

HERNDON TOWN COUNCIL
Regular Meeting Minutes
Tuesday, May 28, 2024

1. Call to Order

Mayor Olem called the May 28, 2024, Town Council regular meeting to order at 5:43 p.m. in the Hoover Conference Room of 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 (arrived at 6:09 p.m.), Pradip Dhakal, Keven LeBlanc, and Donielle M. Scherff.

Councilmember Alam was absent.

Mayor Olem determined there was a quorum of five Councilmembers present, with Councilmember Alam absent, and Councilmember del Aguila having not yet arrived.

2. Closed Meeting

a. A closed meeting as provided under Section 2.2-3711(A)(1) of the Code of Virginia pertaining to discussion of a specific public employee relative to an annual performance review

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 Section 2.2-3711(A)(1) of the Code of Virginia pertaining to discussion of a specific public employee relative to an annual performance review. Vice Mayor Hedrick seconded the motion, which carried by a 5-0 roll call vote. The vote was: Councilmembers Dhakal, LeBlanc, Scherff, and Vice Mayor Hedrick and Mayor Olem voting "Aye." Councilmembers Alam and del Aguila were absent.

The Council went into Closed Meeting at: 5:43 p.m.

Councilmember del Aguila arrived at the closed meeting at 6:09 p.m.

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

The Council came out of closed meeting at 7:17 p.m.

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

Aye: 6
Nay: 0
Absent: 1

Recess

At 7:17 p.m. Mayor Olem called a brief recess, and at 7:24 p.m., the Town Council Regular Meeting reconvened in the Herndon Council Chambers, six members present and Mayor Olem presiding. Councilmember Alam was absent.

Regular Meeting

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Kirstyn Barr Jovanovich, Town Clerk; Chief Maggie DeBoard, Police Corporal Colin Springer, and Police Officer Katherine Navarro-Reyes, 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; John Irish, Deputy Director of Public Works; John Verdin, Capital Projects Program Manager; and David Stromberg, Zoning Administrator.

3. 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.

Mayor Announcements

Mayor Olem welcomed four students from Herndon High School, who are participating in this year's Town of Herndon Externship Program. Over the last

week, these students have been working with each department to learn about local government at the Town of Herndon.

Mayor Olem stated that the 2025 Herndon Town Calendar Photo Competition is underway. The date to submit photo entries of pictures from around the Town of Herndon for next year's calendar to Arts Herndon is Monday, June 3, 2024. She encouraged those interested to contact Arts Herndon or any member of the Town Council for more information.

Mayor Olem stated that Fairfax Circuit Court opened its first satellite location with select services available at the Cathy Hudgins Community Center in Reston. Services will be available from 9:00 am to noon on the second Tuesday of the month. More information is available on the Fairfax County government's website.

4. Presentations/Reports/Comments

a. Town Manager Report

William H. Ashton II, Town Manager, welcomed the Herndon High School students, stating it was the second year of the internship program at the Town and it has been successful.

Mr. Ashton stated that a question was recently asked about the breakdown of new water and sewer projects versus replacements. He reviewed the statistics of the water and sewer capital projects, stating that overall, approximately 60 percent of the water and sewer projects are maintenance and about 40 percent are new projects. He indicated he would send the information out to the residents that raised this concern.

b. Councilmember Comments

Councilmember del Aguila: requested an update on trails capital improvement projects and requested a work session discussion on what it would take to identify how to accelerate the maintenance of the Town's trails, recognizing budget constraints.

Mr. Ashton stated that staff is working on a Master Trails Project for the CIP and recognized the Directors of Parks and Recreation, Bob Williams, and Public Works, Scott Robinson, for working on this endeavor. He indicated that staff works on the Sugarland Run Trails as stream restoration takes place, and Representative Connolly reached out about federal funds available to help fund trail maintenance in Runnymede Park. He would welcome a work session discussion on the trails in Town and stated that it can be placed on a future work session agenda.

Councilmember del Aguila provided comments on the recent Stars and Stripes NOVA Golf Tournament fundraiser, stating he thought this aligned with the Strategic Plan in holding events for organizations that may be newer to the Town and in making Herndon a destination.

