

**TOWN OF HERNDON, VIRGINIA
PUBLIC HEARING AGENDA
HERNDON COUNCIL CHAMBERS BUILDING
765 LYNN STREET
JANUARY 15, 2019
7:00 P.M.**

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

APPROVAL OF MINUTES

December 11, 2018

Town Council Public Hearing Draft Minutes

PRESENTATIONS

3. Certificate of Appreciation, to recognize Dale Frock, Department of Public Works, on the occasion of his retirement
4. Certificate of Appreciation, to recognize Mike Berg, Herndon Police Department, on the occasion of his retirement
5. Proclamation, to recognize "Herndon Town Incorporation Day," January 14, 2019

COMMENTS

6. Comments from the Town Manager
7. Comments from the Town Council
8. Comments from the Audience

PUBLIC HEARINGS

9. Ordinance 18-O-35, to authorize the encroachment of the front stoops of 701, 703, 705, 707, 709 and 711 Monroe Street, identified as Fairfax County Tax Map numbers: 0162 51 0007 through 0012, into the Monroe Street public access easement located directly adjacent thereto within the Town of Herndon. **(this item was continued from December 11, 2018)**
10. Resolution 19-G-03, to consider a special exception SE #18-05, 537 Merlins Lane, to permit a home-based daycare with a maximum of twelve children. The zoning designation is PD-R, Planned Development-Residential; Business Name: Sun Montessori; Applicant: Tanushree Maitra.

CONSENT AGENDA

11. Resolution 19-G-04, to award contract IFB #B-19-01, 3rd Street Water Tank Painting and Rehabilitation

Future Town Council Meetings

January 22, 2019

January 29, 2019

February 5, 2019

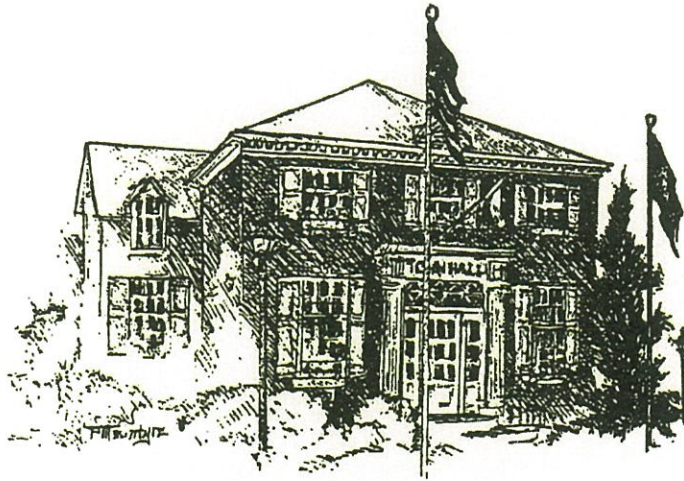
February 12, 2019

Town Council Work Session 7:00 p.m.

Town Council Public Hearing 7:00 p.m.

Town Council Work Session 7:00 p.m.

Town Council Public Hearing 7:00 p.m.



Town of Herndon, Virginia

Certificate of Appreciation

to

Dale Frock

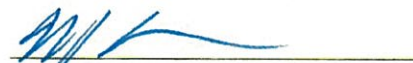
For more than seven years of loyal and dedicated service to the
citizens of the Town of Herndon and for your outstanding
contributions to the quality of life in the Herndon community.

