

HERNDON TOWN COUNCIL
Regular Meeting Minutes
Tuesday, January 9, 2024

1. Call to Order

Mayor Olem called the Tuesday, January 9, 2024 Town Council regular meeting to order at 7:00 pm 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

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; and Dave Bracamonte, Systems Manager.

Mayor Olem asked that the community take a moment to keep the family that suffered serious injuries from the pedestrian accident on December 28, 2023, in their thoughts and prayers as they recover from the horrible accident.

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

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, with all Councilmembers present. Mayor Olem reminded the Council of the meeting decorum.

Announcements

Mayor Olem stated that Christmas trees will be collected this week, from Wednesday, January 10 to Friday, January 12, on each resident's trash day.

Mayor Olem stated that Town offices are closed on Monday, January 15, 2024, in observation of the Martin Luther King, Jr. Day holiday. More information is available in the Town Calendar and on the Town's website.

3. Presentations/Reports/Comments

a. Certificate of Appreciation to recognize The Honorable John Foust, Dranesville District Supervisor, Fairfax County Board of Supervisors

Mayor Olem stated that she was honored that evening to recognize Supervisor John Foust, Dranesville District, Fairfax County Board of Supervisors, for his many years of service to the Town of Herndon, Fairfax County, and the region. She provided comments on his many accomplishments prior to and while he served in elected office, including assisting with the Herndon Fire Station, the expansion of the Metrorail Silver Line, and establishing the Metro stop in Herndon. She expressed her appreciation to him for his service on behalf of the Town Council.

Mayor Olem invited Supervisor Foust forward to receive his Certificate of Appreciation.

Mayor Olem stated that members of the audience are invited to comment on the presentation during the "Comments from the Audience" portion of the agenda.

b. Town Manager Report

William H. Ashton II, Town Manager, stated that staff is investigating the cause of the leaks in the Herndon Council Chambers. Once the investigation is complete, staff will develop a plan to remediate the issue. He asked the public to be careful of the buckets that are in the lobby collecting water.

c. Councilmember Comments

Councilmember Scherff: thanked Supervisor Foust for his dedication and service to the Herndon community.

Councilmember Scherff stated she and Councilmember del Aguila are having their first stakeholder meeting with community members who are planning a Latino festival. She said that she would provide an update following the meeting.

Councilmember Scherff thanked William H. Ashton II, Town Manager, for sending the Historic District survey files to the Council. She asked him for an update on the Comstock project.

Mr. Ashton stated that the Town sent comments on the building permits that Comstock had submitted. He did not have any other updates at that time.

Councilmember Alam: echoed Councilmember Scherff's comments thanking Supervisor Foust for his service, specifically to Asian and immigrant members of the community.

Councilmember LeBlanc: echoed his colleagues' comments thanking Supervisor Foust for his service.

Councilmember LeBlanc stated that he attended the Committee for Dulles meeting that morning where they heard updates on economic development topics, including: (1) Loudoun County's development shift away from data centers, (2) local future development projects, and (3) projections for Metro use and housing.

Councilmember LeBlanc echoed Mayor Olem's comments expressing sympathy for those that were impacted by the serious pedestrian accident on December 28, 2023.

Councilmember del Aguila: wished everyone a Happy New Year and echoed his colleagues' comments thanking Supervisor Foust for his service.

Councilmember del Aguila thanked Councilmembers Scherff and Dhakal, along with the Green Lizard Foundation, for helping to provide basketball jerseys and shoes to the Herndon High School girls' basketball team.

Councilmember del Aguila asked about the upcoming Town Council Initiatives meeting and if the following items are going to be included on the agenda: (1) Historic District, (2) traffic calming, (3) housing, and (4) "Tunnel issue" as an opportunity to bring in revenue. He stated that he also wants to talk about restarting quarterly community roundtable meetings between the Town Council and residents. Additionally, he asked for more information on why the Council Initiatives meeting was rescheduled.

Mr. Ashton stated that there was not a confirmed quorum of the Council for the date that was originally selected and staff needed to look at new dates.

Councilmember del Aguila stated that he thought the Council should hold the meeting once it is set and he did not think a quorum is required for a Council Initiatives meeting. Mr. Ashton replied that to obtain prioritization and direction from the Council, having a majority of the body present at the meeting is important.

Kirstyn Barr Jovanovich, Town Clerk, confirmed that the next Town Council Initiatives meeting is scheduled for January 18, 2024. She stated that everyone responded to this date.

