

TOWN OF Herndon VIRGINIA

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HERNDON TOWN COUNCIL Work Session Tuesday, September 15, 2015

At a regular meeting of the Town Council of the Town of Herndon, Virginia, held in the Herndon Council Chambers Building, at 765 Lynn Street, Herndon, Virginia, on Tuesday, September 15, 2015, at 7:00 p.m., there were present:

- Mayor Lisa C. Merkel, presiding;
- Vice Mayor Jennifer Baker;
- Councilmember Dave A. Kirby;
- Councilmember Steven L. Mitchell;
- Councilmember Sheila A. Olem;
- Councilmember Jasbinder Singh; and
- Councilmember Grace Han Wolf.

CLOSED MEETING

On motion of Councilmember Olem, seconded by Vice Mayor Baker, and carried by unanimous vote, the Herndon Town Council went into Closed Meeting at 7:00 p.m., under Section 2.2-3711(A)(3), Code of Virginia, for discussion of the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position of the town, relative to the planned redevelopment of the downtown.

Vote: Councilmembers Kirby, Mitchell, Olem, Singh, Wolf, Vice Mayor Baker and Mayor Merkel voting "Aye."

On motion of Vice Mayor Baker seconded by Councilmember Wolf, and carried by unanimous vote, the Herndon Town Council reconvened in public session at 8:03 p.m.

Vote: Councilmembers Kirby, Mitchell, Olem, Singh, Wolf, Vice Mayor Baker and Mayor Merkel voting "Aye."

On motion of Councilmember Wolf, seconded by Vice Mayor Baker, and carried by unanimous vote, the Herndon Town Council approved the following Certification of Closed Meeting.

Vote: Councilmembers Kirby, Mitchell, Olem, Singh, Wolf, Vice Mayor Baker and Mayor Merkel voting "Aye."

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Certification of Closed Meeting

WHEREAS, the Town Council of the Town of Herndon has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by this Town Council that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Closed Meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the Closed Meeting were heard, discussed, or considered by the Town Council.

VOTE:

Ayes – 7

Nays – 0

ABSENT DURING VOTE: 0

ABSENT DURING MEETING: 0

RECESS

At 8:04 p.m., Mayor Merkel called a brief recess and at 8:07 p.m., the meeting reconvened in Herndon Council Chambers Building, with all members present, and with Mayor Merkel presiding.

WORK SESSION

Staff present during the meeting: Arthur Anselene, Town Manager; Lesa Yeatts, Town Attorney; Brad Anzengruber, Police Captain; Viki Wellershaus, Town Clerk; Robert Boxer, Director of Public Works; Elizabeth Gilleran, Director of Community Development; Mary Tuohy, Director of Finance; Dennis Holste, Economic Development Manager; John Cassella, Budget & Special Projects Manager; Dana Heiberg, Senior Planner; and Amanda Morrow Kertz, Deputy Town Clerk.

ANNOUNCEMENTS

Mayor Merkel announced that earlier this evening, Council met in a closed meeting.

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PRESENTATIONS

1. **Proclamation, to recognize 'Customer Service Week,' October 5 – October 9, 2015; and**
2. **Resolution, to express appreciation to Kevin J. East, Herndon Planning Commission.**

There were no comments. Presentations would be made at the September 22 public hearing.

PUBLIC HEARINGS

3. **Ordinance 15-O-28, to amend Chapter 78 (ZONING), Section 78-303.2 (Additional development standards for planned development districts), to permit an increase in allowable square footage for major tenant wall signs in the Planned Development – Worldgate (PD-W) zoning district, ZOTA #15-02.**

(Note: The public hearing was continued from September 8, 2015.)

Mayor Merkel stated that the applicant requested that the public hearing on Ordinance 15-O-28 be further continued to October 13. Therefore, with the Council's concurrence, she asked that staff forgo the presentation of the staff report. Next week, the Council would open the public hearing for public comment and then could take action to continue the public hearing to October 13.

In response to a query from Mayor Merkel, the Director of Community Development stated that the applicant had requested to continue the public hearing a second time because they were working on the language of the proposed ordinance. She stated that the applicant was involved in renovating the entire center.

4. **Ordinance 15-O-29, to consider a change of zoning classification, of property at 770 Elden Street, 782-786 Elden Street and 724 Center Street, from Central Commercial (CC) to Planned Development Traditional Downtown (PD-TD); Ashwell LLC; applicant and contract purchaser Town of Herndon, ZMA #15-101.**

(Note: The public hearing was continued from September 8, 2015.)

Mayor Merkel stated that prior to tonight's meeting, the Council received comments from individuals interested in this item, which have been entered into the record.

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She stated that staff continues to work towards resolving issues related to the contract; however, if the issues were not resolved by next week's public hearing, staff may ask that the Council continue the public hearing to October 13.

