TOWN OF Herndon VIRGINIA

HERNDON TOWN COUNCIL
Regular Meeting Minutes
Tuesday, November 12, 2024

1. Call to Order

Mayor Olem called the November 12, 2024, Town Council regular meeting 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 Naila Alam, Cesar del Aguila, Pradip Dhakal, Keven LeBlanc, and Donielle M. Scherff.

Staff present during the meeting: Christopher Martino, Interim Town Manager; Lesa Yeatts, Town Attorney; Kirstyn Barr Jovanovich and Scott Robinson, Acting Deputy Town Managers; Captain Stephen Pihonak, Herndon Police Department; Anne Papa, Chief Communications Officer; Lisa Gilleran, Director of Community Development; Marjorie Sloan, Director of Finance; Maria Lee, Budget Manager; and Amanda Kertz, Acting Town Clerk.

2. Pledge of Allegiance to the Flag of the United States of America

Mayor Olem led the audience in the Pledge of Allegiance to the Flag of the United States of America.

Determination of a Quorum

Mayor Olem determined there was a quorum of all Councilmembers present. Mayor Olem reminded the Council of the meeting decorum.

Mayor Announcements

Mayor Olem provided announcements for the upcoming Thanksgiving holiday, stating that the Herndon Turkey Trot race is on Saturday, November 23 at 4:00 p.m. and that the Town is closed on Thursday, November 28 and Friday, November 29. Trash will be collected on Friday, November 29.

Mayor Olem stated that the next Council work session would be on December 3, with the next regular meeting on December 10.

Mayor Olem stated that the leaf collection is ongoing in the Town through the week of December 9. She encouraged individuals to check the Town calendar and website for additional details and those items.

DRAFT

3. Presentations/Reports/Comments

a. Proclamation to Recognize Veterans Day, November 11, 2024

Mayor Olem and Vice Mayor Hedrick read the proclamation to recognize Veterans Day into the record. Mayor Olem stated that members of the audience were welcome to comment on the presentation during the Comments from the Audience portion of the agenda.

b. Town Manager Report

Christopher Martino, Interim Town Manager, discussed the plan for holiday decorations that year. He indicated that it is illegal for Town employees to work close to the power lines, and Dominion Virginia Power no longer allows wreaths or other items to be hung from their poles. He stated that decorations will be hung in late November and will include the following: (1) lighting and wreaths at Old Town Hall and on the Depot; (2) lighting on the Caboose; (3) a larger wreath on the Herndon Municipal Center; (4) lighting of the Holiday tree at the Town Hall Square with traditional and twinkling lights; (5) lights on the tree at the corner of Lynn and Elden Streets; (6) a large lit display box at the Depot; and (7) 20 acorn lights will be wrapped in red and gold ribbons along with a bow that should illuminate with the ambient streetlights elsewhere around downtown. He stated that staff was working with a vendor to leave the decorations in place throughout the season, which will be removed in the second or third week of January.

c. Councilmember Comments

Councilmember Dhakal: provided comments about the proclamation to recognize Veterans Day. He offered his sincere appreciation to all the veterans and their families, along with his gratitude to the members of the American Legion, Wayne M. Kidwell Post 184, for their tenure in the armed forces and contributions to the community in Herndon and beyond.

.

Councilmember Dhakal recommended that the Council: (1) consider any measures within the Town's authority to protect citizens from any undue targeting or harassment; and (2) immediately issue a commitment to explore and develop sanctuary measures that include the Town as a place of safety, dignity and respect for all, regardless of background or statuses.

Councilmember Dhakal commended law enforcement for their swift response to address the safety and security issues caused by the September 6 bomb threat in the community. He requested staff to provide the following in an upcoming session: (1) information on the outcome of this investigation; and (2) steps taken by Herndon Police in response to the incident.

Councilmember del Aguila: echoed his colleagues' comments on the proclamation to recognize Veterans Day.

