



TOWN COUNCIL WORK SESSION AGENDA

Town Council Chambers
765 Lynn Street, Herndon, VA 20170

Wednesday, August 7, 2024 | 7:00 PM

1. Call to Order

2. General

- a. Resolution to approve a Temporary License Agreement between the Town and JOTT, INC., for use of a designated public space in the alley adjacent to Jimmy's Old Town Tavern for outdoor seating for two one-day events in September and October
- b. Ordinance to amend Chapter 70 (SUBDIVISIONS OF LAND), Article I (Subdivisions Generally), Sec. 70-102 (Authority) to update Table 70-102(b), (Subdivision Review Procedures)
- c. Resolution to authorize the Mayor to sign instruments related to the Town Manager transition
- d. Resolution to appoint an Interim Town Manager

3. Discussion

- a. Trail Management Plan Update
- b. Consideration of a request to provide an in-kind donation to Global Beats to waive the Community Center facility rental fees in support of the 2024 Pakistan Day event - Councilmember LeBlanc
- c. Events on Private Property Review and Permitting Process Briefing - Councilmember del Aguila

4. Roundtable

5. Closed Meeting

a. A closed meeting pursuant to the:

- Code of Virginia Section 2.2-3711(A)(1), for discussion relative to a personnel matter involving the resignation of the Town Manager; and
- 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, relating to real estate in the downtown.

6. Adjournment

Agenda Item: Resolution to approve a Temporary License Agreement between the Town and JOTT, INC., for use of a designated public space in the alley adjacent to Jimmy's Old Town Tavern for outdoor seating for two one-day events in September and October

Meeting Date: August 7, 2024

Category: General

Prepared by: David Stromberg, Zoning Administrator, Lesa Yeatts, Town Attorney

Description:

Resolution approving a Temporary License Agreement granting Jimmy's Old Town Tavern use of town-owned public property for outdoor seating during two events in September and October.

Background:

The applicant, Jimmy's Old Town Tavern, is requesting authorization to use a designated town-owned public alley space located between 689 and 681 Spring Street for outdoor seating during events. The events will be held from 8:00 a.m. to 11:00 p.m. on September 1, 2024 and from 8:00 a.m. to 10:00 p.m. on October 6, 2024. The applicant has been approved for Temporary Use Permits by the Zoning Administrator pursuant to Section 78-90.2 of the Town of Herndon Zoning Ordinance.

This resolution authorizes the mayor to sign the necessary license agreement to permit Jimmy's Old Town Tavern to utilize the town's property for these 1-day events.

Budget Impact:

N/A

Recommendation:

Staff recommends approval of the Resolution as proposed.

Attachments:

1. Resolution (Proposed)
2. Agreement - Signed
3. TUPs - Exhibit A

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

RESOLUTION

AUGUST 13, 2024

Resolution- **to approve a Temporary License Agreement between the Town and JOTT, INC., for use of a designated public space in the alley adjacent to Jimmy's Old Town Tavern for outdoor seating for two one-day events in September and October.**

BE IT RESOLVED by the Town Council of the Town of Herndon, Virginia that:

1. The temporary license agreement dated August 13, 2024, between the Town of Herndon and JOTT, INC., d/b/a Jimmy's Old Town Tavern (Jimmy's) is approved. The license allows Jimmy's to use designated town-owned public alley space adjacent to Jimmy's for outdoor seating during events on September 1, 2024 and October 6, 2024. The license agreement may contain other terms agreed to by the mayor and is on file in the office of the Town Attorney.
2. The mayor is authorized to sign and deliver this temporary license agreement and any other instrument necessary to evidence or effectuate this agreement.

TEMPORARY LICENSE AGREEMENT

This Agreement ("Agreement") is made this 13th day of August 2024 by and between JOTT, INC. d/b/a Jimmy's Old Town Tavern ("Jimmy's") and the TOWN OF HERNDON, VIRGINIA, ("Town").

WHEREAS Jimmy's represents that they have Temporary Use Permits to conduct events in the Town of Herndon on September 1, 2024, and October 6, 2024, represented in "Exhibit A" attached hereto ("Permits") and that Jimmy's would like to use the Town's property behind Jimmy's Old Town Tavern Restaurant as shown on the Permits and known as the "Alley";

WHEREAS the Town desires to permit the use of the Alley by Jimmy's on the dates as described in the Permits (on September 1, 2024, and October 6, 2024, only).

Now therefore the parties agree as follows:

1. The Town hereby grants Jimmy's authorization to temporarily use the Alley for purposes described in the Permits.
2. Jimmy's shall comply with the terms of the Permits, this License, and all applicable town, state and federal laws and regulations obtaining and maintaining at all times any other permit(s) required under applicable law for this use.
3. The parties expressly agree and contract that there shall be no fee for the use of the Town property on these occasions only.
4. The permission to use the property granted by this agreement is nonexclusive in nature, and the Town reserves the right to make concurrent use of the Property.
5. Jimmy's hereby assumes all risk of damage by reason of its occupation of the Alley caused by any defects therein or activity occurring thereon, whether caused by the negligence of the Town, its officers, agents, or employees, or otherwise, and Jimmy's hereby agrees to hold harmless and indemnify the Town, its officers, agents and employees, from and against any such liability for such damage or injury to the extent permitted under the laws of the Commonwealth of Virginia.
6. Jimmy's shall secure, provide and maintain insurance to protect the Town of such type and in such amount as is described below naming the Town as an additional insured. This Agreement shall not take effect until evidence of insurance is provided to the Town and the Town gives Jimmy's written confirmation that the type and amount of insurance is accepted.

Insurance limits shall not be less than the following amounts:

Liability - Coverage totaling \$5,000.000.00. All policies shall be endorsed to name the Town of Herndon as an additional insured.

The insurance required hereunder shall be maintained in effect during the duration of this Agreement. Insurance Policy(s) shall contain a valid provision or endorsement that the policy may not be canceled, terminated, changed or modified without giving thirty (30) calendar days advance written notice thereof to the Town.

7. Termination: The Town may terminate this Agreement upon 24 hours' notice to Jimmy's for cause.

8. This Agreement, having been executed in the Commonwealth of Virginia, the construction and performance thereof or any dispute shall be governed by the laws of Virginia. Venue shall be proper in the County of Fairfax, Virginia.

9. This Agreement contains the entire and only agreement between the parties, and it supersedes and merges all pre-existing agreements. Any representations, understandings, promises and any conditions not expressly incorporated herein shall not be binding upon either party or their respective successors in interest.

