



**HERNDON TOWN COUNCIL
Regular Meeting Minutes
Tuesday, March 26, 2024**

1. Call to Order

Mayor Olem called the March 26, 2024, Town Council meeting to order at 7:00 p.m. in the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia. In attendance were: Mayor Sheila Olem; and Councilmembers Cesar del Aguila, Keven LeBlanc, and Donielle M. Scherff.

Vice Mayor Clark Hedrick and Councilmembers Naila Alam and Pradip Dhakal were absent.

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Kirstyn Barr Jovanovich, Town Clerk; Lisa Gilleran, Director of Community Development; Marjorie Sloan, Director of Finance; Scott Robinson, Director of Public Works; Bob Williams, Director of Parks and Recreation; Captain Steve Pihonak, Herndon Police Department; David Stromberg, Zoning Administrator; Margie Tacci, Deputy Town Clerk; and Dave Bracamonte, Systems Manager.

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

Mayor Olem led the audience in 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 four Councilmembers present, with Vice Mayor Hedrick and Councilmembers Alam and Dhakal absent. Mayor Olem reminded the Council of the meeting decorum.

Mayor Announcements

Mayor Olem stated that the annual Hoppy Egg Hunt is on Saturday, March 30, with activities starting at 9:30 a.m. at Bready Park. She said that there are egg hunts for different age groups of children, so she suggested that those interested check the Town's website for registration and timing information.

Mayor Olem stated that the Herndon Community Center is celebrating its 45th anniversary this week. There are several events going on at the Community Center, such as special fitness classes, anniversary pass deals, contests, and more.

Mayor Olem stated that registration is open for spring programs with the Town's Department of Parks and Recreation, and she encouraged those interested to check out the upcoming programs, as well as the events she just mentioned, on the Town's website. She encouraged those with questions to contact the Herndon Community Center and to stay tuned for summer camp registration that starts in April.

3. Presentations/Reports/Comments

a. Proclamation to recognize Women's History Month

Mayor Olem stated that Councilmember Alam was unable to attend the meeting that night to read the proclamation. Mayor Olem asked Councilmember Scherff to read the beginning of the proclamation, and stated that she would read the end of the Proclamation to Recognize "Women's History Month" into the record.

Councilmember Scherff thanked Mayor Olem for allowing her to read the proclamation with her, and said that she was honored to be on Council with Mayor Olem and Councilmember Alam.

Mayor Olem stated that she was proud of the many women who have served on the Town's Boards, Commissions, Town Council, and who have led many volunteer and civic organizations in Town over the years. She stated that they have helped make Herndon the inclusive and welcoming place that it is.

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

b. Town Manager Report

William H. Ashton II, Town Manager, stated the tennis bubble at the Herndon Community Center was recently damaged during a windstorm. He stated that as the tennis bubble was scheduled to be taken down for the season soon, it would not be repaired in time to be put back up before the season ended. Mr. Ashton stated that while the tennis bubble will be closed for the spring and summer, a new tennis bubble is being installed for the fall.

c. Councilmember Comments

Councilmember del Aguila: provided comments about the Proclamation to recognize Women's History Month. He spoke about his mother, who had passed away one year ago, and provided personal comments about the unseen women

who make history. He stated that he honors and supports all women.

Councilmember Scherff: provided comments about the Proclamation to recognize Women's History Month. She provided personal comments about her mother and about recognizing all women this month.

Councilmember Scherff shared that she attended a meeting hosted by Fairfax County Supervisor Bierman and School Board Member Lady, both representing the Dranesville District, on the budgets for Fairfax County and Fairfax County Public Schools. She enjoyed attending the meeting and appreciated that it was held at Herndon High School. She indicated that the budgets are still open for public comment and encouraged citizens to provide their feedback by visiting Supervisor Bierman's webpage, or by texting "FY 2025 Budget" to 73224.

Councilmember LeBlanc: provided comments about the Proclamation to recognize Women's History Month, expressing his support for women this month and throughout the year. He stated that women have impacted the Town of Herndon throughout its history, both in large and small ways, and he is working to have a better understanding of these impacts.

Councilmember LeBlanc stated that Committee for Dulles will be holding an Career Fair at Dulles Airport on April 17. There will be many employers there who are part of the airport facility. He encouraged those interested to attend the event.

