



TOWN COUNCIL REGULAR MEETING AGENDA

Town Council Chambers
765 Lynn Street, Herndon, VA 20170

Tuesday, January 9, 2024 | 7:00 PM

1. Call to Order

2. Pledge of Allegiance to the Flag of the United States of America

3. Presentations/Reports/Comments

- a. Certificate of Appreciation to recognize The Honorable John Foust, Dranesville District Supervisor, Fairfax County Board of Supervisors
- b. Town Manager Report
- c. Councilmember Comments

4. Comments from the Audience

Members of the public may, for one 3-minute period, provide public comments, requests, consent or general item comments, and comments on matters not included on the agenda.

5. General

- a. Ordinance 24-O-01 to amend the Herndon Town Code, Chapter 2 (ADMINISTRATION), Article I (In General), Section 2.1 to clarify the rescheduling of meetings and Section 2.5, to add language relating to attendance

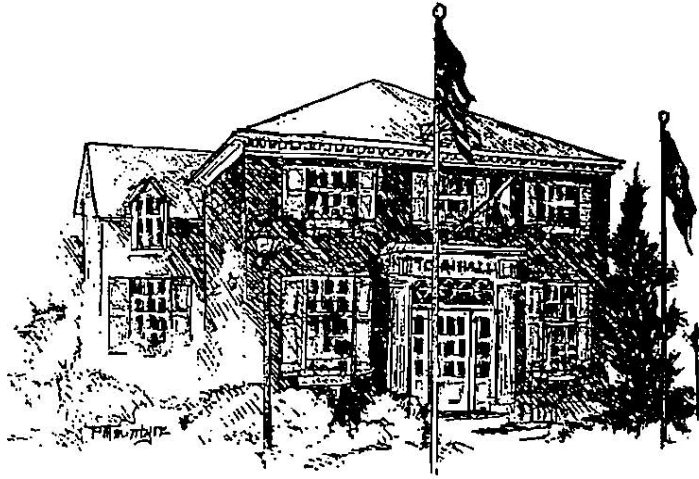
6. Consent

- a. Resolution 24-G-01 to amend the Community Cultural Festivals Policy Statement
- b. Resolution 24-G-02 to establish the Town of Herndon Youth Advisory Committee
- c. Resolution 24-G-03 to reappoint a member to the Architectural Review and Historic District Review Boards

- d. Resolution 24-G-04 to reappoint a Town of Herndon member to the Phase II Dulles Rail Transportation Improvement District Advisory Board
- e. Resolution 24-G-05 to nominate a Member of the Herndon Town Council to the Fairfax County Economic Advisory Commission
- f. November 8, 2023, Town Council Work Session Minutes
- g. November 14, 2023, Town Council Meeting Minutes

7. Adjournment

Interpretación en Español está disponible en esta sesión.



**Town of Herndon, Virginia
Certificate of Appreciation
to
Supervisor John Foust
Dranesville District
Fairfax County Board of Supervisors**

For 16 years of loyal and dedicated service to the citizens
of the Town of Herndon, the Dranesville District, and
Fairfax County; and for your outstanding contributions to
the quality of life in the Herndon community.

Agenda Item: Ordinance 24-O-01 to amend the Herndon Town Code, Chapter 2 (ADMINISTRATION), Article I (In General), Section 2.1 to clarify the rescheduling of meetings and Section 2.5, to add language relating to attendance

Meeting Date: January 9, 2024

Category: General

Prepared by: Lesa Yeatts, Town Attorney

Description:

Following a discussion at the December 5, 2023 work session, there was consensus for staff to bring forward an Ordinance amending the Town Code to reflect the responsibility Town Council members and members of council appointed Boards and Commissions to faithfully and regularly attend meetings of their body.

This item includes a minor housekeeping amendment to Section 2-1 to clarify the rescheduling of meetings due to unforeseen circumstances.

The amendment to Section 2-5, the Town's Code of Ethics, specifies the ethical responsibility of Town Council members as public officials to regularly attend council meetings and specifies that Town Council members who fail to attend four (4) consecutive meetings or 25% of work sessions, regular meetings, and special meetings in a 12-month period without good cause are subject to censure by the Town Council for dereliction of their duties.

This amendment specifies that members of council appointed boards and commissions continue to be subject to the rules of attendance proscribed by the Code of Virginia, Herndon Town Code, and their applicable Bylaws which are also in the process of amendment to reflect attendance requirements similar to those being considered for Town Council.

Background:

N/A

Fiscal Impact:

None

Recommendation:

Recommend adoption of the proposed Ordinance.

Attachments:

1. Ordinance (Proposed)

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

ORDINANCE

JANUARY 9, 2024

Ordinance- **to amend the Herndon Town Code, Chapter 2 (ADMINISTRATION), Article I (In General), Section 2.1 to clarify the rescheduling of meetings and Section 2.5, to add language relating to attendance.**

BE IT ORDAINED by the Town Council of the Town of Herndon, Virginia that:

1. The following sections or provisions of the Herndon Town Code (2000), as amended, are repealed, replaced and re-ordained as follows:

CHAPTER 2 (ADMINISTRATION)

Article I. In General

Sec. 2-1 – Meeting schedule.