JOTT, INC.

d/b/a Jimmy's Old Town Tavern

By James C. Cirrito
James C. Cirrito, President

TOWN OF HERNDON, VIRGINIA

By _____
Sheila A. Olem, Mayor

APPROVED AS TO FORM:

Lesa J. Yeatts
Lesa J. Yeatts, Town Attorney

July 2018



Department of Community Development
777 Lynn Street
Herndon, Virginia 20170-4602

DEPARTMENT OF
COMMUNITY DEVELOPMENT

RECEIVED



**APPLICATION FOR APPROVAL OF A TEMPORARY USE SITE PLAN
AND ASSOCIATED ZONING INSPECTION PERMIT
(TEMPORARY USE PERMIT)**

(Not all temporary uses require a permit. See § 78-90.1 of the Herndon Town Code.)

Submittal of this form with **original signatures is required. PLEASE PRINT OR TYPE** (Unless otherwise indicated.)

Name of Business or Organization:

Jimmy's Old Town Tavern

Street Address of the Subject Property
(including apt/suite #):

697 Spring St. Herndon VA 20170

Please describe the requested activity, proposed
dates and daily hours of operation. Add more
sheets if necessary.

Outdoor Dining September 1, 2024 8am - 11pm

Lot Area (site area) Proposed for the Temporary
Use:

Alley behind Jimmy's/Former Robert's Carpet Lot

Are any site alterations or any alterations to the building's exterior or interior planned or underway in connection
with this use (or were any alterations done)? ☒ No ☐ Yes Please describe :

Name of Contact for the Temporary Use
(Applicant):

Jimmy Cirrito

Address of Permanent Residence:

9254 Matthew Dr. Manassas Park, VA 20111

Jimcirrito@aol.com

703-470-4014

E-mail address

Telephone # for duration of temporary use

**The undersigned hereby applies for a Temporary Use Permit under the provisions of § 78-90.3
and § 78-90.4 of the Herndon Town Code.**

I hereby affirm and certify that:

- The information provided on this form is true and correct to the best of my knowledge.
- The requirements associated with this application under § 78-90.3 and § 78-90.4 of the Herndon Town Code have been read and are understood.
- The use and occupancy of buildings and/or the use of land noted above is in conformance with all provisions of the Town of Herndon, Virginia Zoning Ordinance regulations to the best of my knowledge.
- The site shall be returned within 48 hours to its condition prior to the establishment of the temporary use.

Signature of Contact (Applicant)

6-11-2024

Date

**APPLICATION FOR APPROVAL OF A TEMPORARY USE SITE PLAN AND ASSOCIATED
ZONING INSPECTION PERMIT (TEMPORARY USE PERMIT) - continued**

Name and Title of Property Owner (Applicant): Jimmy Cirrito JMK 12 LLC
Mailing Address: same

E-mail address

Telephone

TO BE SUBMITTED WITH THIS APPLICATION

- X A letter signed by the owner or owner's agent consenting to the application for the Temporary Use Permit;
- X A Site Plan prepared in accordance with § 78-155.6(4) and showing the area of proposed activity with signage, display areas, illumination, vehicular entrances to the site (location, type and size), parking area associated with the temporary use (location, layout, and surface material);
- X The detailed description of the proposed temporary activity requested above should include an analysis of any noise that may not comply with the noise provisions in the Herndon Town Code;
- X Sample signage to be used;
- N/A A statement from the landowner(s) authorizing an agent to act on their behalf (if applicable);
- N/A If a pre-application conference took place, a statement indicating the date and time a pre-application conference was held with the Town, as well as a list of participants in the conference;
- N/A A list of proposed vendors to include security firms, food trucks, portable toilet providers, or any other vendors that will be onsite during the event.

AUTHORIZATION STEP ONE. SITE IMPROVEMENTS ONLY (verification of Site Plan approval)

The applicant is authorized to proceed to **make the site improvements** for the purposes of conducting the temporary use described above.



Signature and Authorization of Zoning Administrator

AUTHORIZATION STEP TWO: AUTHORIZATION TO BEGIN OPERATION OF THE TEMPORARY USE (Temporary Use Permit/Zoning Inspection Permit)

The applicant has completed the site improvements and the applicant is authorized to **begin operation of the temporary use**.

This Permit is effective beginning September 1, 2024 for 1 days.

Signature of Zoning Inspector

* Must apply for building permit for tent.

**APPLICATION FOR APPROVAL OF A TEMPORARY USE SITE PLAN AND ASSOCIATED
ZONING INSPECTION PERMIT (TEMPORARY USE PERMIT) - continued**

For Office Use Only:

STEP ONE (Site Plan)	Received by:	Fee paid for Temporary Use Site Plan* application:	Date:	Case No.:
	Use permitted by Town Code Section:			
	Tax Map Reference:		Zoning District:	
	Business and Occupational License #:		Status of Taxes: ☒ Paid ☐ Delinquent	
STEP TWO (ZIP)	Received by:	Fee paid for Zoning Inspection Permit/Temporary Use Permit:		Date:
<i>*Note: no application fee is required for uses of less than 90 consecutive days in duration.</i>				

**Distribution
after
approval:**

Applicant

Community
Development

Fire
Department

Finance



June 12, 2024

David Stromberg
Zoning Department
Town of Herndon

777 Lynn Street
Herndon VA 20170-0427

Re: Temporary Use Permit for the Extension of Retail Sales, Sunday, September 1, 2024.

Dear Mr. Stromberg,

This letter serves as a Request/Application for permission for Jimmy's Old Town Tavern, 697 Spring Street, to have the Town of Herndon issue a Temporary Use Permit for the Extension of Outdoor Retail Sales per The Town of Herndon Zoning Ordinance, Division 3. Temporary Uses; Sec.78-1392 Item (3) and Sec. 78-1395 Item (3) Outdoor Retail Sales Events & Sec. 78-1395 Item (4). Additional Permits for Temporary Use inclusive of Sunday, September, 2024 from 8 AM to 11:00 PM.

Enclosed please find the following:

- Drawing of the proposed area
- Letter to the ABC Board of Virginia requesting an extension of license privileges.

If you have any questions, please contact me at 703-470-4014.

Sincerely,

A handwritten signature in black ink that reads "James C. Cirrito". The signature is written in a cursive, flowing style.