Councilmember Dhakal: welcomed the students from Herndon High School and provided comments on the importance of youth being engaged in local government. He indicated that the Herndon Advisory Committee of the Harraseeket Foundation is working on a pilot program called "Imagining Your Future" that is dedicated to the students at Herndon High School. He said the soft launch would start in June, with a full launch when the school year begins in August.

Councilmember Dhakal discussed several events he recently attended, including: (1) Stars and Stripes NOVA Committee Golf Tournament Fundraiser; he expressed appreciation to the organization and to the Green Lizard Foundation, who contributed to the event's success, (2) Memorial Day Observance at Chestnut Grove Cemetery; he expressed concern that the Town Council did not issue a proclamation in recognition of the Memorial Day Holiday, (3) Northern Virginia cricket tournament, and (4) encouraged those interested to attend the Reston Pride event on Saturday, June 1, 2024.

Councilmember LeBlanc: stated that he was pleased to be back on the dais after a few weeks of international travel obligations.

Councilmember LeBlanc discussed several past and upcoming events, including: (1) Memorial Day Observance at Chestnut Grove Cemetery, (2) Stars and Stripes NOVA Committee Golf Tournament Fundraiser; stating that he helped sponsor and support the event, (3) recognized NextStop Theatre's recent "Lion King Kids Program" with Herndon and Dranesville Elementary Schools, (4) stated that he will be at Reston Pride on Saturday, June 1, 2024, as a member of the LGBTQ+ community, and (5) encouraged everyone to attend the Herndon Pride Event that following Saturday, June 8, 2024, at Arts Herndon, which he has helped to coordinate.

Councilmember LeBlanc stated that the Town's rebranding initiative is underway. The Town is working with various community members to gather input through the branding consultant.

Councilmember Scherff: offered congratulations to Herndon High School students on their upcoming graduation.

Councilmember Scherff provided information on upcoming events, including: (1) Herndon Youth Baseball Day at Bready Park on Saturday, June 1, 2024, and (2) Juneteenth Event on Saturday, June 15, 2024, which she stated will be a family-

friendly, full day of activities. The event starts at noon, includes a ticketed beer tasting event, and ends with a free cabaret jazz concert at Arts Herndon.

Vice Mayor Hedrick: attended the Northern Virginia Transportation Authority (NVTA) Planning Coordination Advisory Committee (PCAC) meeting this past Thursday, stating that the NVTA is in the process of updating their Six-Year Plan. The plan determines the projects that receive funding through NVTA in Northern Virginia. The plan is open for public comment, and he encouraged individuals to provide their comments.

Vice Mayor Hedrick discussed several events he recently attended, including (1) Stars and Stripes NOVA Committee Golf Tournament Fundraiser; thanking the staff and Stars and Stripes NOVA Committee for their hard work on the event, and (2) Memorial Day Observance at Chestnut Grove Cemetery; he provided comments on the need to support the veterans' community, especially their mental health.

Mayor Olem: stated that last week, May 19 to 25, 2024, was National Public Works Week. She thanked Director Scott Robinson and the Department of Public Works (DPW) staff for all their efforts throughout the year. She stated that public works staff contribute to advancing and enhancing our quality of life.

Mayor Olem said that she was excited to meet with the Herndon High School interns later that week and was glad to see that one of the students was part of the Navy Junior Reserve Officers Training Corps (NJROTC) Color Guard at the Memorial Day Observance at Chestnut Grove Cemetery.

Mayor Olem stated that along with meeting with the interns, she was fortunate to have had two occasions to visit local students: (1) kindergarten classes from Dranesville Elementary School, who visited the Town Green on Monday, May 13, 2024; she was joined by Community Development staff and Herndon Police Department officers, and (2) Herndon High School seniors on Wednesday, May 15, 2024; she was joined by the Town Manager.

Mayor Olem discussed several past and upcoming events, including: (1) ribbon cutting ceremony for the completion of the Route 7 Project in Fairfax County on Wednesday, May 22, 2024, where she joined local officials, NVTA, and the Virginia Department of Transportation (VDOT) for the event, (2) Memorial Day Observance at Chestnut Grove Cemetery; she shared that the American Legion Post 184 did not put up the Avenue of Flags because it looked like it was going to rain, and (3) Herndon High School graduation on Wednesday, June 5, 2024.