Councilmember LeBlanc stated that his thoughts are with the City of Baltimore and the families that are impacted by the tragic collapse of the bridge in that city.

Mayor Olem: echoed Councilmember LeBlanc's comments on sending her thoughts to the City of Baltimore. She stated that her thoughts and prayers are with the missing workers and their families that are impacted by the bridge collapse.

Mayor Olem stated that she recently attended a Committee for Dulles lunch event at Dulles Airport. The speaker at the event was the Chief of Police for the Washington Metropolitan Airports Authority Police Department, who spoke about the staffing shortage that many departments are facing - except the Town of Herndon. Mayor Olem expressed kudos to Chief DeBoard for being fully staffed.

Mayor Olem reminded everyone about the upcoming annual Spring Clean-Up on April 23 through 25 on each resident's trash day. She stated that details about the event are listed on the Town's website.

Comments and Disclosures for the Record

Mayor Olem asked Margie Tacci, Deputy Town Clerk, if she received comments

for the record or signed disclosure declarations from Council. Ms. Tacci stated that Councilmember LeBlanc entered a signed transactional disclosure declaration into the record on Consent Agenda item 6(d), Resolution 24-G-18 to authorize the Town Manager to submit a Creative Communities Partnership Grant Application to the Virginia Commission for the Arts, indicating that he is able to participate in the discussion and action on the item fairly, objectively, and in the public interest. The signed disclosure statement has been entered into the record with the Town Clerk and Town Attorney.

Ms. Tacci stated that the Town Clerk did not receive additional public comments or disclosures on any other items listed on that meeting's agenda.

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:

- Jay Hadlock, 515 Alabama Drive, Herndon, provided comments on the roadway safety presentation from last week's Town Council work session meeting. He expressed concerns about issues he is seeing with the Herndon Parkway/Spring Street intersection project, specifically removing trees and vegetation, along with traffic.
- Walter Shorter, 559 Early Fall Court, Herndon, representing Four Seasons HOA and Four Seasons Recreation Association, provided comments on the Proclamation to recognize Women's History Month. He provided comments about last week's work session, and expressed thanks to Chief DeBoard, Herndon Police Department, and her staff, for their efforts in his community, which he said is making a difference in his community.

5. Public Hearings

- a. Ordinance 24-O-06 to approve Zoning Map Amendment ZMA #22-02, 13100 and 13150 Worldgate Drive, in the Planned Development-Worldgate (PD-W) zoning district with proffered conditions to allow the redevelopment of the site with single-family attached and multi-family residential uses.**

Certificates of Publication were 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, March 15 and Friday, March 22, 2024, issues.

Mayor Olem opened the public hearing and recognized Lisa Gilleran, Director of Community Development, who reviewed the rezoning application. The proposed ordinance would allow a change in zoning for the subject parcels to allow for the proposed land uses, and in accordance with the Generalized Development Plan

(GDP) and Proffer Statement. The proposal includes the demolition of two existing office buildings, part of an existing parking garage, and redevelopment that will include approximately 460 residential units. Ms. Gilleran provided an overview of the: (1) location, (2) current and proposed land use designation, (3) parking and transportation considerations, (4) applicant's zoning modification requests (nine), and (5) development proffers.

During the application review, Ms. Gilleran stated that it came to staff's attention that several of the current zoning requirements are outdated. She indicated that staff is working on a zoning ordinance text amendment to present to Council to update the zoning ordinance requirements for development.

Addressing questions the Council had at last week's work session, Ms. Gilleran clarified that the parking modification only applies to the multifamily structure and discussed how the applicant plans to address transportation. Ms. Gilleran stated that the applicant met the notification requirements for neighboring properties, and also reached out other properties that were not legally required. Ms. Gilleran stated that staff recommends approval of the proposed ordinance, with the proffered conditions, as presented.

There was brief discussion among Council and staff about the application, focusing on: (1) proposed proffers and (2) zoning modification requests.

Mayor Olem asked if the applicant or applicant's agent would like to address the Council on this item.

David Gill, Wire Gill, LLP (applicant's agent) stated that his colleague Ken Wire was going to provide comments on the application, but he is unable to attend that night's meeting. He stated that Sean Sullivan, with Boston Properties, is providing comments on behalf of the applicant.

