TOWN OF HERNDON, VIRGINIA
WORK SESSION AGENDA
HERNDON POLICE DEPARTMENT – COMMUNITY ROOM
397 HERNDON PARKWAY
April 5, 2022
7:00 PM

CALL TO ORDER

1. Roll Call & Determination of Quorum

PUBLIC HEARINGS

2. Ordinance 22-O-06, to amend Chapter 74 (UTILITIES), Article II (Sewers & Sewage Disposal), Division 5 (Sanitary Sewer System Rates & Charges), Section 74-262; and Article III (Water), Division 2 (Service), Section 74-326 (Schedule of Charges), to increase the service and usage charges for sanitary sewer and water, effective for meter readings taken on or after July 1, 2022

3. Ordinance 22-O-07, to amend Chapter 30 (FINANCE AND TAXATION), Article VII (Business, Professional, Occupational License), Section 30-211 (Definitions), and Section 30-246 (Enumeration), and to add Section 30-266 (Personal, Business Services, and all other business occupations not specifically listed) to recognize the massage therapist occupation as a business and to classify massage therapist for BPOL tax purposes

4. Ordinance 22-O-08, to amend Chapter 30 (FINANCE AND TAXATION), Article II (Real and Personal Property), Section 30-39 (Date real property taxes due and payable; penalties and interest) to reduce the rate of interest on any unpaid tax from ten to one percent and to change the interest rate to accrue upon failure to pay any installment when due

5. Ordinance 22-O-09, to establish the compensation to be paid to the Town of Herndon mayor and council members, as provided under Section § 15.2-1414.7 of the Code of Virginia. No increase in salary shall take effect during the incumbents' term in office

6. Ordinance 22-O-10, to Levy Taxes on Real Estate and Manufactured Homes, and Other Subjects for the Fiscal Year 2023 Budget

7. Resolution 22-G-27, to Adopt a Fiscal Planning Resolution for the Fiscal Year 2023 Budget for the Town of Herndon

8. Ordinance 22-O-11, to Appropriate Funds to implement the Fiscal Year 2023 Budget for the Town of Herndon, establishing the Pay Plan, and reserving on-going and Capital Funding for this Fiscal Year

GENERAL

9. Resolution 22-G-28, to amend the Chestnut Grove Cemetery Fee Schedule

10. Resolution 22-G-29, to amend the Herndon Centennial Golf Course Fee Schedule

ROUNDTABLE

TOWN OF HERNDON, VIRGINIA

ORDINANCE

APRIL 26, 2022

Ordinance- to amend Chapter 74 (UTILITIES), Article II (Sewers & Sewage Disposal), Division 5 (Sanitary Sewer System Rates & Charges), Section 74-262 (Schedule of Rates); and Article III (Water), Division 2 (Service), Subdivision II (In-Town Service Charges), Section 74-326 (Schedule of Charges), to increase the service and usage charges for sanitary sewer and water, effective for meter readings taken on or after July 1, 2022.

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

1. The following sections or provision of the Herndon Town Code, as amended,are amended and re-ordained as follows:

CHAPTER 74 (UTILITIES)

ARTICLE II. SEWERS & SEWAGE DISPOSAL

DIVISION 5. SANITARY SEWER SYSTEM RATES & CHARGES

Sec. 74-262. Schedule of Rates.

(a) The rate schedule for sanitary sewer service shall be determined on the basis of water consumed and shall be charged at the rate of **~~$6.28~~** **$7.16** per 1,000 gallons of water used, except as otherwise provided in this division.

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(f) A service charge per bill rendered shall be assessed for all metered water service as follows:

Quarterly Billing

Meter Size (inches)	***Charge***
5/8	**$ 7.40**
3/4	**$ 10.21**
1	**$ 15.85**
1 1/2	**$ 29.96**
2	**$ 46.89**
3	**$ 92.02**
4	**$ 142.79**
6	**$ 283.83**

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ARTICLE III. WATER

DIVISION 2. SERVICE

Subdivision II. In-Town Service Charges

Sec. 74-326. Schedule of charges.

(a) The water usage charge shall be ~~$3.21~~ $3.31 per 1,000 gallons, based on the consumption of water as measured by readings of the water meter serving the property.