(c) Should the conduct of a regular meeting be unnecessary due to a lack of items for consideration, or impossible due to the inability to obtain a quorum, or due to weather or other condition such that it is hazardous for members to attend the regular meeting, as declared in writing by the mayor, the regular meeting may be postponed or canceled and notice of such postponement or cancelation **and the rescheduled date**, shall be published by the town clerk. All hearings and other matters previously advertised shall be conducted at the continued **rescheduled** meeting and no further advertisement is required, **unless required by law**.

Sec. 2-5 – Code of ethics for the members of the town council and council appointed board and commission members.

Ethical Responsibilities

- (1) *Faithful and impartial performance of duties.* Members of the town council and council appointed board and commission members shall faithfully and impartially perform their duties to the very best of their abilities and demonstrate integrity, independence, honesty, and ethical behavior in the conduct of all town business.

24-O-01

An essential aspect of the obligations of public office conferred upon members of the town council and council appointed board and commissions is commitment to the regular and routine attendance of meetings.

Members of the town council and council appointed board and commissions shall avoid dereliction of duty and shall commit to the regular and routine attendance of the meetings of their respective bodies.

Town Council members who fail to attend four (4) consecutive Town Council work sessions, regular meetings or special meetings or 25% of work sessions, regular meetings or special meetings in a twelve-month period (measured from the date of first absence), absent good cause, shall be considered to have abdicated their duties. Such members shall be subject to censure by the body.

Members of council appointed boards and commissions shall be subject to the rules of attendance proscribed by the Code of Virginia, the Herndon Town Code and the applicable Bylaws of their body.

2. This ordinance shall be effective on and after the date of its adoption.

Agenda Item: Resolution 24-G-01 to amend the Community Cultural Festivals Policy Statement

Meeting Date: January 9, 2024

Category: Consent

Prepared by: Kirstyn Jovanovich, Town Clerk

Description:

This is a request to adopt a resolution amending the Community Cultural Festivals Policy Statement.

During the December 5, 2023 Town Council work session, staff provided an overview of the Community Cultural Festivals Donation Program administrative process based on the policy statement adopted by Town Council by Resolution 23-G-72. During the discussion, the Town Council by consensus requested changes to the program that included: (1) incorporating an administrative approval process for qualified applicants of the Community Cultural Festivals donation program instead of all funding requests coming before Town Council for consideration and action; (2) donation requests shall not exceed fifty percent (50%) of the total event budget or ten thousand dollars (\$10,000), whichever is less; and (3) organizations may only receive a donation through this program for one new Community Cultural Festival per year.

Since these changes are policy-based and not process-based, the requested program changes have been incorporated into the attached revised Policy Statement for Council's consideration. In addition, several clarifying administrative changes have also been incorporated into the revised draft policy statement.

Background:

The Town Council appropriated funds in the FY 2024 Adopted Budget to monetarily support non-profit and not-for-profit organizations interested in establishing new cultural community events within the Town of Herndon. Town staff was directed to prepare a policy statement to guide the establishment of a Community Cultural Festival Donation program, which was discussed during the September 5, October 3, and October 17, 2023 Town Council work sessions. The policy statement was adopted by Town Council Resolution 23-G-72 at the October 24, 2023 regular meeting.

Per Town Council's request, staff returned to the December work session to provide an overview of the administrative process that would be used to administer the policy. Since the adoption of the policy in October, a staff team met over several weeks to

outline the administrative procedures necessary to implement the Town Council's policy regarding the Community Cultural Festivals Donation program, which was presented at the December work session.

Fiscal Impact:

None.

Recommendation:

Recommend approval of the resolution as presented, amending the Community Cultural Festivals Policy Statement.

Attachments:

1. Resolution (Proposed)
2. Amended Policy Statement

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

RESOLUTION

JANUARY 9, 2024

Resolution- to amend the Community Cultural Festivals Policy Statement.

On October 24, 2023, Town Council adopted a Community Cultural Festivals Policy Statement by Resolution 23-G-72. During the December 5, 2023 work session, Town Council discussed the donation program and directed changes to the policy, which are reflected in the amended policy statement.

Under the Code of Virginia, localities may appropriate funds to any charitable or non-profit organization if the organization provides services to the residents of the locality and if such organizations are not controlled in whole or in part by any church or sectarian society.

THEREFORE, BE IT RESOLVED by the Town Council of the Town of Herndon, Virginia that:

1. The “Community Cultural Festivals Policy Statement” is adopted as amended.
2. The Town Manager is directed to develop and implement the administrative process to enact the policy as amended.

**Town of Herndon
Community Cultural Festivals
Amended Policy Statement
January 9, 2024**

Background

Town Council has expressed support in providing funding to encourage the development and hosting of Community Cultural Festivals within the Town of Herndon. Often referred to in discussions with Town Council as “mini-festivals,” the desire is to complement the town’s already robust community event opportunities, with focus placed on celebrating and sharing the cultures represented in the community.

This policy statement sets the foundation supporting donations for Community Cultural Festivals within the Town of Herndon. This policy framework will guide the staff’s development of necessary processes and procedures to fulfill the Town Council’s policy objectives as directed through this policy statement.

The objectives of this policy are to:

1. support a variety of events each year that celebrate and share the cultures represented in the community, are open and welcoming to all, and bridge parts of the Herndon community to meet and together build understanding and community;
2. serve as an economic driver to bring visitors to Herndon and support the local business community, in the downtown and in commercial centers throughout the Town; and
3. support and activate the Town of Herndon brand.

Available Funding

The Town Council may allocate funding for Community Cultural Festivals donation program through the annual budgeting process. Funding availability is subject to Town Council action.