The Director of Community Development presented the staff report and PowerPoint, which are on file in the Town Clerk's office. She provided an overview of her memorandum to the Town Manager, which was distributed on Friday, September 11, and is on file in the Town Clerk's office. The memo contained proposed revisions and substitute language for several of proffers to: clarify or amend their meaning; and to address questions raised by Council at the September 1 work session and September 8 public hearing.

Proffer #1, Height

The Director of Community Development stated that the proposed proffer amendment would include several revisions to clarify and emphasize height limits within the proffer.

In response to queries from Councilmember Mitchell, the Director of Community Development stated that changes to the regulatory plan relating to the heights on the south side of Elden Street could not be done through this zoning map amendment. If the Council wanted to change the height restrictions for property not included in this ordinance, it could do so on a case-by-case basis, or by taking action through a separate resolution.

In response to a query from Mayor Merkel, the Director of Community Development stated that she was not aware of any concerns by the adjacent property owners.

There was further discussion amongst Council and staff regarding the height and story regulations.

Proffer #4, Parking

The Director of Community Development stated that the proposed revisions would clarify the applicant's parking arrangements and the developer commitments related to parking. Applicants may elect to participate in the Public Shared Parking (PSP) for up to 0.5 spaces per residential unit, which was requested by the downtown business community. Changes were also incorporated to clarify public parking regulations for commercial uses, including a hotel use.

In response to Council's discussion, the Director of Community Development emphasized that the town had the right to negotiate.

There was brief discussion amongst Council and staff regarding the parking proffer.

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Proffer #5, Architecture

The Director of Community Development stated that the proposed changes to the proffer would clarify language and restrictions related to storefront architecture, stairwells, English basements and window visibility. The Downtown Pattern Book was emphasized as a reference for architecture styles.

There was brief discussion amongst Council and staff related to the architecture proffer amendments.

In response to a query from Mayor Merkel, the Director of Community Development stated that staff had recommended continuing the public hearing because the town would not want to approve the rezoning before all issues associated with the contract on this property were resolved.

Mayor Merkel stated that if the issues related to the contract were resolved, the Council could consider taking action at next week's public hearing.

There was further discussion amongst Council and staff on the proposed ordinance.

5. **Ordinance, to grant a second amendment and a ten year lease extension to New Cingular Wireless PCS, LLC for space on the Herndon Alabama Drive Water Tower.**

The Director of Public Works presented the staff report, which is on file in the Town Clerk's office. The second amendment to the lease would provide for an additional 10-year term, which would commence June 1, 2016 and expire on May 31, 2026. The original lease began in 2000 and was amended in 2006. Approval of the proposed lease amendment would provide for initial lump-sum annual revenue of \$41,123.88, rather than a monthly payment, subject to an increase of three percent each year. Staff recommends approval of the proposed ordinance, as presented.

There was no discussion on this item.

6. **Ordinance, to authorize the Mayor to Sign a Lease Agreement between the Town of Herndon and Susan Alger for Residential Property at 195 Herndon Parkway, Herndon, Virginia; and**

7. **Ordinance, to authorize the Mayor to Sign a Lease Agreement between the Town of Herndon and Michael S. Mueller for Residential Property at 1270 Old Heights Road, Herndon, Virginia.**

The Director of Finance presented the staff reports on the two leases concurrently, which are on file in the Town Clerk's office.

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The first lease would apply to a town-owned residence, located at 195 Herndon Parkway, situated at Runnymede Park. The tenant is Susan Alger, who has been the tenant of the property since 2002. She stated that Ms. Alger and her son, Kyle, provide informal care for Runnymede Park after hours.

The second lease would apply to property located at 1270 Old Heights Road, which is situated within the Herndon Centennial Golf Course grounds. The tenant for this property is Mike Mueller, Golf Course Superintendent, and his residence here is a condition of his employment. Because it is a requirement of his employment, the initial rent agreement for the property was below market value, but in exchange for living in the house, Mr. Mueller provides care for the Golf Course.

The Director of Finance stated that the proposed leases each have a 2.5 percent annual escalation clause for the rents. She reviewed the lease terms and proposed rent amounts for both properties, as provided in the staff report. Staff recommends approval of both ordinances, as presented.

There was brief discussion amongst Council and staff on this item.

Councilmember Singh requested that staff investigate a noise complaint he had received against Ms. Alger's dog.

Responding to Councilmember Singh, Mayor Merkel stated that any citizen who had a concern about a dog barking should call the police for a noise violation.

In response to a query from Mayor Merkel, the Director of Finance stated that Mr. Mueller is required to live in the house at 1270 Old Heights Road because he provides care for the Golf Course after hours.

Adding to the Director of Finance's comments, the Town Manager stated that the Golf Course Superintendent has lived at the Golf Course since it opened.