James C. Cirrito
Owner
Jimmy's Old Town Tavern





June 12, 2024

Special Agent, Kenneth Chang
Bureau of Law Enforcement
Commonwealth of Virginia
Department of Alcoholic Beverage Control
Alexandria Regional Office
6308 Grovedale Drive
Alexandria VA 22310

Re: Request for Extension of License Privileges for outdoor Event, Sunday, September 1, 2024.

Dear Special Agent Kenneth Chang:

This letter serves as a Request for Permission for JOTT, Inc., trading as Jimmy's Old Town Tavern, License 75822, to extend its license privileges to the alleyway, et al, shown on the enclosed sketch for the following date and time span:

Sunday, September 1, 2024, from 8 AM to 11:00 PM.

Enclosed please find the following:

- Drawing of the proposed area.
- Application to the Town of Herndon for this event.

The license is obligated to ensure full compliance with the ABC laws and all other laws and regulations and is cognizant of criminal action that could be taken toward those involved and administrative action taken toward the license held by JOTT, Inc.

If you have any questions, please contact me at 703-470-4014.

Sincerely,

A handwritten signature in black ink that reads "James C. Cirrito".

James Cirrito
Owner
Jimmy's Old Town Tavern



June 12, 2024

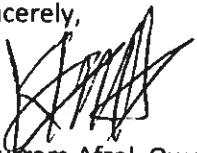
Town of Herndon
Dept. of Community Development
777 Lynn Street
Herndon VA 20170

Re: Temporary Use Permit for the Extension of Retail Sales for Outdoor Event, September 1, 2024.

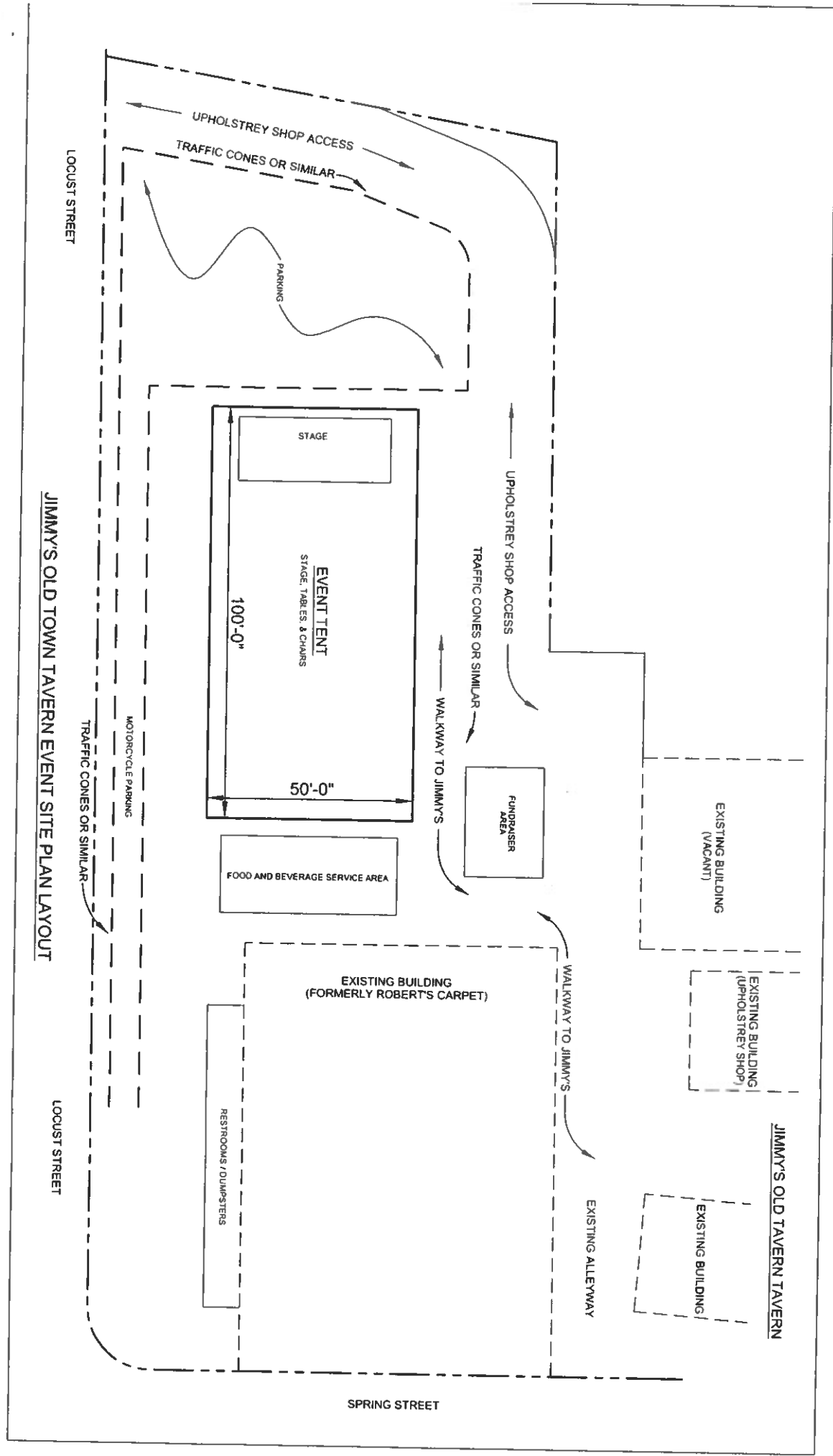
Dear TOH:

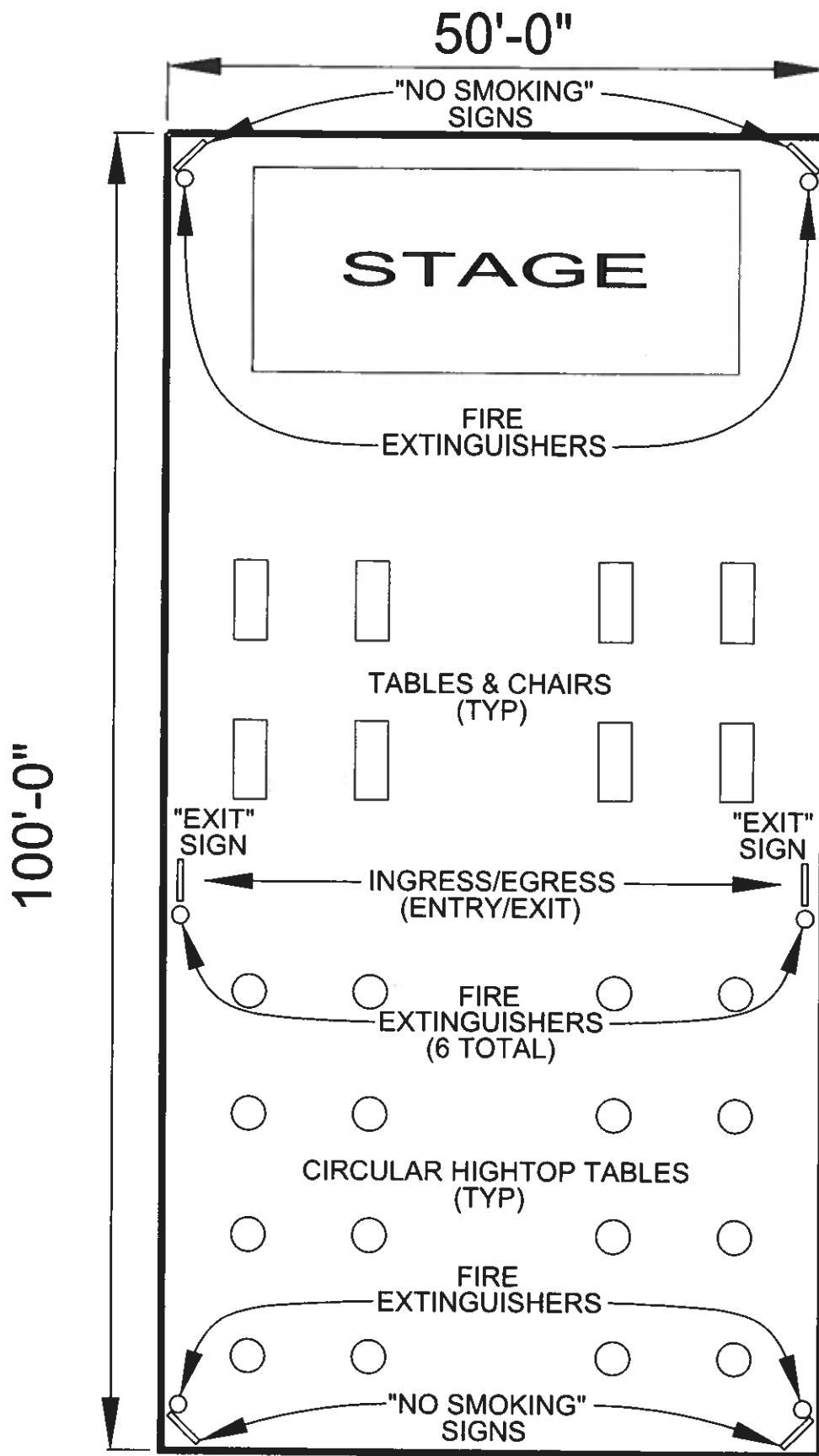
Relative to your request, I hereby give my permission for my business neighbor, Jimmy's Old Town Tavern, to provide an outdoor event on September 1, 2024. The location shall be in the parking area behind and adjoining our businesses. The purpose of this event is to provide and sell food and beverages as an extension of the existing retail business known as Jimmy's Old Town Tavern.

Sincerely,


Khurram Afzal, Owner
Fairprice Groceries
681 Spring Street
Herndon, VA 20170

Date: 06-13-24





EVENT TENT INTERIOR LAYOUT

**NO
ALCOHOL
PAST THIS
POINT**

MAP #: 0162 02 0086A

JMK 12 LLC

695 SPRING ST

Summary of 2024 Taxes

Year	General Fund Net Taxes	Special Tax District	Service Charges	Interest	Penalty	Other Charges	Amount Paid	Balance Due
2024 1ST HALF DUE	\$8,639.95	\$3,214.07	\$.00	\$.00	\$.00	\$.00	\$.00	\$11,854.02
2024 2ND HALF DUE	\$8,639.94	\$3,214.05	\$.00	\$.00	\$.00	\$.00	\$.00	\$11,853.99
Total:	\$17,279.89	\$6,428.12	\$.00	\$.00	\$.00	\$.00	\$.00	\$23,708.01

Prepays and Refunds

Prepays	\$.00
Pending Refunds	\$.00
GRAND TOTAL	\$23,708.01

Source: Fairfax County Department
of Tax Administration, Real Estate Division.

MAP #: 0162 02 0086A
JMK 12 LLC

695 SPRING ST

Owner

Name	JMK 12 LLC,
Mailing Address	697 SPRING ST HERNDON VA 20170
Book	27812
Page	1619

Parcel

Property Location	695 SPRING ST HERNDON VA 20170 5125
Map #	0162 02 0086A
Tax District	HT000
District Name	DRANESVILLE TOWN OF HERNDON TRANSPORT
Land Use Code	Specialty Center
Land Area (acreage)	
Land Area (SQFT)	6,583
Zoning Description	CC(Central Comm District)
Utilities	WATER CONNECTED SEWER CONNECTED GAS NOT AVAILABLE
County Inventory of Historic Sites	YES
County Historic Overlay District	NO
	For further information about the Fairfax County Historic Overlay Districts, CLICK HERE
	For properties within the towns of Herndon, Vienna or Clifton please contact the town to determine if the property is within a town historic district.
Street/Road	PAVED
Site Description	COMMERCIAL RANK #1

Legal Description

Legal Description	SPRING STREET ELDEN SPRING STS LT 86A
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Last Refresh

Date	
Data last refreshed:	18/Jun/2024 DB:PORA34CUR

General Information



June 12, 2024

Judy Fry
Town Manager's Office
Town of Herndon
777 Lynn Street
Herndon VA 20170

Re: Request for Noise Permit for Outdoor Event, Sunday, September 1, 2024.

Dear Ms. Fry:

This letter serves as an Application/Request for a Noise Permit for Jimmy's Old Town Tavern, 697 Spring Street, to be issued in conjunction with a Temporary Use Permit for an Outdoor Event to begin at 8AM and ending at 11:00 PM on Sunday, September 1, 2024. In accordance with the Town's noise ordinance, music/tv sound will be allowed to be played from 8:00 AM to 10:00 PM outside in the rear alley and in the lot behind the former Robert's Carpet building.