Councilmember del Aguila stated as part of the agenda, he thought they should discuss revenue opportunities in the Arts District. He indicated that he will submit his ideas for the Council's next discussion.

Councilmember Dhakal: wished everyone a Happy New Year and expressed that he hopes the new year will bring more unity, understanding, and shared accomplishments.

Councilmember Dhakal echoed his colleagues' comments expressing sympathy for those that were impacted by the serious pedestrian accident on December 28, 2023. He stated that he wants to discuss this accident as a part of the traffic calming initiative.

Councilmember Dhakal echoed his colleagues' comments on Supervisor Foust's service. He highlighted Supervisor Foust's contributions to the areas of affordable housing, transportation, and economic development.

Vice Mayor Hedrick: echoed his colleagues' comments expressing sympathy for those that were impacted by the serious pedestrian accident on December 28, 2023. He thought that the Council should look at traffic calming throughout the Town and at ways to avoid future accidents.

Vice Mayor Hedrick stated he was happy to see that Delegate Shin is sponsoring one of the bills the Town Council requested at the House of Delegates in Richmond.

Vice Mayor Hedrick echoed his colleagues' comments thanking Supervisor Foust for his public service.

Mayor Olem: echoed her colleagues comments on Supervisor Foust's public service, specifically mentioning his assistance in furthering the Herndon Metrorail Station and surrounding projects.

Mayor Olem discussed several events she recently attended, including: (1) Washington Regional Alcohol Program (WRAP) 2023 Law Enforcement Awards on Friday, December 15, where Herndon Police Corporal Bryce Cooper was honored as one of 17 Washington Metropolitan Area police officers for their commitment in the fight against drunk driving, (2) Honor Roll Awards Reception for the Kumon Math and Reading School on Saturday, December 16, and (3) Wreaths Across America on Saturday afternoon, December 16, where she joined with volunteers from the Herndon Woman's Club to honor 958 veterans by laying wreaths on their graves in Chestnut Grove Cemetery.

Mayor Olem stated that she enjoyed visiting a new business, Cozy Cat Cafe, which is a cat-only boarding house and grooming facility for cats.

4. Comments from the Audience

Mayor Olem reviewed the public comment process and asked those who wanted to provide Comments from the Audience to come forward.

The following individuals provided comments:

- Supervisor John Foust commented on his recognition and thanked the Mayor and Town Council for the plaque honoring his public service. He reviewed some of the activities impacting the Town that he facilitated during his tenure. He stated that Senator Boysko and Delegate Shin had been part of his staff in the past, and that his previous Chief of Staff is working for the new Dranesville District Supervisor Bierman.
- Kristen Jankowski, 1402 Rainbow Court, Herndon, expressed support for events in Herndon, especially Friday Night Live. She hoped that if budget cuts were needed this fiscal year, that Friday Night Live would not be removed from the budget.
- Steve Mitchell, 1291 Monroe Street, Herndon, provided written comments for the record. He expressed condolences to the pedestrians that were involved in the serious accident on December 28, 2023, and discussed another serious accident that involved his family. He stated that he made a FOIA request for the drawings of the intersection where the accident occurred and asked the Council to waive those fees because his request deals with the health, safety, and welfare of the community. He offered several traffic calming suggestions and asked that his ideas be considered at the next Traffic Engineering Improvement Committee (TEIC) or Pedestrian and Bicycle Advisory Committee (PBAC) meetings.
- Jay Hadlock, 515 Alabama Drive, Herndon, thanked Supervisor Foust for his service to the community and for his responsiveness to residents. Mr. Hadlock requested that the Planning Commission work sessions start being recorded, or that the minutes include more information about questions and responses.
- Tom Spears, 742 Florence Place, Herndon, provided comments about the Historic District and the Historic District Review Board (HDRB). He asked what the Historic District is accomplishing, and he wants the Town to consider allowing residents to opt out of the Historic District.
- Bessie Denton, 496 Virginia Avenue, Herndon, stated that she brought her grandson to the last Town Council work session meeting, and although he was grateful to attend, he said that he had a hard time hearing the discussion. Ms. Denton agreed with a comment made during Comments from the Town Council that evening about bringing back community roundtable discussions, and she suggested scheduling them from 5:00 to 8:00 p.m. She would also like to see events like Coffee with a Cop, Police Ride-along, and the Citizens Police Academy happening again.

