TOWN OF Herndon VIRGINIA

HERNDON TOWN COUNCIL
Work Session Minutes
Tuesday, October 15, 2024

1. Call to Order

Mayor Olem called the October 15, 2024, Town Council work session to order at 7:00 p.m. in the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia. In attendance were: Mayor Sheila Olem; Vice Mayor Clark Hedrick; and Councilmembers Cesar del Aguila, Pradip Dhakal, Keven LeBlanc, and Donielle M. Scherff.

Councilmember Naila Alam was absent.

Staff present during the meeting: Christopher Martino, Interim Town Manager; Kirstyn Barr Jovanovich and Scott Robinson, Acting Deputy Town Managers; Lauri Sigler, Deputy Town Attorney; Chief Maggie DeBoard, Herndon Police Department; Marjorie Sloan, Director of Finance; John Irish, Acting Director of Public Works; Bryce Perry, Deputy Director of Community Development; David Stromberg, Zoning Administrator; and Margie Tacci, Acting Chief Deputy Town Clerk.

Determination of a Quorum

Mayor Olem determined there was a quorum of six Councilmembers present. Councilmember Alam was absent. Mayor Olem reminded the Council of the meeting decorum.

Mayor Announcements

Mayor Olem provided information on upcoming events, including: (1) "Herndon Children's Book Festival" on Saturday, October 19,11:00 a.m. to 4:00 p.m., at Arts Herndon, 750 Center Street; Friends of Runnymede Park would also be at the event; and (2) the next Town Council work session is on Wednesday, November 6, which was moved due to Election Day. She encouraged everyone to vote on Tuesday, November 5, at their designated polling place, or to use the early voting resources found on Fairfax County's Office of Elections website.

2. Discussion

a. Leases at 750 Center Street

Mayor Olem recognized Christopher Martino, Interim Town Manager, to begin the discussion about the leases at 750 Center Street.

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Mr. Martino stated that evening's item was to provide additional information on the leases at 750 Center Street, as a follow-up from last week's regular meeting. He highlighted the following from his staff report, which included: (1) final agreement with Comstock for downtown redevelopment is expected on December 10, with construction initiating on April 30, 2025, requiring the space to be vacated; (2) the Town prepared a temporary location for Arts Herndon at 397 Herndon Parkway; where NextStop Theatre leases a small space; and (3) both leases with Arts Herndon and NextStop Theatre expired in June. Mr. Martino stated staff's recommendation was to provide 90 days' notice for expiration, starting at the downtown redevelopment agreement date, which is expected to be December 10, 2024. This would put the expiration date on March 1, 2025.

There was discussion among the Council and staff on this item, including: (1) possible terms with the arts groups; (2) activities and events at Arts Herndon; (3) future arts center following redevelopment; (4) importance of open communication with the arts groups; (5) Town-provided funding for the arts groups; (6) cost to outfit the temporary space at 397 Herndon Parkway, and process to move the arts groups; and (7) providing written notice to NextStop Theatre to remove their items from 750 Center Street;

Councilmember LeBlanc stated that he wanted to provide Arts Herndon notice as to the timeline with Comstock and provide them with the farthest out deadline that is possible, which he thought would be around April 1, 2025.

Councilmember Scherff asked the Economic Development staff to work with the store, A Thousand Stories, which is located at Arts Herndon, to find another storefront.

Following queries from Mayor Olem, Mr. Martino stated that staff can follow up with NextStop separately regarding the items potentially abandoned at 750 Center Street.

Following further discussion about potential agreements, Mr. Martino stated that staff can draft an agreement to address the lease end date and provide it to the Council for review and action, to put it on public record.

b. American Rescue Plan Act (ARPA) Update

Mayor Olem recognized Marjorie Sloan, Director of Finance, to begin the discussion on this item. Ms. Sloan reviewed the recent, ongoing, and yet to be awarded contracts related to the American Rescue Plan Act (ARPA) funds, stating that the Town is on point for all mandated deadlines. She discussed: (1) amount of funding provided to the Town of $25.5 million; (2) allocated ARPA funds and updated spending amounts; (3) remaining amount to encumber, which is less than $3.6 million, (4) recent contract awards; (5) contracting in process, highlighting: (a) Bready Park ballfield restoration, (b) updates to the Herndon Municipal Center; (c)

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Town Hall and Town Square renovation, (d) cemetery office repairs, and (e) Lynn Street structure security; and (6) actual and planned spending under ARPA, grouped together by project type.

There was discussion among the Council and staff on this item, including: (1) requirements and process for how ARPA funds can be used; and (2) potential for using ARPA money toward a relief fund for residents to assist with water and sewer costs.

Responding to Councilmember del Aguila, Ms. Sloan stated she did not know at that time if the Council could have established a fund to help residents with their water and bills. She stated that since the encumbrance deadline for ARPA funds is December 31, 2024, it would be difficult to research and establish such a fund at this point.

Councilmember del Aguila asked Ms. Sloan to look into whether it was possible to establish relief fund for water and sewer charges for residents. He indicated while he would assume it could not be used for this instance, he thought it would be meaningful to look at the options.

Following discussion, Ms. Sloan indicated that staff would proceed with the project listed in the ARPA fund update.

c. Affordable Housing - Process Outline Discussion

Mayor Olem recognized David Stromberg, Zoning Administrator, to begin the discussion of this item. Mr. Stromberg reviewed several options for an affordable dwelling unit program, which Tom Fleetwood, Fairfax County Housing Authority, previously spoke about at the Council's special work session on September 19. In his comments, Mr. Stromberg focused on the following options: (1) Affordable Dwelling Units (ADUs) through proffer conditions; (2) using Town-owned land; and (3) Zoning Text Amendment for "Set Aside Incentive Zoning." He highlighted the processes and potential outcomes, benefits, and limitations for each of the options.