DRAFT

Councilmember del Aguila stated he has been approached by constituents who are deeply concerned about the current federal policies that are impending on the immigrant population. He proposed that the Council discuss potential steps they can take to either ensure or protect neighbors and residents that feel vulnerable at the next work session.

Councilmember Scherff: echoed her colleagues' comments on the proclamation to recognize Veterans Day.

Councilmember Scherff encouraged everyone to view last week's Town Council work session, which included discussions about affordable housing and equitable use of resources in marketable rate real estate. She stated that it is not about taking anyone's funding or space away, but about ensuring that the Town's resources are shared equitably.

Councilmember Scherff wished everyone a Happy Thanksgiving, stating that she was grateful to serve the community and work together to make sure that everyone feels safe and at home.

Councilmember Alam: echoed her colleagues' comments on the proclamation to recognize Veterans Day.

Councilmember Alam stated that a friend of hers was approached by a man in her car, hit the windows and yelled at her at a signal. She asked that both the Herndon Police Department and the Fairfax County Police Departments stay vigilant about these types of crimes.

Councilmember LeBlanc: echoed his colleagues' comments on the proclamation to recognize Veterans Day.

Councilmember LeBlanc stated that he has heard concerns expressed about unity. He stated that Herndon has the opportunity to show what a community really looks like. He encouraged everyone in the spirit of Thanksgiving and Veterans Day to take time to serve one another.

Vice Mayor Hedrick: echoed his colleague's comments about the proclamation to recognize Veterans Day.

Vice Mayor Hedrick stated that he looks forward to working with his colleagues for the rest of this term, and appreciates the voters' confidence in him for the next term.

Mayor Olem: echoed her colleague's comments about the proclamation to recognize Veterans Day. She stated that she enjoyed attending the Avenue of

DRAFT

Flags at Chestnut Grove Cemetery, and appreciated the work the American Legion does to display the flags.

Mayor Olem discussed several events she recently attended, including: (1) Herndon Homecoming Parade; (2) 50th Anniversary Celebration for The Closet on October 23; (3) the Arts Fairfax Awards on October 25 in Fairfax County; (4) the ribbon cutting for the new Belmont Ridge Road widening on October 28; and (5) the Northern Virginia State of the Region Transportation Network with Vice Mayor Hedrick on October 30.

Comments and Disclosures for the Record

Mayor Olem asked Amanda Kertz, Acting Town Clerk, if she received comments for the record or signed disclosure declarations from Council. Ms. Kertz stated that comments were provided to Council and entered into the record on General Item #6(a), Resolution 24-G-65 to authorize the Interim Town Manager to execute a letter of intent regarding bond financing support for the downtown redevelopment project.

The Town Clerk did not receive additional public comments or disclosures on any other items listed on that meeting's agenda.

4. Comments from the Audience

Mayor Olem reviewed the process and asked those who wanted to provide Comments from the Audience to come forward.

The following individuals provided comments on General Item 6(a) Resolution 24-G-65 to authorize the Interim Town Manager to execute a Letter of Intent Regarding Bond Financing Support for the Downtown Redevelopment Project:

- Stephan Porter, 905 Vine Street, Herndon: also extended his appreciation to veterans, and encouraged support for them throughout the year.

- Jay Hadlock, 505 Alabama Drive, Herndon: also thanked staff member Fadrique Iglesias, Community Planner, for his work on the Farmers Market.

The following individuals provided comments on Item 3(a) Proclamation to Recognize Veterans Day, November 11, 2024:

- Albert Rivera, 132 Anthem Avenue, Herndon.

The following individuals provided comments on General Item 6(b) Resolution 24-G-66 to approve and authorize the mayor to sign a Sublicense Agreement between the Town of Herndon and Arts Herndon, Inc., for the space at 750 Center Street:

DRAFT

- Demeter Capsalis, 1483 Powells Tavern Place, Herndon: also asked what can be done to help queer and trans youth in Herndon, and for Herndon to become a sanctuary Town.