(b) A service charge per bill rendered shall be assessed for all metered water service as follows:

Quarterly Billing

Meter Size (inches)	*Charge*
5/8	**$ 10.54** ~~$ 8.97~~
¾	**$ 15.80** ~~13.45~~
1	**$ 26.33** ~~22.41~~
1 ½	**$ 52.68** ~~44.83~~
2	**$ 84.27** ~~71.72~~
3	**$ 168.55** ~~143.45~~
4	**$ 263.36** ~~224.14~~
6	**$ 526.73** ~~448.28~~

(c) All water consumed during the peak use periods in excess of the average consumption of the preceding two winter quarter billing periods shall be charged an additional amount of ~~$5.46~~ **$5.64** per 1,000 gallons. This peak use period charge shall be applied in addition to the base water usage charge in subsection (a) above.

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2. This ordinance shall be effective for all meter readings taken on or after July 1, 2022.

TOWN OF HERNDON, VIRGINIA

ORDINANCE

APRIL 26, 2022

Ordinance, to amend Chapter 30 (FINANCE AND TAXATION), Article VII (Business, Professional, Occupational License), Division 1 (Generally), Section 30-211 (Definitions), Section 30-246 (Enumeration), and to add Section 30-266 (Personal, Business Services, and all other business occupations not specifically listed), to recognize the massage therapist occupation as a business and to classify massage therapist for BPOL tax purposes.

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

1. The following sections or provision of the Herndon Town Code (2000), as amended, are amended and re-ordained as follows:

CHAPTER 30 (FINANCE AND TAXATION)

ARTICLE VII. BUSINESS, PROFESSIONAL, OCCUPATIONAL LICENSE

DIVISION 1. GENERALLY

Sec. 30-211. Definitions

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License year means the calendar year for which a license is issued for the privilege of engaging in business.

Massage **means the treatment, for compensation, of soft tissues for therapeutic purposes by the application of massage and bodywork techniques based on the manipulation or application of pressure to the muscular structure or soft tissues of the human body, unless the massage is excluded from regulation by Code of County of Fairfax § 28.1-1-4.**

Massage establishment **means any fixed place of business where a massage is administered to a client, unless the place is excluded from regulation by Code of County of Fairfax § 28.1-1-4.**

Massage therapist **means any individual certified as a massage therapist by the Board of Nursing of the Commonwealth of Virginia.**

Operator of coin-operated machines means any person selling, leasing, renting or otherwise furnishing or providing a coin-operated amusement machine operated on the coin-in-the-slot principal; provided, however, that this term shall not include a person owning fewer than three coin-operated machines and operating such machines on property owned or leased by such person.

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DIVISION 2. FEES AND TAXES

Sec. 30-246. Enumeration

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(b) There is no fee for the issuance of such license. In addition to the license tax specified in subsection (a) of this section, and except as may be otherwise provided in this article or in Code of Virginia, §§ 58.1-3712, 58.1-3712.1 and 58.1-3713, every such person or business with annual gross receipts, purchases, or retail or wholesale sales, as appropriate, of more than $100,000.00 shall be assessed and required to pay annually a license tax on all the gross receipts, purchases, or retail or wholesale sales, as appropriate, of such persons includable as provided in this article at a rate set forth in this subsection (b) for the class of enterprise listed:

(1) For contractors and persons constructing for their own account for sale, $0.13 per $100.00 of gross receipts (Code of Virginia, § 58.1-3706 A.1);

(2) For retailers, including those engaged in the short-term rental business as defined in Code of Virginia, § 58.1-3510.4(B) (however defined), (but excluding those engaged in commercial leasing covered by section 30-265) $0.13 per $100.00 of gross receipts (Code of Virginia, § 58.1-3706 A.2);

(3) For financial, real estate and professional services, $0.40 per $100.00 of gross receipts (for the license tax for money lenders, see section 30-252) (Code of Virginia, § 58.1-3706 A.3);

(4) For personal and business services and all other businesses and occupations not specifically listed or exempted in this article or otherwise by law, $0.21 per $100.00 of gross receipts (for the license tax for repair services, see section 30-263) (Code of Virginia, § 58.1-3706 A.4);

(5) For wholesalers, including peddlers at wholesale, $0.05 per $100.00 of purchases (Code of Virginia, §§ 58.1-3718, 58.1-3719);

(6) For carnivals, circuses and speedways, $0.00 for each performance held in this town (Code of Virginia, § 58.1-3728);

(7) For fortunetellers, clairvoyants and practitioners of palmistry, $500.00 per year (Code of Virginia, § 58.1-3726);