Mayor Olem stated that she currently serves as the town representative on the NVTA, and she echoed Vice Mayor Hedrick's comments on encouraging the public to provide their comments on the NVTA Six-Year Plan. She highlighted a project

that citizens may want to comment on that is expected to be built between Route 28 and Herndon Parkway in Loudoun County, which while not in the Town, will impact Herndon.

5. 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:

- Steve Mitchell, 1291 Monroe Street, Herndon: provided comments on the internship program with Herndon High School and asked if adding a sidewalk, curb, and gutter between Monroe Street and Elden Street would be included as part of the CIP.
- Steve Montgomery, 815 Branch Drive, Herndon: submitted a written handout and provided comments on proposed improvements to the culvert aesthetics on Center Street included in the CIP.

Amend the Agenda

Mayor Olem stated she was advised that there is a need to meet in a second closed session after tonight's regular meeting and there was a need to amend the agenda. She asked for a motion to amend the agenda to add the closed meeting.

Councilmember Dhakal made a motion to add a closed meeting pursuant to the 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 an intergovernmental matter, as item #9, immediately following #8 Consent Agenda, and that the agenda be so amended.

Motion seconded by Councilmember LeBlanc.

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

6. Public Hearings

- a. Resolution 24-G-30 to adopt the FY 2026 through FY 2030 portion of the FY 2025 - FY 2030 Town of Herndon Capital Improvement Program**

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 17, and May 24, 2024, issues.

Mayor Olem opened the public hearing and recognized John Verdin, Capital Projects Program Manager, who presented the staff report and stated 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 2030 Comprehensive Plan and Annual Operating Budget. The program plans for the prudent use of General Fund revenues, American Rescue Plan Act (ARPA) funds, and Enterprise Fund revenues (Golf Course, Water and Sewer, and Cemetery) within the Town's policy guidelines. The FY 2025 portion of the CIP is already part of the approved FY 2025 budget, so the presentation this evening focuses on the FY 2026 to 2030 CIP.

Mr. Verdin stated that the Planning Commission reviewed and recommended approval of the CIP, with any changes as the Town Manager deemed necessary to conform with the FY 2025 budget, on January 23, 2024. He reviewed the proposed CIP projects, including: (1) items that have been or will be completed in FY 2024, many of which used ARPA funds, (2) 36 proposed CIP projects, along with the funding sources and amounts, (3) new projects that were added this year: (a) Ferndale Avenue Improvements, (b) Police Secure Gate, (c) Police Infrastructure Improvements at the Herndon Police Station, and (d) lead and copper rule revision compliance, (4) costs, funds, and project types for the FY 2025 portion of the CIP, and for the FY 2026 to FY 2030 portion of the CIP, (5) available external funding sources, e.g. grant funding, and (6) pointed out that funding sources for the outyears - FY 2029 and 2030 - have not all been established yet. Staff recommends approval of the proposed resolution, adopting the CIP as presented.

There was discussion among the Council and staff on the proposed CIP projects, including: (1) residential tax impacts from CIP projects, (2) sidewalk repairs, especially on Monroe Street, (3) categorization of projects, (4) ARPA funded projects, and (5) funding sources for water and sewer projects.

Responding to Councilmember del Aguila, William H. Ashton II, Town Manager, stated that residents can view tax implications from the budget online, but the program does not generate how the CIP outyears may impact their taxes. Councilmember del Aguila stated he will mention this topic for discussion at a future work session.

Responding to Councilmember LeBlanc, Mr. Verdin stated that he did not know at that time, but the sidewalk on Monroe Street that Mr. Mitchell mentioned was not specifically listed in the CIP, but it may be part of an ongoing study. He indicated he would provide that information to Councilmember LeBlanc.

Mayor Olem called for comments from the audience.

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

- Steve Mitchell, 1291 Monroe Street, Herndon: reiterated his comments on the need for improved sidewalks on Monroe Street and expressed concern over lead-based cables that may be installed in the Town.

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

Councilmember LeBlanc moved to approve Resolution 24-G-30 to adopt the FY 2026 through FY 2030 portion of the FY 2025 - FY 2030 Town of Herndon Capital Improvement Program, as presented.

Motion seconded by Vice Mayor Hedrick.

