

HERNDON TOWN COUNCIL
Work Session Minutes
Tuesday, April 16, 2024

1. Call to Order

Mayor Olem called the April 16, 2024, Town Council Work Session 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, Pradip Dhakal, Keven LeBlanc, and Donielle M. Scherff [arrived at 7:02 p.m.]

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, Page Kalapasev, Director of Information Technology; Director of Public Works; Mike Mueller, Golf Course General Manager; Bryce Perry, Deputy Director of Community Development; David Stromberg, Zoning Administrator; Tamsin Himes, Lead Planner/Design Development; Ahmad Zaki, Lead Planner/Long Range; Dave Bracamonte, Systems Manager; Maria Lee, Budget Manager; and Margie Tacci, Deputy Town Clerk.

Determination of a Quorum

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

Mayor Olem stated for the record that Councilmember Scherff arrived at 7:02 p.m., and she indicated that now all Councilmembers were present.

Mayor Announcements

Mayor Olem stated that since the April 9, 2024, Regular Meeting was canceled due to a power outage, the items that were listed on that agenda have been moved to tonight's work session and the regular meeting on April 23, 2024. The agenda shows that these items have been rescheduled from the April 9th meeting. The first budget public hearing is scheduled for next week's regular meeting on April 23, 2024, and the second budget public hearing has been rescheduled to Tuesday, May 14, 2024. The clerk's office ensured that the legal advertisements were updated and that all advertising requirements were met.

Mayor Olem shared information about a few upcoming events: (1) Zumba Spring Fling on Friday, April 19, 2024, at 6:00 p.m. at the Herndon Community Center, (2) annual Parks and Rec Stream Cleanup is on Saturday, April 20, 2024, at Runnymede Park, starting at 8:00 a.m., and (3) 38th Annual Mayor's Volunteer Reception on Sunday, April 21, 2024, at the Herndon Community Center; where she indicated she is excited about recognizing the community's volunteers.

2. Presentations

a. Northern Virginia Transportation Authority (NVTA) Briefing

Mayor Olem introduced Monica Backmon, CEO of the Northern Virginia Transportation Authority (NVTA), to present the NVTA briefing. Mayor Olem stated that Monica Backmon has been CEO of the NVTA since 2014 and has more than 25 years of public and private sector transportation experience. Ms. Backmon oversees long-range planning, prioritization, and funding for regionally significant projects that bring multimodal transportation solutions to Northern Virginia. At the NVTA, Ms. Backmon manages an annual revenue stream provided through House Bill 2313 that is trending at \$425 million per year. Through its funding programs, the NVTA is advancing 122 regional multimodal transportation projects, totaling approximately \$3.12 billion. Ms. Backmon also oversees the annual distribution of funding to the Authority's nine member localities that address local transportation priorities.

Ms. Backmon provided an overview of the: (1) NVTA founding and organizational structure, (2) member composition, (3) transportation projects, (4) revenue sources and funding breakdown, (5) NVTA responsibilities, vision, goals, and values, (6) FY 24-29 NVTA Six Year Plan, which is currently open for public comment, (7) NVTA's investments and economic impact, (8) NVTA projects in the Town of Herndon, including the agency's involvement in the Herndon Metro Station, (9) preliminary deployment plan for a regional bus rapid transit system in the Northern Virginia region, and (10) development of a transportation technology strategic plan.

There was discussion among the Council, staff, and Ms. Backmon on the NVTA presentation, including: (1) long-term transportation plan and outlook for the region, (2) current NVTA projects, and (3) regional travel trends, including bus, roadways, and rail.

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 comments were entered into the record on Public Hearing Item (b), (roman numerals 1 through 4), the Fiscal Year 2025 Proposed Budget;

and General Item 4(a), Ordinance 24-O-09 to amend the Herndon Town Code, Chapter 26 (ENVIRONMENT), Article VI (Noise), Section 26-221 (Loud noises prohibited), to further clarify language relating to animal noises.

Ms. Tacci stated that additionally, Mayor Olem, Vice Mayor Hedrick, and Councilmember LeBlanc entered Signed Transactional Disclosure Declarations into the record on Public Hearing Item (b), roman numerals 3 and 4, proposed Fiscal Planning Resolution and proposed Ordinance to appropriate funds for Fiscal Year 2025, relating to the proposed community donations included in the FY 2025 Proposed Budget. The statements indicate that they are able to participate in the discussions fairly, objectively, and in the public interest. The signed disclosure statements have been entered into the record with the Town Clerk and Town Attorney. The Clerk did not receive additional comments or disclosures on any other items included on tonight's agenda.