~~**(8) For massage parlors, $1,000 per year (Code of Virginia § 58.1-3706);**~~

~~(9)~~**(8)** For itinerant merchants or peddlers (except as provided below), $12.50 per week, not to exceed $500.00 per year (Code of Virginia, § 58.1-3717);

~~(10)~~**(9)** For photographers, $30.00 per year (Code of Virginia, § 58.1-3727);

~~(11)~~**(10)** For permanent coliseums, arenas or auditoriums having a maximum capacity in excess of 10,000 persons, open to the public, $1,000.00 per year (Code of Virginia, § 58.1-3729);

~~(12)~~**(11)** For savings and loan associations and credit unions, $50.00 per year (Code of Virginia, § 58.1-3730); and

~~(13)~~**(12)** For direct sellers as defined in Code of Virginia, § 58.1-3719.1, with total annual sales in excess of $4,000.00, $0.20 per $100.00 of total annual retail sales, or $0.05 per $100.00 of total annual wholesale sales, whichever is applicable (Code of Virginia, § 58.1-3719.1). Direct sellers are governed by rules governing emerging businesses set out in Section 30-247(b)—(d).

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Sec. 30-266. Personal, Business Services, and all other business occupations not specifically listed.

Every person conducting or engaging in any personal service occupation, businesses, trades, or callings not specifically classified as "financial, real estate, or professional service" shall pay an annual license tax of $0.21 per $100.00 of gross receipts of the base year. The license tax imposed by this section shall be in addition to any other specific town license tax. Massage therapists and massage establishments under this chapter should be considered as other business occupation for business tax purposes so as long as they are in compliance with Chapter 14-70 Massage Regulation.

2. This ordinance shall be effective on and after July 1, 2022.

TOWN OF HERNDON, VIRGINIA

ORDINANCE

APRIL 26, 2022

Ordinance- **to amend Chapter 30 (FINANCE AND TAXATION), Article II (Real and Personal Property), Division 2 (Assessment and Collection), Section 30-39 (Date real property taxes due and payable; penalties and interest), to reduce the rate of interest on any unpaid tax from ten to one percent and to change the interest rate to accrue upon failure to pay any installment when due.**

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

1. The following sections or provision of the Herndon Town Code (2000), as amended, are amended and re-ordained as follows:

CHAPTER 30 (FINANCE AND TAXATION)

ARTICLE II. REAL AND PERSONAL PROPERTY

DIVISION 2. ASSESSMENT AND COLLECTION

Sec. 30-39. Date real property taxes due and payable; penalties and interest.

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(b) Upon failure to pay any installment when due, a penalty of ten percent will be incurred and assessed, and interest will accrue and be assessed on any unpaid tax and penalty at the rate of ~~**ten**~~ **one** percent per annum beginning the first day following the day such taxes are due. ~~**For the second and subsequent years of delinquency, interest will accrue and be assessed on any unpaid tax at a rate of interest established pursuant to section 6621 of the Internal Revenue Code, as amended, or ten percent annually, whichever is greater.**~~ **Interest on any tax payment that is past due shall begin to accrue on the date after the tax is due and such interest shall continue to accrue until the date on which payment is made.** Any penalty assessed shall become a part of the tax and in no case shall exceed the amount of the tax assessable.

2. The ordinance shall be effective on and after June 1, 2022.

-TOWN OF HERNDON, VIRGINIA

ORDINANCE

APRIL 26, 2022

Ordinance- to establish the compensation to be paid to the Town of Herndon mayor and council members, as provided under Section § 15.2-1414.7 of the Code of Virginia.

WHEREAS, the Code of Virginia Sec. § 15.2-1414.7 provides that a town council may establish the compensation to be paid to council members and the mayor, however no increase in salary of a council member or mayor shall take effect during the incumbent council member's or mayor's term in office; and

WHEREAS, the compensation levels of the mayor and council have not been adjusted since June 1986, and it is the opinion of the town council that the compensation be increased at this time in view of the amount of time and effort involved in serving.

BE IT ORDAINED by the Town Council of the Town of Herndon, Virginia, that the compensation paid the mayor be increased to ***sixteen thousand dollars ($16,000)*** per annum and the compensation for council members' be increased to ***fifteen thousand dollars ($15,000)*** per annum.

BE IT FURTHER ORDAINED by the Town Council of the Town of Herndon, Virginia, that this ordinance shall become effective on January 1, 2023, beginning with the term of the 2023-24 Herndon Mayor and Town Council Members.