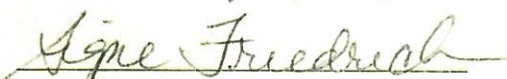
December 2011 to February 2019


Jennifer K. Baker, Vice Mayor


Richard B. Kaufman, Councilmember


Grace Wolf Cunningham, Councilmember

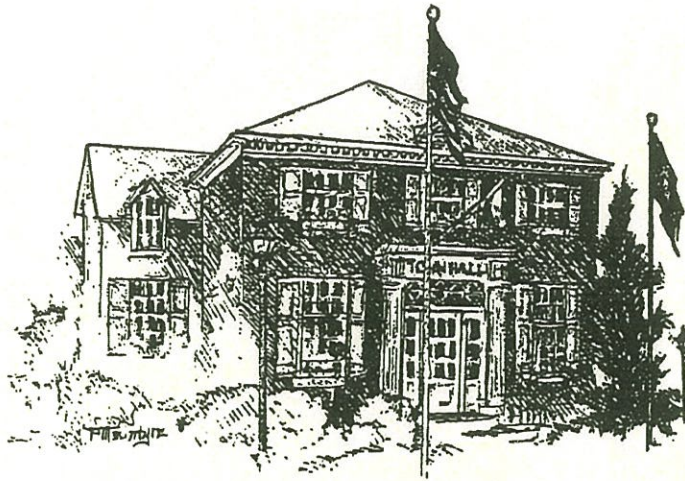

Bill McKenna, Councilmember


Signe Friedrichs, Councilmember


Sheila A. Olem, Councilmember


Lisa C. Merkel, Mayor





Town of Herndon, Virginia

Certificate of Appreciation

to

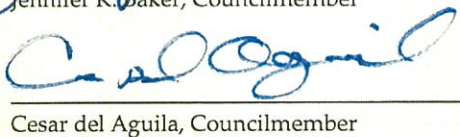
Michael B. Berg

For more than 32 years of loyal and dedicated service to the
citizens of the Town of Herndon and for your outstanding
contributions to the quality of life in the Herndon community.

May 1986 to February 2019


Jennifer K. Baker, Councilmember


Signe Friedrichs, Councilmember


Cesar del Aguila, Councilmember

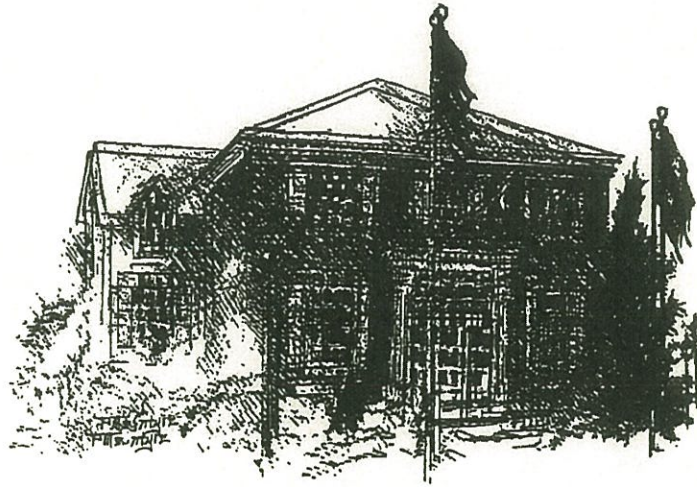

Bill McKenna, Councilmember


Pradip Dhakal, Councilmember


Sheila A. Olem, Vice Mayor


Lisa C. Merkel, Mayor





**TOWN OF HERNDON, VIRGINIA
PROCLAMATION
HERNDON TOWN INCORPORATION DAY
JANUARY 14, 2019**

The Town of Herndon, Virginia, was officially incorporated on January 14, 1879. In honor of the town's official birthday, the Mayor and Town Council of the Town of Herndon, Virginia, hereby proclaim January 14, 2019, as **Herndon Town Incorporation Day** in the Town of Herndon, to recognize the 140th anniversary of our town. With respect and reverence to the Town of Herndon and its history, the Town Council will highlight and proclaim each January 14 as **Herndon Town Incorporation Day**.

Further, the Mayor and Town Council of the Town of Herndon, Virginia, hereby express appreciation to mayors, councils, members of the Herndon Historical Society, town staff and volunteers, who ~ both in the past and in the present ~ continually strive to preserve and document the history of the Town of Herndon, and encourage the public's interest in our distinct heritage.



