TOWN COUNCIL
WORK SESSION AGENDA

Herndon Police Department — Community Room
397 Herndon Parkway, Herndon, VA 20170

Tuesday, October 6, 2026 | 7:00 PM

1. **Call to Order**

2. **Closed Meeting (6:00 PM)**

   a. 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, regarding pending litigation

3. **Discussion (7:00 PM)**

   a. Virginia Main Street Program Discussion

   b. Legislative Agenda Discussion

   c. Updates to State Law Regarding Regulation of Retail Locations for Tobacco, Nicotine, and Hemp Products and the Implementation of Virginia's Retail Cannabis Marketplace

   d. Private Pipestem/Driveway Trash Collection Policy

4. **Roundtable**

5. **Closed Meeting**

   a. A Closed Meeting pursuant to the Code of Virginia Section 2.2-3711(A)(1), for discussion of prospective candidates relative to appointments to boards and commissions

   b. 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, regarding specific public safety plans

6. **Adjournment**

TOWN OF Herndon VIRGINIA

Town Council
Work Session
Agenda Item 3.a.

Agenda Item: **Virginia Main Street Program Discussion**

Meeting Date: October 6, 2026

Category: Discussion (7:00 PM)

Prepared by: Collin Okoniewski, Economic Development Manager

Description:
Staff will provide an overview of the Virginia Main Street program, including its purpose, structure, the Main Street Approach, and the resources and expectations associated with participation. The discussion will also outline how the program could be applied in Herndon to support the long-term vitality and management of Downtown Herndon.

Background/Timing Impact:
Virginia Main Street, administered by the Virginia Department of Housing and Community Development (Virginia DHCD), provides a framework for community-based economic development and revitalization of downtown commercial districts. The program emphasizes public-private partnership and locally driven strategies focused on economic vitality, design, promotion, and organizational capacity.

Staff has been evaluating the Main Street model as a potential framework for strengthening Downtown Herndon through a dedicated nonprofit organization capable of supporting business engagement, promotion, programming, partnerships, and other downtown initiatives. Exploring Main Street status represents the initial step in that process and provides access to technical assistance, training, grants and other Virginia Main Street resources as the local program develops.

Timing Impact:
The October 6 discussion is intended to provide Council with an understanding of the Virginia Main Street program and receive direction on the proposed approach. Based on Council feedback, staff anticipates returning to the regular meeting on October 27 with a resolution supporting and authorizing an application for Exploring Main Street status.

Neither the proposed resolution nor the Town's application for Exploring Main Street status is dependent upon a local government funding commitment. Any future consideration of financial support for a Main Street organization would occur separately.

Strategic Focus Area:
Environmental and Economic Sustainability
Thriving Community

Fiscal Impact:
There is no direct fiscal impact associated with this discussion item or with applying for Exploring Main Street status. Neither the proposed resolution nor the Exploring Main Street application is dependent upon a commitment of local government funding.

Any future Town financial support for a Main Street organization would be considered separately.

Legal Impact:
There is no direct legal impact associated with this discussion item. A resolution supporting and authorizing the Town's application for Exploring Main Street status will be presented separately for Council consideration later in October.

Staff Recommendation/Next Steps:
Staff is seeking Council feedback in advance of returning later in October with a formal resolution supporting the Town's application for Exploring Main Street status.

Attachments:
None

TOWN OF Herndon VIRGINIA

Town Council
Work Session
Agenda Item 3.b.

Agenda Item: **Legislative Agenda Discussion**

Meeting Date: October 6, 2026

Category: Discussion (7:00 PM)

Prepared by: Lesa Yeatts, Town Attorney

Description:
This is a staff/Town Council discussion that will inform regarding proposed items for the 2027 Virginia General Assembly.

Background/Timing Impact:
This is a discussion only to inform the creation and drafting of items to be included in the Town's Legislative Agenda.

Timing Impact:
Requests for legislative items must be submitted to legislators in advance of the 2027 session.