TOWN OF HERNDON, VIRGINIA

ORDINANCE

APRIL 26, 2022

Ordinance- to Levy Taxes on Real Estate and Manufactured Homes, and Other Subjects for the Fiscal Year 2023 Budget.

BE IT ORDAINED by the Town Council of the Town of Herndon, Virginia, that the Town Council fixes and orders the tax levies for the fiscal year beginning July 1, 2022 and ending June 30, 2023, as follows:

Real Estate

On each $100.00 of the valuation of real estate and improvements to the Town.

$.2650

Personal Property and Merchants' Capital

On each $100.00 of the valuation of tangible personal property classified by Section 58.1- 3503 and 58.1-3510 of the Code of Virginia.

$.00

Vehicles Used as Manufactured Homes and Offices

On each $100.00 of the valuation of vehicles without motive power, used or designed to be used as manufactured homes as classified by Section 58.1-3506(A), paragraph 10, of the Code of Virginia.

$.2650

Farm Machinery, Farm Tools and Farm Livestock

On each $100.00 of the valuation of farm machinery, farm tools and farm livestock as classified by Section 58.1-3505 of the Code of Virginia.

$.00

Machinery and Tools

On each $100.00 of the valuation of machinery and tools classified by Section 58.1-3507 of the Code of Virginia.

$.00

Other Classifications of Tangible Personal Property

On each $100.00 of the valuation of tangible personal property as classified by Section 58.1-3506 [except for Section 58.1-3506(A), paragraph 10] of the Code of Virginia.

$.00

Miscellaneous Levies

Except as provided above and other ordinances adopted by the Town Council in this budget cycle all other taxes and licenses previously enacted by the town are imposed and levy made to the same extent and at the same rate as during the Fiscal Year 2022.

TOWN OF HERNDON, VIRGINIA

RESOLUTION

APRIL 26, 2022

Resolution- to adopt a Fiscal Planning Resolution for the Fiscal Year 2023 Budget for the Town of Herndon.

WHEREAS, the Town Manager of the Town of Herndon, Virginia, has submitted to the Town Council of the Town of Herndon, Virginia, a proposed budget; and

WHEREAS, the town properly advertised the April 12 and April 26, 2022 public hearings on the proposed budget; and

WHEREAS, it is the intent of the Town Council of the Town of Herndon, Virginia, to adopt the proposed budget with amendments, if any.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby adopts for the purpose of fiscal planning during the fiscal year 2023 for the Town of Herndon, Virginia, the budget prepared by the Town Manager, set out in "Proposed FY 2023 Budget" dated April 1, 2022, on file in the office of the Town Manager.

TOWN OF HERNDON, VIRGINIA

ORDINANCE

APRIL 26, 2022

Ordinance- to Appropriate Funds to implement the Fiscal Year 2023 Budget for the Town of Herndon, establishing the Pay Plan, and reserving on-going and Capital Funding for this Fiscal Year.

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

1. There is appropriated and authorized for expenditure during the Fiscal Year 2023 such sums as appear in the Fiscal Planning Budget for the Fiscal Year 2023 as set out in "Proposed Fiscal Year 2023 Annual Budget" dated April 1, 2022, on file in the office of the Town Manager, and as may be subsequently modified by the Town Council.

2. No money shall be withdrawn from the treasury of the town and no obligation for expenditure of money can be incurred, except in accordance with the Fiscal Planning Budget, or with supplemental appropriations as may be made by the Town Council.

3. The town advertised the public hearing at least once in <u>The Fairfax County Times</u> newspaper and held a public hearing on the proposed budget at least seven days prior to approval of the proposed budget.

4. The Fiscal Year 2023 proposed schedule of salaries, set out in the Fiscal Planning Budget, are adopted effective July 1, 2022.

5. The Town Council may award to the Town Manager and the Town Attorney bonuses as provided for in the Fiscal Planning Budget for Fiscal Year 2023 for exceptional services rendered. Any such bonuses shall not become a part of these officers' annual salary.

6. The Town Council reserves, encumbers, and appropriates for Fiscal Year 2022 funding for capital and on-going projects, for which funds were previously appropriated. The Town Manager as of July 1, 2022, shall take the appropriate accounting steps to reserve and encumber these funds as of that date for Fiscal Year 2023 and to report to the Mayor and Town Council in this regard.

