

**PROPOSED
MINUTE FORMAT**



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Enriching the Quality of Life and Promoting a Sense of Community

This does not represent a verbatim transcript of the Town Council meeting. For detailed discussion, visit www.herndon-va.gov to view Council public hearing meetings and legislative actions of the Council.

***TOWN CLERK'S SUMMARY
HERNDON TOWN COUNCIL
Tuesday, June 12, 2012***

At a regular meeting of the Town Council of the Town of Herndon, Virginia, held in the Town Council Chambers Building, at 765 Lynn Street, Herndon, Virginia, on Tuesday, June 12, 2012, at 7:00 pm, there were present:

- Mayor Stephen J. DeBenedittis, presiding;
- Vice Mayor C. Merkel;
- Councilmember Connie Hutchinson;
- Councilmember Sheila A. Olem;
- Councilmember Jasbinder Singh; and
- Councilmember William B. Tirrell.

Absent:

- Councilmember Grace Han Wolf.

Others present during the meeting were Arthur A. Anselene, Town Manager; Richard B. Kaufman, Town Attorney; Colonel Maggie A. DeBoard, Chief of Police; Viki L. Wellershaus, Town Clerk; Elizabeth M. Gilleran, Director of Community Development; Mary K. Tuohy, Director of Finance; Robert B. Boxer, Director of Public Works; Linda A. Simmons, Director of Human Resources; Anne P. Curtis, Public Information Officer; Gene A. Fleming, Director of Golf; William H. Ashton, II, Director of Information Technology; Cindy S. Roeder, Director of Parks and Recreation; and Margie C. Tacci, Deputy Town Clerk II.

AGENDA ITEMS

1. **Call to Order and Pledge of Allegiance to the Flag of the United States of America.**

2. **Approval of Minutes.**

On motion of Councilmember Tirrell, seconded by Vice Mayor Merkel, and carried by a vote of six, Councilmember Wolf being absent, the Town Council minutes of the May 15 work session were approved.

PRESENTATIONS

3. **Yard of the Month.**

Following an introduction by Mayor DeBenedittis, Tooran Shadman, a representative of the Cultivating Community Initiative, announced the winners of the *Yard of the Month* for June: Donna and Rick Hancock, of 306 Marjorie Lane.

4. **VML Insurance Programs 2012 Risk Management Performance Award, Tier III.**

Following an introduction by Linda Simmons, Director of Human Resources, Greg Dickie, Director of Member Services with Virginia Municipal League Insurance Programs, presented the award to the Mayor, Council and staff.

COMMENTS

5. **Comments from the Town Manager.**

There were no comments from the Town Manager.

6. **Comments from the Town Council.**

Councilmember Olem:

- Herndon Garden Tour.

Councilmember Tirrell

- Herndon Garden Tour; and
- Appreciation for civic service.

Councilmember Hutchinson

- Appreciation for civic service.

Councilmember Hutchinson

- Appreciation for civic service.

Councilmember Singh

- Appreciation for civic service.

Mayor DeBenedittis

- Appreciation for civic service; and
- 'At Home in Herndon' Town Calendar Photo Contest.

7. Comments from the Audience.

- Delegate Thomas Davis Rust;
- Bill Campenni, 1104 Iron Ridge Court;
- Ruth Tatlock, 413 Queens Row Street; and
- Dennis Baughan, 494 Alabama Drive.

PUBLIC HEARINGS

8. Ordinance 12-O-11, Chapter 46 (OFFENSES), Article II (Firearms, Crossbows & Pneumatic Guns), Section 46-56 through Section 46-59.

A Certificate of Publication was filed from the Editor of the *Fairfax County Times Newspapers* showing that notice of said public hearing had been duly advertised in the June 1, 2012 issue.

The public hearing was held and the following individual presented testimony:

- Barbara Glakas, 935 Barton Oaks Place.

On motion of Vice Mayor Merkel, seconded by Councilmember Olem, and carried by a vote of five, Mayor DeBenedittis voting "Nay," Councilmember Wolf being absent, the public hearing on Ordinance 12-O-11 was continued to Tuesday, July 10, 2012.

