



TOWN COUNCIL REGULAR MEETING AGENDA

Town Council Chambers
765 Lynn Street, Herndon, VA 20170

Tuesday, February 13, 2024 | 7:00 PM

1. Call to Order

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

3. Presentations/Reports/Comments

- a. Presentation on the Origin and Destination Study
- b. Town Manager Report
- c. Councilmember Comments

4. Comments from the Audience

Members of the public may, for one 3-minute period, provide public comments, requests, consent or general item comments, and comments on matters not included on the agenda.

5. Public Hearings

- a. Ordinance 24-O-04 to amend the Fiscal Year (FY) 2024 Adopted Budget for the General Fund, Golf Fund, and American Rescue Plan (ARPA) Fund
- b. Resolution 24-G-13 to approve Special Exception SE #23-03, to permit a personal service use consisting of cosmetics and aesthetic services within the multi-tenant commercial office building in a Commercial Office, CO, zoning district

6. General

- a. Ordinance 24-O-05 to amend the Herndon Town Code, Chapter 2 (ADMINISTRATION), Article I (In General), Section 2-4 to increase the number of times participation can occur electronically per year, Section 2-5 to reference the ethical duty to attend meetings and to add thereto a new Section 2-6 specifying attendance responsibility and process

7. Consent

- a. Resolution 24-G-14 to award contract RFP #24-01, Custodial Services
- b. January 2, 2024 Town Council Work Session Minutes
- c. January 9, 2024 Town Council Regular Meeting Minutes

8. Adjournment

Interpretación en Español está disponible en esta sesión.

Agenda Item: Presentation of the Origin and Destination Study

Meeting Date: February 13, 2024

Category: Presentations/Reports/Comments

Prepared by: Fadrique Iglesias, Community Planner

Description:

This is a presentation of the Origin-Destination report.

Background:

The 2023 Origin-Destination Report presentation intends to provide information to demonstrate to the public and third parties the likelihood of cut-through traffic on the roadways to avoid tolls, per request of Town Council member Sean Reagan, in the spring of 2022. The report and its findings have been completed. The transportation consultancy firm Gorove Slade prepared the report, and consultants Kevin Sitzman and Sasha Ksanznak-Redmon will present the findings.

Budget Impact:

N/A

Recommendation:

N/A

Attachments:

None

Agenda Item: Ordinance 24-O-04 to amend the Fiscal Year (FY) 2024 Adopted Budget for the General Fund, Golf Fund, and American Rescue Plan (ARPA) Fund

Meeting Date: February 13, 2024

Category: Public Hearings

Prepared by: Marjorie Sloan, Finance Director

Description:

This is an ordinance to Amend the Fiscal Year (FY) 2024 Adopted Budget for the General Fund, Golf Fund, and American Rescue Plan (ARPA) Fund.

Background:

The proposed FY 2024 budget amendment is as follows:

1. To appropriate \$40,000 in the General Fund to the Herndon Police Department (HPD) for the purchase and installation of facility equipment and repairs. HPD intends to use existing Federal and State Seized Asset Forfeiture funds. A total of \$62,381.11 is available for use for qualified purchases.

2. Community Development is pursuing the Virginia Trees for Clean Water Grant through the Virginia Department of Forestry. If awarded, the grant will provide reimbursement for the purchase and planting of approximately 200 trees. Community Development requests \$125,000 in General Fund expenditure appropriation. Approval would be contingent upon successful award of the State grant in February 2024.

Community Development will be using the town's tree inventory to identify communities in need of tree canopy. A highly diverse selection of species will be planted to create a more resilient urban forest. The Town Arborist will engage with residents to educate and discuss the importance of street trees and the positive effects they have on urban-environmental issues, such as increasing diversity and resiliency, improving air quality, lowering air and surface temperatures, mitigating storm water runoff, and creating a community identity through trees.

3. Approval is requested to appropriate additional General Fund expenditures totaling \$24,387 for fire protection and litter programs made possible based on State Fire and Litter grant revenues higher than expected.

4. For the Golf Fund, approval is requested for \$30,000 of additional materials and

supplies associated with the Master Plan tee project.

5. For the American Rescue Plan Act (ARPA) Fund, approval is requested for a reclass of \$50,000 appropriated funds from the AutoCAD project to the Paving project to cover costs associated with the re-striping of Sterling Road.

Budget Impact:

The fiscal impact to the General Fund for the \$180,387 expenditure appropriations would be funded via incremental grant revenues and the current available balance of seized asset funds. The increase in expenditures for the Golf Fund will be funded by favorable year-to-date driving range fees. Appropriations in the ARPA fund are capped at the Federal ARPA funding total received of \$25.5M. The request would be a reclass between projects and cost-neutral for the fund.

Recommendation:

Recommend that the Mayor and Town Council adopt the attached draft ordinance.

Attachments:

1. Ordinance (Proposed)
2. Ordinance Attachment A

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

ORDINANCE

FEBRUARY 13, 2024

Ordinance- **to amend the Fiscal Year (FY) 2024 Adopted Budget for the General Fund, Golf Fund, and American Rescue Plan (ARPA) Fund.**

In adopting this ordinance, the Town Council has considered the Town Manager's recommended budget modifications as described in Attachment A, FY 2024 Budget Amendment Number 3.

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

1. The financial adjustments to the FY 2024 budget, as described in Attachment A, FY 2024 Budget Amendment Number 3 to this ordinance, are approved.
2. This ordinance shall be effective on and after the date of its adoption.

24-O-04

**TOWN OF HERNDON, VIRGINIA
FY 2024**

BUDGET AMENDMENT NUMBER 3

The following appropriations and funding sources are proposed for amendment:

GENERAL FUND

Expenditure Appropriations	Amount	Revenue Budget	Amount
Increase Police Department expenditures	\$40,000	Federal & State Seized Assets revenues	\$40,000
Community Development – Tree Installation	\$125,000	Virginia Forestry Grant – awaiting award	\$125,000
DPW Fire and Litter Programs	\$24,387	Higher Virginia Fire and Litter Grants received	\$24,387
Total Expenditures Increase	\$ 180,387	Total Revenues Increase	\$ 180,387

GOLF FUND

Expenditure Appropriations	Amount	Revenue Budget	Amount
Material & Supplies, Master Plan tee project	\$30,000	Increased driving range fees	\$30,000

AMERICAN RESCUE PLAN ACT (ARPA)

Expenditure Appropriations	Amount	Revenue Budget	Amount
AutoCAD	(\$50,000)	ARPA	\$0
Paving Project	50,000		
Total Expenditures Increase	\$0	Total Revenues Increase	\$0

Agenda Item: Resolution 24-G-13 to approve Special Exception SE #23-03, to permit a personal service use consisting of cosmetics and aesthetic services within the multi-tenant commercial office building in a Commercial Office, CO, zoning district

Meeting Date: February 13, 2024

Category: Public Hearings

Prepared by: Fadrique Iglesias, Community Planner

Description:

This application seeks to allow personal service use consisting of cosmetics and aesthetic services. The property owner (and applicant) proposes to reconfigure the existing space to sign a new tenant. The site, located at the northeast corner of Herndon Parkway and Elden Street, encompasses a 916-square-foot tenant space within the Herndon Park Condominium Center, a complex comprised of two interconnected commercial office buildings constructed around 1987. Vehicular access is facilitated by two-way, double-loaded drive aisles on the east and west sides, with entrances at the northwest corner of Herndon Parkway and the southeast corner of Elden Street. The Herndon 2030 Comprehensive Plan designated the property as "Business Corridor Use." Zoned as CO, Commercial Office, the area is a transitional zone between high-intensity commercial activities and residential neighborhoods.

Background:

The existing 916-square-foot tenant space is contained within a three-story multi-tenant commercial office building connected to a second similar building (297 Herndon Parkway). The site is at the northwest corner of the intersection of Herndon Parkway and Elden Street. The two attached buildings, parking, and surrounding site features comprise what is also known as Herndon Park Condominium Center and was constructed circa 1987. Two-way vehicular circulation is achieved through two-way double-loaded drive aisles on the east and west sides of the site and wrapping around the northern part of the site. The site is accessed from Herndon Parkway at the northwest corner of the site and the southeast corner of the site along Elden Street.

The CO zoning district is intended to function as a transitional area between higher-intensity commercial uses and neighborhood residential uses. A previous Special Exception (SE#21-05) was granted to allow a personal service use consisting of cosmetics and aesthetic services within the adjacent unit and an expansion into an additional unit was subsequently granted. The cases are shown below.

- SE #21-05, 299 Herndon Parkway, Suite 108 for personal service use consisting of cosmetics and aesthetic services for a maximum of six people was granted on November 16, 2021.
- SE #21-05 amendment, 299 Herndon Parkway, Suite 107 for an expansion of personal service use consisting of cosmetics and aesthetic services was granted on June 13, 2023, and increase the number of clients to 12 people in total (including employees).

In both cases, the Planning Commission recommended approval with the same conditions, and the Town Council approved the application.

The case (SE#23-03) was presented to the Planning Commission's regular meeting on January 22, 2024. The Commission recommended approval with conditions at their public hearing (5-0).

Budget Impact:

None

Recommendation:

Staff is recommending approval of Special Exception SE #23-03 in accordance with Alternative #2 and with the following conditions:

- a. The personal services business space shall be constructed and utilized in substantial conformance with the original application and updated first-floor plan received on June 27, 2023, and September 25, 2023, subsequently or similar types of cosmetics and personal services uses.
- b. The business operations shall be conducted by appointment only and limited to six total people, including employees, occupying the space at any given time; and
- c. The retail sales floor space allocation shall be limited to not more than 50 square feet within the tenant space.

Attachments:

1. Resolution (Proposed)
2. Staff Report
3. Applicant Narrative
4. Proposed Special Exception Floor Plan
5. TP #86-08 As-Built

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

RESOLUTION

FEBRUARY 13, 2024

Resolution- **to approve Special Exception SE #23-03, to permit a personal service use consisting of cosmetics and aesthetic services within the multi-tenant commercial office building in a Commercial Office, CO, zoning district.**

The applicant, Nghiem Minh, has submitted a request for a special exception to permit a personal service use consisting of cosmetics and aesthetic services within the multi-tenant commercial office building at 299 Herndon Parkway, Suite 106, further identified as Fairfax County Tax Map # 0171 13 0106.

On January 22, 2024, the Planning Commission recommended that the special exception with conditions be approved based upon the finding that the proposed use meets the purpose and intent of the Zoning Ordinance.

The Town Council has reviewed this application and has held a public hearing in accordance with the provisions of §15.2-2204 of the State Code and recommended that the application be approved with amended conditions based upon the finding that the amended conditions still meet the purpose and intent of the Zoning Ordinance, in particular Section 78-155.3(e).

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

1. The Town Council Recommends approval of amending Special Exception SE #23-03 that shall run with the land and not be voided or extinguished from a change in ownership of the property in accordance with the conditions set forth below to achieve compliance with the standards found in Section 78-155.3:
 - a. The personal services business space shall be constructed and utilized in substantial conformance with the original application and updated first-floor plan received on June 27, 2023, and September 25, 2023, subsequently or similar types of cosmetics and personal services uses.
 - b. The business operations shall be conducted by appointment only and limited to six total people, including employees, occupying the space at any given time.
 - c. The retail sales floor space allocation shall be limited to not more than 50 square feet within the tenant space.

STAFF REPORT

Agenda Item: Resolution to approve Special Exception SE #23-03, to permit a personal service use consisting of cosmetics and aesthetic services within the multi-tenant commercial office building in a Commercial Office, CO, zoning district

Meeting Date: February 13, 2024

Staff Contact: Fadrique Iglesias, Community Planner;
David Stromberg, AICP, Zoning Administrator

Summary Information:

Proposed Modification	This application seeks to allow personal service use consisting of cosmetics and aesthetic services. The property owner (and applicant) proposes reconfiguring the existing 916 square feet of tenant space to sign a new tenant. The property is zoned CO, Commercial Office. The Herndon 2030 Comprehensive Plan designated the property as "Business Corridor Use." The property is located within the Herndon Park Condominium office building and is located at the northeast corner of the intersection of Herndon Parkway and Elden Street.		
Address	299 Herndon Pkwy Ste 106 Herndon VA 20170 4467		
Fairfax County Tax Map Number	0171 13 0106		
Owners	Nghiem Minh Huynh Yen		
Applicant	Nghiem Minh		
Business/Organization	Rosslyn Cosmetology, LLC.		
Property Use	Multi-story, multi-tenant commercial office		
Zoning District	CO, Commercial Office		
HDO Designation	N/A		
Adjacent Zoning	North: RM, Residential, Multi-family. South: O&LI, Office & Light Industrial East: R-15, Residential, Single-family West: CS, Commercial Services		
Building Type(s)	Three-story, approximately 30,000 square feet (gross floor area). Unit 106 consists of approximately 916 square feet and is in a multi-unit building (Building 2).	Date of Construction:	1987
Comprehensive Plan Land Use Designation	Business Corridor		

Location Map:



Background & Site Description:

The existing 916 square foot tenant space is contained within a three-story multi-tenant commercial office building which is connected to a second similar building (297 Herndon Parkway). The site is at the northwest corner of the intersection of Herndon Parkway and Elden Street. The two attached buildings, parking and surrounding site features comprise what is also known as Herndon Park Condominium Center and was constructed circa 1987. Two-way vehicular circulation is achieved through two-way double loaded drive aisles on the east and west sides of the site and wrapping around the northern part of the site. The site is accessed from Herndon Parkway at the northwest corner of the site and at the southeast corner of the site along Elden Street.

The CO zoning district is intended to function as a transitional area between higher-intensity commercial uses and neighborhood residential uses. A previous Special Exception (SE#21-05) was granted to allow a personal service use consisting of cosmetics and aesthetic services within the adjacent unit and an expansion into an additional unit subsequently granted. The cases are shown below.

- SE #21-05, 299 Herndon Parkway, Suite 108 for personal service use consisting of cosmetics and aesthetic services for a maximum of six people was granted on November 16, 2021.
- SE #21-05 amendment, 299 Herndon Parkway, Suite 107 for an expansion of personal service use consisting of cosmetics and aesthetic services was granted on June 13, 2023, and increase the number of clients to 12 people in total (including employees).

In both cases The Planning Commission recommended approval with the same conditions, and the Town Council approved the application.

Case Details & Proposal:

The applicant proposes to reconfigure the existing 916 square feet of tenant space into a cosmetics and personal services business to sign a new tenant. These personal services may include a spa salon and cosmetic services.

Planning Commission

The case was presented to the Planning Commission regular meeting on January 22, 2024. The Commission recommended approval with conditions at their public hearing (5-0).

Staff Analysis:

Zoning Ordinance Compliance

The proposed personal services use, and retail sales use is only allowed by special exception in accordance with the Town's Zoning Ordinance [78-40.3](#) - CO - *Commercial office district*, Table 78-40.3(c)(3).

The zoning ordinance allows for flexibility for instances like this, when businesses traditionally located with other commercial service and retail sales uses have operational characteristics that make them appropriate to operate in traditional office park developments, provided adequate development and land use controls exist. In this case, the proposed personal services and retail sales uses are consistent with the purpose and intent of the Commercial Office Zoning District and the additional controls that can be implemented through the special exception process.

