HERNDON TOWN COUNCIL
Work Session Minutes
Tuesday, October 6, 2026

1. Call to Order

Mayor LeBlanc called the October 6, 2026, Town Council meeting to order at 6:00 p.m. in the Herndon Police Department's Community Room, 397 Herndon Parkway, Herndon, Virginia. In attendance were Mayor Keven LeBlanc; Vice Mayor Clark Hedrick; and Councilmembers Cesar del Aguila, Kelvin Garcia, Michael T. Lloyd, and Alex Reyes.

Mayor LeBlanc determined there was a quorum of six Councilmembers present. Councilmember Alam was absent.

2. Closed Meeting

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

Mayor LeBlanc 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 Community Room of the Herndon Police Department, 397 Herndon Parkway, Herndon, Virginia.

Vice Mayor Hedrick 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, regarding pending litigation. Councilmember Garcia seconded the motion, which carried by a 6-0 roll call vote. The vote was: Councilmembers del Aguila, Garcia, Lloyd, Reyes, Vice Mayor Hedrick, and Mayor LeBlanc voting “Aye.” Councilmember Alam was absent.

The Council went into closed meeting at 6:00 p.m.

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

The Council came out of the closed meeting at 6:45 p.m.

Vice Mayor Hedrick moved to certify that, to the best of each member's

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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. Councilmember del Aguila seconded the motion, which carried by a 6-0 roll call vote. The vote was: Councilmembers del Aguila, Garcia, Lloyd, Reyes, Vice Mayor Hedrick, and Mayor LeBlanc voting "Aye." Councilmember Alam was absent.

Aye: 6
Nay: 0
Absent: 1

Vote following closed session:

Mayor LeBlanc moved to appeal the ruling of Town of Herndon v. Comstock. Motion seconded by Councilmember del Aguila. The question was called on the motion, which carried by a 6-0 roll call vote. The vote was: Councilmembers del Aguila, Garcia, Lloyd, Reyes, Vice Mayor Hedrick, and Mayor LeBlanc voting "Aye." Councilmember Alam was absent.

Recess

At 6:47 p.m. Mayor LeBlanc called a brief recess, and at 7:03 p.m., the October 6, 2026, Town Council work session meeting reconvened in the Herndon Police Department Community Room, with six Councilmembers present, and Mayor LeBlanc presiding.

Work Session

Staff present during the meeting: Kirstyn Barr Jovanovich, Interim Town Manager; Lesa Yeatts, Town Attorney; Lisa Gilleran, Director of Community Development; MJ Johnson, Director of Public Works/Public Utilities; Lauri Sigler, Deputy Town Attorney; David Stromberg, Zoning Administrator; and Amanda Kertz, Town Clerk.

Amend the Agenda

Mayor LeBlanc stated that the Council needed to add a closed meeting topic to the end of the agenda that evening.

Councilmember del Aguila moved to add a closed meeting topic at the end of the 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 an employment law matter, and that the agenda be so amended.

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Motion seconded by Vice Mayor Hedrick.

The question was called on the motion which carried by a 6-0 roll call vote, without comment. The vote was: Councilmembers del Aguila, Garcia, Lloyd, Reyes, Vice Mayor Hedrick, and Mayor LeBlanc voting "Aye." Councilmember Alam was absent.

Mayor Announcements

Mayor LeBlanc announced that Council had previously met in a closed meeting, with a quorum of six members present, pursuant to State Code requirements.

3. Discussion

a. Virginia Main Street Program Discussion

Mayor LeBlanc recognized Collin Okoniewski, Economic Development Manager, for the staff presentation. Mr. Okoniewski reviewed staff's coordination with community members and the Downtown Early Action Plan (EAP) Committee to pursue a Virginia Main Street designation. In June, the Downtown EAP recommended using the program as a framework for establishing a community-based downtown organization. He outlined the program's four components: economic vitality, design, promotion, and organization, and its three participation tiers: Exploring Main Street, Mobilizing Main Street, and Advancing Virginia Main Street.

Mr. Okoniewski discussed the potential benefits for Herndon, including state assistance and grant funding opportunities. He then reviewed the process for establishing a local organization, forming a board of directors, and obtaining nonprofit status. He noted that Herndon would be the only active town in Fairfax County pursuing the Main Street designation and that Council could consider a resolution supporting participation in the program at its next regular meeting.

There was discussion among the Council and staff about supporting the Main Street program, including:

1. Changes in the Town since the Virginia Main Street program was last discussed several years ago.

   Ms. Jovanovich noted that previous challenges may have included needing a group to lead the effort. She stated that the Town would need to provide initial funding, with support decreasing over time as the local organization secured its own funding. Funding could be considered during the next budget process, as no funding requirements were included in this item.