- Rusty Budd, 330 Reneau Way, Herndon: also asked to prioritize supporting queer youth in the coming days.

The following individuals provided comments on various topics:

- Alexander Burke, 910 Jorrs Place, Herndon: asked the Town Manager if staff would consider putting lights throughout the W&OD trail.

- Kelvin Garcia, 2020 Wilkes Court, Herndon: expressed gratitude to those that supported him, and that he is looking forward to collaborating with each member of Council.

- Barbara Glakas, 935 Barton Oaks, Place, Herndon: provided comments on funding for events; Town Council salaries; strategic initiatives fund; and the donation policy.

5. Public Hearings

a. Ordinance 24-O-29 to amend the Fiscal Year (FY) 2025 Adopted Budget for the General Fund

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, October 25, and Friday, November 1, issues.

Mayor Olem opened the public hearing and recognized Marjorie Sloan, Director of Finance, who provided the staff report for the third amendment to the FY 2025 budget. She stated the proposed amendment for $757,000 is to fund the following: (1) $57,000 in the General Fund to the Herndon Police which includes $42,000 for the purchase of a FARO Scanner and associated software and licenses and $15,000 from the state seized asset fund to purchase an Explosive Ordnance Disposal K9; (2) $200,000 to address costs from a substantial leak in the Herdon Municipal Center; (3) $300,000 to fund a consultant for affordable housing; and (4) $200,000 to undertake a market study and economic development strategy.

There was discussion among the Council and staff on the proposed amendment to the General Fund.

Mayor Olem called for comments from the audience.

DRAFT

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

- Jay Hadlock, 515 Alabama Drive, Herndon.

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

Councilmember LeBlanc moved to approve Ordinance 24-O-29 to amend the Fiscal Year (FY) 2025 Adopted Budget for the General Fund, as presented.

Motion seconded by Councilmember del Aguila.

There were brief comments from the Council regarding the funding appropriations included in the amendment.

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

6. General

a. Resolution 24-G-65 to authorize the Interim Town Manager to execute a Letter of Intent Regarding Bond Financing Support for the Downtown Redevelopment Project

Christopher Martino, Interim Town Manager, provided brief comments, stating that the proposed resolution would allow the Town to enter into bond financing to support the Downtown Redevelopment Project. He stated this was a request to authorize the Interim Town Manager to execute a Letter of Intent (LOI) between the Town and the City of Fairfax Economic Development Authority (EDA) in pursuit of a mutually beneficial financing plan related to the downtown redevelopment project. Mr. Martino recognized Kyle Laux, the Town's financial consultant with Davenport and Company, to provide an update on the project financing.

Mr. Laux provided a presentation which included the following: (1) an overview of the Town's current credit ratings and how the bonding would impact the current debt profile; (2) potential bond financing that is proposed to occur in support of the project, including structure and possible interest rates; (3) impact of bond financing on the Town's adopted financial policies and guidelines; and (4) key factors and considerations regarding the Town's participation in a bond financing for the project.

Mr. Laux discussed the proposed financing structure and stated that the financing would consist of approximately $15 to $20 million related only to the public

DRAFT

components of the Project. He stated that the majority of the funding would go towards the hard costs, in particular, the construction of the public parking garage.

Mr. Laux discussed the proposed bond structure, which includes the bonds being issued via a legal conduit issuer, the Fairfax City Economic Development Authority. He stated that the Town would be making a “moral obligation” (i.e. not a legal obligation) to the bondholders to repay the debt service over the life of the bond issue, regardless of whether other offsetting payments (detailed further herein) materialize.

Mr. Laux reviewed projected tax-supported debt ratios or debt service versus expenditure and debt versus assessed value, stating that the town will remain in compliance with its debt-related financial policy guidelines after the issuance of the projected 2025 bonds. Mr. Laux discussed the proposed financing schedule over the next several months, with the anticipated bond closing occurring before March 31, 2025.