If you have any questions, please contact me at 703-470-4014

Sincerely,

A handwritten signature in black ink that reads "James C. Cirrito". The signature is written in a cursive style with a large, stylized "J" and "C".

James C. Cirrito
Owner
Jimmy's Old Town Tavern

July 16, 2024

Jimmy's Old Town Tavern
697 Spring Street
Herndon, VA 20170

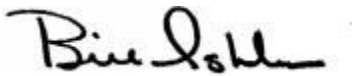
Dear Mr. Cirrito,

This is in response to your request for a noise permit for your event on Sunday, September 1, 2024 from 8 AM to 11 PM, to be held at Jimmy's Old Town Tavern, 697 Spring Street, Herndon, VA 20170. Since you will be using amplified sound, you are required to follow the town code regarding noise. Sections of the Town Code pertaining to noise can be reviewed here: https://library.municode.com/va/herndon/codes/code_of_ordinances?nodeId=PTIIC_OOR_CH26EN_ARTVINO. Please keep in mind that the noise permit only allows amplified sound between 7 AM and 10 PM.

I am approving the noise permit and this letter will serve as such. By copy of this letter to the Herndon Police, I am advising them of your event since they enforce the noise ordinance.

Best wishes for a successful event.

Sincerely,



Bill Ashton
Town Manager

c. Maggie A. DeBoard, Chief of Police

July 2018

RECEIVED ON



Department of Community Development
777 Lynn Street
Herndon, Virginia 20170-4602

DEPARTMENT OF
COMMUNITY DEVELOPMENT

**APPLICATION FOR APPROVAL OF A TEMPORARY USE SITE PLAN
AND ASSOCIATED ZONING INSPECTION PERMIT
(TEMPORARY USE PERMIT)**

(Not all temporary uses require a permit. See § 78-90.1 of the Herndon Town Code.)

Submittal of this form with **original signatures is required. PLEASE PRINT OR TYPE** (Unless otherwise indicated.)

Name of Business or Organization:

Jimmy's Old Town Tavern

Street Address of the Subject Property
(including apt/suite #):

697 Spring St. Herndon VA 20170

Please describe the requested activity, proposed
dates and daily hours of operation. Add more
sheets if necessary.

Outdoor Dining October 6, 2024 8am - 10pm

Lot Area (site area) Proposed for the Temporary
Use:

Alley behind Jimmy's/Former Robert's Carpet Lot

Are any site alterations or any alterations to the building's exterior or interior planned or underway in connection
with this use (or were any alterations done)? ☒ No ☐ Yes Please describe :

Name of Contact for the Temporary Use
(Applicant):

Jimmy Cirrito

Address of Permanent Residence:

9254 Matthew Dr. Manassas Park, VA 20111

Jimcirrito@aol.com

703-470-4014

E-mail address

Telephone # for duration of temporary use

**The undersigned hereby applies for a Temporary Use Permit under the provisions of § 78-90.3
and § 78-90.4 of the Herndon Town Code.**

I hereby affirm and certify that:

- The information provided on this form is true and correct to the best of my knowledge.
- The requirements associated with this application under § 78-90.3 and § 78-90.4 of the Herndon Town Code have been read and are understood.
- The use and occupancy of buildings and/or the use of land noted above is in conformance with all provisions of the Town of Herndon, Virginia Zoning Ordinance regulations to the best of my knowledge.
- The site shall be returned within 48 hours to its condition prior to the establishment of the temporary use.

Signature of Contact (Applicant)

Date

**APPLICATION FOR APPROVAL OF A TEMPORARY USE SITE PLAN AND ASSOCIATED
ZONING INSPECTION PERMIT (TEMPORARY USE PERMIT) - continued**

Name and Title of Property Owner (Applicant): Jimmy Cirrito JMK 12 LLC

Mailing Address: same

E-mail address _____

Telephone _____

TO BE SUBMITTED WITH THIS APPLICATION

X A letter signed by the owner or owner's agent consenting to the application for the Temporary Use Permit;

X A Site Plan prepared in accordance with § 78-155.6(4) and showing the area of proposed activity with signage, display areas, illumination, vehicular entrances to the site (location, type and size), parking area associated with the temporary use (location, layout, and surface material);

X The detailed description of the proposed temporary activity requested above should include an analysis of any noise that may not comply with the noise provisions in the Herndon Town Code;

X Sample signage to be used;

N/A A statement from the landowner(s) authorizing an agent to act on their behalf (if applicable);

N/A If a pre-application conference took place, a statement indicating the date and time a pre-application conference was held with the Town, as well as a list of participants in the conference;

N/A A list of proposed vendors to include security firms, food trucks, portable toilet providers, or any other vendors that will be onsite during the event.

AUTHORIZATION STEP ONE. SITE IMPROVEMENTS ONLY (verification of Site Plan approval)

The applicant is authorized to proceed to **make the site improvements** for the purposes of conducting the temporary use described above.

James C. Cirrito 7-9-2024
Signature and Authorization of Zoning Administrator

AUTHORIZATION STEP TWO: AUTHORIZATION TO BEGIN OPERATION OF THE TEMPORARY USE (Temporary Use Permit/Zoning Inspection Permit)

The applicant has completed the site improvements and the applicant is authorized to **begin operation of the temporary use**.

This Permit is effective beginning October 6, 2024 for 1 days.

[Signature] 07/15/2024
Signature of Zoning Inspector

* Must apply for building permit for tent.

**APPLICATION FOR APPROVAL OF A TEMPORARY USE SITE PLAN AND ASSOCIATED
ZONING INSPECTION PERMIT (TEMPORARY USE PERMIT) - continued**

For Office Use Only:

STEP ONE (Site Plan)	Received by:	Fee paid for Temporary Use Site Plan* application:	Date:	Case No.:
			7-9-2024	TUP 24-011
	Use permitted by Town Code Section:			
	Tax Map Reference: 0162 02 0086A	Zoning District: CC		
	Business and Occupational License #:	Status of Taxes: ☐ Paid ☐ Delinquent		
STEP TWO (ZIP)	Received by:	Fee paid for Zoning Inspection Permit/Temporary Use Permit:	Date:	
*Note: no application fee is required for uses of less than 90 consecutive days in duration.				

**Distribution
after
approval:**

Applicant

Community
Development

Fire
Department

Finance



RECEIVED ON

DEPARTMENT OF
COMMUNITY DEVELOPMENT

July 6, 2024

David Stromberg

Zoning Department

Town of Herndon

777 Lynn Street
Herndon VA 20170-0427

Re: Temporary Use Permit for the Extension of Retail Sales, Sunday, October 6, 2024.