Monetary Donations in Support of Community Cultural Festivals

The Town Council’s intention is to provide a monetary contribution, with limited provision of in-kind town services, in support of the establishment of Community Cultural Festivals within the town’s corporate limits. In-kind town services in support of Community Cultural Festivals are not guaranteed and are based on availability of staffing and resources.

For the purposes of this policy statement, *Community Cultural Festivals* are community-oriented events that are free and open to the public, may be held on public or private property, and celebrate and share the cultures represented in the Herndon community. For the purposes of this policy statement, Community Cultural Festivals shall not directly benefit any business or individual.

Program Qualifications and Guidelines

- Non-profit and not-for-profit organizations in good legal standing hosting or co-hosting a Community Cultural Festival may be eligible for a donation through this program. Individuals and businesses are not eligible for funding through this program; monies shall not be remitted to individuals, business entities, or announced candidates for political office. The Town does not promote or advocate political or religious events.
- To make a funding request, qualified applicants must complete an application process and provide a detailed total event budget estimate and an event description that describes why the proposed event is a new community cultural festival, and submit to the Town within the procedures' stated time frame applicable to the planned event size.
- Funding requests shall not exceed fifty percent (50%) of the total event budget or ten thousand dollars (\$10,000), whichever is less.
- Community Cultural Festival donation applications will be reviewed administratively by Town staff to ensure all special event and donation eligibility requirements are met. Approved disbursements for Community Cultural Festivals will be remitted to the non-profit or not-for-profit event host/co-host. The Town will not contract with or disburse funds directly to event vendors or contractors.
- Requests for funding for Community Cultural Festivals are open throughout the fiscal year (July 1 – June 30), subject to funding availability, and on a first come, first served basis. Once the fiscal year's allocated funding is appropriated, no additional donation requests will be considered for the fiscal year. Applications may be submitted up to one calendar year before the event date.
- Organizations may only receive a donation through this program for one new Community Cultural Festival per fiscal year. For the purposes of this policy, Community Cultural Festivals are considered new if (1) they have not been held within the town within the last five years and (2) have not received a donation through this program.
- The application process is administered and maintained by the Town Manager's Office, and the Town Manager has the authority to administratively update and revise the process and set applicable administrative fees, as appropriate.

Logo Use

- Organizations awarded funding for a Community Cultural Festival through this donation program may use, on a limited basis, the town logo on the event marketing materials, representing the Town as a donating organization.
- The Town may provide cross-marketing support for Community Cultural Festivals receiving monetary support from the Town through this program.

Agenda Item: Resolution 24-G-02 to establish the Town of Herndon Youth Advisory Committee

Meeting Date: January 9, 2024

Category: Consent

Prepared by: Kirstyn Jovanovich, Town Clerk

Description:

In September, the Town Council reviewed the possibility of reinstating the Herndon Youth Advisory Council (HYAC) and discussed the previous HYAC including membership, purpose, meeting schedule, and guidelines, as well as their previous work and recommendations. At the conclusion of the discussion, staff was directed to work with Vice Mayor Hedrick to review the previous HYAC information and process by which to possibly reinstate the HYAC.

During the December work session, Town Council reviewed Draft Establishing Guidelines for the creation of a Herndon Youth Advisory Committee. As a result of this discussion, staff has prepared the proposed resolution and Draft Establishing Guidelines for Council consideration. The most significant change in the Draft Establishing Guidelines from the original HYAC guidelines is changing the member terms from 2-year terms coinciding with the Council's terms, to one-year terms that coincide with the academic school year.

Background:

The Herndon Youth Advisory Council (HYAC) was initially established as an ad hoc advisory committee to the Town Council in 2017 by Resolution 17-G-60. The appointments to the HYAC were made later in the year by a separate resolution for two-year terms. The HYAC was not reinstated in 2021 or 2023.

Fiscal Impact:

None

Recommendation:

Recommend approval of the attached resolution, as presented.

Attachments:

1. Resolution (Proposed)
2. HYAC Establishing Guidelines

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

RESOLUTION

JANUARY 9, 2024

Resolution- to establish the Town of Herndon Youth Advisory Committee.

At the November 8, 2023 work session, the Herndon Town Council directed the formation of the Herndon Youth Advisory Committee (HYAC) to serve as a link between the Town of Herndon and the youth of the community.

The mission of HYAC will be to advise the Herndon Town Council on activities, issues, and decisions relating to youth in the Town and to advocate for legislation that caters to the interests and desires of Herndon's diverse youth population.

THEREFORE, BE IT RESOLVED by the Town Council of the Town of Herndon, Virginia that:

1. the Herndon Youth Advisory Committee as outlined in "Herndon Youth Advisory Committee Establishing Guidelines", is created.
2. the Town Clerk is requested to solicit applications from interested youth and bring forward applications for the Town Council's consideration for appointments to begin with the 2024-2025 school year.

**Town of Herndon, VA
Herndon Youth Advisory Committee
Establishing Guidelines**

January 9, 2024

Mission:

As Herndon grows in population, diversity, and a maturing youth constituency, it will take the leadership of our youth, along with the continued cooperation from the Town of Herndon, to ensure that our community remains a desirable place for everyone to reside and enjoy.

The mission of the Herndon Youth Advisory Committee (HYAC) will be to advise the Herndon Town Council on activities, issues, and decisions relating to youth in the Town and to advocate for legislation that caters to the interests and desires of our diverse youth population.