3. Public Hearings

a. Resolution to consider Comprehensive Plan Amendment, CPA #23-01, pursuant to Section 15.2-2229 of the Code of Virginia, an amendment to the Town of Herndon 2030 Comprehensive Plan, adopted August 12, 2008, as amended through May 24, 2022 (Transit-Related Growth Area)

Ahmad Zaki, Lead Planner, presented the staff report, stating that CPA #23-01 proposes the adoption of the Transit Related Growth (TRG) Small Area Plan (SAP) and amendments to Chapter III of the Town of Herndon 2030 Comprehensive Plan. Once approved, the SAP will serve as the primary guidance source on the development of 94 acres of 25 privately owned properties within the TRG area.

Mr. Zaki provided an overview of the TRG area planning process, which began in 2022 and involved data collection and analysis, constraint and opportunity assessment, market study, infrastructure analysis, and traffic study and modeling. From these efforts, three alternative concepts emerged, each representing different visions for the future development of the area. Following robust public engagement and guidance from the Town Council, Planning Commission, and TRG Advisory Committee (AC), a preferred design that included elements of all three concepts was selected and refined into the draft SAP. Since then, the project has undergone three drafts, with the third and final draft, dated February 12, 2024, being recommended by the Planning Commission to the Town Council. Also, during that time, the Town Council began the Comprehensive Plan Amendment process.

Mr. Zaki reviewed the proposed CPA amendment, focusing on the following: (1) public survey and input from stakeholders, (2) plan drafts, (3) design objectives, which include connectivity, landscaping, density, and a revamped "Sunset District," (4) urban design and land use framework, (5) revisions to the TRG SAP

final draft, included in the errata and refinement sheet, (6) additions and updates to the SAP, and (7) implementation guide, which staff will provide to Council at a future date, following approval of the SAP.

Staff recommends approval of the CPA #23-01 and adoption of the TRG Small Area Plan with amendments specified in the errata and refinement sheet, as presented.

There was discussion among the Council and staff on the proposed TRG SAP, including: (1) impact on Fairbrook and other neighboring properties, (2) height and density ranges near the Metro Area, (3) Sunset Business Park's request to maintain existing uses in the SAP, and (4) timeline of development.

Responding to Councilmember Scherff, Mr. Zaki stated that he cannot provide an exact timeline for plan implementation at that time, but he indicated that staff is working on it. He will have a better idea of the timeframe once the implementation guide is drafted.

b. FY 2025 Proposed Budget

- i. Ordinance to amend Chapter 74 (UTILITIES), Article II (Sewers and Sewage Disposal), Division 5 (Sanitary Sewer System Rates and Charges), Section 74-262 (Schedule of Rates); and Article III (Water), Division 2 (Service), Subdivision II (In-Town Service Charges), Section 74-326 (Schedule of Charges), to increase the service and usage charges for sanitary sewer and water, effective for meter readings taken on or after July 1, 2024**
- ii. Ordinance to Levy Taxes on Real Estate and Manufactured Homes, and Other Subjects for the Fiscal Year 2025 Budget**
- iii. Resolution to adopt a Fiscal Planning Resolution for the Fiscal Year 2025 Budget for the Town of Herndon**
- iv. Ordinance to appropriate funds to implement the Fiscal Year 2025 Budget for the Town of Herndon, establishing the Pay Plan, and reserving on-going and Capital Funding for this Fiscal Year**

[Note: these items were rescheduled from the April 9, 2024, regular meeting]

Mayor Olem stated that the next four public hearings on tonight's agenda were rescheduled from the April 9, 2024, meeting and are related to the FY 2025 proposed budget. The public hearings on the proposed budget will be held on April 23 and May 14, 2024. In addition to tonight's work session, the Council held a budget work session on April 2, 2024, and there will be an additional work session on May 7, 2024.

Mayor Olem stated that the Town Council will hold separate public hearings and take separate action on the Water and Sewer and the Tax Levy ordinances. The Council will hold a concurrent public hearing, followed by separate action on the Fiscal Planning Resolution and the Appropriation Ordinance. At the next regular meeting, Mayor Olem will ask for a motion to continue each of the public hearing items to the Council's May 14, 2024, meeting. She stated that the public hearings will remain open.

Mayor Olem recognized William H. Ashton II, Town Manager, for his comments. Mr. Ashton stated he is going to provide the full presentation at the next regular meeting, since the Council has already seen it. He stated that staff compiled a list of the Town Council's questions on the budget thus far, and he hopes to provide it to the Council the following day and post it on the website. Any additional questions will be added to that list.

Following Mr. Ashton's comments, there was no discussion on the FY 2025 Budget.