There was discussion between the Council and the staff on this item, including: (1) timing of engaging in the bond; (2) contractual terms that will be put in place; (3) impact on the Town's AAA rating; and (4) potential exposure and risk to the Town of the bond.

Councilmember LeBlanc moved to approve Resolution 24-G-65 to authorize the Interim Town Manager to execute a Letter of Intent Regarding Bond Financing Support for the Downtown Redevelopment Project, as presented.

Motion seconded by Councilmember Scherff.

The question was called on the motion, which carried by unanimous roll call vote. The vote was: Councilmembers Alam, del Aguila, Dhakal, LeBlanc, and Scherff, Vice Mayor Hedrick and Mayor Olem voting “Aye.”

b. Resolution 24-G-66 to approve and authorize the mayor to sign a Sublicense Agreement between the Town of Herndon and Arts Herndon, Inc., for space at 750 Center Street

Lesa Yeatts, Town Attorney, presented the staff report and stated that the proposed resolution will approve a sublicense agreement between the Town and Arts Herndon for Arts Herndon's use of the building at 750 Center Street through March 31, 2025. She stated that Council requested at the October 15 meeting that a new sublicense be drafted to allow Arts Herndon to occupy the current space, as well as the space used for storage by NextStop Theatre. She stated that the proposed lease is for both spaces, through March 31, 2025. She stated that Arts Herndon had been given notice to vacate the space on March 30, 2025, and this license allows for that. She stated as of that past Friday, the Town had not received the signed license agreement back from Arts Herndon, and so it was

DRAFT

unknown whether Arts Herndon intended to keep both leases.

There was discussion among the Council and the staff on this item, including: (1) the logistics of Arts Herndon's relocation after March; and (2) discussion on potential risks if Arts Herndon does not relocate by the lease deadline.

Councilmember Dhakal moved to approve Resolution 24-G-66 to approve and authorize the mayor to sign a Sublicense Agreement between the Town of Herndon and Arts Herndon, Inc., for space at 750 Center Street, as presented.

Motion seconded by Councilmember del Aguila.

There were brief comments from Council.

The question was called on the motion, which carried by unanimous roll call vote. The vote was: Councilmembers Alam, del Aguila, Dhakal, LeBlanc, and Scherff, Vice Mayor Hedrick and Mayor Olem voting “Aye.”

7. <u>Consent</u>

a. Resolution 24-G-67 to approve a transfer within the FY 2025 Water and Sewer Fund Budget

b. Resolution 24-G-68 to adopt the Town of Herndon’s 2025 Legislative Program

c. Resolution 24-G-69 to approve and authorize the mayor to sign a 1-year license agreement between the Town of Herndon and Nafis Peter Ahmed and Ruth Llabres Ahmed for the Town’s use of the lot at the corner of Lynn and Station Streets for public parking and other public purposes

d. Resolution 24-G-70 to appoint a member to the Board of Zoning Appeals

e. Resolution 24-G-71 to appoint a member to the Planning Commission

f. July 30, 2024, Town Council Special Meeting – Closed Meeting Minutes

g. August 7, 2024 Town Council Work Session Minutes

h. August 13, 2024 Town Council Meeting Minutes

i. September 3, 2024, Town Council Work Session Minutes

On motion of Councilmember Dhakal, seconded by Councilmember Alam, the Consent Agenda items were approved and carried by unanimous call vote, as presented, without comment. The vote was: Councilmembers Alam, del Aguila, Dhakal, LeBlanc, and Scherff, Vice Mayor Hedrick and Mayor Olem voting “Aye.”

DRAFT

8. Adjournment

There being no further business, Mayor Olem adjourned the November 12, 2024, Town Council regular meeting at 9:06 p.m.

Amanda E.M. Kertz
Acting Town Clerk

Minutes approved by Town Council: _____

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

DRAFT