Strategic Focus Area:
Good Governance

Fiscal Impact:
N/A; discussion only.

Legal Impact:
None at this point.

Staff Recommendation/Next Steps:
Receive briefing and engage in discussion.

Attachments:
1. Herndon 27 Draft Leg Agenda

Town of Herndon

2027 General Assembly Legislative Priorities and Advocacy Positions

PRIORITIES

Preserve Local Land Use and Planning Authority

Support legislation that preserves local authority over land use, zoning, development approvals, urban design, and community planning.

Oppose legislation that:

- Mandates by-right development without meaningful local review.
- Preempts local zoning authority.
- Imposes statewide housing production mandates.
- Eliminates local discretion regarding development standards, site design, density, parking, or infrastructure adequacy.

Local elected officials are best positioned to balance housing needs, transportation capacity, public facilities, environmental protection, and neighborhood compatibility.

The 2026 General Assembly continued a trend toward increasing state involvement in local housing and zoning decisions, including by-right affordable housing provisions. We can expect this trend to continue in 2027.

Advocacy Actions

- Support retention of local zoning authority.
- Support flexible tools for affordable housing implementation.
- Oppose additional state preemption of local land-use decisions.

Preserve Local Government Workforce Flexibility – Collective Bargaining

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Herndon supports good-faith collective bargaining where locally adopted, but opposes any statewide structure that treats a 25,000-person town the same as Fairfax County, Virginia Beach, or a large school division.

Support the ability of local governments to recruit, retain, and fairly compensate employees while preserving local budget authority, management rights, and operational flexibility.

Support legislation that maintains collective bargaining as a locally adopted option and recognizes the substantially different capacity of smaller municipalities. For any statewide public-sector collective bargaining framework, support an exemption, opt-in structure, delayed implementation, or modified compliance path for municipalities with populations under 50,000.

At minimum, support language that:

- Preserves local ordinances adopted before any statewide framework.
- Allows small localities to define appropriate bargaining units, eligible employee groups, and negotiable subjects.
- Protects local authority over staffing levels, deployment, discipline, management rights, budget preparation, appropriations, and matters controlled by state or federal law.
- Prevents a statewide board from requiring broader bargaining units than those locally authorized.
- Provides state funding, technical assistance, and phased implementation for any new administrative, legal, or labor-relations requirements.
- Ensures that dispatch, public safety, public works, and small departments are not swept into one-size-fits-all bargaining models without local governing body approval.

Oppose Unfunded Mandates

Support legislation that provides sufficient state funding whenever new local responsibilities, programs, reporting requirements, staffing obligations, or regulatory requirements are imposed.

Oppose legislation that:

- Creates new local requirements without dedicated funding.
- Transfers state responsibilities to local governments.
- Requires significant local expenditures without state financial assistance.

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Local governments continue to face increasing costs associated with environmental regulation, infrastructure maintenance, housing initiatives, public safety, and labor requirements.

Advocacy Actions

- Require fiscal impact analysis for legislation affecting local governments.
- Seek state funding for all new compliance requirements.
- Support state assumption of costs associated with state-mandated programs.

Support Local Flexibility in Housing Development

Support legislation that expands local tools to encourage housing affordability while preserving local implementation flexibility.

Support:

- Affordable dwelling unit programs.
- Workforce housing incentives.
- Rehabilitation of existing housing stock.
- Housing grants and financing assistance.

Oppose:

- Mandatory statewide or locality housing quotas.
- Development mandates that bypass infrastructure planning.

The Town supports increasing housing opportunities while retaining the ability to address local conditions and infrastructure constraints.

Protect Meaningful Local Review of Major Infrastructure Projects*

Position

Support legislation that preserves local participation in decisions regarding:

- Data centers.
- Utility corridors.
- Transmission facilities.
- Energy infrastructure.

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- Battery energy storage facilities.
- Telecommunications facilities.

