: shared that she attended a meeting hosted by Fairfax County Supervisor Bierman and School Board Member Lady, both representing the Dranesville District, on the Fairfax County Budget. She enjoyed attending the meeting and appreciated that it was held nearby at Herndon High School. She indicated that she will provide staff with the contact information that citizens can use to ask questions about the Fairfax County Budget. She thought that the information could also be posted somewhere on the Town's website.

Councilmember Scherff stated that she, Councilmember del Aguila, and the Town Manager, recently met with Dulles Regional Chamber of Commerce representatives to talk about Friday Night Live. Following the conversation, she stated that they recognized that the Friday Night Live events are revered in the Town, but she thought that the agreements between the Town and the Chamber can be more formalized, and that a cadence of communication including the Council, staff, and the team at the Chamber should be established. She said that the representatives for Friday Night Live would be invited to attend a Town Council work session to discuss Friday Night Live, future plans, and Town resources. She indicated that the Council should expect more information on this topic going forward.

Councilmember LeBlanc: stated that the first Northern Virginia Holi Festival will be on Saturday, March 30 at Lake Anne in Reston. He encouraged those interested to attend the event.

Vice Mayor Hedrick: no comments.

Mayor Olem: stated that she enjoyed trying a new restaurant in Town, called "Twisted Sweet and Savory," which is located near the Post Office on Grove Street.

William H. Ashton II, Town Manager: stated that staff recently held two meetings with neighbors of Chestnut Grove Cemetery, at the cemetery, to talk about the project. He thought the meeting went well and indicated that they will hold another meeting during the site planning stage.

7. Closed Meeting

a. A closed meeting pursuant to the:

- **Code of Virginia Section 2.2-3711(A)(1), for discussion of prospective candidates relative to appointments to boards and commissions; and**
- **Code of Virginia Section 2.2-3711 (A)(3), a matter involving a discussion or consideration of the acquisition of real property for a public purpose in the downtown because discussion in an open meeting would adversely affect the town's bargaining position or negotiating strategy; and**
- **Code of Virginia Section 2.2-3711(A)(8), consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, relating to real estate in the downtown.**

Mayor Olem stated that the Council needed to go into a closed meeting and that the appropriate meeting notices were provided in accordance with state law. The closed meeting was held in the Hoover Conference Room in the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia.

Vice Mayor Hedrick moved that the Council convene in a closed meeting to discuss the following as permitted by Code of Virginia:

- Section 2.2-3711(A)(1), for discussion of prospective candidates relative to appointments to boards and commissions;
- Section 2.2-3711(A)(3), a matter involving a discussion or consideration of the acquisition of real property for a public purpose in the downtown because discussion in an open meeting would adversely affect the town's bargaining position or negotiating strategy; and
- Section 2.2-3711(A)(8), consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, relating to real estate in the downtown.

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

At 9:17 p.m. Mayor Olem called a brief recess, and at 9:25 p.m., the closed meeting reconvened in the Hoover Conference Room, six members present, with Mayor Olem presiding and with Councilmember Dhakal absent.

Councilmember LeBlanc moved to come out of the closed meeting. Motion seconded by Vice Mayor Hedrick and carried by a 6-0 roll call vote. The vote was: Councilmembers Alam, del Aguila, LeBlanc, and Scherff, and Mayor Olem and Vice Mayor Hedrick voting "Aye." Councilmember Dhakal was absent.

The Council came out of closed meeting at 10:14 p.m.

Councilmember Scherff moved to certify that, to the best of each member's knowledge, in the closed meeting just concluded, nothing was discussed except the matter or matters (1) specifically identified in the motion to convene in closed meeting and (2) lawfully permitted to be discussed in a closed meeting under the provisions of the Virginia Freedom of Information Act as cited in that motion. Motion seconded by Councilmember LeBlanc and carried by a 6-0 roll call vote. The vote was: Councilmembers Alam, del Aguila, LeBlanc, and Scherff, and Mayor Olem and Vice Mayor Hedrick voting "Aye." Councilmember Dhakal was absent.

Aye: 6
Nay: 0
Absent: 1

8. **Adjournment**

There being no further business, Mayor Olem adjourned the March 19, 2024 Town Council Work Session at 10:16 p.m.



Amanda E.M. Kertz
Chief Deputy Town Clerk



Minutes approved by Town Council: **May 14, 2024**