

HERNDON TOWN COUNCIL
Regular Meeting Minutes
Tuesday, May 14, 2024

1. Call to Order

Mayor Olem called the Tuesday, May 14, 2024, Town Council Regular Meeting to order at 7:00 p.m. in the Town Council Chambers, 765 Lynn Street, Herndon, Virginia. In attendance were: Mayor Sheila Olem; Vice Mayor Clark Hedrick; and Councilmembers Naila Alam, Cesar del Aguila, Pradip Dhakal, and Donielle M. Scherff.

Councilmember Keven LeBlanc 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; Page Kalapasev, Director of Information Technology; Scott Robinson, Director of Public Works; Bryce Perry, Deputy Director of Community Development; Mike Mueller, Golf Course General Manager; Maria Lee, Budget Manager; Amanda Kertz, Chief Deputy Town Clerk; and Mike Shindledecker, Transportation 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 six Councilmembers present, with Councilmember LeBlanc absent. Mayor Olem reminded the Council of the meeting decorum.

Mayor Announcements

Mayor Olem stated that the second public hearing on the FY 2025 Proposed Budget will be held that evening. She appreciated those who provided comments and looked forward to additional comments later that evening.

Mayor Olem reviewed the following upcoming events: (1) Bike to Work Day on Friday, May 17, 2024, where the Town's Parks and Rec Department, with support

from The Green Lizard, will host a pit stop in downtown Herndon near the W&OD Trail, and (2) Memorial Day Holiday on Monday, May 27, 2024, stating that Town offices will be closed. The American Legion Post 184 will host a Memorial Day Ceremony at 10:00 am, along with the Avenue of Flags (weather permitting), at Chestnut Grove Cemetery.

3. Presentations/Reports/Comments

a. Proclamation to Recognize May as Asian American, Native Hawaiian, and Pacific Islander Heritage Month

Mayor Olem recognized Councilmembers Dhakal and Alam to read the Proclamation to Recognize May as Asian American, Native Hawaiian, and Pacific Islander Heritage Month into the record.

b. Proclamation to Recognize Nepali American Heritage Day

Mayor Olem recognized Councilmember Dhakal to read the Proclamation to Recognize May 28, 2024, as Nepali American Heritage Day into the record.

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

c. Town Manager Report

William H. Ashton II, Town Manager, stated that at last week's work session, he mentioned that he recently attended the George Mason University (GMU) Masters in Public Administration graduation dinner. One of the Town employees who was part of the program, Jonathan Fransell, Civil Engineer in the Public Works Department, received the prestigious John D.R. Cole Outstanding Master of Public Administration Student Award, which is given to only one student in the entire program. The individual is nominated by the faculty for having the highest GPA, along with the best analytical and speaking skills. Mr. Ashton stated that it takes an individual with immense talent to demonstrate the varied skill sets recognized to achieve this award. He stated that he is proud of Mr. Fransell's achievements both at GMU and the Town, and he looks forward to his continued success and contributions to Herndon.

d. Councilmember Comments

Councilmember Scherff: provided comments on the proclamations to recognize Asian American, Native Hawaiian, and Pacific Islander Heritage Month and Nepali American Heritage Day, and welcomed those in attendance that evening.

Councilmember Alam: provided comments on the proclamations to recognize Asian American, Native Hawaiian, and Pacific Islander Heritage Month and Nepali American Heritage Day, and welcomed those in attendance that evening. She

stated she was honored to recently attend an event hosted by Vice President Harris recognizing Asian American, Native Hawaiian, and Pacific Islander Heritage Month.

Councilmember del Aguila: thanked those in attendance for coming to the meeting that evening. He stated there are items in the proposed budget that he believes demonstrate the Town Council's commitment to equity and inclusion. He hoped that those in attendance that evening would attend next year's meeting to recognize these important designations again. In the spirit of unity and inclusion, he stated that in 122 days, Herndon will have a Latino Festival, and he invited those present to attend.