Northern Virginia continues to experience significant infrastructure demands associated with economic growth, technological development, and energy consumption.

Local governments should retain meaningful opportunities to evaluate impacts on:

- Neighborhoods.
- Transportation networks.
- Water resources.
- Public facilities.
- Environmental resources.

Advocacy Actions

- Support local notice and review requirements.
- Oppose broad state preemption of local infrastructure oversight.
- Support regional coordination efforts.

**Governor's September 17, 2026 Executive Order*

Support Transportation Safety and Mobility

Position

Support legislation that provides local governments with tools to improve transportation safety.

Support:

- Automated speed enforcement in appropriate locations.
- Pedestrian and bicycle safety initiatives.
- Transit-oriented infrastructure investments.
- Regional transportation funding.
- Local authority to use automated safety tools, including red-light safety cameras, school-zone speed enforcement, pedestrian safety enforcement, and other proven traffic safety measures, with appropriate due-process, signage, privacy, and reporting requirements.

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- Allowing localities to retain revenues from traffic safety programs for transportation safety, pedestrian and bicycle infrastructure, Safe Routes to School, local systemic safety improvements, and roadway redesign.

Transportation safety remains a priority for residents and businesses, especially in and around Metro stations.

Advocacy Actions

- Support local flexibility in implementing transportation safety programs.
- Preserve local authority regarding traffic management tools.

Protect Local Fiscal Sustainability

Support legislation that:

- Preserves existing local revenue sources.
- Provides revenue options to address growing service demands.
- Ensures equitable distribution of state funding.

Oppose legislation that:

- Erodes local revenues.
- Shifts state costs to local governments.
- Creates fiscal obligations without corresponding resources.

Preserve Local Authority to Protect Community Character and Environmental Resources

Position

Support local authority related to:

- Open space protection.
- Historic Districts
- Tree canopy preservation.
- Urban forestry programs.
- Environmental stewardship initiatives.

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Local governments should retain flexibility to balance redevelopment objectives and environmental protection goals.

Preserve Local Authority Over Cannabis, Hemp, Tobacco, and Vape Retail Uses

Support a safe, well-regulated cannabis and hemp retail framework that preserves local zoning, business licensing, public safety, code enforcement, signage, distance-separation, and land-use authority.

Support local authority to regulate the location and operation of cannabis, hemp, tobacco, vape, and related retail uses, particularly near schools, parks, day care facilities, residential neighborhoods, and youth-serving uses.

Oppose legislation or regulations that preempt local zoning, eliminate local review, or limit the Town's ability to address public safety, nuisance, signage, odor, hours of operation, clustering, or enforcement concerns.

Support local revenue authority and state enforcement resources sufficient to address inspection, licensing, public education, and illegal-market enforcement impacts.

Protect Local Authority Over Gaming, Casinos, and Skill Games

Oppose legislation authorizing casino gaming, electronic skill games, or other expanded gaming activity in Northern Virginia without meaningful local approval, regional impact analysis, and local authority over zoning, enforcement, public safety, and revenue allocation.

Oppose any casino legislation that designates Fairfax County or a Silver Line-adjacent location as eligible for casino gaming without the support of the affected local governing bodies and without analysis of transportation, public safety, economic displacement, problem-gaming, and community impacts.

If the General Assembly considers regulating electronic skill games or creating a consolidated gaming commission, support strong local opt-in/opt-out authority, zoning controls, enforcement funding, machine caps, public safety protections, and direct local revenue sharing.

Protect Ratepayers and Local Participation in Utility Decisions

Support strong State Corporation Commission review of utility mergers, acquisitions, rate cases, transmission projects, and energy infrastructure proposals that affect local governments, residents, and small businesses.

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Support meaningful public participation, including accessible in-person hearings in affected regions, transparent ratepayer-impact analysis, and protections ensuring that residential customers, small businesses, and local governments do not subsidize infrastructure costs driven primarily by large high-energy users.