GENERAL

8. Resolution, to establish the Town Council meeting schedule for January 1, 2016 to December 31, 2016.

The Town Clerk presented the staff report, which is on file in the Town Clerk's office. The proposed resolution would modify the Council's schedule for several meetings in 2016. In years past, the Council has moved its work sessions for various reasons, including Council participation in National Night Out and the Virginia Municipal League conference. In taking action now, the Council would have the opportunity to make the changes in time for the annual town calendar, which would be printed at the end of this month. She reviewed the proposed changes, which would reschedule the following Council meetings:

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- The public hearing on Tuesday, March 22 TO Tuesday, March 29, in anticipation of the Fairfax County Public Schools spring break;
- The work session on Tuesday, August 2 TO Wednesday, August 3, to allow Council participation in National Night Out activities;
- The public hearing on Tuesday, October 11 TO Wednesday, October 12, to allow Council participation in the annual Virginia Municipal League conference; and
- The meeting schedule in November, to recognize the town council election on November 8, as follows:
 - Tuesday, November 1, work session
 - ***Tuesday, November 8, town council election ~ no meeting***
 - Tuesday, November 15, public hearing
 - Tuesday, November 22, work session
 - Tuesday, November 29, public hearing.

The Town Clerk stated that additionally, because the town election was moved from May to November, the Town Attorney would bring forward proposed revisions to Chapter 2 of the Town Code concerning the Council's meeting schedule, as time permits. Staff recommends approval of the proposed resolution, as presented.

There was brief discussion amongst Council and staff on this item.

Following brief discussion, staff was requested to place this item on the Consent agenda for next week's meeting.

9. **Resolution, to authorize an application to the Office of Intermodal Planning and Investments, Virginia Department of Transportation for consideration under House Bill 2 prioritization and to endorse the east Spring Street widening project for funding under House Bill 1887.**

The Director of Community Development presented the staff report, which is on file in the Town Clerk's office. The proposed resolution would allow the town to send an application to the Office of Intermodal Planning and Investments for consideration under House Bill 2 prioritization. This would not be an immediate means to obtain funding, but would provide a mechanism for the state to prioritize projects. With this application, the town would have the opportunity to obtain \$6.0 million in state funding for improvements to east Spring Street. Staff recommends approval of the proposed resolution, as presented.

There was brief discussion amongst Council and staff on this item.

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Following brief discussion, staff was requested to place this item on the Consent agenda for next week's meeting.

10. Resolution, to accept the State of the Town Report, Fiscal Year 2015.

The Town Manager stated that staff sent the electronic version of the report and summary and would have a hard copy distributed to the Council for next week's meeting. He stated that he would present the staff report at next week's public hearing.

In response to a query from Mayor Merkel, the Town Manager stated that the report would be available on the town's website.

Following brief comments, Mayor Merkel stated that this item would remain on the General portion of the agenda for next week's meeting.

CONSENT AGENDA

11. Resolution, to award contract #D-15-03, General Civil Engineering Services;

12. Resolution, to appoint Dennis M. Findley as the "Architect" member on the Architectural Review/Heritage Preservation Review Boards; and

13. Resolution, to appoint Matthew Ossolinski as the "Architectural Historian" member on the Heritage Preservation Review Board.

There was no discussion on the Consent agenda.

ROUNDTABLE

1. Councilmember Olem: Stated that she had a great time at the Herndon Classic Car Show on Sunday, September 13.

2. Councilmember Wolf: Congratulated several Herndon Police Officers that were recently promoted.

3. Councilmember Mitchell: Requested trashcans near the Ashwell property in the downtown.

Councilmember Mitchell expressed concern over sharp angles at the Park and Monroe intersection, near the median on Park Avenue, which was undergoing improvements.

Councilmember Singh echoed Councilmember Mitchell's comments regarding the Park and Monroe intersection.

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The Director of Public Works stated he would follow up with Councilmember Mitchell and discuss his concerns.

4. **Vice Mayor Baker:** Requested a trashcan in addition to a recycling bin in front of the Herndon Council Chambers Building.

Vice Mayor Baker stated that she and Mayor Merkel recently attended the opening of a new business, '100 bowls of Soup,' located in the Sunset Business Park. She stated that another business, 'Aslin Beer Company' would be opening in that business park this weekend. She stated that Sunset Business Park is becoming a great place for new businesses.

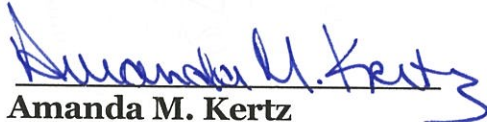
Mayor Merkel echoed Vice Mayor Baker's comments regarding Sunset Business Park and stated she enjoyed visiting '100 Bowls of Soup.'

ADJOURNMENT

There being no further business, the meeting adjourned at 9:21 p.m.



Lisa C. Merkel
Mayor



Amanda M. Kertz
Deputy Town Clerk

Minutes approved by Town Council: September 22, 2015.