TOWN OF HERNDON, VIRGINIA

RESOLUTION

APRIL 26, 2022

Resolution- **to amend the fee schedule for the Chestnut Grove Cemetery.**

WHEREAS, the Town Council of the Town of Herndon, Virginia, has established the established fees for the Chestnut Grove Cemetery; and

WHEREAS, with the continuing decrease in burial sites during the past several years, and the need for additional funding support to maintain the cemetery enterprise fund operations, fee adjustments are recommended; and

WHEREAS, it is recommended that the fees be modified as follows:

SITES	***Current Fees***	***Proposed Fees***
Lots 1 through 605 (older section)	$ 3,295	3,795
Lots 606 through 999 (Sec.7-back)	3,295	3,795
Lots 2200 through 2226	3,695	4,195
Lots 3300 through 3335	3,695	4,195
Lots 4200 through 4246	3,695	4,195
Lots 5200 through 5217	3,695	4,195
Park/Infant-Child	975	975
Estate Lots		
Interment Rights (6)	35,995	35,995
Interment Rights (4)	23,995	23,995
*Mausoleum (*including bronze crypt plate)		
Level 1 & Level 4	5,695	5,695
Level 2 & Level 3	6,195	6,195
Cremation Sites		
Land Cremation Sites Non-Park		
Single	2,700	3,000
Land Cremation Sites Park		
Single	2,700	3,000
Columbaria 3, 4, 5 & 6 (including memorial plate)		
Single	3,250	3,850
INTERMENTS		
Weekdays before 2:00 p.m.		
Adult	1,695	1,895
Infant/Child	495	495
Cremation (Ground Burial)*	1,095	1,295
Columbarium*	1,095	1,295
Mausoleum*	1,895	2,095

**Includes tent and chairs*

	Current Fees	Proposed Fees
Additional Fees for Interment		
Weekdays after 2:00 p.m.	500	500
Saturdays	500	700
Sundays & Holidays	750	1,000

	Current Fees	Proposed Fees
Additional Rights of Interment		
Traditional Site	1,700	2,000
Cremation Site	1,300	1,500

GENERAL SERVICE FEES		
Disinterment	3,000	4,000
Deed Transfer	175	175
Tent & Chair Rental	450	450
Memorial Permit Fee	125	175

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby amends the Chestnut Grove Cemetery Fee Schedule and directs the Chestnut Grove staff to implement the amended fee schedule effective July 1, 2022.

TOWN OF HERNDON, VIRGINIA

RESOLUTION

APRIL 26, 2022

Resolution- **to amend the Herndon Centennial Golf Course Fee Schedule.**

WHEREAS, the Town Council of the Town of Herndon, Virginia, has established fees for the Herndon Centennial Golf Course; and

WHEREAS, the Herndon Centennial Golf Course is an enterprise fund operation and must generate sufficient revenues to meet all personnel, operating, capital and debt service expenses; and

WHEREAS, it is the intent of the town council to remain competitively priced relative to other area public golf courses, yet fair to town citizens; and

WHEREAS, in accordance with established policy, town residents are a provided a ten percent (10%) discount off green fees rounded to the nearest dollar amount; and

WHEREAS, the town manager or the town manager's designee may increase or decrease rates during peak or non-peak times or during various weather conditions to not exceed more than ten percent (10%) of the rate; and

WHEREAS, staff recommends that the town council adopt the amended fees proposed below to the Herndon Centennial Golf Course fee schedule.

Green Fees

	Current	**Proposed**
Weekday (18 holes)	$34.00	$38.00
Weekday (9 holes)	$25.00	$27.00
Weekend (18 holes)	$49.00	$54.00
Weekend (9 holes)	$30.00	$34.00
Weekday Sr. /Jr. (18 holes)	$27.00	$32.00
Weekday Sr. /Jr. (9 holes)	$19.00	$22.00

Cart Fees*

	Current	**Proposed**
18 holes (per person)	$16.98	$18.87
9 holes (per person)	$11.28	$13.21

* Cart fees are before tax amounts. Six percent (6%) sales tax will be charged on cart fees.

Annual Passes

	5 day/ 7day Current	5 day/ 7 day Proposed
Mon.-Fri. Annual Pass	$1,300/$2,000	$1,450/$2,200
Senior Mon.-Fri. Annual Pass	$1,175	$1,300
Junior Mon-Fri. Pass (New)	N/A	$900

Twilight Rates discounted $6.00 after 3 p.m. and $15.00 after 6 p.m.
Weekend Rates start Fridays at 12:00 p.m.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby amends the Herndon Centennial Golf Course fee schedule and directs staff to implement the amended fee schedule effective upon adoption.