Oppose legislation that weakens SCC oversight, limits local participation, or shifts energy, transmission, or infrastructure costs onto local ratepayers without clear public benefit.

Support Practical Transparency and FOIA Compliance

Support transparency measures that improve public access to local government information while preserving workable procedures for small localities.

Oppose unfunded technology, posting, translation, archival, or reporting mandates that impose significant administrative burdens without state support.

Support reasonable flexibility for electronic meetings, advisory bodies, emergency meetings, agenda management, and small-board compliance.

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Town Council
Work Session
Agenda Item 3.c.

Agenda Item:	**Updates to State Law Regarding Regulation of Retail Locations for Tobacco, Nicotine, and Hemp Products and the Implementation of Virginia's Retail Cannabis Marketplace**
Meeting Date:	October 6, 2026
Category:	Discussion (7:00 PM)
Prepared by:	Lauri Sigler, Deputy Town Attorney, David Stromberg, Zoning Administrator

Description:
Vice Mayor Hedrick requested a discussion item to consider directing staff to draft an ordinance prohibiting the retail sale of tobacco, nicotine, and hemp products within 1,000 linear feet of a child day center or a public, private, or parochial school in the Town of Herndon, as described in the agenda item request form attached to this item. Staff also seeks to brief the Town Council on steps the Town should take to prepare for implementation of Virginia's retail cannabis marketplace.

Background/Timing Impact:
As part of the budget-bill compromise enacted during the Virginia General Assembly's 2026 session, components were included that modified the rules governing the locations of tobacco, nicotine, and hemp retailers and established new requirements for implementing Virginia's retail cannabis marketplace.

1. **Location regulation of retail sales of tobacco, nicotine, and hemp products.**
Effective October 1, 2026, Virginia Code § 15.2-912.4 expressly authorizes a Virginia locality to regulate the locations where retail tobacco products and hemp products intended for smoking may be sold. Vape products are covered when they qualify as "retail tobacco products"—specifically, "liquid nicotine"—under Virginia Code § 58.1-1021.01. The Town may adopt a zoning ordinance prohibiting a covered establishment on property within 1,000 linear feet of a child day center, as defined in Virginia Code § 22.1-289.02, or a public, private, or parochial school. A child day center does not include a home-based daycare.

The Town's authority is limited to location. An ordinance may regulate where covered retailers operate, but not product standards, state licensing, or operational requirements administered by the Virginia Department of Agriculture and Consumer Services or the Department of Taxation. Any zoning ordinance must exempt: (1) a licensee holding a valid license under Virginia Code § 4.1-206.3 (ABC premises licenses); and (2) a retail location selling tobacco products or hemp products intended for smoking, or a retail

tobacco establishment, that was operating before July 1, 2024.

If the Town Council wishes to pursue this location-based regulation, it may direct staff to prepare an initiating resolution for a Zoning Ordinance Text Amendment (ZOTA). If the Council initiates the ZOTA, the Planning Commission would hold a public hearing, followed by a Town Council public hearing and consideration of adoption.

If an ordinance is adopted, administration of the new requirements would involve the following steps:

1. **Identify existing retailers.** Staff has researched and compiled a list of 10 qualifying retail establishments. All appear to have been established before July 1, 2024, and therefore would be grandfathered and exempt from the location restriction.
2. **Identify schools.** Compile a list of existing public, private, parochial schools, and child day centers.
3. **Create a GIS map.** Map the retailer and school locations so staff can evaluate the 1,000-foot separation requirement when reviewing a Zoning Appropriateness Permit (ZAP) application for a covered retailer.
4. **Monitor nonconforming uses.** Track existing lawful nonconforming retailers for changes in use that could terminate their nonconforming status.
5. **Publish applicant guidance.** Prepare website guidance for vape-shop applicants.

The Town is not required to adopt location-based zoning restrictions for retailers of tobacco, nicotine, and hemp products. If the Council elects to do so, earlier adoption would allow the Town to apply the restrictions sooner to new establishments.