Dear Mr. Stromberg,

This letter serves as a Request/Application for permission for Jimmy's Old Town Tavern, 697 Spring Street, to have the Town of Herndon issue a Temporary Use Permit for the Extension of Outdoor Retail Sales per The Town of Herndon Zoning Ordinance, Division 3. Temporary Uses; Sec.78-1392 Item (3) and Sec. 78-1395 Item (3) Outdoor Retail Sales Events & Sec. 78-1395 Item (4). Additional Permits for Temporary Use inclusive of Sunday, October 6, 2024 from 8 AM to 10:00 PM.

Enclosed please find the following:

- Drawing of the proposed area
- Letter to the ABC Board of Virginia requesting an extension of license privileges.

If you have any questions, please contact me at 703-470-4014.

Sincerely,

A handwritten signature in black ink, which appears to read "James C. Cirrito". The signature is fluid and cursive.

James C. Cirrito
Owner
Jimmy's Old Town Tavern



RECEIVED ON
JUL 10 2024
DEPARTMENT OF
COMMUNITY DEVELOPMENT

July 9, 2024

Judy Fry
Town Manager's Office
Town of Herndon
777 Lynn Street
Herndon VA 20170

Re: Request for Noise Permit for Outdoor Event, Sunday, October 6, 2024.

Dear Ms. Fry:

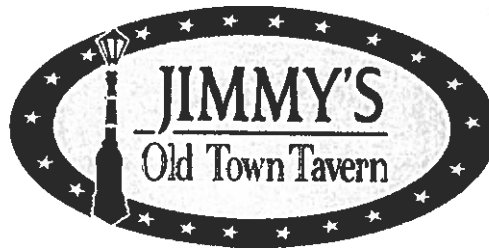
This letter serves as an Application/Request for a Noise Permit for Jimmy's Old Town Tavern, 697 Spring Street, to be issued in conjunction with a Temporary Use Permit for an Outdoor Event to begin at 8AM and ending at 10:00 PM on Sunday, October 6, 2024. In accordance with the Town's noise ordinance, music/tv sound will be allowed to be played from 8:00 AM to 10:00 PM outside in the rear alley and in the lot behind the former Robert's Carpet building.

If you have any questions, please contact me at 703-470-4014

Sincerely,

James C. Cirrito
Owner
Jimmy's Old Town Tavern

RECEIVED ON



DEPARTMENT OF
COMMUNITY DEVELOPMENT

July 9, 2024

Special Agent, Kenneth Chang
Bureau of Law Enforcement
Commonwealth of Virginia
Department of Alcoholic Beverage Control
Alexandria Regional Office
6308 Grovedale Drive
Alexandria VA 22310

Re: Request for Extension of License Privileges for outdoor Event, Sunday, October 6, 2024.

Dear Special Agent Kenneth Chang:

This letter serves as a Request for Permission for JOTT, Inc., trading as Jimmy's Old Town Tavern, License 75822, to extend its license privileges to the alleyway, et al, shown on the enclosed sketch for the following date and time span:

Sunday, October 6, 2024, from 8 AM to 10:00 PM.

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- Drawing of the proposed area.
- Application to the Town of Herndon for this event.

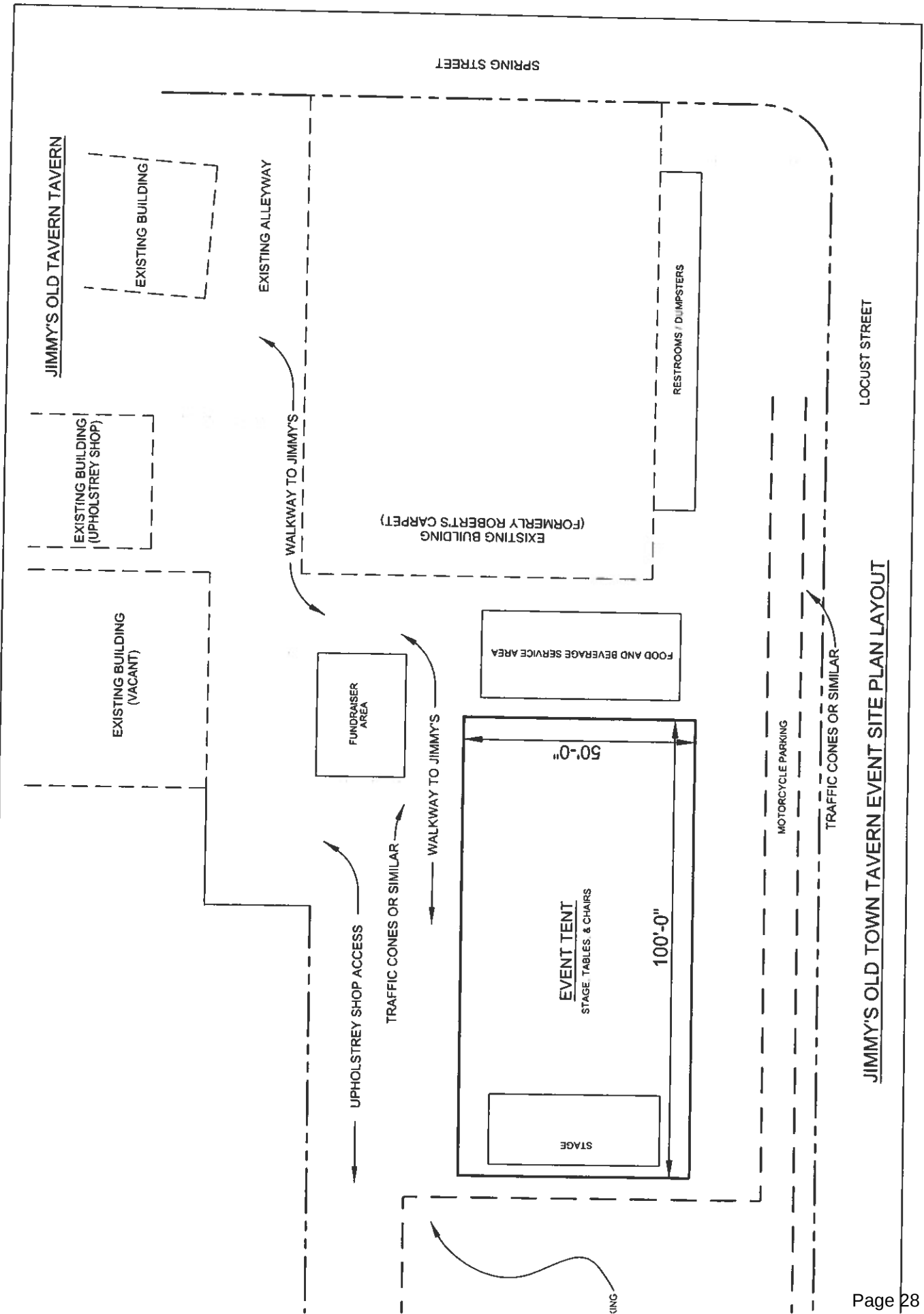
The license is obligated to ensure full compliance with the ABC laws and all other laws and regulations and is cognizant of criminal action that could be taken toward those involved and administrative action taken toward the license held by JOTT, Inc.