Based upon the application submitted and reviewed for compliance with the town's above code sections, staff believes this proposal complies with the referenced Town of Herndon Zoning Ordinance section. It will be compatible with the existing uses on site

and not negatively impact adjacent residential uses to the north and east of the site. Staff also evaluated the criteria for review of special exceptions found in Zoning Ordinance Section 78-153.3(e):

Comprehensive Plan Adherence

Corridor Land Use Policies. Most particularly, the proposal aligns with Land Use Policies for Business Corridor #1 and #3 (Herndon 2030 Comprehensive Plan, pages III-11 and III-12).

Criteria from Section 78-153.3(e)	Meets/ Does Not Meet	Why the application meets or does not meet the criteria of Section 78-153.3(e)
a. Is consistent with the Comprehensive Plan.	Meets	The Comprehensive Plan Land Use Section provides polices for provision of goods and services to the local community and positive economic benefits of new businesses. The proposed uses will be in conformance with the comprehensive plan polices.
b. Is free of conflict with any provision of this chapter and related regulations or any other applicable local, state, or federal laws and regulations.	Meets	The proposed special exception uses are provisioned with the base zoning district and do not create any substantial conflicts with other regulatory requirements. The use and business operations will be conditioned to ensure the use continually meets the purpose and intent of the Commercial Office Zoning District.
c. Does not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use.	Meets	The proposed uses are generally compatible to the site / neighborhood. This proposed project does not alter the intensity of use of the site and does not disproportionately increase the number of users or vehicular traffic on the site during limited business hours. Thus, health and safety of the occupants and the neighborhood is not impacted negatively.

Criteria from Section 78-153.3(e)	Meets/ Does Not Meet	Why the application meets or does not meet the criteria of Section 78-153.3(e)
d. Consistent with the purpose and intent of the zoning district in which it is located or will improve compatibility among uses and will ensure efficient development within the town.	Meets	The proposed use, personal services, is compatible with the intent of the CO district “to provide development opportunities for office uses that are principally used during daylight hours and that may serve as a transition between residential and retail commercial and service commercial uses.”
e. Minimizes adverse visual impact of the proposed use on adjacent lands.	Meets	The proposed uses are exclusively indoors and will not alter or increase impacts on any adjacent lands.
f. Contributes to a logical and orderly development pattern consistent with accepted or emerging planning practices.	Not Applicable	The only physical alterations are internal to the existing structure and thus not subject to this criterion.
g. Minimizes adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration, and should not create a nuisance.	Meets with conditions	Staff recommended conditions limit the overall capacity and distribution of customers in order to prevent negative impacts to parking, loading, and noise.
h. Avoids significant adverse impacts on the property values of surrounding lands or substantially and permanently injures the use of neighboring property for those uses that are permitted in the zoning district.	Meets	The proposed use has virtually no external impacts and provides needed space utilization for the new business owners
i. Does not significantly and adversely impact the natural environment, including but not limited to, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.	Meets	The proposed use is exclusively indoors and will not alter and not impact any adjacent lands.
j. Results in development that is adequately served by transportation facilities, including whether or not a substantial deterioration of the level of service on the town's transportation network would occur and whether or not the proposed use is designed to ensure safe ingress and egress onto the site and safe road conditions on and around the site.	Not Applicable	The only physical alterations are internal to the existing structure and thus not subject to this criterion.

Criteria from Section 78-153.3(e)	Meets/ Does Not Meet	Why the application meets or does not meet the criteria of Section 78-153.3(e)
k. Results in development that is adequately served by public facilities (roads, potable water and sewage, schools, parks, police, and fire and emergency medical facilities).	Not Applicable	The only physical alterations are internal to the existing structure and thus not subject to this criterion.
l. If infill and redevelopment is consistent with the redevelopment criteria and other applicable guidelines as stated in the Herndon 2030 Comprehensive Plan (adopted August 12, 2008), as amended.	Not Applicable	The only physical alterations are internal to the existing structure and thus not subject to this criterion.
m. If located in the floodplain overlay district, meets floodplain overlay standards.	Meets	There are no physical changes in the building footprints or grading within the FPO and this site will be removed from the FPO.

Fiscal Impact:

The proposal encourages uses that provide a variety of personal services as well as promotes economic development that increases employment and adds to the community tax base.

Transportation

The property contains a parking lot with 108 spaces. Additionally, the business is located approximately 100 feet from the nearest Fairfax Connector bus stop along Route 926 on Elden Street and 200 feet from the nearest Fairfax Connector bus stop along Route 924 on Herndon Parkway.

Analysis of Conditions

Staff is recommending three conditions for this special exception, listed in the following conditions analysis table. Staff believes these conditions provide reasonable ways in which the proposed use can be permitted while properly mitigating potential impacts, as well as achieving the purpose and intent of the applicable zoning district.

#	Condition	Covered by language in the Zoning Code	Reason for Condition
1	Substantial conformance with the submitted application	No	This condition is what gives the town the authority to ensure the proposed use is developed in the way that is presented to the Planning Commission and the Town Council.
2	Business operations shall be conducted by appointment only and limited to six (6) total people, inclusive of employees, occupying the space at any given time.	No	Personal service and retail uses typically generate more vehicle trips and parking demand than office uses. Conditions to limit occupancy and requiring appointments will maintain a similar intensity as uses that are allowed by right in this zoning district. This capacity ratio is consistent with the already approved special exception for personal service uses in the office park.
3	Allocation of retail sales to not more than 50 square feet within the tenant space.	No	Limiting retail space will allow the owner to have accessory retail associated with their provided services without the impacts generated by a full retail outlet.

Any future tenants proposing a personal service use will be required to comply with these three conditions. Any changes to these conditions can only be approved through an amendment of this special exception at a public hearing of the planning commission and town council. Any violation of the aforementioned conditions or other sections of the Herndon Town Code shall be grounds for revoking the special exception pursuant to the manner described in Section 78-155.3(h).

Town Council Alternatives:

The following alternatives are available to the Town Council for its decision on SE #23-003.

1. Recommendation for approval.
2. Recommendation for approval with conditions.
3. Recommendation for denial.
4. Continuance of the application to the February 27, 2024, Town Council meeting or later specified meeting date.

Staff Recommendation:

Staff is recommending approval of Special Exception SE #23-03 in accordance with Alternative #2 and with the following conditions:

1. The personal services business space shall be constructed and utilized in substantial conformance with the original application and updated first-floor plan received on June 27, 2023, and September 25, 2023, subsequently or similar types of cosmetics and personal services uses.
2. The business operations shall be conducted by appointment only and limited to six total people, including employees, occupying the space at any given time; and
3. The retail sales floor space allocation shall be limited to not more than 50 square feet within the tenant space.

Lux Nail & Spa
299 Herndon Pkwy, suite 106
Herndon, VA 20170

Town of Herndon
Community Development
777 Lynn St. 2nd Floor
Herndon, VA 20170

Application For An Exception

Dear Planning Commission,

Please reconsider this letter as an application to the 'Special Exception' to permit a personal service use as Nail and Spa Salon. Our condo unit is within the first floor of the multi-tenant commercial building. The site is located at Herndon Park Condominium Center, 299 Herndon Parkway, Suite 106. From what I have learned the site is classified as a commercial office, and our business is classified as personal use. Our Condo unit is currently for rent, for more than two years, there are still no tenants. So we are having a hard time financially.

I would like to request from the Planning Committee to change the status from purpose of use, to personal service retails business. This would help us make use of the vacant office and allow us to bring back revenue, create jobs, and become a part of the town's future business development.

Lux Nail & Spa will be conducting service at approximately 966 square feet. This includes, four pedicure chairs, four manicure tables, one waxing room, and a display shelf to accommodate retail sales. The maximum number of employees will be four at the time shell be able to serve a maximum of up to four customers. Hours of operation will be from Monday through Saturday 9:00 am - 6:00 pm by appointment only. Lux Nail and Spa will also provide product sales in relation to the services provided. The services and products provided to the clients are nail polishing, nail coloring, and skin care products approved by the FDA.

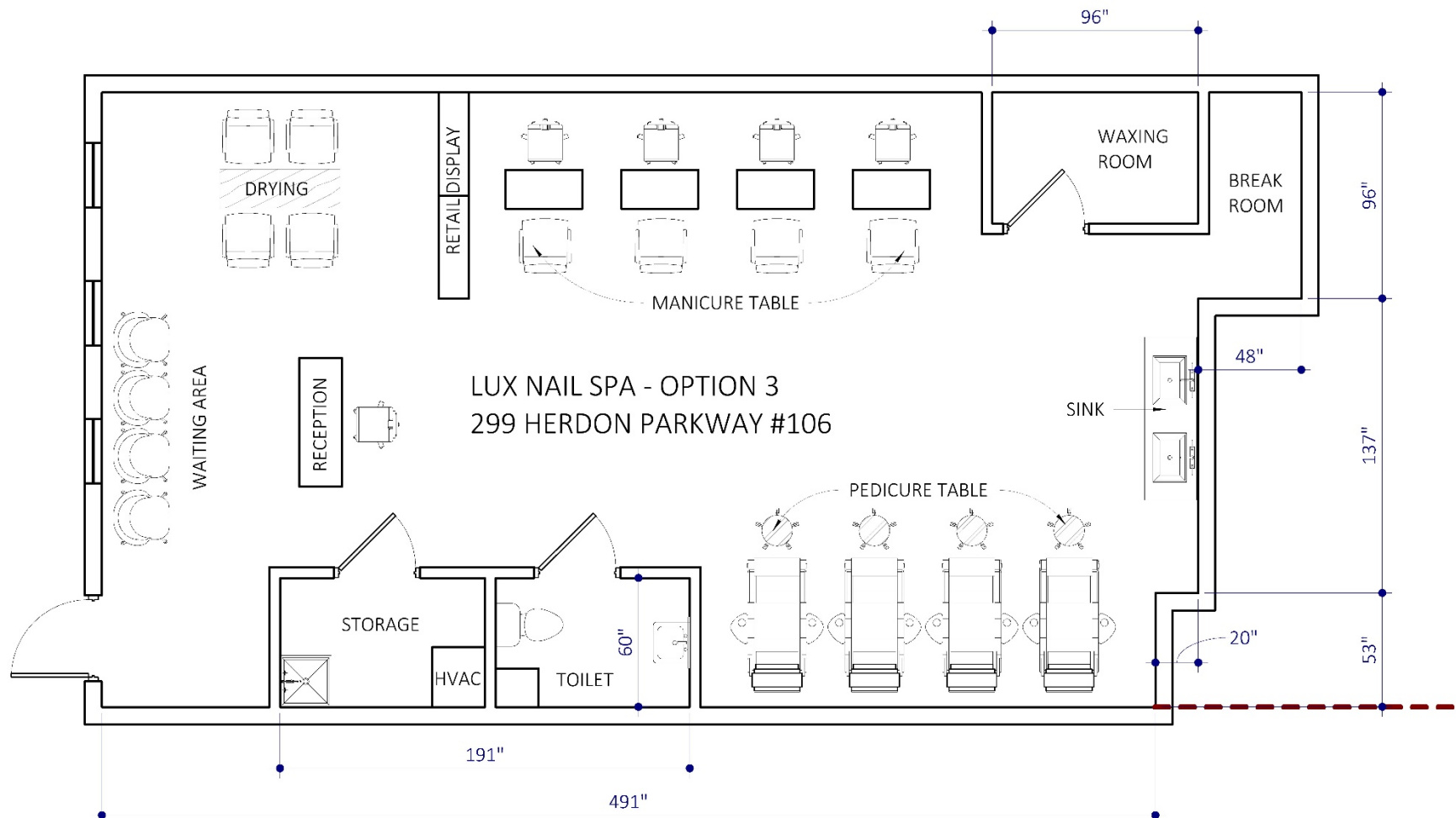
Lux Nails & Spa would like to have the Town of Herndon Community Development Committee to review our 'Special exception' application. We are looking forward to starting our business and to grow alongside the Town of Herndon economic future.

Sincerely

A handwritten signature in black ink, appearing to read 'Minh Nghiem', with a stylized flourish at the end.

Minh Nghiem

Owner



PERFORMANCE BOND ESTIMATE

ITEM NO.	ITEM	QUANTITY	UNIT	UNIT PRICE	COST
1	CLEARING & GRUBBING	1.3	ACRES	2060	2678
2	EXCAVATION		CU.YDS.		
3	EMBANKMENT		CU.YDS.		
4	OVERLOT GRADING	1	LOTS	150	150
5	DI-3D	1	Ea	2060	2060
6	CONCRETE PIPE 15" CL II	19	LIN.FT.	51	969
7	CONCRETE PIPE		LIN.FT.		
8	CONCRETE PIPE		LIN.FT.		
9	CONCRETE PIPE		LIN.FT.		
10	CONCRETE PIPE		LIN.FT.		
11	PAVED DITCH		LIN.FT.		
12	RIP RAP	180	SQ.FT.	45	810
13	SODDED SWALE				
14	CONCRETE ENDWALL		EACH		
15	CONCRETE ENDWALL		EACH		
16	CONCRETE ENDWALL		EACH		
17	CONCRETE ENDSECTION		EACH		
18	RELOCATION OF TRAFFIC LIGHT	1	LS	35,000	35,000
19	DRIVEWAY ENTRANCE, TYPE CG-10A	2	EACH	2500	5000
20	SIDEWALK	200	LIN.FT.	90	1800
21	HEADER CURB	170	LIN.FT.	10	1700
22	CURB & GUTTER	200	LIN.FT.	11	2200
23	VALLEY GUTTER		EACH		
24	GRAVEL BASE		SQ.YDS.		
25	GRAVEL BASE		LIN.FT.		
26	GRAVEL SHOULDERS		SQ.YDS.		
27	SURFACE TREATMENT		SQ.YDS.		
28	BITUMINOUS CONCRETE SURFACE 2" 8-5	660	SQ.YDS.	44	3036
29	BASE COURSE 6" 8-3	660	SQ.YDS.	13.8	9108
30	SUBBASE MATERIALS 10" 2-A	182	CU.YDS.	20.5	3731
31	STREET SIGNS		EACH		
32	STREET LIGHTS		EACH		
33	ROADSIDE DELINEATORS		EACH		
34	TRAFFIC BARRICADE		EACH		
35	SCREENING & REINFORCEMENT		EACH		
36	PIPES AS SHOWN ON PLAN	8	EACH	6300	50400
37	MONUMENTS AS SHOWN ON PLAN		EACH		
38	WATER LINE	110	LIN.FT.	29	3190
39	FIRE HYDRANTS	1	EACH	1490	1490
40	SANITARY SEWER	260	LIN.FT.	34	8840
41	AS BUILT PLAN	1.75 AC	LUMP SUM	570.00	997.50
42	PLUS 10% ENGRG. FEE & MISC.				8326.35
43	TOTAL				91589.85

HEREBY CERTIFY THAT THE FOREGOING IS MY BEST ESTIMATE OF THE QUANTITIES OF IMPROVEMENTS IN THIS SUBDIVISION OR SITE PLAN.