- Justin Winthers, 743 Florence Place, Herndon, thanked Supervisor Foust for his service to the community. Mr. Winthers expressed support for Ms. Denton's suggestions for events, like Coffee with a Cop, to help build community. Mr. Winthers provided comments on the Historic District and the HDRB process, stating that he recently had an application before that Board. He requested that the Council look at the HDRB process and the Historic District regulations.
- Ann Vayda, 631 Oak Street, Herndon, thanked Supervisor Foust for his service to the community, and she thanked the citizens that commented that evening. She agreed with Mr. Hadlock's comments about the Planning Commission minutes and requesting that the Board work sessions be recorded. She provided comments on the Historic District and encouraged everyone to watch the November 15, 2023, HDRB meeting.
- Barbara Glakas, 935 Barton Oaks Place, Herndon, provided comments on the Historic District and stated that she is hearing a lot of misinformation about the definition of contributing structures and how they are designated. She commented on: (1) regulations governing the Historic District, (2) what has to occur to remove homes located on the border of the Historic District, and (3) encouraged those interested to watch the staff briefing on the Historic District provided at the January 2, 2024, Town Council work session.

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**

Lesa Yeatts, Town Attorney, presented the staff report and stated that, with the consensus of Council, staff was asked to bring forward an amendment to the Town Code that reflected the responsibilities of the Town Council, and its appointed boards and commissions, to attend the meetings of their body faithfully and regularly. The Council reviewed the proposed ordinance at their work session last week and at that time, there were no proposed changes to the language.

Ms. Yeatts reviewed the proposed ordinance, stating that the first portion is a housekeeping item that clarifies how a rescheduled meeting is noticed. The second portion of the item is an amendment to the Town's Code of Ethics. The proposed language states that: (1) attendance is an obligation of public office, and (2) missing either four consecutive Town Council work sessions, regular, or special meetings; or 25 percent of work sessions, regular meetings, or special meetings in a year; absent good cause; will be subject to censure of the body. Ms. Yeatts stated that attendance requirements are also being considered by the Town's standing boards and commissions as part of the process of updating their bylaws.

There was discussion among Council and staff on this item, including: (1) definition of the term "good cause," (2) notification process for being absent for a meeting, (3) excused versus unexcused absences, and (4) Town Council's Code of Ethics.

Responding to Councilmember Scherff's question about defining censure for the public's benefit, Ms. Yeatts stated that the censure penalties are up to the governing body. However; because the Council is elected, the Council cannot remove other members from office.

Councilmember LeBlanc stated, for the record, that the Commonwealth and other neighboring municipalities in the State have policies of this nature concerning attendance, and he thought that the policy will promote consistency with the Town's boards and commissions.

Vice Mayor Hedrick moved to approve 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, as presented.

Motion seconded by Councilmember LeBlanc.

There were comments from Council regarding the language in the proposed ordinance and about the Town Council's Code of Ethics.

Councilmember del Aguila moved that the Council table this item to define "good cause" and to further discuss the process for recording absences.

Motion seconded by Councilmember Scherff.

Following clarification from the Town Attorney, Councilmember del Aguila stated that he would like to proceed with a substitute motion to table the item.

Vice Mayor Hedrick suggested removing the "good cause" language from the ordinance as a solution to address the concern over that verbiage. Councilmember del Aguila stated that he did not agree with this suggestion.

There were comments from Council on: (1) the notification process for missing a meeting, (2) defining a process to record excused and unexcused absences, and (3) the process of censuring a Councilmember.

Councilmember del Aguila stated, for the record, that he heard everyone on Council say that they supported this philosophically and conceptually.

The question was called on the substitute motion to table the item, which carried by a 4-3 roll call vote. The vote was: Councilmembers Alam, del Aguila, Dhakal, and Scherff voting "Aye", and Councilmember LeBlanc, Vice Mayor Hedrick, and Mayor Olem voting "Nay."

6. Consent

On motion of Councilmember Scherff, seconded by Councilmember Dhakal, the Consent Agenda items were approved and carried by a unanimous roll call vote, as presented. The vote was: Councilmembers Alam, del Aguila, Dhakal, LeBlanc, and Scherff, Vice Mayor Hedrick and Mayor Olem voting "Aye."

- 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

There being no further business, Mayor Olem adjourned the January 9, 2024 Town Council Regular Meeting at 8:38 p.m.

Amanda E. Moraw Kertz

Amanda E.M. Kertz
Chief Deputy Town Clerk



Minutes approved by Town Council: February 13, 2024

[Note: Approved resolutions and ordinances are filed in the Town Clerk's office.]