

HERNDON TOWN COUNCIL
Work Session Minutes
Tuesday, May 21, 2024

1. Call to Order

Mayor Olem called the May 21, 2024, Town Council work session 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; Vice Mayor Clark Hedrick; and Councilmembers Cesar del Aguila and Pradip Dhakal.

Councilmembers Naila Alam, Keven LeBlanc, and Donielle M. Scherff were 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; Marjorie Sloan, Director of Finance; Scott Robinson, Director of Public Works; Page Kalapasev, Director of Information Technology; Mike Mueller, Golf Course General Manager; Lauri Sigler, Deputy Town Attorney; John Irish, Deputy Director of Public Works; David Stromberg, Zoning Administrator; John Verdin, Capital Projects Program Manager; and Margie Tacci, Deputy Town Clerk.

Determination of a Quorum

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

Mayor Announcements

Mayor Olem stated that May 19 to May 25, 2024, is National Public Works Week, and she expressed appreciation to Public Works Director Scott Robinson and the Public Works staff for all their efforts throughout the year. She stated that public works contribute to advancing and enhancing our quality of life. Public works professionals provide essential services that lead to healthier, happier, more vibrant communities and make our communities dynamic places to live and work.

2. Public Hearings

a. Resolution to adopt the FY 2026 through FY 2030 portion of the FY 2025 - FY 2030 Town of Herndon Capital Improvement Program

John Verdin, Capital Projects Program Manager, presented the staff report, stating that the Capital Improvement Program (CIP) is a financial planning document that establishes a six-year schedule for public improvements. It serves as a companion policy document to the Town of Herndon 2030 Comprehensive Plan and the Annual Operating Budget. The proposed program of capital improvements is integrated into the overall financial planning of the Town, and it was reviewed and recommended for approval by the Planning Commission on January 23, 2024.

Mr. Verdin reviewed the following related to the proposed CIP, highlighting the use of American Rescue Plan (ARPA) funds: (1) 11 projects that have been or will be completed in FY 2024, (2) 36 projects proposed to be included in the CIP, their categories, and requested funding, (3) four new CIP projects and requested funding, which are: (a) Ferndale Avenue Improvements, (b) Herndon Police Department (HPD) secure gate, (c) HPD Station Infrastructure Improvements, and (d) lead and copper rule revision compliance, (4) FY 2025 CIP portion of the budget; costs and funding, and (5) proposed FY 2026 to FY 2030 CIP categories and costs, which total approximately \$187.9 million. Staff recommends approval of the proposed CIP, as presented.

There was discussion among the Council and staff on the CIP, including funding sources for: (1) proposed new CIP projects; specifically (a) Ferndale Avenue Improvements, and (b) lead and copper compliance, (2) water and sewer projects; what amount is funded by fees versus CIP funds, (3) applying for grant funding for CIP projects, and (4) use of ARPA funds.

3. General

a. Resolution to adopt the Town of Herndon Streeterly Pilot Program

b. Ordinance to amend Chapter 66 (STREETS, SIDEWALKS AND CERTAIN OTHER PUBLIC PLACES), Sec. 66-1 and to repeal Article VI (Encroachments Over and Upon Public Rights-of-Ways), Division 1 (Generally), and Division 2 (Outdoor Seating Administrative Encroachments)

Mayor Olem stated that the first two general items are being presented concurrently, and recognized David Stromberg, Zoning Administrator, for the staff report on these items. Mr. Stromberg stated that the Streeterly Pilot Program is an improvement to the existing outdoor dining program, and it incorporates several of the changes recommended by the Council during the past two work session meetings. The proposed resolution establishes a Streeterly Pilot Program within the downtown, memorializes the fee change adopted by Ordinance 24-O-10 at the May 14, 2024 Town Council meeting, and increases the number of parking spaces

available for outdoor seating. In order to establish and implement the pilot program, Chapter 66, Section 66-1 must be amended, and Article VI, Divisions 1 and 2, must be repealed. The Streeery Pilot Program will supersede the current regulations regarding outdoor seating found in Chapter 66 once those are repealed. Mr. Stromberg provided an overview of the Streeery Pilot Program, including the: (1) proposed fees of \$1.00 per square foot for the first two parking spaces, and \$5.00 per square foot for the third and fourth spaces, (2) increasing the number of on-street public and public shared parking spaces from two to four, and (3) maximum of 30 percent of the block can be used for streeery spaces.

Mr. Stromberg discussed the requirements remaining from the current outdoor dining ordinance, including: (1) compliance with state and federal laws, (2) liability insurance requirement, (3) application fee, (4) encroachment agreement, and (5) being current on taxes and fee payments.

Mr. Stromberg reviewed the locations available for the Streeery Pilot Program and stated that the Director of Economic Development will engage a group of business owners to evaluate the program. The term of the Streeery Pilot Program will begin with the adoption of the resolution and will continue through November 30, 2024. Staff recommends approval of the proposed resolution and the subsequent ordinance, which will allow the Pilot Program to be enacted.

There was discussion among the Council and staff on the proposed pilot program, including: (1) parameters of the Streeery Program, (2) parking availability in the downtown, (3) Economic Development Director working with all downtown businesses, including non-restaurants, (4) review of traffic flow and patterns, and (5) considering street closures to make the downtown more pedestrian friendly.

c. Resolution to authorize the removal of the duct bank for the relocation of underground utilities (UPC 120508) from the Virginia Department of Transportation (VDOT) administered '*East Elden Street Improvements and Widening*' project (UPC 50100)

John Irish, Deputy Director of Public Works, presented the staff report, stating that the proposed resolution endorses the revised East Elden Street Improvements and Widening project and requests the Virginia Department of Transportation (VDOT) to proceed with a revised design for the VDOT-administered project. In January 2024, VDOT advised staff that the cost of the project would increase significantly, from \$71 million to \$89 million, with an additional obligation to the Town of approximately \$24 million. Staff reviewed the project for potential cost savings and found that removing the undergrounding of utilities from the scope of the project was feasible and would reduce the cost. The utilities will remain overhead but will be relocated as necessary to complete the road surface improvements associated with the project. Staff recommends approval of the proposed resolution, as presented.

