



**HERNDON TOWN COUNCIL
Work Session Meeting Minutes
Tuesday, January 2, 2024**

1. Call to Order

Mayor Olem called the January 2, 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 [left the meeting at 9:21 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, Director of Public Works; Bryce Perry, Deputy Director of Community Development; Mike Mueller, Golf Course General Manager; David Stromberg, Zoning Administrator; Lieutenant Charles Findley, Herndon Police Department; Dave Bracamonte, Systems Manager; Tamsin Himes, Lead Planner; Maria Lee, Budget Manager; Margie Tacci, Deputy Town Clerk; and Amanda Kertz, Chief Deputy Town Clerk.

Determination of a Quorum

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

Announcements

Mayor Olem stated that Christmas tree pick-up is this week and next week, Wednesday through Friday, on each resident's trash day.

2. General

- a. 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**

Lesla Yeatts, Town Attorney, presented the staff report stating that at the December 5, 2023, work session, Vice Mayor Hedrick brought forward a Discussion Item concerning attendance standards. Following that meeting, staff was directed to draft an amendment

to the Town Code to reflect the responsibility of the Town Council, and the Council's appointed boards and commissions, to regularly attend meetings of their body. Currently, the Town's boards and commissions are also reviewing attendance standards during an update of their by-laws. The proposed ordinance includes: (1) minor housekeeping amendment to clarify the process for rescheduling meetings, (2) specifies the responsibility to regularly attend meetings, and (3) specifies that Councilmembers who fail to attend four consecutive meetings, or 25 percent of meetings in a year, without good cause, are subject to censure by the Town Council. Staff recommends approval of the proposed ordinance, as presented.

There was discussion among Council and staff, including: (1) potential consequences for missing a set number of meetings, (2) Council's Code of Ethics, (3) accountability to the public and to fellow Councilmembers, (4) definition of "good cause," (5) disclosing reasons for an absence, (6) other localities with similar language regarding attendance, (7) "excused" versus "unexcused" absences, (8) notification process for missing a Council meeting, and (9) removing the words "special meetings" and changing the number of meetings in the proposed ordinance.

Responding to Councilmember Dhakal, Ms. Yeatts discussed situations where it may be difficult for the Chair to disclose the reason for a Councilmember's absence, for example, in the instance of an ill family member. She stated that the Code of Virginia allows for electronic meeting participation under a specific set of prescribed circumstances, and it may be helpful to review that language.

Councilmember Dhakal suggested striking the words "special meetings" from the proposed ordinance, removing the 25 percent requirement, and changing the requirements to be missing four consecutive meetings or ten meetings in a calendar year. Councilmember del Aguila stated that he agreed with those proposed changes.

Councilmember Scherff stated, for the record, that she cannot support this item. She provided comments about the importance of attending meetings and it was her understanding that a lack of a quorum had not prevented any meetings from being held. She expressed concern about enforcement of the policy and her feeling that this could hamper the will of the voters.

Following discussion and with the concurrence of Council, Mayor Olem asked that this item remain on the General portion of the agenda for the next regular meeting agenda.

Ms. Yeatts stated that she understood Council's consensus was to leave the proposed ordinance as it was presented to be considered at the next regular meeting.

b. Resolution to amend the Community Cultural Festivals Policy Statement

Kirstyn Barr Jovanovich, Town Clerk, presented the staff report, stating that at the December 5, 2023 work session, Council requested to review the administrative process with the Council, following requested changes that impacted the policy statement. Ms. Jovanovich reviewed the changes to the policy: (1) administrative eligibility review and disbursement process, (2) donation request limited to \$10,000 or up to 50 percent of the total estimated event budget, whichever was less, (3) limit to one donation per year, per organization, and (4) definition of "new" community festival is one that has not been held in the Town last five years and has not received a donation through this program. Staff recommends approval of the proposed resolution, as presented.

There was brief discussion among Council and staff on this item, including: (1) definition of a "new" request, (2) frequency that non-profits can apply, (3) administrative funding process, (4) encouraging community groups to create festivals, (5) budgetary processes related to event funding, and (6) continuing to fund events following the first year they are held.

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.

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

Kirstyn Barr Jovanovich, Town Clerk, presented the staff report stating that the proposed resolution sets guidelines to establish the Herndon Youth Advisory Committee (HYAC), as requested at the Council's December 5, 2023 work session. Ms. Jovanovich stated that the proposed resolution states that the members will serve one-year terms that coincide with the academic year and includes several requested language changes. If approved, the plan is for the HYAC to begin with the 2024-2025 academic year. Staff recommends approval of the proposed resolution, 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.

3. Discussion

a. Historic District Presentation

Mayor Olem recognized Lisa Gilleran, Director of Community Development, to begin the presentation.

Lisa Gilleran, Director of Community Development, began the PowerPoint presentation, dated January 2, 2024, by reviewing the Town's history and the establishment of the Historic District. She discussed several aspects of historical preservation in Herndon, including: (1) period of historical significance, (2) progression of housing development in Town, (3) community differentiation and Herndon's "sense of place," (4) past challenges, (5) recent updates to the District, (6) continuing challenges, (7) sustainability and affordability as related to historic preservation, and (8) Arlington County's Historic Preservation Fund grant program.

Tamsin Hines, Community Planner, continued the presentation and provided an overview of the Historic Overlay District processes and procedures, which included: (1) application and Historic District Review Board (HDRB) review processes, (2) Historic District Guidelines, (3) application of the Historic Guidelines, (4) appropriate building materials, including in-kind materials that may be used in certain situations, and (5) helpful resources for property owners.