Councilmember Dhakal: stated that he is honored and blessed to read the proclamations honoring Asian American, Native Hawaiian, and Pacific Islander Heritage Month and Nepali American Heritage Day, which shared comments on fostering inclusion, inclusivity, and appreciation for the diverse community. He thanked those in attendance, the Town Council, and stated he is grateful for the Herndon community for accepting him and electing him as one of their representatives. He believes that there is much more to be done to achieve equity and inclusivity, and he thought that having recognitions like those held that evening is helpful in achieving those outcomes.

Councilmember Dhakal discussed several events he recently attended, including: (1) event at the White House on Saturday, May 11, 2024, at the invitation of the President and First Lady, (2) event with Virginia Senator Salim and the America Nepal Society on Saturday, May 11, 2024, (3) Northern Virginia Tea Festival at the Elden Street Tea Shop in Reston, on Saturday, May 4, 2024; he congratulated Rachel Eisenfeld on an enjoyable event, (4) recent event at Herndon Middle and Herndon High School to spread awareness of gang activities, (5) tree planting for Earth Day/Arbor Day on Friday, April 26, 2024; Herndon was named a Tree City USA for the 35th year in a row, (6) Herndon Elementary School Heritage Night; which showcased the Town's diversity, and (7) Chairman McKay's Spring Social held prior to tonight's meeting; where he enjoyed speaking with Chairman McKay. Councilmember Dhakal also wished the mothers in attendance a Happy Mother's Day, which was celebrated that past Sunday.

Councilmember Dhakal stated that he is working with the Model Nepali Society Herndon to plan a multicultural festival in Herndon on Saturday, August 17, 2024, and he is looking forward to the event.

Councilmember Dhakal thanked those that have submitted comments on the proposed FY 2025 budget. He provided comments on the budget process and how the Council incorporated feedback from the public.

Vice Mayor Hedrick: provided comments on the proclamations to recognize Asian American, Native Hawaiian, and Pacific Islander Heritage Month and Nepali American Heritage Day, and welcomed those in attendance that evening.

Vice Mayor Hedrick stated that last week was Public Service Recognition Week, and he expressed his appreciation to the Town staff. He stated that May 12 to May 18, 2024, is National Police Week, and he indicated that there is a police memorial in downtown Washington, DC this week, with many law enforcement families present. He said that the officers at the Herndon Police Department (HPD) were honored at the HPD Recognition Dinner on April 27, 2024, and he thanked the police officers for all they do in the community.

Mayor Olem: thanked Councilmembers Alam and Dhakal for reading the proclamation to recognize this month as Asian American, Native Hawaiian, and Pacific Islander Heritage Month, and thanked Councilmember Dhakal, for requesting and reading the proclamation honoring Nepali American Heritage Day. She provided brief comments on the proclamations and encouraged everyone to learn as much as they can about other cultures.

Mayor Olem stated that she enjoyed attending the following community events over the past two weeks: (1) Arbor Day Tree Planting Ceremony on Friday, April 26, 2024, at Haley Smith Park; where she presented a proclamation honoring Earth Day/Arbor Day, (2) Herndon Police Department (HPD) Awards Dinner on Saturday, April 27, 2024; she expressed appreciation to HPD; (3) Farmers Market opening day on Thursday, May 2, 2024, and (4) the first two Friday Night Live! events on Friday, May 3 and May 10, 2024. She thanked the Department of Public Works (DPW) and HPD staff for their efforts at FNL, especially when it was raining.

Mayor Olem encouraged those interested to check the Town's website for more information on events, stating that there is often entertainment for children at the Herndon Farmers' Market on Thursday.

Comments and Disclosures for the Record

Mayor Olem asked Amanda Kertz, Chief Deputy Town Clerk, if she received comments for the record or signed disclosure declarations from Council.

Ms. Kertz stated that comments were entered into the record on: (1) Public Hearing Item (a), Ordinance 24-O-10 to amend Chapter 66, Article VI, to reduce the fees for use of public sidewalk, public right-of-way, or public shared parking; (2) Public Hearing Item (b), Resolution 24-G-25 Special Exception SE #24-01 - Hunters Creek Bridge; and (3) Public Hearing Item (c), (numerals 1 through 4), the Fiscal Year 2025 Proposed Budget.