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2. Assistance available through Virginia Main Street to help establish a local organization and staff's intent to coordinate with Fairfax County on the program.

3. How a Main Street program could work with a potential Business Improvement District (BID). Discussion included the possibility of a future BID in the Metro area, while the proposed Main Street program would focus on Downtown.

4. A request from Councilmember del Aguila for staff to engage businesses throughout the Town. Mr. Okoniewski stated that staff intended to be inclusive of all downtown businesses, while engaging the broader community.

5. Staff's role in supporting the local Main Street organization and the timeline for implementing the program.

6. The process for establishing a local Main Street organization, including forming a board of directors, obtaining nonprofit status, and how the organization would coordinate with the Town. Discussion included consideration of a memorandum of understanding (MOU) to establish roles, responsibilities, and financial support.

7. Potential boundaries for the downtown Main Street district, including the role of the W&OD Trail as a thoroughfare in downtown Herndon.

8. Support from the downtown business group formed last year, which staff had invited to participate in planning for the program.

Following discussion, and with the consensus of Council, staff was directed to proceed with preparing a resolution supporting participation in the Virginia Main Street program for the Consent Agenda at the next Town Council regular meeting.

b. <u>Legislative Agenda Discussion</u>

Mayor LeBlanc recognized Lesa Yeatts, Town Attorney, for the staff presentation. Ms. Yeatts reviewed the Town's draft 2027 General Assembly Legislative Priorities and Advocacy Positions. She noted that staff would return in November with a proposed legislative agenda for Council's consideration, after receiving the Virginia Municipal League's (VML) legislative positions, which are being considered at its upcoming conference. She referenced recent meetings with State representatives Delegate Irene Shin and Senator Jennifer Boysko, which were held to discuss the upcoming General Assembly session.

Ms. Yeatts reviewed the Town's proposed legislative priorities, including preserving local authority over land use, planning, workforce matters, housing,

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infrastructure, transportation, fiscal sustainability, environmental resources, regulated retail uses, gaming, and utility decisions. Additional priorities included opposing unfunded mandates and supporting transparency and Freedom of Information Act (FOIA) compliance. She noted that casino gaming legislation was expected to be considered during the upcoming General Assembly session.

Ms. Yeatts also discussed a proposal from Delegate Shin to add the Town of Herndon to the list of localities authorized to implement a land value tax in Virginia. She noted that the authority had not been exercised by eligible Virginia localities and that adding Herndon would allow Council to consider this tax structure without requiring implementation. She referred to potential benefits for redevelopment and investment and emphasized the need to study how this tax would impact taxpayers and property values.

There was discussion among the Council and staff on the proposed Legislative Program, including:

1. The potential impacts of a land value tax, including possible incentives for redevelopment, improvements to existing properties, and the development of vacant commercial properties. Discussion included potential tax implications for residential and commercial property owners, land speculation, and unintended economic impacts.

2. Discussion about the experience of other localities authorized to implement a land value tax, including why the authority had not been exercised in Virginia.

3. Vice Mayor Hedrick discussed the use of similar tax structures in other states and how it may encourage development of vacant properties.

4. The application of a land value tax to historic properties and whether the Town's Historic District could affect implementation.

5. The Town's ability to implement a land value tax independently of Fairfax County's property assessment process.

6. Potential revenue from skill games and the need to include towns in any revenue distribution processes.

During the discussion on the land value tax, Mayor LeBlanc noted that the authority could provide the Town with another option to encourage property improvements and redevelopment. He indicated that he would discuss the proposal with other local mayors at the upcoming VML Conference.

Following discussion, and with the consensus of Council, staff was asked to request Delegate Shin to add the Town of Herndon to the list of Virginia localities

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authorized to implement a land value tax. Staff was also directed to prepare the 2027 General Assembly Legislative Agenda, incorporating Council's discussion, for consideration at the Town Council's November regular meeting.

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

Mayor LeBlanc recognized Lauri Sigler, Deputy Town Attorney, and David Stromberg, Zoning Administrator, for the staff presentation.

Mr. Stromberg provided an overview of the state law that provided localities options for some regulation of retail tobacco, nicotine, and hemp products. He stated that localities can prohibit new establishments from operating within 1,000 feet of a public or private school or commercial daycare. He noted that the restriction would not apply retroactively and discussed commercial areas near Herndon Middle School that could be affected. He reviewed the process for adopting a Zoning Ordinance Text Amendment (ZOTA), administrative requirements, and potential impacts on businesses.

There was discussion among the Council and staff on the locality's authority to regulate retail tobacco, nicotine, and hemp, including:

1. Consideration of a 1,000-foot restriction for tobacco, nicotine, and hemp retailers. Discussion included how the distance would be measured from school property boundaries, whether the regulations would apply to schools located outside the Town's borders, and which commercial properties near Herndon Middle School could be affected.