SIGNATURE: *[Signature]* DATE: 9-8-86

CASH ESCROW BOND ESTIMATE

ITEM NO.	ITEM	QUANTITY	UNIT	UNIT PRICE	COST
1.	EROSION/SEDIMENTATION CONTROL (SEE ZONING ORD. FOR APPROPRIATE FEE)	175		300	1000 MIN.
2.	ARBORIST FEE (PER L.F. OF TREE CLEARING LINE)		L.F.	100	
3.	DAMAGE TO EXISTING PUB. UTILITIES (TO BE COMPUTED BY TOWN OF HERNDON.)		L.S.		10,000
4.	LANDSCAPING		L.S.		14,950.00
TOTAL:					24,950.00

FEE SCHEDULE

ITEM	QUANTITY	UNIT	FEE PER UNIT	FEE
BITUMINOUS SURFACE	3780	SQ. YD.		1323
CURB & GUTTER	1600	LIN. FT.	.60	960
HEADER CURB	150	LIN. FT.	.60	90
SANITARY SEWER	260	LIN. FT.	1.60	416
SIDEWALK	630	LIN. FT.	.60	378
STORM DRAINAGE		LIN. FT.	2.90	
T.V. INSPECTION	260	LIN. FT.	1.35	351
WATERLINE	68	LIN. FT.	1.35	91.8
OVERLOT GRADING AND SURFACE DRAINAGE PLAN (per division of land or per disturbed acre, whichever is greater)	13	LOT/ACRE	100.00	130
MISCELLANY		ACRE		
SCREENING		LIN. FT.	1.60	
5' LINEAR FEET OF STREET		LIN. FT.	1.20	
ESTIMATED FEE - TOTAL				\$40908
INITIAL FEE PAYMENT (50% OF ESTIMATED FEE)				\$20454
BALANCE OF FEE (COMPUTED BY TOWN)				

NOTES

- The methods and materials used in the construction of the improvements herein shall conform to the current Town of Herndon Standard Specifications, current Fairfax County Design and Construction Standards, and the current VDOT Road and Bridge Specifications. In the event of conflict between the standards and specifications, prevailing guidelines shall be selected by the Town of Herndon.
- A permit must be obtained from the Town of Herndon before any construction is started in conformity with these plans.
- A permit must be obtained from the office of the Resident Engineer, VDH&T, Fairfax, Virginia, before any construction is started on any existing state highway.
- The Developer is required to notify the Town of Herndon, in writing, three (3) days prior to the beginning of construction. The Developer shall require that all of his contractors specifically request inspection at least twenty four (24) hours before beginning:
 - (A) Clearing and grubbing
 - (B) Installation of siltation and erosion control measures
 - (C) Earth work
 - (D) Installation of any underground utility
 - (E) Installation of any forms
 - (F) Placing any concrete
 - (G) Before placing subbase, base, or paving surfaceFailure to do so for any reason shall constitute rejection of said work.
- All existing underground utilities shall be physically located by the Developer or his engineer prior to the beginning of any construction in the vicinity of these utilities.
- All utilities installed as a part of this development shall be placed underground.
- All underground utilities within the street right-of-way and all service connections shall be installed to the required distance beyond the right-of-way line prior to the installation of any subbase material, curb and gutter, or sidewalk.
- All utilities to be taken over by the Town for maintenance purposes must be inspected, tested and approved by the Town before being accepted into the Town's system.
- Cut sheets shall be submitted and approved by the Town of Herndon prior to the start of construction of any underground utilities, streets, or curbs and gutters.
- Sanitary Sewers: All sanitary sewer materials and methods of construction shall comply with the current Town of Herndon Standards and Specifications.
- Storm Sewers: (A) Storm sewer and culvert pipe shall be reinforced concrete pipe to conform to the current A.A.S.H.T.O. designation M 170, unless otherwise designated on the plans. Class II pipe will be permitted beyond the limits of the street right-of-way. Class III pipe will be required within the limits of the right-of-way.
 - (B) Underdrains and/or crossdrains shall be installed by the Developer where deemed necessary by the Town of Herndon.
- Streets: (A) All base and subbase material shall be compacted to 95% of theoretical maximum density as determined by A.A.S.H.T.O. T-99 method A, within plus or minus 2% of optimum moisture for the full width of any dedicated right-of-way and all townhouse streets, commercial and industrial parking lots, private streets, parking bays, curb and gutter, and sidewalks adjacent to streets and parking lots (not intended to include lead sidewalks).
 - (B) Soil reports and subgrade specifications shall be submitted to the Town of Herndon for approval prior to the start of construction of any sidewalks, curb and gutter, streets or parking areas.
 - (C) Subbase depth is based on a CBR of 10. Where CBR is less than 10, one inch of subbase or base material shall be added for each point below CBR 10. Where CBR is greater than 10, subbase may be reduced one inch for each five points above CBR 10. All special designs are subject to approval by the Town of Herndon.
 - (D) Standard street name signs shall be installed at each intersection by the Developer, as well as required traffic control signs in the development.
 - (E) A minimum of one driveway entrance shall be provided per lot. Driveway entrances, CG-10A, shall be installed in conformity with the standards. Pipestem lot driveways are subject to approval by the Town of Herndon.
 - (F) Surfaced streets shall be maintained in a clean condition, mud and dust free at all times, and adequate means shall be provided to clean trucks and other equipment using the completed streets.
 - (G) Street names shall be approved by Fairfax County.
 - (H) Street lights shall be installed according to Town of Herndon standards.
- Water Distribution: (A) All water main materials and construction shall comply with the regulations of the standard specifications and plans of the Town of Herndon and the current Waterworks Regulations of the Virginia State Board of Health.
 - (B) All water mains shall have a minimum cover of 4.0 feet. Water mains shall be installed eight (8) feet north or east of the centerline of the street unless otherwise designated on the plans.
 - (C) Working pressure shall be > 20 psi.
- Land Conservation Notes: (A) Measures to control erosion and siltation shall be provided pursuant to and in compliance with current state and local regulations. However, the approval of these plans shall in no way relieve the Developer or his agent of any legal responsibility which may be required by the Code of Virginia or any ordinance enacted by the Town of Herndon.
 - (B) No disturbed area will be denuded for more than 60 calendar days.
 - (C) All erosion and siltation control measures are to be placed prior to or as the first step in clearing.
 - (D) All storm and sanitary sewer lines not in streets are to be mulched and seeded within 15 days after backfill. No more than 500 feet are to be open at any one time.
 - (E) Electric power, telephone and gas supply trenches are to be compacted, seeded and mulched, within 15 days after backfill.
 - (F) All temporary earth berm diversions and silt dams are to be mulched and seeded for temporary vegetative cover within 10 days after grading. Straw or hay mulch is required. The same applies for all stock piles.
 - (G) During construction, all storm sewer inlets will be protected by silt traps, maintained and modified as required by construction progress.
 - (H) All disturbed area not paved, sodded, or built upon by November 1, or disturbed after that date, is to be seeded within 15 days with oats, alfalfa, or equivalent and mulched with hay or straw at the rate of 2 tons per acre.
 - (I) Prior to beginning any work on this site, the Contractor must read and adhere to the "Protection of Trees" Guidelines, Volume III, Fairfax County Public Facilities Manual, and Section 28-22A of the Town of Herndon Zoning Ordinance.
- These plans and specifications are based on the minimum requirements for CO zoning. This plan contains NO dwelling units.
- All elevations must be based on the U.S.C. & G.S. or the U.S.C. & G.S. mean sea level datum.
- Prior to any approved clearing and grading on a site, a tree protection fence shall be erected in accordance with the fence detail on the approved landscape plan.

FIRE FLOW INFORMATION

FH # 1528 (APPROX. 750' FROM ELDEN STREET INTERSECTION)
STATIC 75 PSI RESIDUAL 65 PSI
FLOW = 1250 GPM.
Q20 = 3198 GPM.

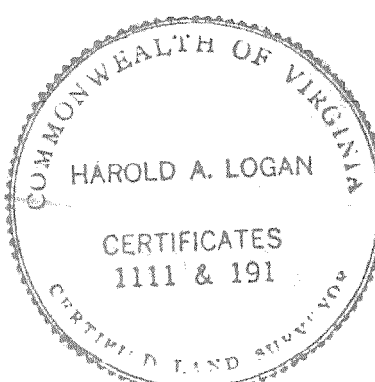
Construction Type - 3B
Gross floor area of each building 15,000 Sq. Ft.
Maximum Height of building - 35'
Number of stories - 3 1/2
Building shall not be sprinklered.

INDEX

COVER SHEET
SITE PLAN

I HEREBY CERTIFY THAT THIS AS-BUILT CONFORMS WITH THE APPROVED SITE PLAN EXCEPT AS SHOWN AND REPRESENTS ACTUAL FIELD CONDITIONS ON THE SITE.

DATE: 2/10/88 HAROLD A. LOGAN
INDICATES "AS-BUILT"



STORM DRAINAGE PRO-RATA SHARE TABULATION

Project: HERNDON PARK
Watershed: SUGARLAND RUN
Pro-Rata Share: 2000.00 per impervious acre
Area: 1.75 acre
% Impervious: 90%
2000.00 x 1.75 x 0.90 = 3150.00
DATE COMPUTED: 2-24-86

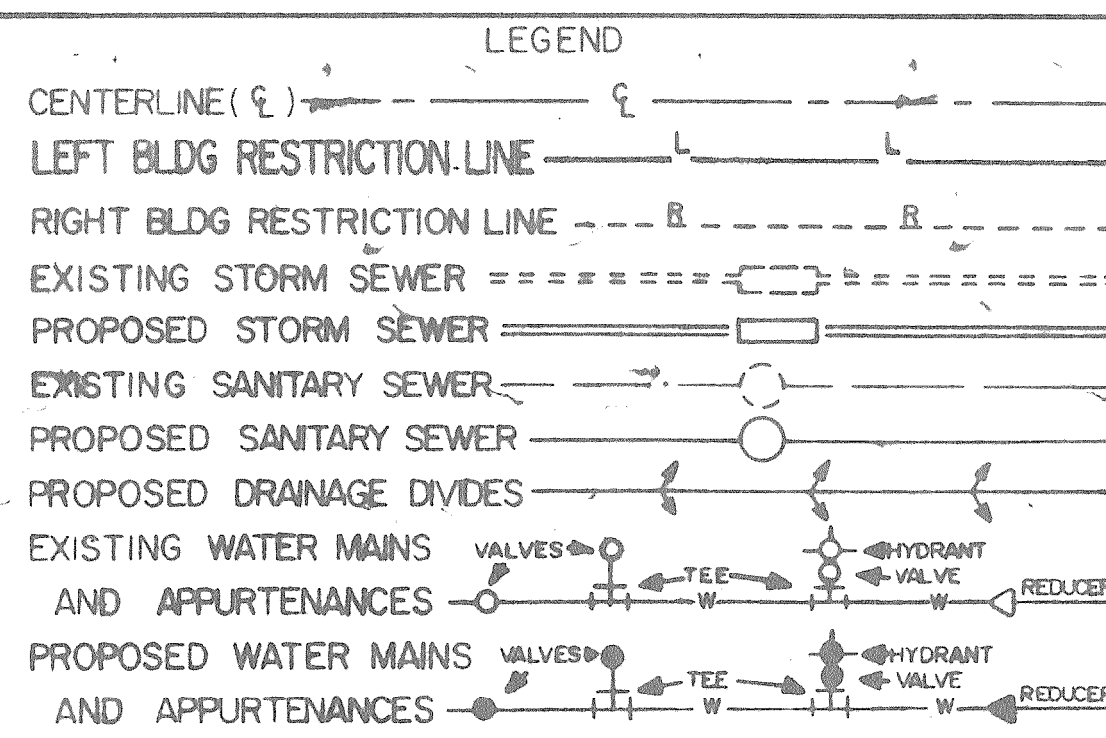
EMERGENCY
POLICE — FIRE — RESCUE
911
HERNDON POLICE 437-1118

THE DESIGNING FIRM HAS CONTACTED ALL UTILITY OPERATORS FOR THE HORIZONTAL LOCATION OF THEIR UNDERGROUND UTILITIES, IF ANY, AND THIS PLAN SHOWS THEIR LOCATION IS MARKED BY THE OPERATIONS.

NOTICE REQUIRED

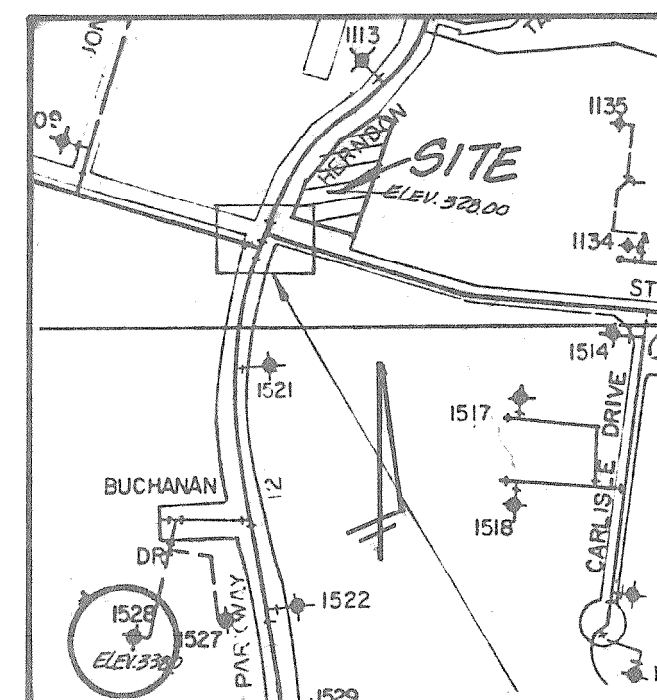
Contractors shall notify operators who maintain underground utility lines in the area of proposed excavation or blasting at least two working days, but not more than ten working days prior to commencement of excavation or demolition in accordance with Section 10(a) of Chapter 6B of the Fairfax County Code. Names and telephone numbers of the operators of the underground utility lines in Fairfax County appear below. These numbers shall also be used to serve in an emergency condition, as required by Section 15(b) of Chapter 6B of the Code.