Additionally, Mayor Olem, Vice Mayor Hedrick, and Councilmembers Dhakal and LeBlanc entered Signed Transactional Disclosure Declarations into the record on Public Hearing Item (c), numerals 3 and 4 - Resolution 24-G-26, Fiscal Planning Resolution, and Ordinance 24-O-13 to Appropriate funds for Fiscal Year 2025 - relating to the proposed community donations included in the FY 2025 Proposed Budget. The statements indicate that they are able to participate in the discussions fairly, objectively, and in the public interest. The signed disclosure statements have been entered into the record with the Town Clerk and Town Attorney.

The Clerk did not receive additional comments or disclosures on any other items included on tonight'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 members of the audience provided comments on the proclamations to recognize Asian American, Native Hawaiian, and Pacific Islander Heritage Month, and Nepali American Heritage Day:

- Shamalee Howe, 2112 Golf Course Drive, Reston: shared that 20 percent of Fairfax County's community is Asian American;
- Guna Luitel, former Herndon resident, (no address given);
- Harry Sharma, (no address given) Herndon: asked the Town to invest in roads and education, and called attention to electing Asian Americans at the federal level;
- Chiranjivi Lamichhane, 488 Virginia Avenue, Herndon;
- Sunita Subedi 7676 Helmsdale Place, Manassas;
- Namrata Paudel, 132 Herndon Mill Circle, Herndon;
- Soma Romesh, 112 Tway Lane, Herndon: provided comments on behalf of the Harraskeet Foundation, and discussed the Herndon Diversity, Equity, and Inclusion Committee (HDEIC), a committee that he serves on;
- Mohan Yadav, 24575 Pommel Terrace Sterling;

- Prem Sangraula, 6800 Van Peak Drive, McLean: requested the Town Council's assistance in running Nepalese schools, or other types of schools, for communities in the Town; and
- Adrian Pokharel, 8835 Calbera Court, Gainesville: stated that he is running for office in the 10th Congressional District of Virginia.

The following individuals provided comments on the proclamations to recognize Asian American, Native Hawaiian, and Pacific Islander Heritage Month and Nepali American Heritage Day, along with other subjects:

- Stevan Porter 905 Vine Street, Herndon: provided comments on destination businesses and events, expressing excitement about upcoming events and the Lego store that is opening in Herndon. He asked that the Town promote the many large and small events that happen every week.
- Steven Mitchell, 1291 Monroe Street, Herndon: provided comments on diversity in the community, and talked about destination retail in the downtown.

5. **Public Hearings**

- a. **Ordinance 24-O-10 to amend Chapter 66 (STREETS, SIDEWALKS AND CERTAIN OTHER PUBLIC PLACES), Article VI. (Encroachments Over and Upon Public Rights-of-Way), Division 2 (Outdoor Seating Administrative Encroachments), Sec. 66-133 (Same - Requirements), to reduce the fees for use of public sidewalk, public right-of-way, or public shared parking from \$10.00 per square foot to no more than \$7.50 per square foot**

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, May 10, 2024 issue.

Mayor Olem opened the public hearing and recognized William H. Asthon II, Town Manager, for the staff report. He stated that following discussion of the outdoor seating ordinance at the April 2, 2024, work session, the Town Council directed staff to bring forward a Town Code amendment to lower the fees for use of the public sidewalk, public right-of-way, or public shared parking from \$10.00 to no more than \$7.50 per square foot per term. Mr. Ashton reviewed the: (1) current outdoor dining ordinance, (2) available locations for outdoor dining in the downtown, (3) existing parameters for outdoor dining, and (4) potential changes to the ordinance.

During last week's work session, the Council directed staff to develop a pilot program that would decrease the cost per square foot and increase the number of public shared parking spaces that can be used for outdoor seating. However,

these proposed changes were not included in the legal advertisement that was issued for this public hearing. Mr. Ashton stated that staff is developing the pilot program, as directed by Council, and plans to bring this to the Council for consideration and action at the next work session and regular meeting. The pilot program will include the fees and number of spaces as directed by the Council, outline what will be measured, and determine how those measurements will be evaluated.