2. How proposed restrictions would apply to existing businesses, changes in ownership, and nonconforming status.

3. Exemptions for businesses holding certain retail Virginia Alcoholic Beverage Control (ABC) licenses, and whether the proposed restrictions would apply to convenience stores or similar retail establishments.

4. The distinction between taxation on tobacco and vape retailers and the cannabis sales tax.

Lauri Sigler, Deputy Town Attorney, continued the presentation. She reviewed recent changes to state law that established the Virginia Cannabis Control Authority, new licensing requirements, and the implementation dates under the new state authority. She discussed actions required by the Town, highlighting the requirement to establish a local cannabis sales tax between one and 3.5 percent by May 1, 2027. She noted that the adoption of the tax would have to follow all budgetary public hearing requirements. She stated that the Town must also adopt

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administrative procedures under the Virginia Cannabis Control Authority regarding the reviewing of license applications. She discussed key implementation dates and the types of licenses that the state authority is going to issue.

Mr. Stromberg continued the presentation and reviewed the limitations on local authority, including the inability to prohibit cannabis businesses, being unable to establish a local cap on the number of establishments, and not being able to impose a tax rate higher than 3.5 percent. Mr. Stromberg then reviewed optional actions available to the Town, including amendments to the Zoning Ordinance addressing cannabis-related uses, setbacks, buffers, and site plan requirements. He stated that any changes to the Town's zoning ordinance should be adopted by May 1, 2027, in accordance with when the state can issue cannabis licenses.

Ms. Sigler discussed additional options to regulate public consumption, hours of sale, and the need to review existing Town ordinances for consistency with state law. She also referenced information regarding the potential water consumption of cannabis cultivation facilities versus the water consumption of data centers, citing an article in "*Cardinal News*."

There was discussion among Council and staff on the updates to the state laws pertaining to cannabis, including:

1. Actions the Town can take to regulate cannabis retail locations and those that are governed by the state authority. Ms. Sigler stated that staff will check if the Town has authority over the distance between cannabis shops. She stated that new regulations had been released for public review, and she would review them to see if such provisions were included.

2. The potential water consumption of cannabis cultivation facilities. Staff indicated that further review would be needed to determine the extent of the Town's authority.

3. The proposed local cannabis sales tax rate: Councilmember del Aguila expressed support for adopting a 3.5 percent taxation rate.

4. The timeline for adopting the required cannabis tax ordinance and any proposed zoning amendments. Discussion included the need to consider the tax rate before the Town's budget discussions and to consider potential zoning amendments by March or April 2027.

Following discussion, and with the concurrence of Council, staff was directed to bring the cannabis item forward at a future Town Council work session for further discussion of the implementation timeline and potential ordinance amendments.

d. <u>Private Pipestem/Driveway Trash Collection Policy</u>

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Mayor LeBlanc recognized Kirstyn Jovanovich, Interim Town Manager, for the staff presentation. Ms. Jovanovich stated that refuse collection from private pipestem driveways had recently been a matter of public interest. She noted that there were 54 pipestems in the Town and introduced MJ Johnson, Director of Public Works/Public Utilities, for the staff presentation.

Mr. Johnson provided an overview of the Town's refuse collection policies and procedures, explaining that the Town collects refuse from public and private streets but does not collect directly from private driveways or pipestems. He discussed concerns raised by residents regarding transporting refuse containers to the nearest public right-of-way, mobility challenges, and the Town's ability to safely provide refuse collection, snow removal, and leaf and yard waste collection services.

Mr. Johnson reviewed the Town's Backyard Collection program, which allows residents to request reasonable accommodations for the collection of household refuse, recycling, and bagged yard waste directly from their property. He stated that all residents can apply to the program by emailing the Department of Public Works. Applications are reviewed by staff for approval. The application includes authorization for staff to access the property and requires the property owner to hold the Town harmless. He noted that approved accommodations do not transfer to subsequent property owners and that residents should notify the Town if the circumstances supporting their accommodation change.

Mr. Johnson explained that the pavement on private pipestem driveways is not thick enough to safely support the weight of the Town's refuse collection trucks. Ms. Jovanovich noted that the pipestem in the Herndon Park Station neighborhood had been repaved twice in the past ten years.

There was discussion among Council and staff on pipestem trash collection, regarding:

1. Differences between public and private streets, driveways, and pipestems, including Fairfax County's construction standards for pipestems and the weight of refuse collection vehicles.

2. The Backyard Collection application process; including eligibility, property access requirements, and the ability to apply to the program without an additional fee.

3. Factors staff may consider when reviewing applications, particularly safety concerns with refuse trucks remaining in the right-of-way while staff collect refuse from residential properties.