COLUMBIA GAS PIPELINE CO. 759-2115
FAIRFAX CITY WATER SERVICE 385-7916
TOWN OF HERNDON DPW 435-6856
A.T. & T. CO.
CHESAPEAKE & POTOMAC TELE. CO.
COLONIAL PIPELINE CO.
COLUMBIA GAS OF VA.
CONTINENTAL TELEPHONE OF VA.
PLANTATION PIPELINE CO.
TRANSOCO GAS PIPELINE CO.
VERCO

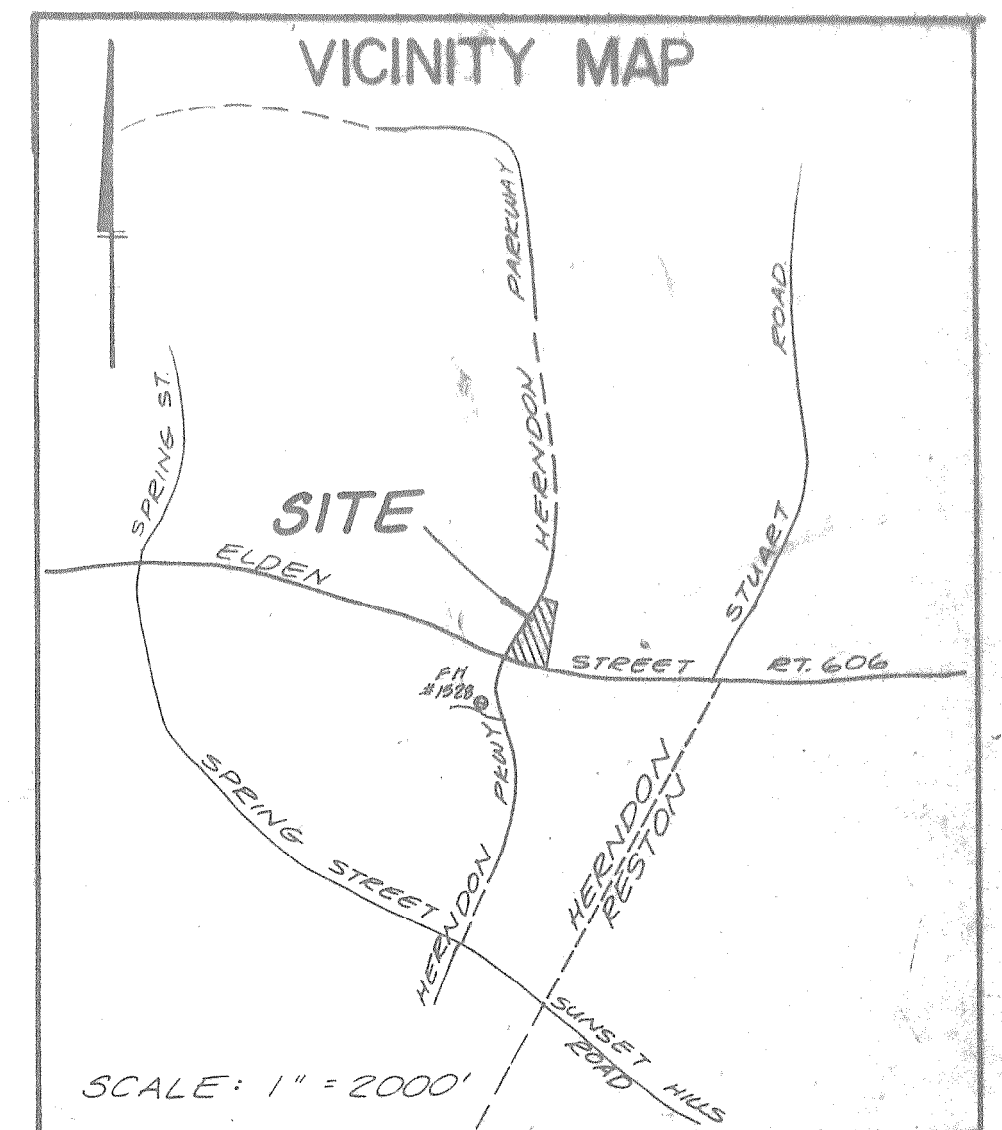


PLAN APPROVAL SHALL NOT BE GIVEN UNTIL ALL DEDICATIONS AND EASEMENTS HAVE BEEN RECORDED AND DEED BOOK AND PAGE NUMBER PROVIDED TO THE PLANNING DEPARTMENT OF THE TOWN OF HERNDON.

THIS APPROVAL IS NOT A COMMITMENT TO PROVIDE PUBLIC SANITARY SEWER



WATER LINE VICINITY MAP
SCALE: 1" = 500'



LOCATION OF BENCHMARKS:
EXISTING SANITARY MANHOLE AT ELDEN STREET, TOP OF MANHOLE ELEVATION 318.75 U.S.G.S. DATUM.

RECOMMENDED FOR APPROVAL

DATE: _____ FAIRFAX COUNTY FIRE MARSHAL

DATE: _____ DIRECTOR OF PUBLIC WORKS

DATE: _____ DIRECTOR OF PLANNING

PUBLIC HEARINGS

DATE: _____ BODY: _____ ACTION TAKEN: _____

APPROVED
FOR CONSTRUCTION AND ISSUANCE OF BUILDING PERMITS
TOWN OF HERNDON, VIRGINIA

DATE: _____ TOWN PLANNER

SITE PLAN APPROVAL VOID IF FINAL BUILDING PERMITS HAVE NOT BEEN OBTAINED WITHIN ONE YEAR.
SUBDIVISION APPROVAL VOID IF FINAL SUBDIVISION PLAN IS NOT RECORDED WITHIN ONE YEAR AFTER APPROVAL OF PRELIMINARY PLAN.

SITE PLAN #86-8 SUBDIVISION

TOWN OF HERNDON, VIRGINIA
COVER SHEET

SUBDIVISION NAME OR SITE PLAN AND NUMBER: HERNDON PARK

OWNER, ADDRESS, INCLUDE ZIP: RESTON/HERNDON LIMITED PARTNERSHIP, 8150 LEESBURG PIKE SUITE 1200, VIENNA, VIRGINIA 22180, TELEPHONE: 555-0000

CODE AND TELEPHONE NUMBER: SAME AS ABOVE

DEVELOPER, ADDRESS, INCLUDE ZIP: SAME AS ABOVE

CODE AND TELEPHONE NUMBER: SAME AS ABOVE

CERTIFIED ENGINEER, ARCHITECT OR SURVEYOR SUBMITTING PLAN, ADDRESS, INCLUDE ZIP CODE AND TELEPHONE NUMBER: HAROLD A. LOGAN ASSOCIATES - PC, 4200 DANIELS AVE., ANNANDALE, VIRGINIA 22003, PHONE: (703) 941-3531

TAX MAP SECTION NUMBER: 17-1, DOUBLE CIRCLE NUMBER: 4, PARCEL NUMBER: 3122

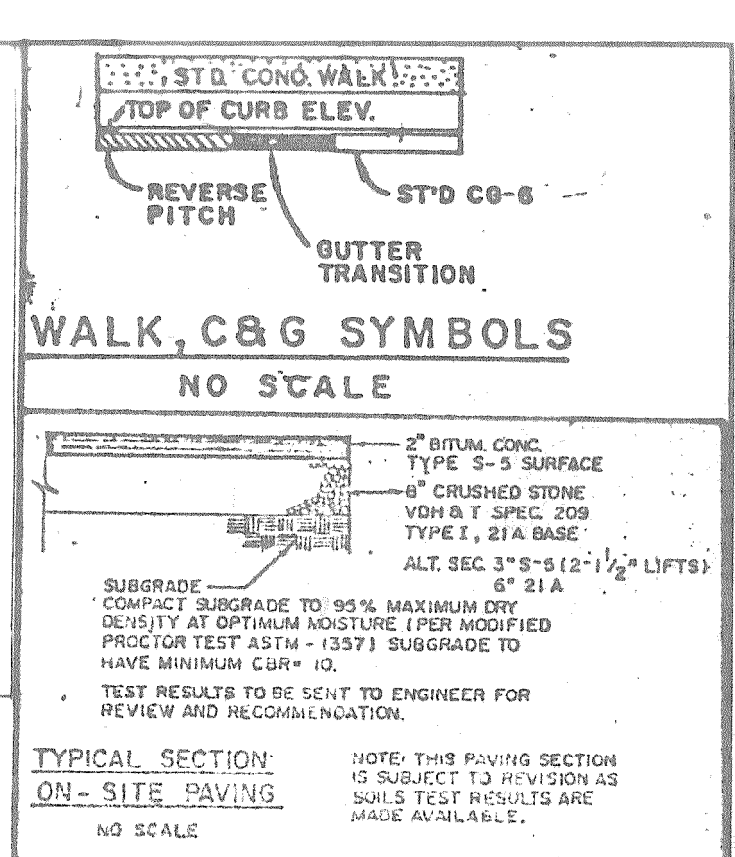
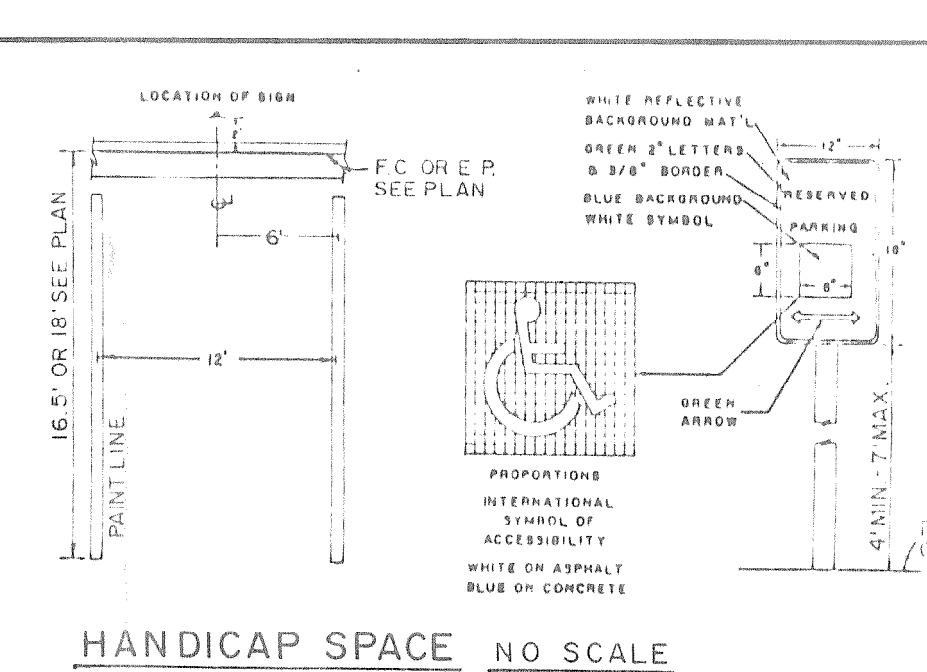
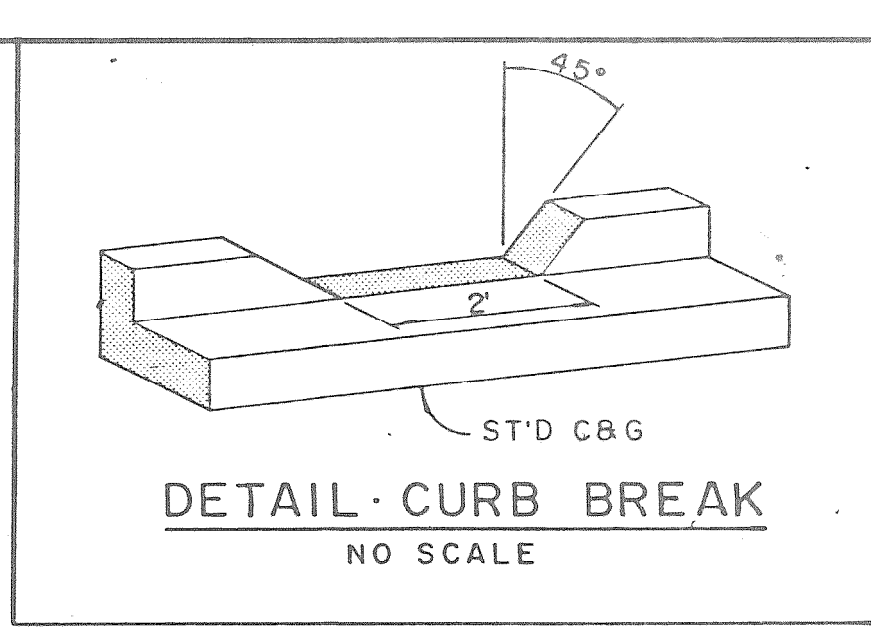
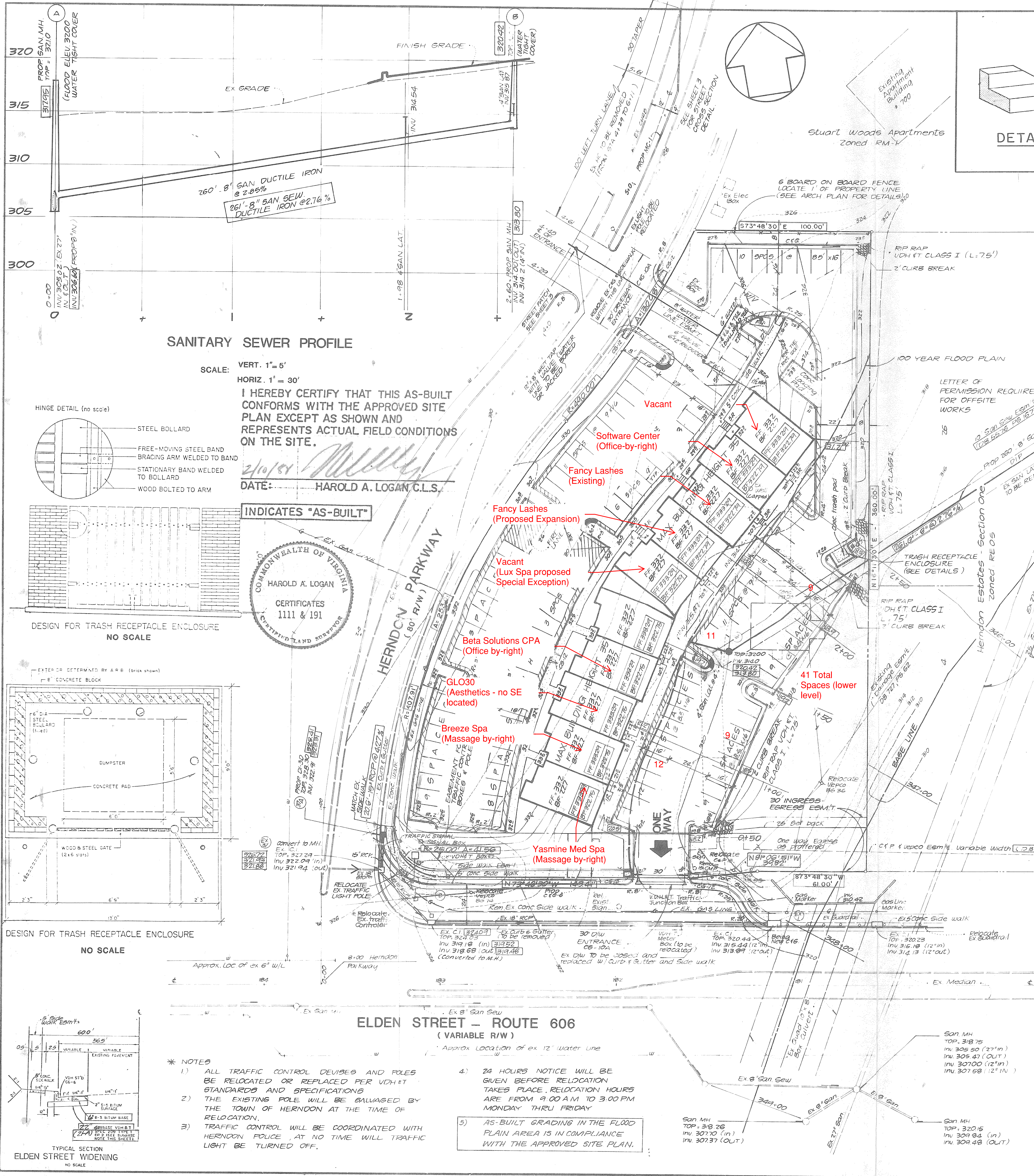
TOTAL AREA: 1.75 AC. PRESENT ZONING: CO

DRAWN: JUNE, 1977 (DSP), REVISED DEC., 1977 (DSP), REVISED JAN., 1979 (DSP), REV. NOV. 1984

PAGE 1 OF 5 PAGES

REV. AUG., 1982, REV. DEC., 1982, REV. NOV., 1984

APPROVED 3-21-88 *[Signature]*
Herndon Park
Elyse T. H. I.