Purpose:

The youth gaining their education in Herndon today will be leading change in our community for decades to come. To augment their participation and leadership in our Town, HYAC will serve as a link between the Herndon Town Council, local school officials—including school board members and school principals—as well as other adult leaders and its youth.

The Herndon Youth Advisory Committee will:

- work with elected officials, school officials, and other adult leaders to promote awareness, safety, and involvement among our youth;
- collaborate to identify and propose solutions on issues of importance; and
- ensure that youth needs and interests are considered in decisions that affect the entire community.

Objectives:

- provide input on needs to make Herndon a place where youth can thrive;
- provide youth perspectives to the Herndon Town Council, other elected officials and other adult leaders;
- provide recommendations on decision-making processes related to issues that impact youth;
- discuss current events involving youth and assist in upcoming events;
- learn about local government and identify legislation and policies that impact youth;
- recommend ways to resolve issues and concerns involving youth;
- review youth programs and policies to ensure set goals are achieved;

- partner with local, national, and international youth organizations;
- attend public hearings, community meetings, and other events;
- maintain an understanding of community needs; and
- participate in community outreach and service projects.

Member Composition:

Members of HYAC will be appointed by Herndon Town Council and initially consist of:

1. a member of the Herndon Town Council to serve as a liaison to work with HYAC;
2. a representative from an alternative learning institute; and
3. twelve (12) middle or high school students who either 1) live in the Town of Herndon; or 2) attend classes at Herndon Middle or Herndon High Schools, who are:
 - in good standing in the community; and
 - have:
 - an interest in developing leadership skills;
 - an interest in community service and motivation to work as a volunteer for the government; and a general knowledge and understanding of community needs; and
 - an ability to express ideas and solutions regarding youth issues and concerns; interact constructively with peers in a group setting; and a willingness to engage in community outreach with diverse populations.

A chair will be selected by the members of HYAC. Town staff will be designated as an ex-officio member to serve as primary staff.

Members will serve one-year terms to coincide with the academic school year and will meet up to four times per term. All meetings will be legally convened in compliance with town and state law requirements.

Additional members may be added as needed.

Agenda Item: Resolution 24-G-03 to reappoint a member to the Architectural Review and Historic District Review Boards

Meeting Date: January 9, 2024

Category: Consent

Prepared by: Kirstyn Jovanovich, Town Clerk

Description:

This is a request to reappoint Amy Oleinick to the architect position on the Architectural Review and Historic District Review Boards for a new one-year term effective March 1, 2024.

Background:

N/A

Fiscal Impact:

None.

Recommendation:

Recommend approval of the Resolution as presented.

Attachments:

1. Resolution (Proposed)

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

RESOLUTION

JANUARY 9, 2024

Resolution- to appoint a member to the Architectural Review/Historic District Review Boards.

BE IT RESOLVED by the Town Council of the Town of Herndon, Virginia that:

1. **Amy Oleinick** is reappointed as the 'Architect' member to the Architectural Review/Historic District Review Boards to for a one-year term [non-resident] effective March 1, 2024.

Agenda Item: Resolution 24-G-04 to reappoint a Town of Herndon member to the Phase II Dulles Rail Transportation Improvement District Advisory Board

Meeting Date: January 9, 2024

Category: Consent

Prepared by: Kirstyn Jovanovich, Town Clerk

Description:

This is a request to appoint Andrew Czekaj III to the Phase II Dulles Rail Transportation Improvement District Advisory Board for a new four-year term ending January 31, 2028.

Background:

N/A

Fiscal Impact:

None

Recommendation:

Recommend approval of the resolution, as presented.

Attachments:

1. Resolution (Proposed)

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

RESOLUTION

JANUARY 9, 2024

**Resolution- to reappoint a Town of Herndon member to the Phase II Dulles
Rail Transportation Improvement District Advisory Board.**

BE IT RESOLVED by the Town Council of the Town of Herndon, Virginia that:

1. Andrew J. Czekaj, III is reappointed to serve as the Town of Herndon member to the Phase II Dulles Rail Transportation Improvement District Advisory Board for a four-year term ending January 31, 2028.

Agenda Item: Resolution 24-G-05 to nominate a Member of the Herndon Town Council to the Fairfax County Economic Advisory Commission

Meeting Date: January 9, 2024

Category: Consent

Prepared by: Kirstyn Jovanovich, Town Clerk

Description:

This is a request to nominate and recommend the appointment of Councilmember Pradip Dhakal as the Town of Herndon's representative on the Fairfax County Economic Advisory Commission for a new three-year term ending January 31, 2027.

Background:

N/A

Fiscal Impact:

None.

Recommendation:

Recommend approval of the resolution, as presented.

Attachments:

1. Resolution (Proposed)

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

RESOLUTION

JANUARY 9, 2024

Resolution- to nominate a Member of the Herndon Town Council to the Fairfax County Economic Advisory Commission.

BE IT RESOLVED by the Town Council of the Town of Herndon, Virginia that:

1. Councilmember Pradip Dhakal is nominated and recommended to be appointed as the Town of Herndon's representative to the Fairfax County Economic Advisory Commission for a three-year term ending January 31, 2027.

Agenda Item: November 8, 2023 Town Council Work Session Minutes

Meeting Date: January 9, 2024

Category: Consent

Prepared by: Kirstyn Jovanovich, Town Clerk

Description:

This is a request to approve the November 8, 2023 Town Council Work Session Minutes.