Following Mr. Irish's comments, Mr. Ashton discussed the meeting where VDOT told the Town about the increased project costs, and he reviewed how staff was able to pivot to remove the underground utilities to proceed with the other planned improvements.

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.

- d. **Resolution to initiate consideration of a Zoning Ordinance Text Amendment ZOTA #24-02 to amend Chapter 78 (ZONING), Article III (Residential Districts), Section 78-30.6, Article V (Planned Development Districts), by adding Section 78-51.2, PD-TRG1 (Planned Development – Transit Related Growth 1), and Section 78-51.2, PD-TRG2 (Planned Development – Transit Related Growth 2), and amending Article VII (Use Regulations), Section 78-70.2, Article VIII (Accessory Uses), Section 78-80.2, Article X (Parking, Loading, and Circulation), Section 78-100.2, Article XIV (Signs), adding a new Section 78-141.7 (Sign Standards for Planned Development – Transit Related Growth), Section 78-180 (Definitions), and other articles as deemed necessary and appropriate to implement the recommendations and standards of the Transit Related Growth Small Area Plan**

David Stromberg, Zoning Administrator, presented the staff report, stating that the proposed initiating resolution allows staff to bring draft language to the Planning Commission for their review and to gather public input. With this being a more complicated zoning ordinance text amendment (ZOTA), he thought that it may take some time before this item came back to the Town Council for review. The proposed ZOTA will establish the first two zoning districts for the recently adopted Transit-Related Growth (TRG) Small Area Plan. Staff recommends approval of the proposed initiating resolution, as presented.

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.

4. **Consent**

- a. **Resolution to delegate authority to the Town Manager to approve all project budget transfers, and the addition of and cancelation of projects in the American Rescue Plan Act (ARPA) Fund**

There was brief discussion among the Council and staff on the proposed resolution concerning the ARPA Fund.

5. Roundtable

Councilmember Dhakal: provided comments on the upcoming Memorial Day holiday and thanked those that lost their lives in service of our country.

Councilmember Dhakal offered kudos to the Department of Public Works (DPW) staff during National Public Works Week.

Councilmember Dhakal asked about the lifetime golf pass he requested for former mayor Mike O'Reilly, requesting the Council's feedback on the matter.

There was discussion among the Council and staff about providing a lifetime golf pass to Mr. O'Reilly, including how it could be funded.

William H. Ashton II, Town Manager, stated that the Council is not able to fund a lifetime pass, as they cannot bind future Councils to authorize those funds.

Responding to Vice Mayor Hedrick, Mike Mueller, General Manager of the Golf Course, stated that he did not have the information at that time, but he could provide the cost of an annual pass to the Council.

Councilmember Dhakal stated that once the amount for the annual pass was known, the Council can decide if they want to fund the pass for Mr. O'Reilly through the end of the year.

Councilmember del Aguila: thanked the Town Manager for responding to a recent email he sent about the Stars and Stripes NOVA Committee golf tournament, which is occurring on Friday. He asked staff if it were possible to provide the organization with a donation, and if so, he asked if the Council would consider providing them with a cash donation.

Lesa Yeatts, Town Attorney, stated that under the State Code, the Town may make appropriations of public funds to charitable organizations, but there are several rules and regulations governing the awarding of funds. She outlined the documentation the organization must provide that is vetted by the Finance Department, and she stated that the group must either be located in the Town or directly benefit Town of Herndon residents. If the donation amount is above \$5,000, there are additional requirements from the IRS that must be met.

Responding to Councilmember del Aguila, Mr. Ashton stated that if the organization meets the legal criteria, the Council must pass a resolution authorizing the funds. He indicated that staff could work on a resolution to consider a donation to the organization, if staff receives the required paperwork that Ms. Yeatts outlined.

Vice Mayor Hedrick: no comments.

Mayor Olem: provided comments on the upcoming Memorial Day holiday and encouraged everyone to attend the observance at Chestnut Grove Cemetery on Monday that is hosted by the local American Legion.

Mayor Olem stated that she works with a number of groups that conduct fundraisers. She pointed out that there are a number of large corporate sponsors listed as supporting the upcoming Stars and Stripes NOVA golf tournament.

Following comments from Councilmember del Aguila about the potential donation, Ms. Yeatts clarified that a resolution to consider a donation to the Stars and Stripes NOVA committee could be brought forward at the next Town Council work session in June.

William H. Ashton II, Town Manager: provided comments and personal reflections on Memorial Day, stating that it is an important and solemn day to remember those that have lost their lives in service to our nation. He encouraged everyone to take time and reflect on Memorial Day, and to also remember those individuals from the armed forces who have taken their own lives.

Mr. Ashton stated that in recognition of Public Works Week, HCTV is assisting Town staff in creating short public service videos highlighting members of DPW staff. He looked forward to seeing the videos, which he said will be posted on social media.

Mayor Olem stated that she has a handbook that reflects how the presence of the military in Virginia impacts the entire state, and she offered to share it with anyone who is interested.

6. Adjournment

There being no further business, Mayor Olem adjourned the May 21, 2024 Town Council Work Session at 8:01 p.m.

Amanda E. Monaw Kertz

Amanda E.M. Kertz
Chief Deputy Town Clerk



Minutes approved by Town Council: July 16, 2024