4. Potential operational impacts when refuse trucks remain stationary while staff retrieve the containers, especially in the Herndon Park Station

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neighborhood.

5. A request to consider using smaller, lighter trucks to collect refuse from pipestems.

During the discussion of vehicle weights and the potential use of smaller collection trucks, Ms. Jovanovich noted that the Town Code includes provisions regarding refuse collection on private pipestems.

Following discussion, and with the consensus of Council, Ms. Jovanovich stated that staff would follow up with affected residents regarding the Backyard Collection application process and review any applications received. She also noted that while Council could explore other approaches to pipestem refuse collection, any changes should consider the impact on services for all 54 pipestems in the Town.

4. Roundtable

Councilmember del Aguila: no comments

Councilmember Reyes: no comments.

Councilmember Lloyd: acknowledged recent higher-profile setbacks and expressed that these events should not overshadow the positive activities and events taking place throughout the community.

Councilmember Garcia: expressed concerns regarding the Herndon Youth Soccer program, particularly its board elections and governance. He stated that he was working with residents to address their concerns and would provide updates to Council as information became available. He also noted the organization's use of Town playing fields.

Vice Mayor Hedrick: echoed Councilmember Lloyd's comments about the positive events in the community. He thanked Ms. Jovanovich for stepping into the Interim Town Manager role, along with department directors and staff for their work.

Mayor LeBlanc: stated that he is attending the Virginia Municipal League (VML) Conference and Mayors Conference starting on Saturday, October 10. He encouraged Councilmembers to share any matters they would like him to raise during the conference and noted his earlier commitment to speaking with local mayors about the land value tax item.

Kirstyn Jovanovich, Interim Town Manager: provided the updates on the following:

1. Herndon Municipal Center (HMC): The building is now closed to the public for HVAC and entrance improvements as part of the Town's Energy Savings Performance Contract (ESCO) project. Staff have been temporarily

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relocated within the 397 Herndon Parkway building, and meetings would continue at the temporary location at the Herndon Police Department Community Room through the end of the year.

2. Herndon 2050 Comprehensive Plan: Approximately 170 community members attended the recent open house at the Herndon Community Center. Ms. Jovanovich thanked attendees for their participation and recognized Community Development and other staff who supported the event. She noted that the community survey is open for submissions through October 27, 2026, and that additional outreach events were planned for the coming months.

3. Comstock Litigation: Provided an update on the litigation involving Comstock, including a motion for summary judgment, removal of the scheduled trial date, and the court's dismissal of the case. She stated earlier that evening, Council had voted to appeal the court's decision in open session following their closed session. Staff will keep Council and the public informed during the process and will post updates to the Town's website.

5. <u>Closed Meeting</u>

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

c. 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 an employment law matter

Mayor LeBlanc stated that the Council needed to go into a closed meeting, which includes the additional item that was added to the agenda earlier in the meeting. The closed meeting was held in the Herndon Police Department Community Room, 397 Herndon Parkway, Herndon, Virginia.

Vice Mayor Hedrick moved that the Council convene in a closed meeting to discuss the following as permitted by Code of Virginia:

Section 2.2-3711(A)(1), for discussion of prospective candidates relative to appointments to boards and commissions;

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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; and

Section 2.2-3711(A)(8), consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, regarding an employment law matter.

Councilmember Garcia seconded the motion, which carried by a 6-0 roll call vote. The vote was: Councilmembers del Aguila, Garcia, Lloyd, Reyes, Vice Mayor Hedrick, and Mayor LeBlanc voting “Aye.” Councilmember Alam was absent.

At 9:12 p.m., Mayor LeBlanc called a brief recess, and at 9:32 p.m., the closed meeting reconvened in the Herndon Police Department Community Room, six members present, with Mayor LeBlanc presiding. Councilmember Alam was absent.

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

The Council came out of closed meeting at 9:54 p.m.

Vice Mayor Hedrick moved to certify that, to the best of each member's knowledge, in the closed meeting just concluded, nothing was discussed except the matter or matters (1) specifically identified in the motion to convene in closed meeting and (2) lawfully permitted to be discussed in a closed meeting under the provisions of the Virginia Freedom of Information Act as cited in that motion. Motion seconded by Councilmember del Aguila and carried by a 6-0 roll call vote. The vote was: Councilmembers del Aguila, Garcia, Lloyd, Reyes, Vice Mayor Hedrick, and Mayor LeBlanc voting “Aye.” Councilmember Alam was absent.

Aye: 6
Nay: 0
Absent: 1

6. Adjournment

There being no further business, Mayor LeBlanc adjourned the October 6, 2026, Town Council Work Session at 9:56 p.m.

Amanda M. Kertz
Town Clerk
Minutes approved by Town Council: _____

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