Mr. Ashton stated that since this public hearing had been duly advertised, staff is advising the Council to hold the public hearing as scheduled, but not to take action that evening, with the understanding that staff is bringing forward the pilot program to the next set of Town Council meetings.

There was discussion among the Council and staff on this item, including: (1) parameters of the pilot program, (2) space limitations for outdoor dining, (3) metrics and data evaluation to be conducted, (4) requesting the Economic Development Director to put together an ad hoc committee of business owners to gather their feedback, (5) taking action on reducing the price per square foot that evening, and (6) businesses being able to remain in the pipeline if they apply for an outdoor dining permit while the pilot program is being developed.

Responding to Councilmember del Aguila, Lesa Yeatts, Town Attorney, stated that the Council could reduce the outdoor dining fees up to the advertised rate of \$7.50 per square foot that evening. She clarified that in order to begin the pilot program, the Council will have to repeal the existing outdoor dining ordinance at a future meeting. She stated that any change in fees made that evening would only be in effect until the ordinance is repealed, and the pilot program is adopted.

The public hearing was held, and the following individuals provided testimony:

- Steve Mitchell, 1291 Monroe Street, Herndon: asked to be kept informed of the process to help staff understand the business impacts.
- Stevan Porter, 905 Vine Street, Herndon: asked for an analysis of the parking and traffic impacts and for staff to reach out to non-restaurant businesses during the pilot program.

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

Councilmember del Aguila moved to amend Ordinance 24-O-10 to amend Chapter 66 (STREETS, SIDEWALKS AND CERTAIN OTHER PUBLIC PLACES), Article VI (Encroachments Over and Upon Public Rights-of-Way), Division 2 (Outdoor Seating Administrative Encroachments), Sec. 66-133 (Same - Requirements), to reduce the fees for use of public sidewalk, public right-of-way, or public shared

parking from \$10.00 per square foot to ~~no more than \$7.50 per square foot~~ \$1.00 per square foot.

Motion seconded by Councilmember Dhakal.

There was discussion among Council and staff after the motion was on the floor, including: (1) pilot program process, (2) action on the ordinance that evening being limited to fees, due to advertising requirements, and (3) time it takes to undertake ordinance changes.

Responding to Vice Mayor Hedrick, Mr. Ashton indicated that he can advise businesses about the forthcoming pilot program, and they can remain in the pipeline if they apply for outdoor dining permits before the program begins.

Councilmember Scherff stated, for the record, that if businesses want to use the outdoor dining program - through the pilot and beyond - it will be more revenue than the Town has now from outdoor dining. She appreciated the staff and Council working on this so quickly, because she has heard from the public that they are fatigued with the amount of time it takes to get matters approved.

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

b. Resolution 24-G-25 to approve Special Exception SE #24-01 - Hunters Creek Bridge Floodplain Overlay

Certificates of Publication were filed from the Editor of the Fairfax County Times Newspapers, showing that notice of said public hearing items had been duly advertised in the Friday, May 3, and May 10, 2024, issues.

Mayor Olem opened the public hearing and recognized Bryce Perry, Deputy Director of Community Development, for the staff report. Mr. Perry reviewed: (1) location on the flood plain and flood map, (2) the existing bridge, which was closed in October 2023 when it was determined to be structurally unsound, (3) proposed bridge replacement and stream restoration efforts, (4) flood study results, which did not show any rise or expansion of the flood zone, and (5) steps to replace the bridge, several of which are currently in process. He stated that the Town is able to ride the County's contract for the vendor, Creative Composite Group, for the bridge replacement. At their April 22, 2024, meeting, the Planning Commission recommended approval of the special exception. Staff also recommends approval of the proposed resolution, as presented.

There was discussion among the Council and staff on this item, including the: (1) bridge being funded through ARPA, (2) steps to replace the bridge, including approval of the project by the Army Corps of Engineers, (3) safety issues that

necessitated the bridge replacement, and (4) Town's pedestrian bridge replacement program.