Sean Sullivan, Vice President of Development, Boston Properties, provided comments on behalf of the applicant. He provided an overview of the plan and clarified that the stacked houses and townhomes will be for sale, and it was anticipated that the multifamily units will be for rent. While they are not planning on incorporating affordable housing in this development, Mr. Sullivan stated that the application complies with all of the Town policies currently in place. He also discussed: (1) parking, (2) amenities, including bus shelters and trail connections, (3) parking plans, and (4) rail tax buyout; stating that it was their understanding that those tax funds will go to Fairfax County.

There was discussion among the Council and the applicant's agent on the proposed project, including: (1) community outreach for the project, (2) public parking maintenance and enforcement, (3) trails and trail maintenance, and (4) lessons learned from previous projects.

Mayor Olem called for comments from the audience.

The public hearing was held, and the following member of the audience provided comments:

- Walter Shorter, Four Seasons, expressed concerns about parking, and he asked that the applicant's agent's presentation be available to the public.

Seeing no further comments, Mayor Olem closed the public hearing and moved to Council level for discussion and action.

Councilmember LeBlanc moved to approve Ordinance 24-O-06 to approve Zoning Map Amendment ZMA #22-02, 13100 and 13150 Worldgate Drive, in the Planned Development-Worldgate (PD-W) zoning district with proffered conditions to allow the redevelopment of the site with single-family attached and multi-family residential uses, as presented.

Motion seconded by Councilmember del Aguila.

There were brief comments from Council.

Councilmember del Aguila thanked the applicant for their efforts and stated that he would like to see more attempts at workforce and affordable housing for this development and future housing developments in the Town.

The question was called on the motion, which carried by a 4-0 roll call vote. The vote was: Councilmembers del Aguila, LeBlanc, Scherff and Mayor Olem voting "Aye." Vice Mayor Hedrick and Councilmembers Alam and Dhakal were absent.

b. Resolution 24-G-15 to adopt the Town of Herndon 2024-2029 Strategic Plan

Certificates of Publication were 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, March 15 and Friday, March 22, 2024, issues.

Mayor Olem opened the public hearing and recognized Kirstyn Barr Jovanovich, Town Clerk, who presented the staff report and reviewed the Draft 2024-2029 Town of Herndon Strategic Plan. She stated that this item is to provide the public with the opportunity to give feedback on the Draft Strategic Plan, which has been a collaborative effort between the Town Council, the Management Team, and other staff members, starting with the Council's retreat in March 2023. She advised that once adopted, the Strategic Plan will be implemented and monitored, with progress updates provided to the Town Council quarterly.

Ms. Jovanovich discussed the following aspects of the Strategic Plan: (1) Vision Statement, (2) Core Values, and (3) Five Strategic Focus Areas (SFA), and reviewed the development of the Goals, Objectives, Strategies, and Success Measures under each Strategic Focus Area. She stated that all changes and feedback previously provided by the Council had been incorporated into the draft plan. Staff recommends approval of the proposed resolution, as presented.

There was brief discussion among Council and staff about the Draft Strategic Plan, including: (1) public communication, (2) performance measures, and (3) quarterly updates and the strategic planning process moving forward.

Mayor Olem called for comments from the audience.

The public hearing was held, and the following member of the audience provided comments:

- Jay Hadlock, 515 Alabama Drive, Herndon, asked for an additional objective under SFA 4, Good Governance, that would establish a quick response to citizen questions on Town activities. He provided comments on the forthcoming Town branding project award of contract.

Seeing no further comments, Mayor Olem closed the public hearing and moved to Council level for discussion and action.

Councilmember del Aguila moved to approve Resolution 24-G-15 to adopt the Town of Herndon 2024-2029 Strategic Plan, as presented.

Motion seconded by Councilmember Scherff.

There were brief comments from Council.

Councilmember Scherff asked the Town Manager to tie the areas and goals in the Strategic Plan to the items on the Town Council meeting agendas following adoption.

In response to Mr. Hadlock's comments, Councilmember LeBlanc asked about customer satisfaction measurements, such as response time and rate for citizen questions. Responding, Ms. Jovanovich stated that she believed this type of data was tracked by departments and is provided as key performance indicators that are included in the budget documentation.

The question was called on the motion, which carried by a 4-0 roll call vote. The vote was: Councilmembers del Aguila, LeBlanc, Scherff and Mayor Olem voting "Aye." Vice Mayor Hedrick and Councilmembers Alam and Dhakal were absent.