Background:

N/A

Fiscal Impact:

None

Recommendation:

Recommend approval, as presented.

Attachments:

1. November 8, 2023 Draft Work Session Minutes

**HERNDON TOWN COUNCIL
Work Session Meeting Minutes
Wednesday, November 8, 2023**

The Town Council held a work session meeting on Wednesday, November 8, 2023, 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, and Donielle M. Scherff.

Councilmembers Pradip Dhakal and Keven LeBlanc were absent.

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Kirstyn Barr Jovanovich, Town Clerk; Captain Steven Pihonak, Herndon Police; Lisa Gilleran, Director of Community Development; Marjorie Sloan, Director of Finance; Cindy Roeder, Director of Parks and Recreation; Scott Robinson, Director of Public Works; David Stromberg, Zoning Administrator; Ben Schitter, Development Program Planner; Dave Bracamonte, Systems Manager; and Amanda Kertz, Chief Deputy Town Clerk.

1. CALL TO ORDER

Mayor Olem called the November 8, 2023, Town Council work session to order at 7:00 p.m.

Determination of a Quorum

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

Mayor Announcements

Mayor Olem stated that Saturday, November 11, is Veterans Day. The American Legion Post 184 is holding its annual Veterans Day Observance on the Town Green at 11:00 a.m. on that day. Town offices are closed on Friday, November 10, 2023, in observance of Veterans Day.

2. PUBLIC HEARING

a. Ordinance to amend the Fiscal Year (FY) 2024 Adopted Budget for the General Fund and the American Rescue Plan Act (ARPA) Fund

Marjorie Sloan, Director of Finance, presented the staff report and PowerPoint dated November 8, 2023. She outlined the American Rescue Plan Act (ARPA) funding that the Town received, to which has various stipulations, deadlines, and reporting requirements tied. Ms. Sloan reviewed the list of active ARPA projects and summarized the spending progress for the projects. She stated that 93 percent of the ARPA Fund budget has either been completed or is in process, with the remaining seven percent containing projects that have not started. Ms. Sloan paused her report and asked Council if there were any questions about the ARPA project update.

There was brief discussion among Council and staff on the ARPA project list, funding requirements, and the amount of earned interest.

There was a brief question and answer session between Councilmember del Aguila, William H. Ashton II, Town Manager, and Scott Robinson, Director of Public Works, about the second phase of the W&OD Trail lighting project. Mr. Ashton advised that since the project may not be completed in time for the ARPA deadline, it was removed from that project list. However, if agreements with the Northern Virginia Regional Park Authority start to move forward, the trail lighting project can be added to the CIP.

Mayor Olem asked staff to present information about how the Town received the ARPA funding during their presentation on this item at the regular meeting.

Ms. Sloan continued the staff report and discussed the proposed budget amendment, which has four parts totaling \$248,767. The first three portions impact the General Fund and are as follows: (1) \$96,000 increase in grant-funded expenditures by the Department of Community Development, (2) \$135,000 in Herndon Police Department expenditures, which are covered by a state grant, and (3) \$17,767 for vehicle equipment replacement in the Herndon Police Department, which is covered by insurance recovery revenue. The fourth part of the proposed amendment is reclassifying \$1.0 million from the ARPA fund to the water maintenance and replacement fund. Staff recommends approval of the proposed ordinance, as presented.

There was brief discussion among Council and staff on the proposed budget amendment.

3. GENERAL

a. Resolution to approve a contract modification for IFB Contract #B-23-01, Bready Park Tennis Court Renovation

Scott Robinson, Director of Public Works, presented the staff report dated November 8, 2023. The proposed resolution authorizes changes to the scope of work for the Bready Tennis Court renovation, which have increased the total cost over the project's previously approved contingency. The proposed resolution will amend the contract to allow for an additional contingency of \$300,000. Funds to support this amount are available from the ARPA Fund. Staff recommends approval of the proposed resolution authorizing the contingency, as presented.

There was no discussion on this item. 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. DISCUSSION

a. Zoning Practice, Principles, and Impacts

David Stromberg, Zoning Administrator, presented a PowerPoint dated November 8, 2023. In his presentation, he outlined the history of zoning and went over how zoning is practiced both in Virginia and in the Town. He discussed staff's role in zoning and emphasized that while zoning is one of the core practices in planning, it does not exist in a vacuum, since there are other elements of planning and engineering that influence zoning practice. He emphasized that the Comprehensive Plan sets the policy that zoning is built on and therefore, there will be a number of zoning ordinance changes necessitated by the Comprehensive Plan update.

Mr. Stromberg stated that the Town's zoning ordinance was established in 1949 and that the regulations have grown and changed significantly since that time. He summarized those changes and reviewed the Town's current zoning map, planned development districts, and development and review standards. He then talked about considerations for future changes to single family zoning districts and encouraged determining the desired policy outcome first before making any changes.

There was no discussion on this item.

b. Proposed Revision to Ad Hoc Committees – Councilmember Scherff

Mayor Olem recognized Councilmember Scherff to begin the discussion.

Councilmember Scherff provided an overview of her memorandum dated November 8, 2023. She stated this item is a continuation of the Council's previous discussions about ad hoc committees and about reinstating the Youth Advisory and Economic Development Committees. She would like to increase responsive interaction between committee members and reduce staff time needed to manage the committees. Her suggested changes included: (1) scheduling quarterly meetings for each committee, (2)

providing them with targeted and specific goals, and (3) having a standardized way that they provide feedback to the Town Council.