The public hearing was held, and the following individuals provided testimony, requesting urgency for the bridge replacement and expressing concern about the condition of the pedestrian trails near the bridge:

- Marge Shapira, 1109 Iron Ridge Court, Herndon: asked the Council if they had seen the bridge, and she expressed concern for the area under the bridge.

Responding to Mayor Olem's request, William H. Ashton II, Town Manager, stated that staff will follow up with Ms. Shapira.

- Halle Giuliano, 657 Old Hunt Way, Herndon: asked the Pedestrian and Bicycle Advisory Committee (PBAC) to take a look at the condition of the paths in her neighborhood and near Runnymede Park.
- David Azer, 663 Old Hunt Way, Herndon: expressed concern about the traffic flow from Herndon Parkway to Queens Row Street.
- Dennis Clark, 662 Old Hunt Way, Herndon, President of Hunters Creek Swim and Racquet Club.
- Ruston Spurlock 695 Old Hunt Way, Herndon.
- Mike MacFarlane, Member of the Town of Herndon Planning Commission and PBAC: expressed concerns about having easy access to bridge crossings.
- Marie Buck, 1109 Trapper Crest Court, Herndon: expressed concern about the trail's detour onto Herndon Parkway.

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

Councilmember Scherff moved to approve Resolution 24-G-25 to approve Special Exception SE #24-01 - Hunters Creek Bridge Floodplain Overlay, as presented.

Motion seconded by Councilmember del Aguila.

There was discussion among Council and staff after the motion was on the floor, including: (1) alternative stream crossings; which Mike Shindeldecker, Traffic Engineer, explained are listed on the trail and on the Town's website, (2) condition of the current bridge, which will be removed and replaced, (3) estimated timeline for the bridge replacement, (4) request to staff to provide regular updates on the project, (5) potential ways to try and expedite the process, such as talking to

Congressional officials, and (6) improving pedestrian trail conditions.

Responding to Councilmember del Aguila, Mr. Ashton indicated that he will work with the Department of Public Works staff to determine the conditions of the trails that citizens spoke about that evening. He said that he could update the Council and the public.

Councilmember del Aguila thought it would be helpful to conduct an analysis of this project, to see how the Town could improve its processes. He said he would bring up this topic at a future work session or Strategic Planning meeting.

Mayor Olem indicated that she has spoken with Dranesville District Supervisor Bierman about the conditions of the parks owned by Fairfax County in Herndon, and she suggested that they contact him on this issue. She also said she would be happy to pass the information on about the bridge replacement to Congressman Connolly's office.

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

c. FY 2025 Proposed Budget

- i. Ordinance 24-O-11 to amend Chapter 74 (UTILITIES), Article II (Sewers and Sewage Disposal), Division 5 (Sanitary Sewer System Rates and Charges), Section 74-262 (Schedule of Rates); and Article III (Water), Division 2 (Service), Subdivision II (In-Town Service Charges), Section 74-326 (Schedule of Charges), to increase the service and usage charges for sanitary sewer and water, effective for meter readings taken on or after July 1, 2024**

Certificates of Publication were filed from the Editor of the Fairfax County Times Newspapers, showing that notice of said public hearing items had been duly advertised in the Friday, March 29, Friday, April 12, and Friday, May 3, 2024, issues. Courtesy copies were published in the Friday, April 5, Friday April 19, and Friday, May 10, 2024 issues.

- ii. Ordinance 24-O-12 to Levy Taxes on Real Estate and Manufactured Homes, and Other Subjects for the Fiscal Year 2025 Budget**

A Certificate 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 22, 2024 issue.

iii. Resolution 24-G-26 to adopt a Fiscal Planning Resolution for the Fiscal Year 2025 Budget for the Town of Herndon

Certificates of Publication were filed from the Editor of the Fairfax County Times Newspapers, showing that notice of said public hearing items had been duly advertised in the Friday, March 29, April 12, and May 3 editions, with courtesy copies published in the Friday, April 5, April 19, and May 10, 2024 issues.

iv. Ordinance 24-O-13 to appropriate funds to implement the Fiscal Year 2025 Budget for the Town of Herndon, establishing the Pay Plan, and reserving on-going and Capital Funding for this Fiscal Year

Certificates of Publication were filed from the Editor of the Fairfax County Times Newspapers, showing that notice of said public hearing items had been duly advertised in the Friday, March 29, April 12, and May 3 editions, with courtesy copies published in the Friday, April 5, April 19, and May 10, 2024, issues.