Lisa C. Merkel, Mayor
January 15, 2019

TOWN OF HERNDON, VIRGINIA

ORDINANCE

JANUARY 15, 2019

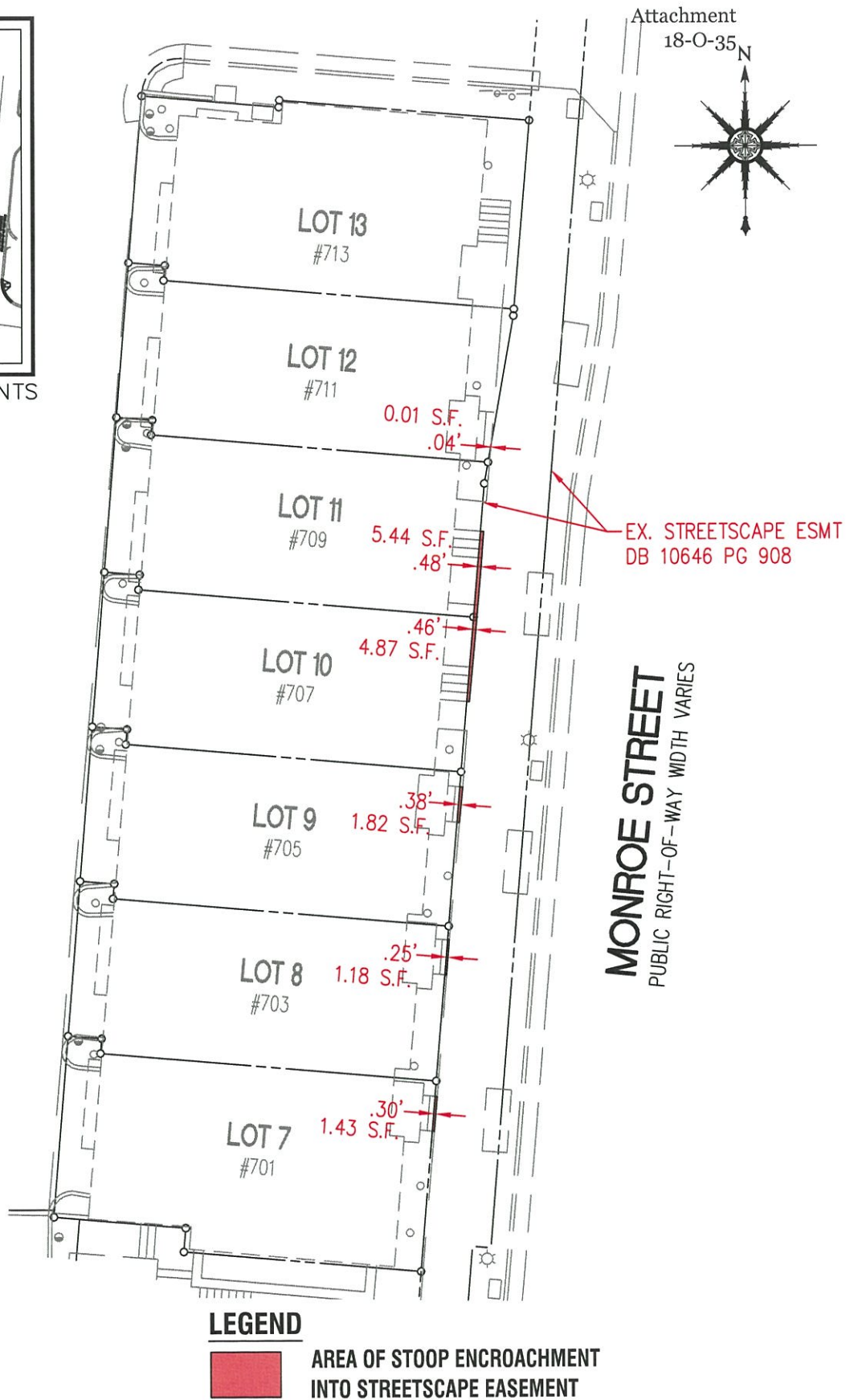
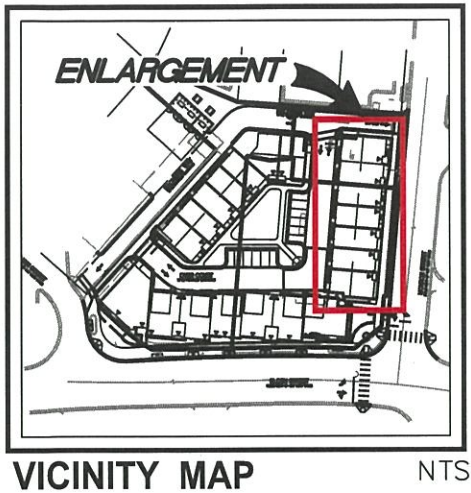
Ordinance- to authorize the encroachment of the front stoops of 701, 703, 705, 707, 709 and 711 Monroe Street, identified as Fairfax County Tax Map numbers: 0162 51 0007 through 0012, into the Monroe Street public access easement located directly adjacent thereto within the Town of Herndon.