4. **General**

a. **Ordinance 24-O-09 to amend the Herndon Town Code, Chapter 26 (ENVIRONMENT), Article VI (Noise), Section 26-221 (Loud noises prohibited), to further clarify language relating to animal noises**

[Note: this item was rescheduled from the April 9, 2024, regular meeting]

Mayor Olem noted that this item was rescheduled from the April 9, 2024, Town Council Meeting and stated that a staff report was provided at the April 2, Town Council work session.

Lesa Yeatts, Town Attorney, provided an overview of the proposed ordinance to amend Chapter 26, Article 6, on noise, specifically related to prohibited noises. She stated that several sections will be updated to be more consistent with standards applicable to other types of prohibited noise to allow for more consistent enforcement. Following a decision by the Supreme Court of Virginia in 2009, the Town's Noise Ordinance was updated to comply with the more specific regulations required by the court decision. However, the section regarding animal noises was not updated at that time and needs to be updated to be in compliance with the Supreme Court's decision. The proposed ordinance mirrors the Fairfax County ordinance which has been in effect since 2009 and the changes are being recommended by the Herndon Police Department and the Town Attorney's office.

Ms. Yeatts stated that Chief DeBoard is present tonight with the information that was requested at the last work session regarding the number of complaints received in one year.

Chief DeBoard stated that the Herndon Police Department has received 46 calls for service on noise over the past year, through March 2024.

Following 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 approve a Temporary License Agreement between the Town and Dulles Regional Chamber of Commerce for use of town-owned property for portable toilets and an ice machine for Friday Night Live events

Lesa Yeatts, Town Attorney, presented the staff report, and stated that this Temporary License Agreement allows the Dulles Regional Chamber of Commerce (the Chamber) to use town-owned property to place portable toilets and an ice cooler machine in the Herndon Municipal Center parking garage for Friday Night Live! events. The portable toilets and ice cooler machine will be in place from May 3, 2024, through on August 23, 2024. Staff recommends approval of the proposed resolution, as presented.

There was discussion among the Council and staff on this item, including: (1) number of parking spaces being used for the portable toilets, (2) public use of the portable toilets, (3) maintenance responsibility, and (4) insurance responsibility.

Mayor Olem stated, for the record, that in the past, a group requested staff to move the portable toilets from the HMC parking lot to the Town Hall Green for an event. She stated the Town cannot do that and only the company can move the portable toilets.

Following 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.

5. Consent

- a. Resolution 24-G-20 to award Contract IFB# 24-04, Asphalt Concrete Milling and Paving**
- b. Resolution 24-G-21 to amend the Herndon Centennial Golf Course Fee Schedule**
- c. Resolution 24-G-22 to award Contract RFP# 24-02, Marketing and Branding Consultant**
- d. February 13, 2024 Town Council Meeting Minutes**
- e. February 20, 2024 Town Council Work Session Minutes**

f. March 5, 2024 Town Council Work Session Minutes

g. March 12, 2024 Town Council Meeting Minutes

[Note: these items were rescheduled from the April 9, 2024, regular meeting]

Mayor Olem noted that these items were rescheduled from the April 9, 2024 Town Council meeting.

There was no discussion on the Consent Agenda.

6. Discussion

a. Discussion of Town of Herndon, Dulles Chamber Event Partnership Modernization - Councilmember Scherff

Mayor Olem recognized Councilmember Scherff, who stated that she was very ill this past week and had not been able to send the list of questions that she had planned to get to staff. Councilmember Scherff stated that she will send the information to the Town Clerk this week, and she asked for this item to be added to the next work session agenda. William H. Ashton II, Town Manager, confirmed staff will move this item to the next work session agenda.

There was discussion among the Council and staff regarding: (1) the Town's "ask" of the Dulles Regional Chamber of Commerce (the Chamber) regarding Friday Night Live!, and (2) partnership between the Town and the Chamber for this event.

Responding to Councilmember LeBlanc, Councilmember Scherff stated that she understood the "ask" of the Chamber is for the organization to consider including different types of music during the Friday Night Live! season or to ask the public what type of music they would like to hear. If that is not possible, she would like the Town to consider how to meet the need for diverse music in the downtown, on the weekends, during the summer. Councilmember Scherff stated she will reiterate this information in her communication with staff and with the Chamber, so that everyone is operating under the same understanding.

b. Seasonal Outdoor Seating Ordinance - Cost - Councilmember del Aguila

Mayor Olem recognized Councilmember del Aguila to begin the discussion item, who stated that this is a continued discussion from the April 2, 2024, work session regarding the Seasonal Outdoor Seating Ordinance, specifically relating to cost. Councilmember del Aguila stated that he believes that outdoor dining will have a positive impact on the downtown that will align with the Town's brand, but he thinks it is cost prohibitive for businesses. He would like the Council to consider lowering the fee, as low as possible, to allow more businesses to participate in the outdoor seating program.