GENERAL

9. Resolution 12-G-37, Commemorative naming of a portion of Sterling Road in Honor of American Gulf War Veterans.

On motion of Councilmember Tirrell, seconded by Councilmember Hutchinson, and carried by a vote of six, Councilmember Wolf being absent, Resolution 12-G-37 was approved.

10. **Resolution 12-G-38, Award of Contract, #B-12-06 - Park Avenue Water Main.**

On motion of Councilmember Tirrell, seconded by Vice Mayor Merkel, and carried by a vote of six, Councilmember Wolf being absent, Resolution 12-G-38 was approved.

11. **Resolution 12-G-39, Amending the Town of Herndon Cafeteria Plan.**

On motion of Vice Mayor Merkel, seconded by Councilmember Olem, and carried by a vote of six, Councilmember Wolf being absent, Resolution 12-G-39 was approved.

12. **Resolution 12-G-40, Budget Transfer – Authorization to Transfer \$60,000 from Available Position Vacancy Savings in the General Fund to Finance to Purchase Town Police Vehicles.**

On motion of Councilmember Tirrell, seconded by Councilmember Olem, and carried by a vote of six, Councilmember Wolf being absent, Resolution 12-G-40 was approved. The vote was:

Councilmembers:

Hutchinson	yes
Merkel	yes
Olem	yes
Singh	yes
Tirrell	yes
Wolf	absent
Mayor DeBenedittis	yes

13. **Resolution 12-G-41, Authorizing the Issuance and Sale of its General Obligation Refunding Bonds, Series 2012 in an Aggregate Principal Amount not to Exceed \$5,025,000, and the Execution and Delivery of certain documents prepared in connection Therewith.**

On motion of Councilmember Tirrell, seconded by Vice Mayor Merkel, and carried by a vote of six, Councilmember Wolf being absent, Resolution 12-G-41 was approved. The vote was:

Councilmembers:

Hutchinson	yes
Merkel	yes
Olem	yes
Singh	yes
Tirrell	yes
Wolf	absent
Mayor DeBenedittis	yes

14. **Resolution 12-G-42, Appointment of a Member to the Architectural Review/Heritage Preservation Review Boards.**

On motion of Vice Mayor Merkel, seconded by Councilmember Olem, and carried by a vote of six, Councilmember Wolf being absent, Resolution 12-G-42 was approved.

CONSENT AGENDA

15. **Resolution 12-G-43 - Adoption of Northern Virginia Hazard Mitigation Plan; and**

16. **Resolution 12-G-44 – Providing Recreational Benefits to the Herndon Police Citizens' Support Team.**

On motion of Councilmember Tirrell, seconded by Councilmember Olem, and carried by a vote of six, Councilmember Wolf being absent, the Consent Agenda was approved as presented.

CLOSED MEETING

17. **Closed Meeting.**

On motion of Vice Mayor Merkel, seconded by Councilmember Hutchinson, and carried by a vote of six, Councilmember Wolf being absent, the Herndon Town Council went into Closed Meeting at 8:22 pm, under Section 2.2-3711 (A)(7) of the Code of Virginia for consultation with legal counsel employed by the Town regarding specific legal matters requiring the provision of legal advice by such counsel, relative to Fairfax County's effort to regulate Town water rates charged to out of town customer.

On motion of Councilmember Hutchinson, seconded by Vice Mayor Merkel, and carried by a vote of six, Councilmember Wolf being absent, the Herndon Town Council reconvened in public session at 9:35 pm. Vice Mayor Merkel moved the following Certification of Closed Meeting, seconded by Councilmember Hutchinson, and carried by a vote of six, Councilmember Wolf being absent.

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 - 6

Nays - 0

ABSENT DURING VOTE: 1

ABSENT DURING MEETING: 1

18. Adjournment.

On motion of Councilmember Tirrell, seconded by Vice Mayor Merkel, and carried by a vote of six, Councilmember Wolf being absent, the Herndon Town Council adjourned the June 12, 2012 meeting at 9:35 pm.