There was discussion among Council and staff on ad hoc committees, including: (1) subjects for ad-hoc committees to discuss, (2) how the ad hoc committees convey guidance to the Town Council, and (3) recording and posting recordings of the ad hoc committee meetings for the public.

Responding to Councilmember del Aguila, Kirstyn Barr Jovanovich, Town Clerk, stated that staff can look into recording ad hoc committee meetings and advise of next steps.

William H. Ashton II, Town Manager, stated that the Council may also want to consider recording work sessions for the Town's boards and commissions. Currently, the regular meetings for those bodies are recorded and posted.

Following discussion, Mr. Ashton stated that staff can incorporate the changes discussed that evening into the ad hoc committee processes.

Vice Mayor Hedrick asked to include direction to record the ad hoc committee meetings. However, he did not think that the Youth Advisory Committee meetings should be recorded.

Mr. Ashton proposed that Council take action on this item in two parts, which are: (1) revise the ad hoc committee operating guidelines to implement the changes requested that evening, and (2) determine the best way to record the work sessions for the Town's boards and commissions and ad hoc committee meetings.

Responding to Vice Mayor Hedrick and Councilmember Scherff's question about reinstating the Youth Advisory Committee and Economic Development Committee simultaneously, Ms. Jovanovich indicated that she is going to look into the process and advise of next steps.

5. ROUNDTABLE

Councilmember Alam: no comments.

Councilmember Scherff: stated that she recently attended the "Cornerstones of Community" event, hosted by the nonprofit group Cornerstones. The event recognized the contributions of Ken Plum, Janet Howell, and John Foust, who are all retiring from public service. She was impressed that when the three of them talked about their accomplishments, they all emphasized human services.

Councilmember Scherff stated that she enjoyed attending an annual event for the CORE Foundation, which is a group that helps coordinate the work of small non-profit organizations.

Councilmember Scherff stated that Cornerstones is opening their food hub in November, focusing on serving the Herndon, Reston, and Sterling areas. Their goal is to provide additional capacity for local food pantries and to offer fresh produce, meat, and dairy to members of our community experiencing food insecurity.

Councilmember del Aguila: stated that he has been working with the Stars and Stripes of Northern Virginia Committee, who are planning a food and clothing drive in Town. He said that a request is forthcoming from this group, who are working with the Town Manager on the process.

Vice Mayor Hedrick: provided comments reflecting on Veterans Day. He stated that those who gave the ultimate sacrifice are remembered on Memorial Day, and it is important to also remember the many veterans who bravely served our country. He stated that 22 veterans are lost each day to suicide, and he encouraged everyone to reach out to thank and support our veterans, not only on November 11, but every day.

Mayor Olem: stated that she is planning to attend the Veterans Day Observance on the Town Green and the Avenue of Flags at Chestnut Grove Cemetery on November 11, 2023. She shared her experience folding American flags after the Avenue of Flags, which she finds very moving and meaningful.

Mayor Olem stated that she was pleased to see more than 700 children come to her neighborhood for trick-or-treating on Halloween.

William H. Ashton II, Town Manager: no comments.

6. CLOSED MEETING

Mayor Olem stated that there was need for Council to go into a closed meeting, which 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 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, and Code of Virginia Section 2.2-3711(A)(7) for consultation with legal counsel pertaining to actual and probable litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body.

Councilmember del Aguila seconded the motion, which carried by a 5-0 roll call vote. The vote was: Councilmembers Alam, del Aguila, Scherff, and Vice Mayor Hedrick, and Mayor Olem voting "Aye." Councilmembers Dhakal and LeBlanc were absent.

The Council went into closed meeting at 8:30 p.m.

At 8:30 p.m. Mayor Olem called a brief recess, and at 8:37 p.m., the closed meeting reconvened in the Hoover Conference Room, five members present, with Mayor Olem presiding. Councilmembers Dhakal and LeBlanc were absent.

Councilmember del Aguila moved to come out of the closed meeting. Motion seconded by Councilmember Scherff and carried by a 5-0 roll call vote. The vote was: Councilmembers Alam, del Aguila, Scherff, and Vice Mayor Hedrick, and Mayor Olem voting "Aye." Councilmembers Dhakal and LeBlanc were absent.

The Council came out of closed meeting at 9:27 p.m.

Councilmember del Aguila 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 Vice Mayor Hedrick and carried by a 5-0 roll call vote. The vote was: Councilmembers Alam, del Aguila, Scherff, and Vice Mayor Hedrick, and Mayor Olem voting "Aye." Councilmembers Dhakal and LeBlanc were absent.

Ayes: 5

Nays: 0

Absent: 2

7. ADJOURNMENT

There being no further business, Mayor Olem adjourned the November 8, 2023, Town Council work session at 9:29 p.m.

Amanda E.M. Kertz
Chief Deputy Town Clerk

Minutes approved by Town Council: _____

Agenda Item: November 14, 2023 Town Council Meeting Minutes

Meeting Date: January 9, 2024

Category: Consent

Prepared by: Kirstyn Jovanovich, Town Clerk

Description:

This is a request to approve the November 14, 2023 Town Council Meeting Minutes.

Background:

N/A

Fiscal Impact:

None

Recommendation:

Recommend approval, as presented.