2. **Implementation and regulation of Virginia's retail cannabis marketplace.**
Legislation enacted by the Virginia General Assembly in 2026 amended Title 4.1 of the Virginia Code to establish a regulated adult-use cannabis market. The Cannabis Control Act (Act) creates a comprehensive regulatory framework administered by the Virginia Cannabis Control Authority (Authority) and its Board of Directors. The Authority has primary control over the possession, sale, transportation, distribution, and delivery of regulated marijuana. Accordingly, the Town will not issue state cannabis licenses or regulate operational matters reserved to the Authority. The Act nevertheless has significant implications for localities, including zoning, business licensing, taxation, and other local powers.

The 2026 session also produced the following changes to cannabis-related legislation:

- The lawful possession limit increased to 2 ounces of cannabis; the limit of four plants for home cultivation remains unchanged.
- Effective July 1, 2027, penalties for public consumption increase as follows: first offense, from $25 to $250; second offense, a $250 fine and participation in a substance-abuse program; and third offense, a Class 4 misdemeanor.

The Act establishes three primary licensing categories, each with related subcategories:

1. **Cultivation:** marijuana cultivation facilities and microbusinesses.
2. **Processing and testing:** marijuana processing facility, marijuana testing facility, and pharmaceutical processor/cannabis dispensing facility.
3. **Transport and sale:** retail marijuana store, marijuana delivery operations, and marijuana transporter.

The Act caps the number of licenses the Authority may approve statewide in each category. Under Virginia Code § 4.1-629(A), localities generally may not regulate or prohibit uses within these licensing categories.

Required Town actions:

1. **Adopt a local marijuana sales tax.** By ordinance, the Town must levy a tax of at least 1% and no more than 3.5% on sales taxable under Virginia Code § 4.1-1004(A). The enacted rate must remain in effect for at least three years. A county tax does not apply within a town's boundaries. Before adoption, the Town must publish notice of the proposed tax and the Town Council must hold a public hearing.
2. **Provide notice of the tax ordinance.** Within 30 days after enactment, the Town must notify the Authority and each retail marijuana store and microbusiness located within the Town.
3. **Establish administrative procedures.** Adopt internal procedures for receiving and responding to Authority communications concerning preliminary license approvals within the Town.

Although the Act does not set a deadline for adopting the local tax ordinance, staff recommends adoption by May 1, 2027. The ordinance takes effect on the first day of the second month after enactment, and marijuana establishments may begin selling marijuana and marijuana products on July 1, 2027. Sellers will collect the tax, hold the proceeds in trust for the Commonwealth, and remit them to the Authority with monthly marijuana tax returns. The Authority will credit the Town from a state fund.

Optional Town actions:

1. **Review existing ordinances.** Identify and amend or repeal any Town provisions that conflict with or are inconsistent with the Act.
2. **Consider zoning amendments**. Evaluate whether to designate zoning districts for specific cannabis-related uses by right or by special exception and whether to establish setback, buffer, and site-plan requirements. Any amendments should be in place by **May 1, 2027**, or sooner.
3. **Consider public-consumption ordinances.** Determine whether to prohibit conduct addressed in Virginia Code § 4.1-1108 (public consumption) and § 4.1-1109 (possession or consumption on public school grounds). Any amendments

should be in place during the **fourth quarter of 2026 or the first quarter of 2027.**

4. **Consider hours-of-sale regulations.** Determine whether to adopt an ordinance establishing permitted hours for cannabis sales under Virginia Code § 4.1-610. Any ordinance should be in place during the **fourth quarter of 2026 or the first quarter of 2027.**
5. **Consider tobacco and hemp retail-location regulations.** Determine whether to adopt a zoning ordinance regulating locations for retail sales of tobacco products and hemp products intended for smoking. Any amendment should be in place during the **fourth quarter of 2026 or the first quarter of 2027.**

Strategic Focus Area:
Secure and Interconnected Community
Thriving Community

Fiscal Impact:
After the Town Council adopts a local marijuana tax, the Town will be entitled to revenue equal to 1% to 3.5% of sales taxable under Virginia Code § 4.1-1004(A), depending on the rate adopted.