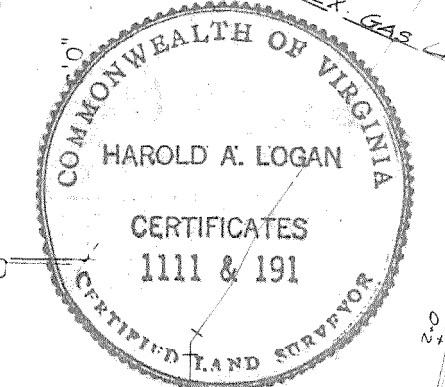
SANITARY SEWER PROFILE

SCALE: VERT. 1" = 5'
HORIZ. 1" = 30'

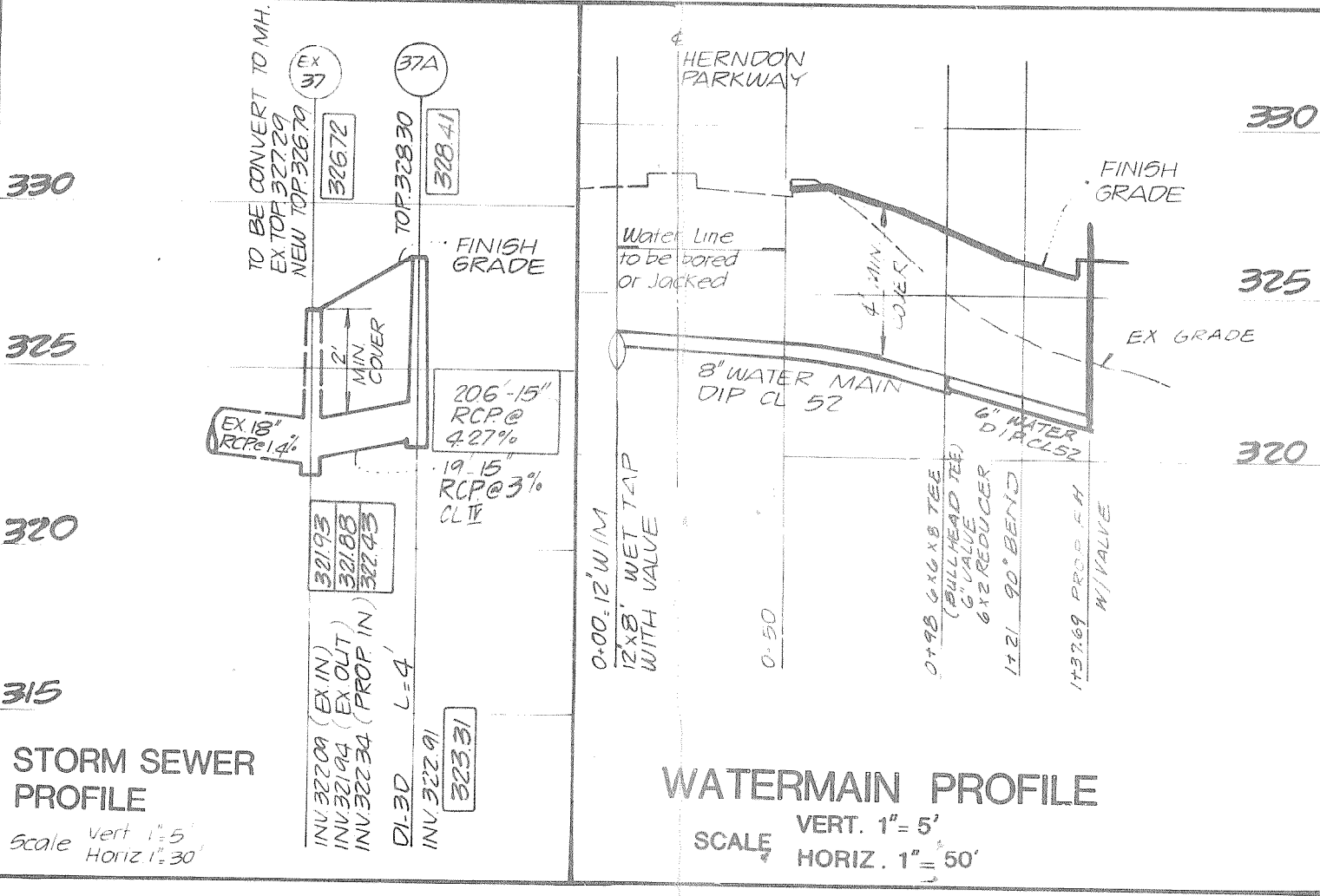
I HEREBY CERTIFY THAT THIS AS-BUILT CONFORMS WITH THE APPROVED SITE PLAN EXCEPT AS SHOWN AND REPRESENTS ACTUAL FIELD CONDITIONS ON THE SITE.

DATE: 2/10/88 HAROLD A. LOGAN C.L.S.

INDICATES "AS-BUILT"

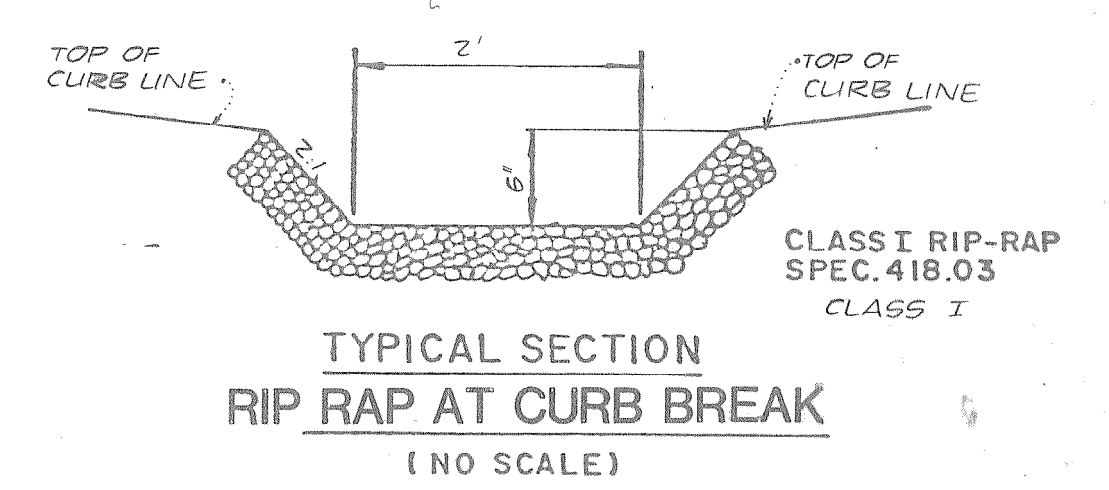


NOTE: 4" EX. SAN. LAT. CAPPED & POURED IN CONC. @ THE MAIN



- GENERAL NOTES
1. AREA OF SITE IS 1.715 ACRES AND IS ZONED C-O.
 2. THE PROPERTY DELINEATED ON THIS PLAN IS SHOWN ON TAX MAP 17-1-004-3 AND 25 AND 17-1-005-43.
 3. ELEVATION DATUM: U.S.G.S. (SAN. SEW. AS-BUILT)
 4. CONTOUR INTERVAL IS 2 FEET.
 5. THESE PLANS AND THE CONTRACT SPECIFICATIONS SHALL BE MUTUALLY SUPPLEMENTARY.
 6. ALL CONSTRUCTION SHALL CONFORM TO CURRENT TOWN OF HERNDON AND VDH & T STANDARDS AND SPECIFICATIONS EXCEPT AS ALTERED BY NOTES OR DETAILS HEREON.
 7. ALL FINISH GRADING & PLANTING SHALL BE DONE IN SUCH A MANNER SO AS TO PRECLUDE THE FLOODING OF WATER ON THE SITE, ESPECIALLY ADJACENT TO THE BUILDING.
 8. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO PERFORM THE WORK IN SUCH A MANNER SO AS TO PREVENT THE FLOODING OF ANY TYPICAL, SPLIT OR DRENCH ON THE ADJACENT PROPERTIES, AND HE SHALL BE HELD RESPONSIBLE FOR ANY DAMAGE INCURRED FOR A PERIOD OF ONE YEAR AFTER ACCEPTANCE OF THE WORK.
 9. PARKING LOT AND SERVICE AREA ELEVATIONS SHOWN ARE ON STRAIGHT GRADES. THE CONTRACTOR SHALL ROUND ALL VERTICAL BREAKS WITH SMOOTH SPLINE CURVES.
 10. ALL EXISTING POWER POLES ON SITE WILL BE REMOVED AND/OR RELOCATED AS NECESSARY. AT DEVELOPER'S EXPENSE.
 11. THE PERMITTEE SHALL PROVIDE ADEQUATE MEANS OF CLEANING TRUCKS AND/OR OTHER EQUIPMENT PRIOR TO ENTERING THE VDH & T R/W, AND IT IS THE PERMITTEE'S RESPONSIBILITY TO CLEAN STREETS AND ALLAY DUST AND TO TAKE WHATEVER MEASURES NECESSARY TO INSURE THAT THE ROAD IS MAINTAINED IN A CLEAN, RIDE & DUST FREE CONDITION, AT ALL TIMES.
 12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING THE OWNER AND THE SUPERVISOR/ENGINEER OF ANY CHANGES OR CONDITIONS ATTACHED TO PERMITS OBTAINED FROM THE VIRGINIA DEPARTMENT OF HIGHWAYS AND TRANSPORTATION, THE TOWN OF HERNDON, OR ANY OTHER AUTHORITY ISSUING PERMITS.
 13. THE CONTRACTOR IS ADVISED THAT THE VIRGINIA DEPARTMENT OF HIGHWAYS AND TRANSPORTATION AND/OR THE TOWN OF HERNDON MAY REQUIRE AS A PART OF THEIR PERMITS THAT TO THE MAXIMUM EXTENT POSSIBLE ALL NEW UTILITIES WILL BE BORED, TUNNELED OR JACKED AND THAT NO PAVEMENT CUTS WILL BE ALLOWED.
 14. NO SOIL INVESTIGATIONS HAVE BEEN MADE BY HAROLD A. LOGAN ASSOCIATES.
 15. THE CONTRACTOR SHALL VISIT THE SITE AND SHALL VERIFY EXISTING CONDITIONS PRIOR TO STARTING CONSTRUCTION.
 16. THE CONTRACTOR SHALL CLEAR THE SITE OF ALL TREES, BUILDINGS, FOUNDATIONS, ETC. WITHIN THE LIMITS OF CONSTRUCTION AND SHALL BE RESPONSIBLE FOR CARRYING EXISTING UTILITIES TO BE DISCONNECTED.

Site Area:	1.715 Ac.
Floor Area:	Gross: 30,000 S.F. Net: 24,000 S.F.
Proposed Use:	Office
Parking required:	1 sp/300 S.F. x 30,000 = 100 spaces
Parking provided:	Handicap Required: 3 spaces Regular: 105 Handicap: 3 TOTAL: 108 Loading: 1

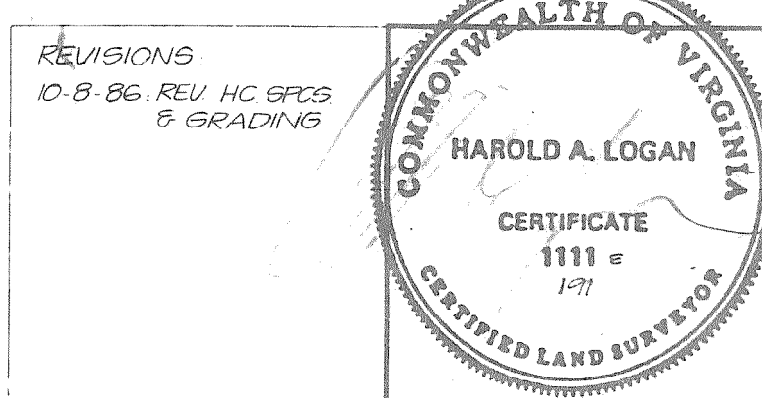


- 3) FIRE HYDRANTS ARE TO BE MULLER CENTURION OR KENNEDY K-81
- 4) ALL STREET CUTS ARE TO BE REPAIRED WITHIN 7 DAYS OF THE INITIAL CUT, IF PERMANENT REPAIR IS NOT COMPLETE IN THE ALLOTTED TIME, THE DEPARTMENT OF PUBLIC WORKS WILL REPAIR THE CUT AT A COST OF \$100.00 PER SQUARE YARD TO THE OWNER.

THIS PROPERTY IS LOCATED ON TAX MAP 17-1 (41) 3425 & 171 (5) A3 AND IS PRESENTLY ZONED C-O

NOTES:

- 1) ALL CONNECTIONS TO EXISTING UTILITIES ON HERNDON PARKWAY TO BE TUNNELLED, THIS ROAD CANNOT BE OPEN CUT.
- 2) WATER METER TYPE IS TO BE APPROVED BY THE TOWN OF HERNDON PRIOR TO PURCHASE AND INSTALLATION.



SCALE: 1" = 30'
BY: VAN
DATE: 2-10-86
REVISIONS:
4-4-86

HERNDON PARK TOWN OF HERNDON, VIRGINIA	
SITE PLAN	
HAROLD A. LOGAN - ASSOCIATES P.C. LAND SURVEYING - SITE PLANNING - SUBDIVISION DESIGN 4200 DANIELS AVENUE ANNANDALE, VIRGINIA 22003 941-3531	
SHEET 2 OF 5	AB 330

JUNE 14, 1983

[illegible]

NO SCAL

SCALE: 1:2000'

LET PROTECTION

15 days after backfill of the applicable trench section. Speed is the essential land conservation element for linear projects.

(continued)

... ..

IREDELL SOILS GROUP

STORM DRAIN

Source: Smith Cattleguard Company Plate 1.01b

FOR OFFICIAL USE ONLY !!