David Stromberg, Zoning Administrator, continued the presentation and provided an overview of the Historic District Zoning Overlay, including: (1) zoning authority for the Historic District, founded in the State and Town Codes, (2) references to the Historic Overlay District and Historic District Guidelines in the zoning ordinance, (3) requirements for establishing or expanding Historic District boundaries, and (4) expansion or adjustment of the Historic District Overlay.

Mr. Stromberg stated that any change made to the Historic District boundary is considered a rezoning and must follow a process that is established in the State and Town Codes. The Historic District can be expanded, or it can be adjusted at the perimeter, but individual homeowners within the district cannot opt out of it because of these regulations.

Ms. Gilleran concluded the presentation by discussing steps forward, which included a recommendation to consider: (1) adoption of proactive ways to recognize missing, current, and future contributions to the Town's culture through art and community engagement, and (2) adoption of a grant program to assist contributing structure property owners in making appropriate repairs, following the model adopted by Arlington County.

There was brief discussion among Council and staff about the Historic District, including: (1) survey of contributing structures in the Historic District, (2) concern over misinformation and communication with the public, (3) costs to upkeep homes and potential grant programs, (4) Historic District boundaries, (5) identity and definition of the Historic District, (6) equity and affordability.

Responding to Vice Mayor Hedrick, William H. Ashton II, Town Manager, stated that the Town Council will be receiving the survey of contributing structures shortly.

Councilmember del Aguila stated that he wanted to continue discussing the Historic District, perhaps in a Town Council Initiatives meeting, where he would like to talk about ways to promote equity in the Historic District.

Mayor Olem encouraged those interested to visit the website for more information on the Historic District. She asked staff to provide her with a copy of the slide titled “summary” that was included in the PowerPoint.

Recess

At 9:21 p.m. Mayor Olem called a brief recess, and at 9:28 p.m., the work session meeting reconvened, with six members present and Mayor Olem presiding. Councilmember Scherff left the meeting.

b. Town Council FY 2025 Budget Guidance

Mayor Olem recognized Marjorie Sloan, Director of Finance, to begin the discussion on Fiscal Year (FY) 2025 Budget Guidance. Following this evening’s discussion, staff plans to move forward with the budget guidance resolution, which will be included in the agenda for the second Town Council meeting in January.

Ms. Sloan presented a PowerPoint which outlined: (1) FY 2024 General Fund revenues by major category, (2) FY 2024 mid-year conditions, trends, and outlook, (3) FY 2025 budget calendar, (4) recent economic news and relevant trends, (5) FY 2025 budget process, and (6) growth rate projections.

There was discussion among Council and staff about the FY 2025 budget guidance resolution and the budget process, including: (1) Town's revenue sources, (2) FY 2025 water and sewer rates, (3) FY 2025 tax rates, (4) projected interest rates, (5) covering potential budgetary shortfalls, (6) labor market and employee turnover rates, (7) Town's tax rates compared to other jurisdictions, and (8) hiring process.

Responding to Councilmember LeBlanc, Ms. Sloan stated that the Town's consultants from Davenport will be providing a presentation on the water and sewer rate model at an upcoming Town Council work session.

Councilmember del Aguila stated that in FY 2024, the real estate tax rate was reduced by one-half cent. He thought that the Council should explore if it makes sense to return the tax rate to what it was prior to that reduction, or to look at what should be considered in order to maintain the Town's level of services.

Responding to Councilmember del Aguila, Mr. Ashton stated he could compile the number of employees that have left within the first six months of being hired.

Responding to Councilmember del Aguila, Ms. Sloan indicated that staff could provide him with the past few years of revenue amounts comprising the FY 2024 General Fund Adopted Budget by Departments (slide six of staff's presentation).

4. Roundtable

Councilmember Alam: emphasized the importance of individuals being vaccinated for COVID and the flu. She wished everyone a Happy New Year.

Councilmember del Aguila: stated that at the last regular meeting, he mentioned a donation of shoes to the Herndon High School girls' basketball team, and he learned that the boys' teams will be receiving shoes as well. He thanked some members of the Council and the Green Lizard Foundation for their efforts in securing this donation.

Councilmember LeBlanc: requested a moment at the next Town Council regular meeting to think about the local family who was injured in a serious pedestrian accident last week.

Councilmember Dhaka: wished everyone a Happy New Year. He stated that he looked forward to working with his colleagues on the Town Council in the coming year.

Vice Mayor Hedrick: No comments.

Mayor Olem: echoed Councilmember Alam's comments on the importance of vaccines.

Mayor Olem thanked the staff who assisted in putting up poles at the Herndon Parkway and Spring Street intersection.

Responding to Mayor Olem, William H. Ashton II, Town Manager, stated that the lights need a period of time to burn in before they can become operational.

Mayor Olem stated that a new business, Cozy Cat Suites, opened in Town at the Safeway Shopping Center. She stated that it is a cat-only boarding and grooming facility.

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

5. Closed Meeting

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.

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

At 10:17 p.m., Mayor Olem called a brief recess, and at 10:22 p.m., the closed meeting reconvened in the Hoover Conference Room, with six members present and Mayor Olem presiding. Councilmember Scherff was absent.

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

The Council came out of closed meeting at 10:25 p.m.

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

Aye: 6

Nay: 0

Absent: 1

6. Adjournment

There being no further business, Mayor Olem adjourned the January 2, 2024, Town Council Work Session at 10:27 p.m.

Amanda E. Moraw Kertz

Amanda E.M. Kertz
Chief Deputy Town Clerk



Minutes approved by Town Council: February 13, 2024