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 del Aguila, Dhakal, LeBlanc, Scherff, and Mayor Olem and Vice Mayor Hedrick voting "Aye." Councilmember Alam was absent.

7. **General**

- Resolution 24-G-31 to adopt the Town of Herndon Streeterly Pilot Program**
- Ordinance 24-O-18 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 two General items are being presented concurrently, with the Council taking separate action on each item.

David Stromberg, Zoning Administrator, presented the concurrent staff report, stating that after continued discussion of outdoor seating at the last several meetings, the Town Council directed staff to develop a pilot program to allow outdoor dining for a specified time period in the public right of way, including on public shared parking and sidewalks in the downtown.

The proposed resolution establishes a Streeterly Pilot Program within the downtown, which 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, Article VI, Divisions 1 and 2, must be repealed. The

Streeterly Pilot Program will supersede the current regulations regarding outdoor seating found in Chapter 66 once the relevant sections are repealed.

Mr. Stromberg provided an overview of the proposed Streeterly program, including the: (1) proposed fees: \$1.00 per square foot for the first two parking spaces and \$5.00 per square foot for the third and fourth parking spaces per the rental term, (2) the total number of on-street public and public shared parking spaces that can be used is being increase from two to four, and (3) up to 30 percent of the street block could be used for outdoor dining.

Mr. Stromberg stated that several requirements continued from the previous seasonal outdoor seating ordinance, which are: (1) federal and state law requirements, e.g., ABC and ADA compliance, (2) application fee, (3) liability insurance, (4) encroachment permit, and (5) must be current on taxes and fees. Mr. Stromberg stated that the Director of Economic Development will engage a group of business owners at the end of September to evaluate the pilot program. The staff encourages the restaurants to share as much data as possible with the Economic Development Director to help best evaluate the impact of the program. The term of the Streeterly Pilot Program will begin with the adoption of the resolution and will continue through November 30, 2024, and the application will be available for eating establishments as soon as it is approved. Staff recommends approval of the proposed resolution, as presented.

There was discussion among the Council and staff on the proposed pilot program, including the parameters and requirements for the program.

Vote on Resolution 24-G-31
Streeterly Pilot Program

Councilmember del Aguila moved to approve Resolution 24-G-31 to adopt the Town of Herndon Streeterly Pilot Program, as presented.

Motion seconded by Councilmember Dhakal.

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 del Aguila, Dhakal, LeBlanc, Scherff, and Mayor Olem and Vice Mayor Hedrick voting "Aye." Councilmember Alam was absent.

Vote on Ordinance 24-O-18
Amending Chapter 66

Councilmember LeBlanc moved to approve Ordinance 24-O-18 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), 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 del Aguila, Dhakal, LeBlanc, Scherff, and Mayor Olem and Vice Mayor Hedrick voting "Aye." Councilmember Alam was absent.

8. Consent

- a. **Resolution 24-G-32 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)**
- b. **Resolution 24-G-33 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**
- c. **Resolution 24-G-34 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**
- d. **April 2, 2024 Town Council Work Session Minutes**
- e. **April 16, 2024 Town Council Work Session Minutes**

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

9. Closed Meeting

- a. A closed meeting as provided under Section 2.2-3711(A)(8) in the Code of Virginia, consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, relating to an intergovernmental matter**

Mayor Olem stated that the meeting agenda was amended earlier that evening to add a closed meeting after the Consent Agenda. 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)(8), consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, relating to an intergovernmental matter. Councilmember del Aguila seconded the motion, which carried by a 6-0 roll call vote. The vote was: Councilmembers del Aguila, Dhakal, LeBlanc, Scherff, and Vice Mayor Hedrick and Mayor Olem voting "Aye." Councilmember Alam was absent.

At 8:47 p.m. Mayor Olem called a brief recess, and at 8:54 p.m., the closed meeting reconvened in the Hoover Conference Room, six members present, with Mayor Olem presiding. Councilmember Alam was absent.

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

The Council came out of closed meeting at 10:00 p.m.

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

Aye: 6
Nay: 0
Absent: 1

10. Adjournment

There being no further business, Mayor Olem adjourned the May 28, 2024 Town Council Regular Meeting at 10:01 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.]