Attachments:

1. November 14, 2023 Draft Meeting Minutes

HERNDON TOWN COUNCIL
Regular Meeting Minutes
Tuesday, November 14, 2023

The Town Council met in a regular meeting on Tuesday, November 14, 2023, 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: 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, Director of Public Works; Cindi Roeder, Director of Parks and Recreation; and Dave Bracamonte, Systems Manager.

1. CALL TO ORDER

Mayor Olem called the November 14, 2023, Town Council meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

Mayor Olem led 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 those participating in tonight's meeting to follow the Town's meeting guidelines that are displayed in the Council Chambers.

Announcements

Mayor Olem recognized Dave Stromberg, Zoning Administrator, and thanked him for his informative presentation on zoning at last week's work session. She encouraged everyone to watch the meeting video and review the presentation materials, which are available on the Town's website.

Mayor Olem wished everyone a Happy Thanksgiving. She stated that Town offices will be closed Thursday, November 23, and Friday, November 24, 2023, for the Thanksgiving Holiday. The next Town Council work session is on Tuesday, December 5, 2023.

Mayor Olem stated that she recently issued a Mayoral Proclamation naming Saturday, November 25, as Small Business Saturday in the Town of Herndon, to Women Impacting Public Policy, partners of the National Small Business Saturday Coalition. She encouraged everyone to shop small in Herndon on November 25, within the Town's vibrant small business community.

Mayor Olem stated that there are many upcoming events in Herndon over the next month for the winter holidays – kicking off on Saturday, December 2, 2023, with the Annual Tree Lighting on the Town Hall Square, Holiday Homes Tour, and Model Train Display at Arts Herndon. She encouraged those interested to stay tuned to the Town's website for more events and details.

3. PRESENTATIONS/REPORTS/COMMENTS

a. Town Manager Report

William H. Ashton II, Town Manager, provided a status update on the Comstock downtown project. He stated that the building permit review for the Comstock development is underway and should be complete by the holidays. Staff is planning to meet with them this coming Thursday.

b. Councilmember Comments

Councilmember LeBlanc: apologized for missing last week's work session, stating that he attended a National Veteran's Affairs Conference. Following the conference, he was honored to participate in the Veterans Day event on the Town Green on Saturday, November 11, 2023, with Mayor Olem.

Councilmember LeBlanc stated earlier that day, he was a speaker for a learning webinar at the Mason Enterprise Center – Herndon, where he discussed networking. Related to small businesses, he stated that at a recent Town Council work session, he proposed forming focal groups for small businesses in Town, with one of the topics being networking. He was excited about the focus groups going forward.

Councilmember LeBlanc echoed Mayor Olem's comments about upcoming holiday events in Town. He encouraged those interested to attend the Holiday Homes Tour of Herndon and Model Train Show on Saturday, December 2, 2023.

Councilmember Scherff: stated that at the last work session, Council discussed streamlining some processes related to ad hoc committees, which she thought would increase efficiency of these groups. She also stated that they talked about reestablishing the economic development committee.

Councilmember del Aguila: thanked Councilmember Scherff for bringing forward the discussion item on ad hoc committees as part of last week's work session.

Councilmember del Aguila commented on an email that was forwarded to the Town Council about the Stars and Stripes NOVA Committee, who are looking for support on an upcoming event. He stated, for full disclosure, that he is involved with this organization. He provided comments about the email and expressed support for the group. He thought that the Council should look at its values and vision and how they want to connect the community. He also asked his colleagues to look at refining the donation process, drawing on what has worked with similar events held in the past.

Councilmember Dhakal: provided an update on the Herndon Diversity, Equity, and Inclusion Committee (HDEIC), a group of which he is Chair. He stated that he and the Vice Chair of HDEIC recently attended a career fair at Herndon High School, and drawing on that experience, he stated that the HDEIC wants to work on connecting Herndon students and employers. He is meeting with representatives from Amazon Web Services (AWS) on November 16, 2023, about opportunities for students and stated that there are other employers who are interested in providing similar options.

Councilmember Dhakal wished everyone a Happy Thanksgiving and stated he was sorry to miss the last work session due to illness. He also wished a Happy Veterans Day to all veterans and thanked them for their service and sacrifice.

Vice Mayor Hedrick: echoed Mayor Olem's comments on Mr. Stromberg's presentation on zoning and encouraged everyone to watch last week's work session. He also thought the public should pay attention to the Council's discussion items last week, including their discussion on ad hoc committee processes. He provided comments on ongoing discussions and progress the Council has made on the community cultural festivals process thus far.

Vice Mayor Hedrick echoed his colleagues' comments about Veterans Day, and he stated that for a Town that derives its name from a veteran, Commander Herndon, he is pleased that the Town honors all veterans for their service and continued sacrifices they and their families make after they have served in the Armed Forces. He emphasized the importance of community support for veterans.

Mayor Olem: echoed her colleagues' comments about Veterans Day. She stated that together with the American Legion Post 184, the Town held its Veterans Day Observance on Saturday, November 11, 2023. That afternoon, she helped fold the flags that are used for the Avenue of Flags at Chestnut Grove Cemetery. As always, she stated that these events provided an excellent opportunity to recognize and honor veterans.