Responding to Councilmember del Aguila, William H. Ashton II, Town Manager, asked Councilmember del Aguila to confirm he is asking for the dining to remain seasonal, to which he agreed.

There was discussion between the Council and staff regarding outdoor seating and potential changes to the ordinance, including: (1) time period to allow outdoor seating, (2) cost (currently \$10 per square foot), (3) size of parking lot spaces and how that impacts cost, (4) number of spaces available to rent under this program (currently two), (5) other requirements under the ordinance, e.g. ADA requirements, (6) impact on the downtown public shared parking program, (6) potential revenue amounts, (7) impacts of closing Lynn Street to vehicular traffic, (8) applications received; and why businesses have not pursued the program, and (9) process to change the fees in the Town Code.

Responding to Councilmember LeBlanc, Ms. Yeatts reviewed the costs and sizes of parking spots available through the outdoor seating program. She indicated that she will share the summary of the costs of the spaces with the Town Council, which was compiled by the Zoning Administrator.

Responding to Vice Mayor Hedrick, David Stromberg, Zoning Administrator, discussed the current outdoor seating program, which is limited to businesses in the downtown area. He indicated that the current cost of \$10 per square foot is similar to what nearby localities charge. He noted that jurisdictions often base the cost for the parking spaces on how much paid parking is for a particular space.

Responding to Councilmember LeBlanc, Mr. Stromberg stated that he will provide a map of the locations able to apply for outdoor seating for the Town Council.

Councilmember del Aguila stated he wants to bring this matter forward to a public hearing so that the Council can consider lowering the fee to participate in the outdoor seating program.

Councilmember LeBlanc stated that the Council needed to propose a specific fee to change it to, suggesting a fee of around \$5.00. Councilmember del Aguila agreed with this amount.

Responding to Councilmember del Aguila's request for an amendment to change the ordinance, Ms. Yeatts asked for clarification on the request, stating that staff had not yet drafted an ordinance to propose this change. Mayor Olem asked the Council to provide clarification what is being requested of staff.

Responding to Councilmember LeBlanc, Ms. Yeatts stated that the Economic Development Director is the staff member who would discuss opinions on the ordinance with businesses.

Responding to Mayor Olem's request to review the process for changing an ordinance, Ms. Yeatts stated that to reduce the fees, staff needs to draft an ordinance with the specific changes, which will first be reviewed by Council at a work session. The Council will then receive public comment on the item at a regular meeting.

There was discussion among the Council and staff on the process to amend the ordinance to reduce the outdoor seating fees.

Responding to the discussion, Ms. Yeatts stated that while a public hearing is not required for this item, staff elected to have a public hearing when this ordinance was first adopted, which requires a legal advertisement. Therefore, the next set of meetings this item could be scheduled for is the May 14 regular meeting, with the work session on May 7, 2024.

Responding to the discussion, Mr. Ashton stated that staff will send the Town Council the public comments received at the April 22, 2022, meeting when the outdoor seating ordinance was adopted.

Councilmember LeBlanc suggested changing the proposed fee to \$7.50, even though he had originally proposed \$5.00, so the Council can gather feedback from the businesses on the costs.

Following discussion, with the consensus of Council, staff was directed to advertise a public hearing to be held at the May 14, 2024 regular meeting, to reduce the fee for outdoor seating to no higher than \$7.50 per square foot.

c. Historic District Review Board (HDRB) Process Discussion - Councilmember del Aguila

Mayor Olem recognized Councilmember del Aguila to begin the discussion item, who stated that he wanted to discuss the Historic District Review Board (process and look for ways to improve the flow of requests, review, and action. He referenced a recent Application for Facade Modification, HDRB #24-001, to consider an application for a Certificate of Appropriateness for modifications to the front facade of the commercial property located at 722 and 724 Pine Street, Herndon, Virginia. The business, the Russia House, wanted to paint the façade of their building.

During this HDRB case, Councilmember del Aguila noted that staff did not make a recommendation because it was stated that there were several options for interpretation. This is because the Russia House building has seen several alterations to its façade throughout its history. Councilmember del Aguila thought staff could not make a recommendation on this case because there was not a standard for what the building should be. He thought improving the process could

save a lot of time for the applicants and staff. Councilmember del Aguila asked the Council to think about what they want to preserve and why the businesses have to go through these processes before the Board.