ANNANDALE, VIRGINIA 22003	941-3531	AB 330
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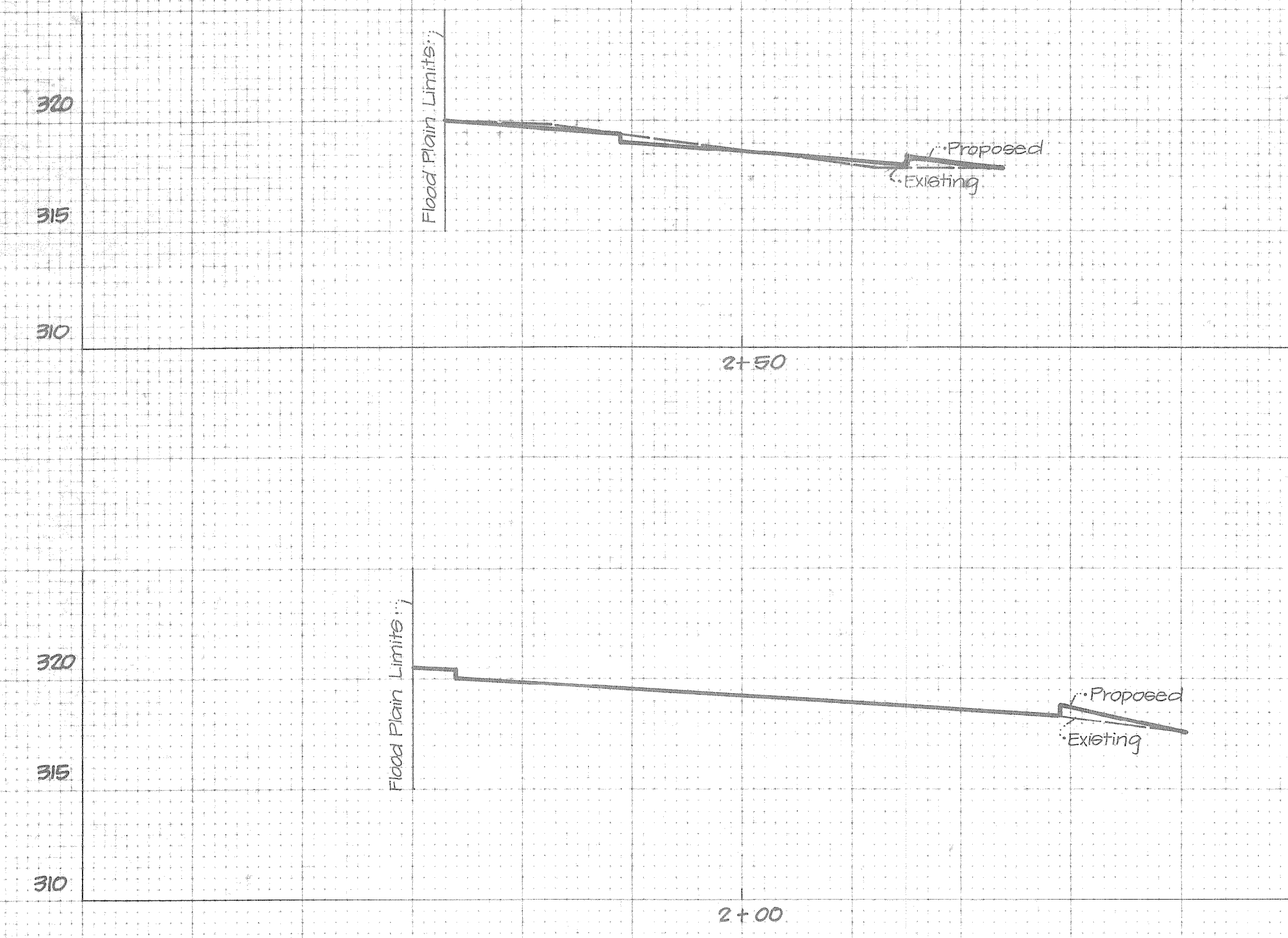
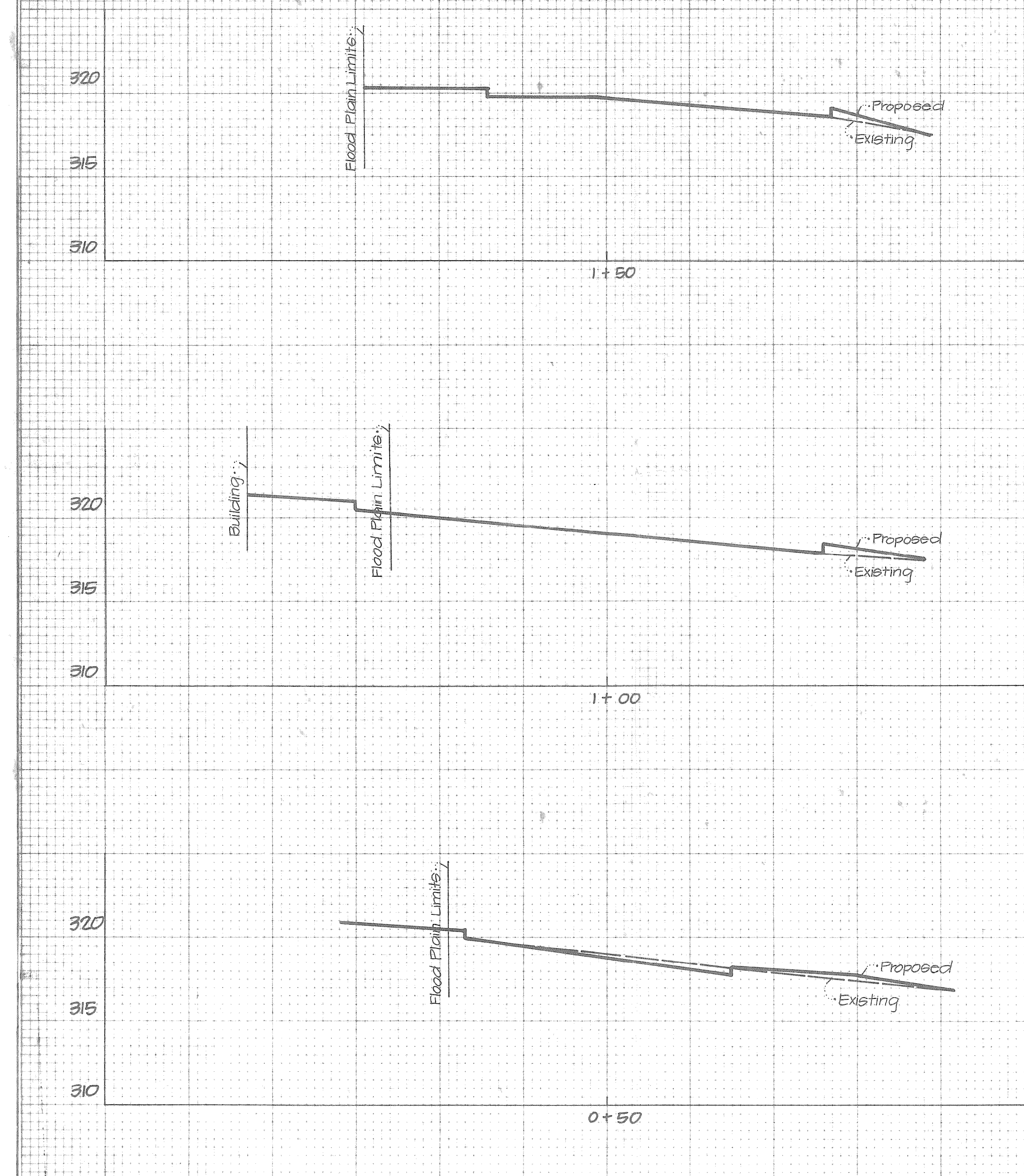
9-12-76 RE

ANNANDALE VIRGINIA 22003 941-5551 AB 330

AD 330

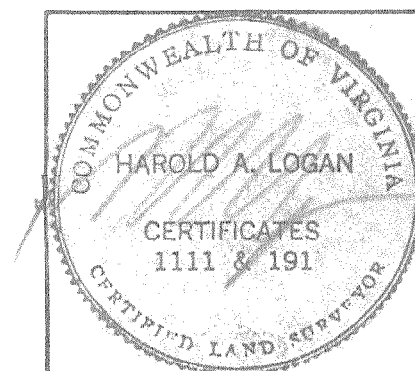
Page 24 of 5

STATION	AREA	E AREA	LENGTH	VOL. (CU. FT.)
0 + 00	0			
0 + 50	7.00	3.5	50	175
1 + 00	5.75	6.3		318
1 + 50	6.00	5.8		290
2 + 00	5.90	5.9		295
2 + 50	2.00	4.0		200
3 + 00	0	1.0		50
				TOTAL = 1,328 CU. FT. = 49.18 CU. YD.



I HEREBY CERTIFY THAT THIS AS-BUILT
CONFORMS WITH THE APPROVED SITE
PLAN EXCEPT AS SHOWN AND REPRESENTS
ACTUAL FIELD CONDITIONS ON THE SITE.

DATE 3/16/94
HAROLD A. LOGAN
INDICATES "AS-BUILT"



SCALE: 1" = 10' HOR.
1" = 5' VERT.
BY: JLW
DATE: 3-15-88
REVISIONS:

HERNDON PARK
TOWN OF HERNDON, VIRGINIA

FLOOD PLAIN CROSS SECTIONS

HAROLD A. LOGAN — ASSOCIATES P.C.
LAND SURVEYING — SITE PLANNING — SUBDIVISION DESIGN
4200 DANIELS AVENUE
ANNANDALE, VIRGINIA 22003 941 3531

SHEET
5 OF 5
AB 330

Agenda Item: Ordinance 24-O-05 to amend the Herndon Town Code, Chapter 2 (ADMINISTRATION), Article I (In General), Section 2-4 to increase the number of times participation can occur electronically per year, Section 2-5 to reference the ethical duty to attend meetings and to add thereto a new Section 2-6 specifying attendance responsibility and process

Meeting Date: February 13, 2024

Category: General

Prepared by: Presenter - Councilmember Dhakal, Lesa Yeatts, Town Attorney

Description:

Following the Discussion Item initiated by Vice Mayor Hedrick at the January 16, 2024 work session regarding attendance, Councilmember Dhakal conducted research of other jurisdictions and state law regarding electronic participation in meetings. He submitted proposed language to the Town Attorney and the Town Manager on the subjects of electronic participation and attendance process. Councilmember Dhakal asked that the Town Attorney review it, make any necessary changes, put it in ordinance form, and that it be placed on the first set of meetings in February for Council consideration.

The Ordinance amends:

- **Section 2-4** - to increase the allowable number of meetings that a Council member or Board or Commission member may participate electronically for personal reasons per year from, two meetings or 25 percent, whichever is **fewer** to two meetings or 25 percent, whichever is **greater**.
- **Section 2-5** - to add language identifying the ethical responsibility of Town Council members and members of boards and commissions to regularly attend meetings of their public body.
- **Section 2-6** - creates this new section entitled "Attendance" which sets out the specific process a Town Council member takes to document absence from a meeting, the process the Town Clerk takes to report requested absences, and the presumption of good cause for all absences where this process is followed. This section specifies the number of meetings a Town Council member can miss without notification (four (4) consecutive meetings or 25% of work sessions, regular meetings, and special meetings in a 12-month period) and that members

may be subject to censure for such unexcused absences. This amendment also specifies that members of Council appointed boards and commissions continue to be subject to the rules of attendance proscribed by the Code of Virginia, Herndon Town Code, and their applicable Bylaws.

These amendments would take effect upon adoption.

Background:

N/A

Budget Impact:

N/A

Recommendation:

N/A

Attachments:

1. Ordinance (Proposed)

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

ORDINANCE

FEBRUARY 13, 2024

Ordinance- **to amend the Herndon Town Code, Chapter 2 (ADMINISTRATION), Article I (In General), Section 2-4 to increase the number of times participation can occur electronically per year, Section 2-5 to reference the ethical duty to attend meetings and to add thereto a new Section 2-6 specifying attendance responsibility and process.**

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 repealed, replaced and re-ordained as follows:

CHAPTER 2 (ADMINISTRATION)

Article 1. In General

Sec. 2-4. – Remote electronic participation in meetings.

(b) On or before the day of a meeting, a member of the public body holding the meeting notifies the chair of the public body that such member is unable to attend the meeting due to an emergency or personal matter and identifies with specificity the nature of the emergency or personal matter; and the public body holding the meeting records in its minutes the specific nature of the emergency or personal matter and the remote location from which the member participated. However, the public body by resolution may vote to disapprove such member's participation, as set out in the next sentence. If a member's participation from a remote location is disapproved because such participation would violate the policy set out in this section, such disapproval shall be recorded in the minutes with specificity. Such participation by the member shall be limited each calendar year to two meetings or 25 percent of the meetings of the public body, ~~whichever is fewer~~ **rounded up to the next whole number, whichever is greater.**

24-O-05

Sec. 2-5. – Code of ethics for the members of the town council and council appointed board and commission members.

Ethical Responsibilities

(1) Faithful and impartial performance of duties. Members of the town council and council appointed board and commission members shall faithfully and impartially perform their duties to the very best of their abilities and demonstrate integrity, independence, honesty, and ethical behavior in the conduct of all town business.

An essential aspect of the obligations of public office conferred upon members of the town council and council appointed board and commissions is commitment to the regular and routine attendance of meetings. Members of the town council and council appointed board and commissions shall commit to the regular and routine attendance of the meetings of their respective bodies.

Sec. 2-6. – Attendance.

- (a) Any councilmember, needing to be absent from any meeting of the Town Council shall provide notification to the Town Clerk, including the reason for the absence, prior to the start of the meeting at which they will be absent. If prior notification is not possible, the councilmember shall notify the Town Clerk as soon as possible, thereafter, providing both the reason for which prior notification was not possible and the reason for the absence. The Town Clerk shall report the notifications received during the Determination of Quorum.**
- (b) Absences from meetings shall be presumed to be for good cause when a Member of Council has followed the procedure outlined in subsection (a), unless otherwise determined by the Town Council, in any action taken under subsection (c). The term “good cause” shall have the meaning ascribed pursuant to application in the law of the Commonwealth of Virginia.**
- (c) Town Council members who fail to attend four (4) consecutive Town Council work sessions, regular meetings, or special meetings or 25% of work sessions, regular meetings, or special meetings in a twelve-month period (measured from the date of first absence), absent good cause**

shall be considered to have abdicated their duties. Such members shall be subject to censure by the body. In any action taken by the Town Council for censure under this section, the Council shall provide reasons, if applicable, for finding that an absence lacked good cause.

2. This ordinance shall be effective on and after the date of its adoption.

Agenda Item: Resolution 24-G-14 to award contract RFP #24-01, Custodial Services

Meeting Date: February 13, 2024

Category: Consent

Prepared by: Tammy Chastain, Deputy Director of Public Works, Andrea Lourenco
Purchasing Agent

Description:

Request to award Custodial services contract for town facilities.

Background:

The purpose of this procurement is to establish a term contract with licensed and qualified service providers to render custodial services for the Herndon Police Department, Herndon Municipal Center, Town Hall, Town Shop, and Town Chambers under Option 1, and the Community Center under Option 2 of the contract.

The areas to be cleaned and anticipated demand for custodial services are provided in RFP #24-01 under the Scope of Services and differ from each town facility. There are four one-year renewal options beyond the initial term which are available on mutual written agreement between the town and the service provider.

Proposals for custodial services for town facilities were actively solicited by posting the Request for Proposal (RFP) on eVA (the Commonwealth of Virginia's procurement website) as well as the procurement section of the Town's website to maximize the fullest competition. In addition, the town conducted a mandatory pre-proposal conference and site visit to ensure that all potential offerors were aware of the RFP's key requirements and were familiar with the sites where services would be rendered. The town received nine proposals for evaluation by the RFP due date of December 5, 2023.