If you have any questions, please contact me at 703-470-4014.

Sincerely,

James Cirrito
Owner
Jimmy's Old Town Tavern

**NO
ALCOHOL
PAST THIS
POINT**





July 9, 2024

Judy Fry
Town Manager's Office
Town of Herndon
777 Lynn Street
Herndon VA 20170

Re: Request for Noise Permit for Outdoor Event, Sunday, October 6, 2024.

Dear Ms. Fry:

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If you have any questions, please contact me at 703-470-4014

Sincerely,

A handwritten signature in black ink that reads "James C. Cirrito". The signature is written in a cursive style with a horizontal line extending from the end.

James C. Cirrito
Owner
Jimmy's Old Town Tavern

July 16, 2024

Jimmy's Old Town Tavern
697 Spring Street
Herndon, VA 20170

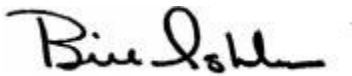
Dear Mr. Cirrito,

This is in response to your request for a noise permit for your event on Sunday, October 6, 2024 from 8 AM to 10 PM, to be held at Jimmy's Old Town Tavern, 697 Spring Street, Herndon, VA 20170. Since you will be using amplified sound, you are required to follow the town code regarding noise. Sections of the Town Code pertaining to noise can be reviewed here: https://library.municode.com/va/herndon/codes/code_of_ordinances?nodeId=PTIIC_OOR_CH26EN_ARTVINO. Please keep in mind that the noise permit only allows amplified sound between 7 AM and 10 PM.

I am approving the noise permit and this letter will serve as such. By copy of this letter to the Herndon Police, I am advising them of your event since they enforce the noise ordinance.

Best wishes for a successful event.

Sincerely,



Bill Ashton
Town Manager

c. Maggie A. DeBoard, Chief of Police

Agenda Item: Ordinance to amend Chapter 70 (SUBDIVISIONS OF LAND), Article I (Subdivisions Generally), Sec. 70-102 (Authority) to update Table 70-102(b), (Subdivision Review Procedures)

Meeting Date: August 7, 2024

Category: General

Prepared by: Lauri Sigler, Deputy Town Attorney

Description:

The proposed ordinance will amend Chapter 70 (SUBDIVISIONS OF LAND), Article I (Subdivisions Generally), Sec. 70-102 (Authority) to update Table 70-102(b), (Subdivision Review Procedures) to give the Subdivision Administrator the authority to approve the vacation of property interests granted to the Town as a condition of site plan approval. Currently, only the Town Council can approve the vacation of streets, alleys or easements, no matter how they were originally created. Appointing the Subdivision Administrator as the authorized agent of the Town Council to approve the vacation of some of these property interests administratively, will streamline the approval process for a property owner, subdivider or developer going through the administrative site plan, subdivision plan or plat approval process.

Background:

Pursuant to Sec. 70-401 of the Town Code, the "Subdivision Agent" for the Town is an individual designated by the town manager to administer and enforce Chapter 70 (SUBDIVISIONS OF LAND) of the Town Code and is currently the Deputy Director of Community Development. Table 70-102(b) of the Town Code contains a table that lists the typical types of applications the Town receives for review and designates between the Subdivision Administrator, the Planning Commission and the Town Council, who has the authority to either review and advise, make a final decision, or is the entity responsible for hearing an appeal. Currently, the Town Council makes the final decision for any application involving the vacation of a plat, right-of-way or any other interest the Town has in other public land as such authority is clearly delegated in the Code of Virginia.

For a specific category of public interests in land, Section 15.2-2270 of the Code of Virginia permits a governing body to delegate the authority to vacate to an agent which does not require the application to come to the Town Council as a formal agenda item for approval. Any interest in streets, alleys, easements for public rights of passage, easements for drainage, and easements for a public utility *granted to a locality as a condition of the approval of a site plan* can be vacated by an instrument, usually a deed, signed by the property owner declaring the specific property interest to be vacated, that

is then acknowledged and signed by the authorized agent of the governing body which instrument is then properly recorded in the land records.

Budget Impact:

None.

Recommendation:

Staff recommends approval of the proposed Ordinance.

Attachments:

1. Ordinance (Proposed)

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

ORDINANCE

AUGUST 13, 2024

Ordinance- **to amend Chapter 70 (SUBDIVISIONS OF LAND), Article I (Subdivisions Generally), Sec. 70-102 (Authority) to update Table 70-102(b), (Subdivision Review Procedures)**

BE IT ORDAINED by the Town Council of the Town of Herndon, Virginia that:

1. The following sections or provisions of the Herndon Town Code (2000), as amended, are amended as follows:

CHAPTER 70 (SUBDIVISIONS OF LAND)

Article 1. Subdivisions Generally

Sec. 70-102. - Authority

TABLE 70-102(b): SUBDIVISION REVIEW PROCEDURES

R= Review and Advise D= Final Decision A= Appeal

	Subdivision Administrator	Planning Commission	Town Council
Appeal about compliance with provisions	D	A	
Waiver of requirements	D		
Preliminary subdivision plan	D	A	
Subdivision site plan	D	A	
Vacation of plat (other than right-of-way or other public land)	R		D
Vacation of right-of-way or other public land	R	R	D
Vacation of interests granted to the Town as a condition of site plan approval	D	A	
Lot line adjustment	D	A	

Final subdivision plat and deed (including easement and right-of-way plats and Deed)	D	A	
Release of performance guarantee	D (town manager)		

2. This ordinance shall be effective on and after the date of its adoption. [Or other language that indicates when the ordinance will be effective.]