Legal Impact:
The Town is not required to regulate the locations of retailers selling tobacco, nicotine, and hemp products. If the Town Council chooses to do so, the regulation must be adopted through the Zoning Ordinance Text Amendment (ZOTA) process and requires Town Council action and approval.

The Town must adopt a local marijuana tax under Virginia Code § 4.1-1004(A) as part of the implementation of the retail cannabis market in Virginia and requires Town Council action and approval. The Town should also consider adopting other regulations authorized by the Act, including possible amendments to the Town Code and Zoning Ordinance, and requires Town Council action and approval.

Staff Recommendation/Next Steps:
This is a discussion item; staff has no recommendation at this time. Following discussion, Council may provide direction regarding the consideration of this request.

Attachments:
1. Hedrick 9.3.26 - Agenda Item Request Form

Town Council Agenda
Request to Add Item Form

The deadline to submit a request for a discussion item to be added to a work session agenda is five (5) business days before the requested meeting date. Completing and submitting this form does not constitute direction to staff to perform any pre-work on the requested topic prior to the meeting. The purpose of adding an item to the agenda is to provide a description of the issue and background information to the Council body prior to discussing the item during a public work session.

Alternatively, Councilmembers may bring items up for discussion with the body during the Roundtable portion of a work session without first adding the item to a published agenda.

Submission Date: September	September 3, 2026
Requested by:	Clark Hedrick
Work Session Date Requested:	October 6, 2026
Short Description of Issue or problem item addresses:	Briefly describe the topic for discussion and what is being requested that the body consider.
Background Information:	Provide more detailed information and background related to the topic.
Timing Impact:	As of October 1, 2026, a permit is required for the retail sale of tobacco in the Commonwealth of Virginia; local governments are permitted to regulate the sale of retail tobacco, nicotine, and hemp products within 1000 linear feet of day cares and schools.
Strategic Focus Area:	Secure and Internconnected Community and Thriving Community
Possible Fiscal Impact/Cost	De minimis.
Possible Legal Impact:	Request to draft language for Council and de minimis impact for compliance and enforcement actions.
Possible Staff Impact:	De minimis enforcement for HPD and Community Development staff.
Recommendation for Action / Suggested Next Steps:	Direct staff to draft language for an ordinance to prohibit the retail of tobacco, nicotine, and hemp products within 1000 linear feet of a child day care center, or a public, private, or parochial school in the Town of Herndon.
Attachments:	Documents have been provided to the Council already.

TOWN OF Herndon VIRGINIA

Town Council
Work Session
Agenda Item 3.d.

Agenda Item: **Private Pipestem/Driveway Trash Collection Policy**

Meeting Date: October 6, 2026

Category: Discussion (7:00 PM)

Prepared by: MJ Johnson, Director of Public Works / Utilities

Description:
Staff will brief Town Council on the Town's trash collection practices, focusing on private pipestems/driveways.

Background/Timing Impact:
The Town Code addresses the collection and placement of residential refuse. Staff will provide information on how these provisions and current collection practices apply to private pipestems/driveways.

Timing Impact:
Residents have recently expressed concern about trash collection on private pipestems/driveways and have requested that the Town review its refuse collection practices.

Strategic Focus Area:
Good Governance
Secure and Interconnected Community

Fiscal Impact:
N/A

Legal Impact:
Town Code Chapter 63, Solid Waste, and Chapter 70, Subdivisions of Land, contain provisions relevant to residential refuse collection and private pipestems/driveways.

Staff Recommendation/Next Steps:
This is a discussion item. Staff does not have a recommendation.

Attachments:
None