[Note: These items were continued from the April 23, 2024, meeting.]

Mayor Olem resumed the four budget public hearings listed on the agenda, which had been opened and continued at the Council's meeting on April 23, 2024. She recognized Lesa Yeatts, Town Attorney, who outlined the voting requirements for the FY 2025 budget public hearing items.

Mayor Olem recognized William H. Ashton II, Town Manager, who addressed several questions about the real estate tax assessments which Fairfax County provided to him on Monday. He provided an overview of the following as related to the County's tax assessments: (1) average real estate tax assessment values increase; approximately 4.65 percent, (2) decline in commercial real estate tax assessments, approximately a 4.64 percent decrease, (3) properties that experienced a substantial increase in real estate assessment value, and (4) similar valuation increases across different types of housing in the Town. Mr. Ashton stated that the budget team is available to answer any questions about the materials they presented. Staff recommends approval of the FY 2025 budget items, as presented.

**Public Hearing and Vote on
Ordinance 24-O-11, Water and Sewer**

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

Councilmember Dhakal moved to Approve Ordinance 24-O-11 to amend Chapter 74 (UTILITIES), Article II (Sewers and Sewage Disposal), Division 5 (Sanitary Sewer System Rates and Charges), Section 74-262 (Schedule of Rates); and

Article III (Water), Division 2 (Service), Subdivision II (In-Town Service Charges), Section 74-326 (Schedule of Charges), to increase the service and usage charges for sanitary sewer and water, effective for meter readings taken on or after July 1, 2024, as presented.

Motion seconded by Councilmember Alam.

There were brief comments from Council.

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

**Public Hearing and Vote on
Ordinance 24-O-12, Tax Levy**

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

Councilmember Scherff moved to Approve Ordinance 24-O-12 to Levy Taxes on Real Estate and Manufactured Homes, and Other Subjects for the Fiscal Year 2025 Budget, as presented.

Motion seconded by Councilmember del Aguila.

There were brief comments from Council, including: (1) inflationary and other pressures on the FY 2025 budget, and (2) expressing concern for residents that are seeing large rate and tax increases.

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

**Concurrent Public Hearings on
Resolution 24-G-26, the Fiscal Planning Resolution; and
Ordinance 24-O-13, the Appropriation Ordinance.**

Mayor Olem stated that Council must take separate action on the concurrent public hearing on the Fiscal Planning Resolution and the Appropriation Ordinance and stated the Council would take separate action on each item.

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

Vote on
Resolution 24-G-26

Councilmember Dhakal moved to Approve Resolution 24-G-26 to adopt a Fiscal Planning Resolution for the Fiscal Year 2025 Budget for the Town of Herndon, as presented.

Motion seconded by Councilmember Scherff.

There were brief comments from Council.

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

Vote on
Ordinance 24-O-13

Councilmember Dhakal moved to Approve Ordinance 24-O-13 to appropriate funds to implement the Fiscal Year 2025 Budget for the Town of Herndon, establishing the Pay Plan, and reserving on-going and Capital Funding for this Fiscal Year, as presented.

Motion seconded by Councilmember Alam.

There were brief comments from Council.

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

d. Ordinance 24-O-14 to amend the Fiscal Year (FY) 2024 Adopted Budget for the General Fund and 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, May 10, 2024 issue.

Mayor Olem opened the public hearing and recognized Marjorie Sloan, Director of Finance, who presented the staff report on the proposed amendment to the General and ARPA Funds of the FY 2024 adopted budget. Ms. Sloan reviewed the proposed costs, which include: (1) \$700,000 in increases to personnel, offset by favorable FY 2024 tax revenues, (2) \$130,000 increase in outside counsel fees, offset by favorable tax revenues, (3) \$15,000 in Herndon Police Department expenditures, offset by Federal and State seized assets, and (4) \$36,361

increased Herndon Police Department expenditures, offset by insurance proceeds received.