An evaluation committee composed of staff familiar with the town's custodial requirements reviewed the proposals and selected two of the proposers who offered services closest to meeting the needs of the town. Based on further review and negotiations with each of the two top-ranked offerors, the selection committee recommends Capital Building Services, Inc. for Option 1, and Able Service Contractors, Inc. for Option 2 to provide custodial services as described in RFP #24-01. The final contract value is a favorable fee:

Contractor	Option	Monthly Cost	Annual Cost
Capital Building Services, Inc	1	\$16,010.32	\$192,123.83
Able Service Contractors, Inc	2	\$20,281.48	\$243,377.76

Budget Impact:

Funds to support RFP # 24-01 Custodial Services, as directed and in accordance with the negotiated cost, are available in the related FY 2024 Budget account: DPW/Building Maintenance Division - Contract Services Account # 0010884 420610.

Recommendation:

Staff recommends the award of RFP # 24-01, Custodial Services, to Capital Building Services, Inc. (Option 1), and Able Service Contractors, Inc. (Option 2).

Attachments:

1. Resolution (Proposed)

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

RESOLUTION

FEBRUARY 13, 2024

Resolution- to award Contract RFP #24-01, Custodial Services.

The town has solicited by posting the Request for Proposal (RFP) for licensed and qualified service providers to render custodial services for the Herndon Police Department, Herndon Municipal Center, Town Hall, Town Shop, and Town Chambers under Option 1, and the Community Center under Option 2 of the contract. RFP #24-01 was posted October 30, 2023, on eVA Commonwealth of Virginia procurement website and the Town of Herndon website to maximize competition. The town received nine proposals for evaluation by the RFP due date of December 5, 2023.

The two top-ranked offerors recommended by the selection committee, consisting of staff familiar with the town's custodial requirements, are:

Contractor	Option	Monthly Cost	Annual Cost
Capital Building Services, Inc	1	\$16,010.32	\$192,123.83
Able Service Contractors, Inc	2	\$20,281.48	\$243,377.76

Capital Building Services, Inc. (Option 1), and Able Service Contractors, Inc. (Option 2) were found to be responsive and responsible. Funds to support the work established by the contract are available in the FY 2024 Budget.

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

1. The Town Council awards RFP Contract #24-01 to Capital Building Services, Inc. (Option 1), and Able Service Contractors, Inc. (Option 2).

Agenda Item: January 2, 2024 Town Council Work Session Minutes

Meeting Date: February 13, 2024

Category: Consent

Prepared by: Kirstyn Jovanovich, Town Clerk

Description:

This is a request to approve the January 2, 2024 Town Council Work Session Minutes.

Background:

N/A

Budget Impact:

None

Recommendation:

Recommend approval, as presented.

Attachments:

1. January 2, 2024, Draft Work Session Minutes

HERNDON TOWN COUNCIL
Work Session Meeting Minutes
Tuesday, January 2, 2024

1. Call to Order

Mayor Olem called the January 2, 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 Naila Alam, Cesar del Aguila, Pradip Dhakal, Keven LeBlanc, and Donielle M. Scherff [left the meeting at 9:21 p.m.].

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Kirstyn Barr Jovanovich, Town Clerk; Chief Maggie DeBoard, Herndon Police Department; Lisa Gilleran, Director of Community Development; Marjorie Sloan, Director of Finance; Scott Robinson, Director of Public Works; Bryce Perry, Deputy Director of Community Development; Mike Mueller, Golf Course General Manager; David Stromberg, Zoning Administrator; Lieutenant Charles Findley, Herndon Police Department; Dave Bracamonte, Systems Manager; Tamsin Himes, Lead Planner; Maria Lee, Budget Manager; Margie Tacci, Deputy Town Clerk; and Amanda Kertz, Chief Deputy Town Clerk.

Determination of a Quorum

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

Announcements

Mayor Olem stated that Christmas tree pick-up is this week and next week, Wednesday through Friday, on each resident's trash day.

2. General

- a. Ordinance to amend the Herndon Town Code, Chapter 2 (ADMINISTRATION), Article I (In General), Section 2.1 to clarify the rescheduling of meetings and Section 2.5, to add language relating to attendance**

Lesla Yeatts, Town Attorney, presented the staff report stating that at the December 5, 2023, work session, Vice Mayor Hedrick brought forward a Discussion Item concerning attendance standards. Following that meeting, staff was directed to draft an amendment

to the Town Code to reflect the responsibility of the Town Council, and the Council's appointed boards and commissions, to regularly attend meetings of their body. Currently, the Town's boards and commissions are also reviewing attendance standards during an update of their by-laws. The proposed ordinance includes: (1) minor housekeeping amendment to clarify the process for rescheduling meetings, (2) specifies the responsibility to regularly attend meetings, and (3) specifies that Councilmembers who fail to attend four consecutive meetings, or 25 percent of meetings in a year, without good cause, are subject to censure by the Town Council. Staff recommends approval of the proposed ordinance, as presented.

There was discussion among Council and staff, including: (1) potential consequences for missing a set number of meetings, (2) Council's Code of Ethics, (3) accountability to the public and to fellow Councilmembers, (4) definition of "good cause," (5) disclosing reasons for an absence, (6) other localities with similar language regarding attendance, (7) "excused" versus "unexcused" absences, (8) notification process for missing a Council meeting, and (9) removing the words "special meetings" and changing the number of meetings in the proposed ordinance.

Responding to Councilmember Dhakal, Ms. Yeatts discussed situations where it may be difficult for the Chair to disclose the reason for a Councilmember's absence, for example, in the instance of an ill family member. She stated that the Code of Virginia allows for electronic meeting participation under a specific set of prescribed circumstances, and it may be helpful to review that language.

Councilmember Dhakal suggested striking the words "special meetings" from the proposed ordinance, removing the 25 percent requirement, and changing the requirements to be missing four consecutive meetings or ten meetings in a calendar year. Councilmember del Aguila stated that he agreed with those proposed changes.

Councilmember Scherff stated, for the record, that she cannot support this item. She provided comments about the importance of attending meetings and it was her understanding that a lack of a quorum had not prevented any meetings from being held. She expressed concern about enforcement of the policy and her feeling that this could hamper the will of the voters.

Following discussion and with the concurrence of Council, Mayor Olem asked that this item remain on the General portion of the agenda for the next regular meeting agenda.

Ms. Yeatts stated that she understood Council's consensus was to leave the proposed ordinance as it was presented to be considered at the next regular meeting.

b. Resolution to amend the Community Cultural Festivals Policy Statement

Kirstyn Barr Jovanovich, Town Clerk, presented the staff report, stating that at the December 5, 2023 work session, Council requested to review the administrative process with the Council, following requested changes that impacted the policy statement. Ms. Jovanovich reviewed the changes to the policy: (1) administrative eligibility review and disbursement process, (2) donation request limited to \$10,000 or up to 50 percent of the total estimated event budget, whichever was less, (3) limit to one donation per year, per organization, and (4) definition of "new" community festival is one that has not been held in the Town last five years and has not received a donation through this program. Staff recommends approval of the proposed resolution, as presented.

There was brief discussion among Council and staff on this item, including: (1) definition of a "new" request, (2) frequency that non-profits can apply, (3) administrative funding process, (4) encouraging community groups to create festivals, (5) budgetary processes related to event funding, and (6) continuing to fund events following the first year they are held.

Following brief discussion and with the concurrence of Council, staff was directed to place this item as presented on the Consent Agenda for the next meeting's agenda.

c. Resolution to establish the Town of Herndon Youth Advisory Committee

Kirstyn Barr Jovanovich, Town Clerk, presented the staff report stating that the proposed resolution sets guidelines to establish the Herndon Youth Advisory Committee (HYAC), as requested at the Council's December 5, 2023 work session. Ms. Jovanovich stated that the proposed resolution states that the members will serve one-year terms that coincide with the academic year and includes several requested language changes. If approved, the plan is for the HYAC to begin with the 2024-2025 academic year. Staff recommends approval of the proposed resolution, as presented.

There was no discussion on this item. With the concurrence of Council, staff was directed to place this item as presented on the Consent Agenda for the next meeting's agenda.

3. Discussion

a. Historic District Presentation

Mayor Olem recognized Lisa Gilleran, Director of Community Development, to begin the presentation.

Lisa Gilleran, Director of Community Development, began the PowerPoint presentation, dated January 2, 2024, by reviewing the Town's history and the establishment of the Historic District. She discussed several aspects of historical preservation in Herndon, including: (1) period of historical significance, (2) progression of housing development in Town, (3) community differentiation and Herndon's "sense of place," (4) past challenges, (5) recent updates to the District, (6) continuing challenges, (7) sustainability and affordability as related to historic preservation, and (8) Arlington County's Historic Preservation Fund grant program.

Tamsin Hines, Community Planner, continued the presentation and provided an overview of the Historic Overlay District processes and procedures, which included: (1) application and Historic District Review Board (HDRB) review processes, (2) Historic District Guidelines, (3) application of the Historic Guidelines, (4) appropriate building materials, including in-kind materials that may be used in certain situations, and (5) helpful resources for property owners.

David Stromberg, Zoning Administrator, continued the presentation and provided an overview of the Historic District Zoning Overlay, including: (1) zoning authority for the Historic District, founded in the State and Town Codes, (2) references to the Historic Overlay District and Historic District Guidelines in the zoning ordinance, (3) requirements for establishing or expanding Historic District boundaries, and (4) expansion or adjustment of the Historic District Overlay.

Mr. Stromberg stated that any change made to the Historic District boundary is considered a rezoning and must follow a process that is established in the State and Town Codes. The Historic District can be expanded, or it can be adjusted at the perimeter, but individual homeowners within the district cannot opt out of it because of these regulations.

Ms. Gilleran concluded the presentation by discussing steps forward, which included a recommendation to consider: (1) adoption of proactive ways to recognize missing, current, and future contributions to the Town's culture through art and community engagement, and (2) adoption of a grant program to assist contributing structure property owners in making appropriate repairs, following the model adopted by Arlington County.

There was brief discussion among Council and staff about the Historic District, including: (1) survey of contributing structures in the Historic District, (2) concern over misinformation and communication with the public, (3) costs to upkeep homes and potential grant programs, (4) Historic District boundaries, (5) identity and definition of the Historic District, (6) equity and affordability.

Responding to Vice Mayor Hedrick, William H. Ashton II, Town Manager, stated that the Town Council will be receiving the survey of contributing structures shortly.

Councilmember del Aguila stated that he wanted to continue discussing the Historic District, perhaps in a Town Council Initiatives meeting, where he would like to talk about ways to promote equity in the Historic District.

Mayor Olem encouraged those interested to visit the website for more information on the Historic District. She asked staff to provide her with a copy of the slide titled “summary” that was included in the PowerPoint.

Recess

At 9:21 p.m. Mayor Olem called a brief recess, and at 9:28 p.m., the work session meeting reconvened, with six members present and Mayor Olem presiding. Councilmember Scherff left the meeting.

b. Town Council FY 2025 Budget Guidance

Mayor Olem recognized Marjorie Sloan, Director of Finance, to begin the discussion on Fiscal Year (FY) 2025 Budget Guidance. Following this evening’s discussion, staff plans to move forward with the budget guidance resolution, which will be included in the agenda for the second Town Council meeting in January.

Ms. Sloan presented a PowerPoint which outlined: (1) FY 2024 General Fund revenues by major category, (2) FY 2024 mid-year conditions, trends, and outlook, (3) FY 2025 budget calendar, (4) recent economic news and relevant trends, (5) FY 2025 budget process, and (6) growth rate projections.

There was discussion among Council and staff about the FY 2025 budget guidance resolution and the budget process, including: (1) Town's revenue sources, (2) FY 2025 water and sewer rates, (3) FY 2025 tax rates, (4) projected interest rates, (5) covering potential budgetary shortfalls, (6) labor market and employee turnover rates, (7) Town's tax rates compared to other jurisdictions, and (8) hiring process.

Responding to Councilmember LeBlanc, Ms. Sloan stated that the Town's consultants from Davenport will be providing a presentation on the water and sewer rate model at an upcoming Town Council work session.

Councilmember del Aguila stated that in FY 2024, the real estate tax rate was reduced by one-half cent. He thought that the Council should explore if it makes sense to return the tax rate to what it was prior to that reduction, or to look at what should be considered in order to maintain the Town's level of services.

Responding to Councilmember del Aguila, Mr. Ashton stated he could compile the number of employees that have left within the first six months of being hired.

Responding to Councilmember del Aguila, Ms. Sloan indicated that staff could provide him with the past few years of revenue amounts comprising the FY 2024 General Fund Adopted Budget by Departments (slide six of staff's presentation).

4. Roundtable

Councilmember Alam: emphasized the importance of individuals being vaccinated for COVID and the flu. She wished everyone a Happy New Year.

Councilmember del Aguila: stated that at the last regular meeting, he mentioned a donation of shoes to the Herndon High School girls' basketball team, and he learned that the boys' teams will be receiving shoes as well. He thanked some members of the Council and the Green Lizard Foundation for their efforts in securing this donation.

Councilmember LeBlanc: requested a moment at the next Town Council regular meeting to think about the local family who was injured in a serious pedestrian accident last week.

Councilmember Dhaka: wished everyone a Happy New Year. He stated that he looked forward to working with his colleagues on the Town Council in the coming year.

Vice Mayor Hedrick: No comments.

Mayor Olem: echoed Councilmember Alam's comments on the importance of vaccines.

Mayor Olem thanked the staff who assisted in putting up poles at the Herndon Parkway and Spring Street intersection.

Responding to Mayor Olem, William H. Ashton II, Town Manager, stated that the lights need a period of time to burn in before they can become operational.

Mayor Olem stated that a new business, Cozy Cat Suites, opened in Town at the Safeway Shopping Center. She stated that it is a cat-only boarding and grooming facility.

William H. Ashton II, Town Manager: no comments.

5. Closed Meeting

Mayor Olem stated that the Council needed to go into a closed meeting and that the appropriate meeting notices were provided in accordance with state law. The closed meeting was held in the Hoover Conference Room in the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia.

Vice Mayor Hedrick moved that the Council convene in a closed meeting to discuss the following as permitted by Code of Virginia Section 2.2-3711(A)(1), for discussion of prospective candidates relative to appointments to boards and commissions.

Councilmember Alam seconded the motion, which carried by a 6-0 roll call vote. The vote was: Councilmembers Alam, del Aguila, Dhakal, LeBlanc, and Vice Mayor Hedrick and Mayor Olem voting "Aye." Councilmember Scherff was absent.

At 10:17 p.m., Mayor Olem called a brief recess, and at 10:22 p.m., the closed meeting reconvened in the Hoover Conference Room, with six members present and Mayor Olem presiding. Councilmember Scherff was absent.

Councilmember LeBlanc moved to come out of the closed meeting. Motion seconded by Dhakal and carried by a 6-0 roll call vote. The vote was: Councilmembers Alam, del Aguila, Dhakal, LeBlanc, and Vice Mayor Hedrick and Mayor Olem voting "Aye." Councilmember Scherff was absent.

The Council came out of closed meeting at 10:25 p.m.