6. Consent

- a. **Ordinance 24-O-07 to amend the Herndon Town Code, Chapter 74 (UTILITIES), Article IV (Billing Procedures), Section 74-424 to add language thereto relating to residential water-sewer leaks**
- b. **Resolution 24-G-16 to initiate consideration of a Zoning Ordinance Text Amendment ZOTA #24-01 to amend Chapter 78 (ZONING), Article XV (Decision-Making Authorities, Application Review, and Permitting), Section 78-152.2(b)(3) (Fees for Development Applications) to adjust development fees for inflation to current rates**
- c. **Resolution 24-G-17 to authorize the Town Manager to submit a grant application to the Office of the Secretary of Transportation, United States Department of Transportation, for federal funding under the Safe Streets and Roads for All (SS4A) program, to be directed towards the development of a Safety Action Plan for the Town**
- d. **Resolution 24-G-18 to authorize the Town Manager to submit a Creative Communities Partnership Grant Application to the Virginia Commission for the Arts**
- e. **Ordinance 24-O-08 to approve and authorize the Mayor to sign a lease agreement between the Town and Herndon Historical Society for space at 717 Lynn Street, commonly known as the Depot**
- f. **Resolution 24-G-19 to appoint a member to the Historic District Review Board**

On motion of Councilmember Scherff, seconded by Councilmember LeBlanc the Consent Agenda items were approved and carried by a 4-0 roll call vote, as presented, without comment. Councilmembers del Aguila, LeBlanc, Scherff and Mayor Olem voting "Aye." Vice Mayor Hedrick and Councilmembers Alam and Dhakal were absent.

7. Closed Meeting

- a. **A closed meeting pursuant to the:**
 - **Code of Virginia Section 2.2-3711 (A)(3), a matter involving a discussion or consideration of the acquisition of real property for a public purpose in the downtown because discussion in an open meeting would adversely affect the town's bargaining position or negotiating strategy; and**

- **Code of Virginia Section 2.2-3711(A)(8), consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, relating to real estate in the downtown and relating to an intergovernmental matter.**

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.

Councilmember LeBlanc moved that the Council convene in a closed meeting to discuss the following as permitted by Code of Virginia Section 2.2-3711(A)(3), a matter involving a discussion or consideration of the acquisition of real property for a public purpose in the downtown because discussion in an open meeting would adversely affect the town's bargaining position or negotiating strategy; and Code of Virginia Section 2.2-3711(A)(8), consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, relating to real estate in the downtown, and relating to an intergovernmental matter.

Councilmember Scherff seconded the motion, which carried by a 4-0 roll call vote. The vote was: Councilmembers del Aguila, LeBlanc, Scherff and Mayor Olem voting "Aye." Vice Mayor Hedrick and Councilmembers Alam and Dhakal were absent.

At 8:37 p.m. Mayor Olem called a brief recess, and at 8:48 p.m., the closed meeting reconvened in the Hoover Conference Room, four members present, with Mayor Olem presiding. Vice Mayor Hedrick and Councilmembers Alam and Dhakal were absent.

Councilmember LeBlanc moved to come out of the closed meeting. Motion seconded by Councilmember Scherff and carried by a 4-0 roll call vote. The vote was: Councilmembers del Aguila, LeBlanc, Scherff and Mayor Olem voting "Aye." Vice Mayor Hedrick and Councilmembers Alam and Dhakal were absent.

The Council came out of closed meeting at 9:43 p.m.

Councilmember Scherff moved to certify that, to the best of each member's knowledge, in the closed meeting just concluded, nothing was discussed except the matter or matters (1) specifically identified in the motion to convene in closed meeting and (2) lawfully permitted to be discussed in a closed meeting under the provisions of the Virginia Freedom of Information Act as cited in that motion. Motion seconded by Councilmember del Aguila and carried by 4-0 roll call vote. The vote was: Councilmembers del Aguila, LeBlanc, Scherff and Mayor Olem voting "Aye." Vice Mayor Hedrick and Councilmembers Alam and Dhakal were absent.

Aye: 4
Nay: 0
Absent: 3

8. **Adjournment**

There being no further business, Mayor Olem adjourned the March 26, 2024, Town Council Regular Meeting at 9:45 p.m.

Amanda E. Monaw Kertz

Amanda E.M. Kertz
Chief Deputy Town Clerk



Minutes approved by Town Council: May 14, 2024

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