Agenda Item: Resolution to authorize the Mayor to sign instruments related to the Town Manager transition

Meeting Date: August 7, 2024

Category: General

Prepared by: Lesa Yeatts, Town Attorney

Description:

Documents related to the Town Manager transition will be included in the August 13, 2024 regular meeting agenda for Council consideration and action.

Background:

N/A

Budget Impact:

N/A

Recommendation:

N/A

Attachments:

None

Agenda Item: Resolution to appoint an Interim Town Manager

Meeting Date: August 7, 2024

Category: General

Prepared by: Lesa Yeatts, Town Attorney

Description:

A resolution to appoint an Interim Town Manager will be included in the August 13, 2024 regular meeting agenda for Council consideration and action.

Background:

N/A

Budget Impact:

N/A

Recommendation:

N/A

Attachments:

None

Agenda Item: Trail Management Plan Update

Meeting Date: August 7, 2024

Category: Discussion

Prepared by: Scott E Robinson, Public Works Director, Bob Williams, Parks and Recreation Director

Description:

This discussion item is to brief the Town Council on the development of a strategic trail management plan to include planning, development, management, and maintenance of the town's trail system.

Background:

The Town has an existing trail network that is used by residents for both recreation and walkable connections between key areas in Town. The Town does not currently have a management plan for its trail system. A trail management plan will establish a strategic plan for trails that will feed into the Capital Improvement Program (CIP), develop requirements for regular maintenance, and improve access and availability to the trail system by town residents. The Parks and Recreation Director's substantial experience in managing parks and trail systems will inform the development of the plan and focus on improving the town's overall trail system management and maintenance.

Budget Impact:

An adopted trail management plan will inform and impact future capital and operational budgets.

Recommendation:

This is a discussion item to update Town Council on the development of a town-wide trail management plan; staff does not have a recommendation.

Attachments:

None

Agenda Item: **Consideration of a request to provide an in-kind donation to Global Beats to waive the Community Center facility rental fees in support of the 2024 Pakistan Day event - Councilmember LeBlanc**

Meeting Date: August 7, 2024

Category: Discussion

Prepared by: Councilmember LeBlanc

Description:

Councilmember LeBlanc requested this discussion item to consider an in-kind donation to Global Beats foundation in support of the Pakistan Day event planned to occur at the Herndon Community Center. The request is to consider an in-kind donation to the non-profit, conditioned on that the event occurs by December 31, 2024 and does not conflict with other reservations on the room.

Background:

Global Beats, a local non-profit, is holding a Pakistan Celebration event at the Herndon Community Center. The event has been rescheduled to September 29, 2024. The organization previously requested a community donation in the amount of \$5,000 to support the event; however, the donation request was not approved by the Town Council.

Budget Impact:

The current reservation is valued at \$1,255.

Recommendation:

This is a discussion item; staff has no recommendation.

Attachments:

1. Community Center Event Invoice (Attachment)

FACILITY SALES RECEIPT

Receipt # 668403
Payment Date: 07/17/2024
Household: [REDACTED]
Hm Ph: [REDACTED]

NUZAIRA AZAM
 [REDACTED]

Town of Herndon Parks & Recreation
 777 Lynn Street
 Herndon, VA 20170
 Phone: (703)787-7300
 www.herndon-va.gov

Reservation Updated: Herndon Com Center, Community Room 1

Reserv. Contact: Nuzaira Azam
Phone Number: [REDACTED]
Reserv. Number: 43261
Status: Tentative
Purpose: Pakistan Day
Set Up Minutes: 60 **Clean Up Minutes:** 30

<u>Date(s) And Times</u>	<u>New Fees</u>	<u>Total Fees</u>	<u>New Paid</u>	<u>Total Paid</u>	<u>Amount Due</u>
Sun 09/29/2024 1:00P to 5:00P	0.00	1,155.00	0.00	0.00	1,155.00

<u>Fee Description</u>	<u>Amount</u>	<u>Count</u>	<u>Discount</u>	<u>Sales Tax</u>	<u>Total Fee</u>
Rental Deposit CR1	200.00	1.00	0.00	0.00	200.00
Base Rental Fee CR1 (4 Hours)	600.00	1.00	0.00	0.00	600.00
Rental Cleaning Fee	150.00	1.00	0.00	0.00	150.00
Rental Staffing	40.00	1.00	0.00	0.00	40.00
Rental Round Table	5.00	15.00	0.00	0.00	75.00
Rental Rectangular Table	5.00	6.00	0.00	0.00	30.00
Rental Chair	1.00	60.00	0.00	0.00	60.00

Reservation Updated: Herndon Com Center, Kitchen

Reserv. Contact: Nuzaira Azam
Phone Number: [REDACTED]
Reserv. Number: 43262
Status: Tentative
Purpose: Pakistan Day
Set Up Minutes: 60 **Clean Up Minutes:** 30

<u>Date(s) And Times</u>	<u>New Fees</u>	<u>Total Fees</u>	<u>New Paid</u>	<u>Total Paid</u>	<u>Amount Due</u>
Sun 09/29/2024 1:00P to 5:00P	0.00	100.00	0.00	0.00	100.00

<u>Fee Description</u>	<u>Amount</u>	<u>Count</u>	<u>Discount</u>	<u>Sales Tax</u>	<u>Total Fee</u>
Hourly Room Rental	25.00	4.00	0.00	0.00	100.00

FACILITY SALES RECEIPT

Receipt #668403

Payment Date:07/17/2024

Household:

Processed on 07/17/24 @ 12:42pm by TILLMR	Total New Fees	0.00
	Discount Applied	0.00
	Total New Taxes	0.00
	Old Balances Included	1,255.00
	Total Due	1,255.00
	Total Fees Paid	0.00
	Total Taxes Paid	0.00
	Total Paid	0.00
	Balance From Receipt	1,255.00

Household Balance Information		
Overall Household Credit Balance Available		0.00
Overall Household Balance Due		1,255.00

Agenda Item: Events on Private Property Review and Permitting Process
Briefing - Councilmember del Aguila

Meeting Date: August 7, 2024

Category: Discussion

Prepared by: Councilmember del Aguila

Description:

Councilmember del Aguila requested a discussion item to review the permitting process for events held on private property in the Town of Herndon.

Background:

N/A

Budget Impact:

N/A

Recommendation:

This is a discussion item; staff has no recommendation.

Attachments:

None