There was discussion between Council and staff on this item, regarding: (1) existing HDRB regulations and processes; especially related to the example of HDRB #24-001, (2) survey of contributing and non-contributing structures, and (3) adding this topic to the next Strategic Planning meeting agenda.

Responding to Councilmember Scherff, Lisa Gilleran, Director of Community Development, provided an overview of what occurred with the case HDRB #24-001 and discussed why the application went before the Board.

Responding to Mayor Olem, Ms. Gilleran provided: (1) an overview of the staff and HDRB review process, (2) an outline of the factors used to make decisions on historic structures, and (3) a discussion of contributing versus non-contributing structures.

Councilmember del Aguila asked to discuss the HDRB processes more in-depth at an upcoming Strategic Planning meeting. He also asked staff for the presentation on HDRB #24-001 that staff provided at the HDRB regular meeting.

Councilmember LeBlanc asked for more information on similar cases to HDRB #24-001, where a Certificate of Appropriateness for modifications to the front façade was considered.

Councilmember Scherff asked staff to provide a flow chart or decision tree, if it exists, about how decisions are made on contributing and non-contributing structures in the Historic District.

Bryce Perry, Deputy Director of Community Development, provided comments on the HDRB process. He stated that buildings only change status from contributing to non-contributing, or vice-versa, during the periodic survey of the Historic District. He stated that staff can provide a reference guide on the Historic District Guidelines, information on the general surveying process, and additional information as requested by the Council.

Responding to Councilmember del Aguila's request to add this item to the next Strategic Planning meeting, Mr. Ashton stated that the Strategic Planning meeting scheduled for April 30, 2024, will be on Thriving Community. The subsequent Strategic Planning meeting will center on economic development and can include discussions about the Historic District. These two topics were switched because staff wanted to allow time for the new Economic Development Director to prepare for the discussion.

7. **Roundtable**

Councilmember Dhaka: no comments.

Councilmember Alam: thanked the Town residents that provided donations to her organization recently, during Eid.

Councilmember del Aguila: stated that there are 150 days until the Latino Festival in Herndon.

William H. Ashton II, Town Manager, stated that staff received the application for the Latino Festival, and it is going through the process. He stated that his Executive Assistant was walking the organization through the public permitting process. Responding to a question from Councilmember del Aguila, Mr. Ashton stated that an Emergency Evacuation plan is required by the Fire Marshall.

Councilmember LeBlanc stated that he can provide the organization with the plans that were used for the Wintermarkt event. Mr. Ashton stated that the group was also provided the plans from Friday Night Live! as a sample. He stated staff will continue to assist them in moving their application forward.

Councilmember Scherff stated that the group is very excited to work with the Town, but they need some assistance with the processes.

Councilmember del Aguila stated that he was asked about the Stars and Stripes Golf Tournament event, and he stated that he will be driving a golf cart during that event. He asked staff where the event was in the Town's processes.

Councilmember LeBlanc stated that he has been working with the Stars and Stripes group on their event planning. He stated that there are some ABC restrictions that the group is still working through.

Responding to Councilmember Alam, Councilmember del Aguila stated that the Latino Festival will be held on Lynn Street and the Town Green.

Councilmember Scherff: stated that she attended the Dulles Ignite event and one thing that surprised her was the increased number of employees who work at the airport that companies, like United, are reporting.

Councilmember Scherff stated that the Juneteenth event will be on June 14, 2024. She stated that the Black Brew Movement will have a beer tasting that will be ticketed and there will be family-friendly activities, like bounce houses and face painting.

Councilmember LeBlanc: stated that he and Mayor Olem went to a Herndon business luncheon that morning. He was glad to see new businesses in attendance, and he stated that the businesses were excited about the new Economic Development Director coming to the Town.

Councilmember LeBlanc stated that he looked forward to the Rotary Citizen of the Year event tomorrow night where Renee Gorman will be recognized.

Vice Mayor Hedrick: no comments.

Mayor Olem: stated that there are 17 days until the first Friday Night Live! of the summer.

Mayor Olem stated that on Saturday, April 20, 2024, Arts Herndon will be having an Independent Bookstore Day celebration, and Friends of Runnymede Park will have a native plant sale at Arts Herndon starting at 9:00 a.m. that day. There will also be a local author showcase later that afternoon.

William H. Ashton II, Town Manager: stated that at this time next week, he will be able to announce who the next Economic Development Director will be.

8. Adjournment

There being no further business, Mayor Olem adjourned the April 16, 2024 Town Council Work Session at 9:28 p.m.

Amanda E. Monaw Kertz

Amanda E.M. Kertz
Chief Deputy Town Clerk



Minutes approved by Town Council: May 28, 2024