Vice Mayor Hedrick moved to certify that, to the best of each member's knowledge, in the closed meeting just concluded, nothing was discussed except the matter or matters (1) specifically identified in the motion to convene in closed meeting and (2) lawfully permitted to be discussed in a closed meeting under the provisions of the Virginia Freedom of Information Act as cited in that motion. Motion seconded by Councilmember Alam and carried by a 6-0 roll call vote. The vote was: Councilmembers Alam, del Aguila, Dhakal, LeBlanc, and Vice Mayor Hedrick and Mayor Olem voting "Aye." Councilmember Scherff was absent.

Aye: 6
Nay: 0
Absent: 1

6. Adjournment

There being no further business, Mayor Olem adjourned the January 2, 2024, Town Council Work Session at 10:27 p.m.

Amanda E.M. Kertz
Chief Deputy Town Clerk

Minutes approved by Town Council: _____



**Town Council
Regular Meeting
Agenda Item 7.c.**

Agenda Item: January 9, 2024 Town Council Regular Meeting Minutes

Meeting Date: February 13, 2024

Category: Consent

Prepared by: Kirstyn Jovanovich, Town Clerk

Description:

This is a request to approve the January 9, 2024 Town Council Regular Meeting Minutes.

Background:

N/A

Budget Impact:

None

Recommendation:

Recommend approval, as presented.

Attachments:

1. January 9, 2024, Draft Meeting Minutes

HERNDON TOWN COUNCIL
Regular Meeting Minutes
Tuesday, January 9, 2024

1. Call to Order

Mayor Olem called the Tuesday, January 9, 2024 Town Council regular meeting to order at 7:00 pm 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: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Kirstyn Barr Jovanovich, Town Clerk; Chief Maggie DeBoard, Herndon Police Department; Lisa Gilleran, Director of Community Development; Marjorie Sloan, Director of Finance; and Dave Bracamonte, Systems Manager.

Mayor Olem asked that the community take a moment to keep the family that suffered serious injuries from the pedestrian accident on December 28, 2023, in their thoughts and prayers as they recover from the horrible accident.

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

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

Determination of a Quorum

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

Announcements

Mayor Olem stated that Christmas trees will be collected this week, from Wednesday, January 10 to Friday, January 12, on each resident's trash day.

Mayor Olem stated that Town offices are closed on Monday, January 15, 2024, in observation of the Martin Luther King, Jr. Day holiday. More information is available in the Town Calendar and on the Town's website.

3. Presentations/Reports/Comments

a. Certificate of Appreciation to recognize The Honorable John Foust, Dranesville District Supervisor, Fairfax County Board of Supervisors

Mayor Olem stated that she was honored that evening to recognize Supervisor John Foust, Dranesville District, Fairfax County Board of Supervisors, for his many years of service to the Town of Herndon, Fairfax County, and the region. She provided comments on his many accomplishments prior to and while he served in elected office, including assisting with the Herndon Fire Station, the expansion of the Metrorail Silver Line, and establishing the Metro stop in Herndon. She expressed her appreciation to him for his service on behalf of the Town Council.

Mayor Olem invited Supervisor Foust forward to receive his Certificate of Appreciation.

Mayor Olem stated that members of the audience are invited to comment on the presentation during the "Comments from the Audience" portion of the agenda.

b. Town Manager Report

William H. Ashton II, Town Manager, stated that staff is investigating the cause of the leaks in the Herndon Council Chambers. Once the investigation is complete, staff will develop a plan to remediate the issue. He asked the public to be careful of the buckets that are in the lobby collecting water.

c. Councilmember Comments

Councilmember Scherff: thanked Supervisor Foust for his dedication and service to the Herndon community.

Councilmember Scherff stated she and Councilmember del Aguila are having their first stakeholder meeting with community members who are planning a Latino festival. She said that she would provide an update following the meeting.

Councilmember Scherff thanked William H. Ashton II, Town Manager, for sending the Historic District survey files to the Council. She asked him for an update on the Comstock project.

Mr. Ashton stated that the Town sent comments on the building permits that Comstock had submitted. He did not have any other updates at that time.

Councilmember Alam: echoed Councilmember Scherff's comments thanking Supervisor Foust for his service, specifically to Asian and immigrant members of the community.

Councilmember LeBlanc: echoed his colleagues' comments thanking Supervisor Foust for his service.

Councilmember LeBlanc stated that he attended the Committee for Dulles meeting that morning where they heard updates on economic development topics, including: (1) Loudoun County's development shift away from data centers, (2) local future development projects, and (3) projections for Metro use and housing.

Councilmember LeBlanc echoed Mayor Olem's comments expressing sympathy for those that were impacted by the serious pedestrian accident on December 28, 2023.

Councilmember del Aguila: wished everyone a Happy New Year and echoed his colleagues' comments thanking Supervisor Foust for his service.

Councilmember del Aguila thanked Councilmembers Scherff and Dhakal, along with the Green Lizard Foundation, for helping to provide basketball jerseys and shoes to the Herndon High School girls' basketball team.

Councilmember del Aguila asked about the upcoming Town Council Initiatives meeting and if the following items are going to be included on the agenda: (1) Historic District, (2) traffic calming, (3) housing, and (4) "Tunnel issue" as an opportunity to bring in revenue. He stated that he also wants to talk about restarting quarterly community roundtable meetings between the Town Council and residents. Additionally, he asked for more information on why the Council Initiatives meeting was rescheduled.

Mr. Ashton stated that there was not a confirmed quorum of the Council for the date that was originally selected and staff needed to look at new dates.

Councilmember del Aguila stated that he thought the Council should hold the meeting once it is set and he did not think a quorum is required for a Council Initiatives meeting. Mr. Ashton replied that to obtain prioritization and direction from the Council, having a majority of the body present at the meeting is important.

Kirstyn Barr Jovanovich, Town Clerk, confirmed that the next Town Council Initiatives meeting is scheduled for January 18, 2024. She stated that everyone responded to this date.

Councilmember del Aguila stated as part of the agenda, he thought they should discuss revenue opportunities in the Arts District. He indicated that he will submit his ideas for the Council's next discussion.

Councilmember Dhakal: wished everyone a Happy New Year and expressed that he hopes the new year will bring more unity, understanding, and shared accomplishments.

Councilmember Dhakal echoed his colleagues' comments expressing sympathy for those that were impacted by the serious pedestrian accident on December 28, 2023. He stated that he wants to discuss this accident as a part of the traffic calming initiative.

Councilmember Dhakal echoed his colleagues' comments on Supervisor Foust's service. He highlighted Supervisor Foust's contributions to the areas of affordable housing, transportation, and economic development.

Vice Mayor Hedrick: echoed his colleagues' comments expressing sympathy for those that were impacted by the serious pedestrian accident on December 28, 2023. He thought that the Council should look at traffic calming throughout the Town and at ways to avoid future accidents.

Vice Mayor Hedrick stated he was happy to see that Delegate Shin is sponsoring one of the bills the Town Council requested at the House of Delegates in Richmond.

Vice Mayor Hedrick echoed his colleagues' comments thanking Supervisor Foust for his public service.

Mayor Olem: echoed her colleagues comments on Supervisor Foust's public service, specifically mentioning his assistance in furthering the Herndon Metrorail Station and surrounding projects.

Mayor Olem discussed several events she recently attended, including: (1) Washington Regional Alcohol Program (WRAP) 2023 Law Enforcement Awards on Friday, December 15, where Herndon Police Corporal Bryce Cooper was honored as one of 17 Washington Metropolitan Area police officers for their commitment in the fight against drunk driving, (2) Honor Roll Awards Reception for the Kumon Math and Reading School on Saturday, December 16, and (3) Wreaths Across America on Saturday afternoon, December 16, where she joined with volunteers from the Herndon Woman's Club to honor 958 veterans by laying wreaths on their graves in Chestnut Grove Cemetery.

Mayor Olem stated that she enjoyed visiting a new business, Cozy Cat Cafe, which is a cat-only boarding house and grooming facility for cats.

4. Comments from the Audience

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

The following individuals provided comments:

- Supervisor John Foust commented on his recognition and thanked the Mayor and Town Council for the plaque honoring his public service. He reviewed some of the activities impacting the Town that he facilitated during his tenure. He stated that Senator Boysko and Delegate Shin had been part of his staff in the past, and that his previous Chief of Staff is working for the new Dranesville District Supervisor Bierman.
- Kristen Jankowski, 1402 Rainbow Court, Herndon, expressed support for events in Herndon, especially Friday Night Live. She hoped that if budget cuts were needed this fiscal year, that Friday Night Live would not be removed from the budget.
- Steve Mitchell, 1291 Monroe Street, Herndon, provided written comments for the record. He expressed condolences to the pedestrians that were involved in the serious accident on December 28, 2023, and discussed another serious accident that involved his family. He stated that he made a FOIA request for the drawings of the intersection where the accident occurred and asked the Council to waive those fees because his request deals with the health, safety, and welfare of the community. He offered several traffic calming suggestions and asked that his ideas be considered at the next Traffic Engineering Improvement Committee (TEIC) or Pedestrian and Bicycle Advisory Committee (PBAC) meetings.
- Jay Hadlock, 515 Alabama Drive, Herndon, thanked Supervisor Foust for his service to the community and for his responsiveness to residents. Mr. Hadlock requested that the Planning Commission work sessions start being recorded, or that the minutes include more information about questions and responses.
- Tom Spears, 742 Florence Place, Herndon, provided comments about the Historic District and the Historic District Review Board (HDRB). He asked what the Historic District is accomplishing, and he wants the Town to consider allowing residents to opt out of the Historic District.
- Bessie Denton, 496 Virginia Avenue, Herndon, stated that she brought her grandson to the last Town Council work session meeting, and although he was grateful to attend, he said that he had a hard time hearing the discussion. Ms. Denton agreed with a comment made during Comments from the Town Council that evening about bringing back community roundtable discussions, and she suggested scheduling them from 5:00 to 8:00 p.m. She would also like to see events like Coffee with a Cop, Police Ride-along, and the Citizens Police Academy happening again.

- Justin Winthers, 743 Florence Place, Herndon, thanked Supervisor Foust for his service to the community. Mr. Winthers expressed support for Ms. Denton's suggestions for events, like Coffee with a Cop, to help build community. Mr. Winthers provided comments on the Historic District and the HDRB process, stating that he recently had an application before that Board. He requested that the Council look at the HDRB process and the Historic District regulations.
- Ann Vayda, 631 Oak Street, Herndon, thanked Supervisor Foust for his service to the community, and she thanked the citizens that commented that evening. She agreed with Mr. Hadlock's comments about the Planning Commission minutes and requesting that the Board work sessions be recorded. She provided comments on the Historic District and encouraged everyone to watch the November 15, 2023, HDRB meeting.
- Barbara Glakas, 935 Barton Oaks Place, Herndon, provided comments on the Historic District and stated that she is hearing a lot of misinformation about the definition of contributing structures and how they are designated. She commented on: (1) regulations governing the Historic District, (2) what has to occur to remove homes located on the border of the Historic District, and (3) encouraged those interested to watch the staff briefing on the Historic District provided at the January 2, 2024, Town Council work session.

5. General

a. **Ordinance 24-O-01 to amend the Herndon Town Code, Chapter 2 (ADMINISTRATION), Article I (In General), Section 2.1 to clarify the rescheduling of meetings and Section 2.5, to add language relating to attendance**

Lesa Yeatts, Town Attorney, presented the staff report and stated that, with the consensus of Council, staff was asked to bring forward an amendment to the Town Code that reflected the responsibilities of the Town Council, and its appointed boards and commissions, to attend the meetings of their body faithfully and regularly. The Council reviewed the proposed ordinance at their work session last week and at that time, there were no proposed changes to the language.

Ms. Yeatts reviewed the proposed ordinance, stating that the first portion is a housekeeping item that clarifies how a rescheduled meeting is noticed. The second portion of the item is an amendment to the Town's Code of Ethics. The proposed language states that: (1) attendance is an obligation of public office, and (2) missing either four consecutive Town Council work sessions, regular, or special meetings; or 25 percent of work sessions, regular meetings, or special meetings in a year; absent good cause; will be subject to censure of the body. Ms. Yeatts stated that attendance requirements are also being considered by the Town's standing boards and commissions as part of the process of updating their bylaws.

There was discussion among Council and staff on this item, including: (1) definition of the term "good cause," (2) notification process for being absent for a meeting, (3) excused versus unexcused absences, and (4) Town Council's Code of Ethics.

Responding to Councilmember Scherff's question about defining censure for the public's benefit, Ms. Yeatts stated that the censure penalties are up to the governing body. However; because the Council is elected, the Council cannot remove other members from office.

Councilmember LeBlanc stated, for the record, that the Commonwealth and other neighboring municipalities in the State have policies of this nature concerning attendance, and he thought that the policy will promote consistency with the Town's boards and commissions.

Vice Mayor Hedrick moved to approve Ordinance 24-O-01 to amend the Herndon Town Code, Chapter 2 (ADMINISTRATION), Article I (In General), Section 2.1 to clarify the rescheduling of meetings and Section 2.5, to add language relating to attendance, as presented.

Motion seconded by Councilmember LeBlanc.

There were comments from Council regarding the language in the proposed ordinance and about the Town Council's Code of Ethics.

Councilmember del Aguila moved that the Council table this item to define "good cause" and to further discuss the process for recording absences.

Motion seconded by Councilmember Scherff.

Following clarification from the Town Attorney, Councilmember del Aguila stated that he would like to proceed with a substitute motion to table the item.

Vice Mayor Hedrick suggested removing the "good cause" language from the ordinance as a solution to address the concern over that verbiage. Councilmember del Aguila stated that he did not agree with this suggestion.

There were comments from Council on: (1) the notification process for missing a meeting, (2) defining a process to record excused and unexcused absences, and (3) the process of censuring a Councilmember.

Councilmember del Aguila stated, for the record, that he heard everyone on Council say that they supported this philosophically and conceptually.

The question was called on the substitute motion to table the item, which carried by a 4-3 roll call vote. The vote was: Councilmembers Alam, del Aguila, Dhakal, and Scherff voting "Aye", and Councilmember LeBlanc, Vice Mayor Hedrick, and Mayor Olem voting "Nay."

6. Consent

On motion of Councilmember Scherff, seconded by Councilmember Dhakal, the Consent Agenda items were approved and carried by a unanimous roll call vote, as presented. The vote was: Councilmembers Alam, del Aguila, Dhakal, LeBlanc, and Scherff, Vice Mayor Hedrick and Mayor Olem voting "Aye."

- a. **Resolution 24-G-01 to amend the Community Cultural Festivals Policy Statement**
- b. **Resolution 24-G-02 to establish the Town of Herndon Youth Advisory Committee**
- c. **Resolution 24-G-03 to reappoint a member to the Architectural Review and Historic District Review Boards**
- d. **Resolution 24-G-04 to reappoint a Town of Herndon member to the Phase II Dulles Rail Transportation Improvement District Advisory Board**
- e. **Resolution 24-G-05 to nominate a Member of the Herndon Town Council to the Fairfax County Economic Advisory Commission**
- f. **November 8, 2023 Town Council Work Session Minutes**
- g. **November 14, 2023 Town Council Meeting Minutes**

7. Adjournment

There being no further business, Mayor Olem adjourned the January 9, 2024 Town Council Regular Meeting at 8:38 p.m.

Amanda E.M. Kertz
Chief Deputy Town Clerk

Minutes approved by Town Council: _____