Ms. Sloan highlighted the proposed appropriations for the ARPA fund. She stated that staff looked at the Town's project schedules, and they were able to adjust the ARPA Fund appropriations so that all the funding is spent by the deadline at the end of the year. As part of this request, staff was able to establish a new project in the ARPA fund for the Hunters Creek Bridge at \$510,057. Staff recommends approval of the proposed ordinance, as presented, amending the FY 2024 adopted budget.

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

Councilmember Dhakal moved to approve Ordinance 24-O-14 to amend the Fiscal Year (FY) 2024 Adopted Budget for the General Fund and American Rescue Plan Act (ARPA) Fund, as presented.

Motion seconded by Councilmember del Aguila.

There were brief comments from Council.

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

e. Ordinance 24-O-15 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

Certificates of Publication were filed from the Editor of the Fairfax County Times Newspapers, showing that notice of said public hearing items had been duly advertised in the Friday, May 3, and May 10, 2024 issues.

Mayor Olem opened the public hearing and recognized Bryce Perry, Deputy Director of Community Development, for the staff report and stated that the proposed text amendment will adjust development application fees for inflation, rounded to the nearest dollar. He stated that development application fees include land use applications (rezoning and special exception), design review applications (Architectural and Historic District Review Boards), Board of Zoning Appeals applications, site plan and subdivision review applications, and miscellaneous administrative zoning reviews. The Planning Commission discussed this item at its April meetings and recommended approval at their meeting on April 22, 2024.

Staff and the Planning Commission recommend approval of the proposed ordinance, as presented.

Mr. Perry stated that staff is planning to bring back a full assessment of the Town's zoning ordinance fees later this year, which staff is looking to coordinate with the review of the FY 2026 budget.

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

Councilmember Scherff moved to Approve Ordinance 24-O-15 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, as presented.

Motion seconded by Councilmember Alam.

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

6. Consent

- a. **Ordinance 24-O-16 to amend Chapter 10 (BUILDINGS AND BUILDING REGULATIONS), Article III. (Permits and Inspections), Division 2 (Building Fees), Division 3 (Fire Protection Systems), Division 4 (Mechanical), Division 5 (Plumbing and Gasfitting), and Division 6 (Electrical) to clarify and adjust permit and inspection fees in various sections for inflation to current rates and to create Division 7 (Amusement Device)**
- b. **Ordinance 24-O-17 to amend and reenact Chapter 54 (PERSONNEL), Article I (In General), Section 54-3 (Definitions)**
- c. **Resolution 24-G-27 to award Contract IFB #24-06, Production and Printing of the Annual Herndon Town Calendar**
- d. **Resolution 24-G-28 to authorize the vacation of a portion of a waterline easement on property at 255 Exchange Place, Herndon, Virginia, Tax Map No. 0164 10 0001C**
- e. **Resolution 24-G-29 to approve a Temporary License Agreement between the Town and JOTT, INC., to use a designated public space in the alley adjacent to Jimmy's Old Town Tavern for outdoor seating during a two-day event.**
- f. **March 19, 2024 Town Council Work Session Minutes**

g. March 26, 2024 Town Council Meeting Minutes

On motion of Councilmember del Aguila, seconded by Vice Mayor Hedrick, the Consent Agenda items were approved and carried by a 6-0 roll call vote, as presented, without comment. The vote was: Councilmembers Alam, del Aguila, Dhakal, Scherff, and Vice Mayor Hedrick and Mayor Olem voting "Aye." Councilmember LeBlanc was absent.

7. Adjournment

There being no further business, Mayor Olem adjourned the May 14, 2024 Town Council Regular Meeting at 9:26 p.m.

Amanda E. Monaw Kertz

**Amanda E.M. Kertz
Chief Deputy Town Clerk**



Minutes approved by Town Council: July 16, 2024

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