Mayor Olem discussed the following events that she recently attended: (1) Arts Fairfax Awards on Thursday, October 26, 2023, for which she served on the Honorary Committee, (2) Cornerstones of Community Event, also on October 26, during which Cornerstones' work was recognized and celebrated, along with the work of Senator Janet Howell, Delegate Ken Plum, and Supervisor Foust, who are leaving public service at the end of the year, (3) Ribbon Cutting for the new location of Fairfax Radiology in

Herndon on Thursday November 2, 2023, (4) Grand Opening of the Okinawa Karate and Cultural Center in Chantilly on Sunday, November 5, 2023, and (5) Tower of Dulles Awards Dinner hosted by the Committee for Dulles on Thursday, November 9, 2023. She stated that the Tower of Dulles Award was presented to the Dulles District Representative on the Loudoun County Board of Supervisors, Matthew Letourneau. Mayor Olem congratulated Supervisor Letourneau and stated that he played a key role in the expansion of the Silver Line past Dulles Airport in Loudoun County.

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:

- Steven Boodhooski, 12913 Alton Square, Unit 106, Herndon, Co-Chair of the Stars and Stripes NOVA Committee, provided comments about the organization and their upcoming food and clothing drive on December 2, 2023 at The Green Lizard. He requested: (1) that the group be permitted to put up a banner announcing the event, and (2) the Town Council to support the event with a donation.
- Philip Langer, 12913 Alton Square, Unit 106, Herndon, Co-Chair of the Stars and Stripes NOVA Committee, provided comments about the organization, and invited everyone to attend their upcoming food and clothing drive.
- Rhapsody Corum, 13179 Fox Hound Lane, Herndon, representing the Stars and Stripes NOVA Committee, provided comments about the organization.
- Shari Lischau, (address inaudible), Ashburn, representing the Stars and Stripes NOVA Committee, provided comments about the organization, and requested support from the Town Council.
- Soma Ramesh, 1112 Tway Lane, Herndon, expressed concerns about traffic safety issues on Ferndale Avenue. He requested that parking be restricted to one side of that street.
- Carol Hadlock, 515 Alabama Drive, Herndon, provided comments on Council's discussions around moving the Thursday Farmers Market to Saturdays.
- William Campenni, 1104 Iron Ridge Court, Herndon, provided comments on the Stars and Stripes NOVA Committee's donation request from the Town.
- Stevan Porter, 905 Vine Street, Herndon, echoed Ms. Hadlock's comments about the Thursday Farmers Market, and he commented on: (1) Council's discussion on ad hoc committee processes at last week's work session, (2) wished all veterans a

Happy Veterans Day, (3) the Stars and Stripes NOVA Committee's donation request and the donation process, (4) wished everyone a Happy Diwali, and (5) thanked the Council for the opportunity to serve again on the Board of Zoning Appeals (Consent Agenda item 6(b)).

- Jay Hadlock, 515 Alabama Drive, Herndon, provided comments on the Stars and Stripes NOVA Committee's donation request from the Town.
- Ava Lewis, 412 Queens Row Street, Herndon provided comments on Council's discussions around moving the Thursday Farmers Market to Saturdays.

5. PUBLIC HEARING

a. Ordinance 23-O-20 to amend the Fiscal Year (FY) 2024 Adopted Budget for the General Fund and the American Rescue Plan Act (ARPA) Fund

A Certificate of Publication was filed from the Editor of the *Fairfax County Times Newspapers*, showing that notice of said public hearing item had been duly advertised in the Friday, November 3, 2023, issue.

Mayor Olem opened the public hearing and recognized Marjorie Sloan, Director of Finance, who presented the staff report dated November 14, 2023. Ms. Sloan reviewed the proposed ordinance, which amends the General Fund and ARPA Fund portions of the FY 2024 Adopted Budget. The amendment serves four appropriation purposes, and the first three are in the General Fund as follows: (1) \$96,000 to the Community Development Department, covered by grant-funded expenditures, (2) \$135,000 to the Herndon Police Department, covered by a State grant that was awarded after the FY 2024 budget was adopted, and (3) \$17,767 to the Herndon Police Department for vehicle equipment replacement, covered by insurance recovery funds. The fourth appropriation is a reclassification of \$1.0 million in the ARPA fund, from the water pump station and vaults project to the general water maintenance and replacement fund, as it is projected that the water pump station and vaults project will not be completed in time to meet ARPA encumbrance deadlines. Staff recommends approval of the proposed ordinance, as presented, adopting the budget amendment.

There was no discussion among Council.

Seeing that there were no comments from the audience, Mayor Olem closed the public hearing and moved to Council level for discussion and action.

Councilmember LeBlanc moved to approve Ordinance 23-O-20 to amend the Fiscal Year (FY) 2024 Adopted Budget for the General Fund and the American Rescue Plan Act (ARPA) Fund, as presented. Motion seconded by Councilmember Scherff.

There were brief comments from Council.

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

6. CONSENT

- a. Resolution 23-G-73 to approve a contract modification for IFB Contract #B-23-01, Bready Park Tennis Court Renovation**
- b. Resolution 23-G-74 to appoint a member to the Board of Zoning Appeals**
- c. Resolution 23-G-75 to appoint a member to the Herndon Building Board of Appeals**
- d. October 3, 2023, Town Council Work Session Minutes**
- e. October 10, 2023, Town Council Meeting Minutes**

On motion of Councilmember Dhakal, seconded by Councilmember del Aguila, the Consent Agenda items were approved and carried by 6-0 roll call vote. 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 November 14, 2023, Town Council Regular Meeting at 7:57 p.m.

Amanda E.M. Kertz
Chief Deputy Town Clerk

Minutes approved by Town Council:

[Note: Approved resolutions and ordinances are on file in the Town Clerk’s office.]