Mr. Stromberg stated that staff believes that the "Set-Aside Affordable Dwelling Units" model is the most practical option for affordable housing for the Town. He stated that an incentive zoning ordinance standard would have to be established through the zoning ordinance, which includes codifying the density radio and ADU ratio in the zoning ordinance. This approach will require data analysis to consider the zoning districts where this would be most impactful, and to look at the incentives for developers to provide ADUs. He indicated that at least one Comprehensive Plan Amendment may be required and stated that the ordinance must comply with the rates established in the Code of Virginia. Using examples of Fairfax County and Fairfax City's set aside programs, Mr. Stromberg outlined what a potential program of this type could look like in the Town. He stressed that the

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Town needs to partner in the Fairfax County Housing Authority, as staff does not have the resources of expertise required to implement this type of program. Mr. Stromberg reviewed the next steps for affordable housing in the Town and stated that in the early part of next year, the Town plans to hire a consultant to undertake an affordable housing study. He thought that it could take 18 months to two years to gather the data and bring it back to the Council for review.

There was discussion among the Council and staff about the options for affordable housing in the Town, focused on the following areas: (1) importance of partnering with Fairfax County and the County's Housing Authority; (2) affordable housing study to be undertaken by the Town's consultant; (3) affordable housing requirements; (4) Comprehensive Plan Amendments related to affordable housing; and (5) potential costs for the affordable housing program options

Responding to queries from Vice Mayor Hedrick and Councilmember del Aguila, Mr. Stromberg confirmed that in the affordable housing study, the consultant is going to look at several options, including Town-owned property and the set aside program as potential options for affordable housing in the Town.

Following discussion and with the concurrence of Council, staff was asked to bring the item before the Council to authorize funding for an affordable housing study in the Town. Christopher Martino, Interim Town Manager, stated that the consultant-led study authorization would likely involve appropriation of funds and indicated that more information would be provided as was available.

3. Roundtable

Councilmember Scherff: discussed several events they recently attended or are upcoming, including: (1) Committee for Dulles event with Mayor Olem and Councilmember Alam; and (2) Pumpkin Plunge at the Herndon Community Center, which is coming up on the weekend.

Councilmember Scherff asked Christopher Martino, Interim Town Manager, if he heard back from Comstock about the sign that is in front of the property in the downtown.

Mr. Martino stated that he had a productive meeting with Comstock and the sign has come down. The new fence wrapping will be put up in the next week or ten days.

Councilmember Scherff stated that at last week's regular meeting, an individual spoke about Arts Herndon and the cost of doing business. She stated that she knew Arts Herndon has a lot of building issues, like plumbing, which need to be addressed. She would like to see a list of the properties that the Town offers to non-profit and community partners at below market rates, to include an analysis of the market impact. She also asked for a summary of the conditions of Town-

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owned buildings.

Councilmember del Aguila: thanked Councilmembers Dhakal and LeBlanc for attending a meeting at the Parkridge Apartments about difficulties between the tenants and the apartment complex over billing and utility charges. He provided an update on how the apartment is handling fees for items and utilities, stating that the complex plans to provide copies of bills in Spanish to those that need them, itemize the monthly bills, and will bill for the month using historical projections.

Councilmember del Aguila thanked his colleagues for moving forward with affordable housing in the Town.

Councilmember Dhakal: asked Mr. Martino about the status of the Herndon Elementary School renovation project. It was his understanding that the project had been delayed, and he is seeking more information about the site plan process. He asked if there was a possibility to expedite the project.

Mr. Martino stated that the easements have to be in place before the site plan is approved and moves forward. He stated that the Town has not held this up and there have been other complications with the project. Staff is trying to move this process along as fast as possible.

Councilmember Dhakal asked the Interim Town Manager for more information about the process to share with the community, who had the impression that the Town had delayed the project.

Mr. Martino agreed that staff would provide more information about the process.

Councilmember Le Blanc: stated that the issues that the residents were seeing at Parkridge Apartments happen all over the country, and could be happening elsewhere in the community. He stated that recently, he met with several staff members representing local legislators and he asked them what could be done to better protect residents. Senator Boysko's staff indicated that they are aware of these types of issues, and they tried to put forward legislation last year, which was vetoed. Sentaor Boysko's office intends to support similar legislative items this year.

Vice Mayor Hedrick: talked about the Worldgate Shopping Center, stating that he ate at a restaurant, "Charred," where he talked with the owner. He was glad to hear that the owner was pleased to do business with the Town. The owner stated that they were concerned about security at the shopping center, especially after the security incidents that happened over the past few weeks.

Mayor Olem: stated that she attended the Annual Virginia Municipal League (VML) Mayor’s Institute and Conference from last Sunday through earlier today. She

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enjoyed meeting elected officials from around the state and discussing issues that are shared. She stated that artificial intelligence (AI) was a pertinent topic.

Mayor Olem stated that recently, she had spoken to several residents about the project at Herndon Elementary School. She stated that the Fairfax County School Board and Fairfax County Board of Supervisors were also briefed on the project.

Chris Martino, Interim Town Manager: no comments.

4. Adjournment

There being no further business, Mayor Olem adjourned the October 15, 2024 Town Council Work Session at 9:11 p.m.

Amanda E.M. Kertz
Acting Town Clerk

Minutes approved by Town Council : _____

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