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

Pursuant to §15.2-2009, Code of Virginia (1950), as amended, Town Council authorizes Tradition Homes, LLC on behalf of Junction Square, LLC (Junction Square) the encroachment of the front stoops of the structures located at 701, 703, 705, 707, 709 and 711 Monroe Street, identified as Fairfax County Tax Map numbers: 0162 51 0007 through 0012, into the Monroe Street public access easement located directly adjacent thereto within the Town of Herndon, subject to the following conditions.

1. This ordinance shall constitute a license and shall be revocable at the pleasure of the Town of Herndon or of the General Assembly.
2. Junction Square shall maintain at its expense, in effect throughout the term of this license, general liability insurance covering the licensed improvements in the amount agreed upon by the parties. Such insurance shall be with a company satisfactory to the Town. Any deductible provision of said insurance shall be subject to the approval of the Town. Such insurance shall specifically insure Junction Square against all liability assumed by it under the terms of this license granted hereunder as well as any liability imposed by law and shall insure both the Town and Junction Square but shall be so endorsed as to create the same liability on the part of the insurer as if separate policies had been written for Junction Square and the Town. Licensee shall provide the Town's Finance Director with a Certificate of Insurance naming the Town as an additional insured, which shall be in a form satisfactory to the Town and the Town Attorney upon effective date of this ordinance and annually thereafter without demand. Each insurer mentioned in this section shall agree by endorsement on the policy or policies issued by it or by independent instrument furnished to the Town that it will give the Town at least thirty (30) days' written notice before the policy or policies in question shall be altered or cancelled.

3. Nothing contained in this ordinance, the Herndon Town Code or in the Code of Virginia provision referred to above shall be construed to relieve Junction Square, its successors and assigns from liability for negligence on their part because of any such encroachment. Junction Square, its successors and assigns shall be liable for negligence because of such encroachment.
4. This ordinance shall be effective on and after January 15, 2019.



STOOP ENCROACHMENT EXHIBIT
JUNCTION SQUARE

SCALE: 1" = 20'
DATE: 11/28/2018

TOWN OF HERNDON, VIRGINIA

RESOLUTION

JANUARY 15, 2019

Resolution- to consider **Special Exception Application SE #18-05, to permit a home-based daycare with a maximum of 12 children in an existing single-family residence zoned PD-R, Planned Development-Residential.**

WHEREAS, the applicant, Tanushree Maitra, has submitted a request for a special exception to permit a daycare with a maximum of 12 children on a property improved with a single-family residence and located at 537 Merlins Lane and identified as Fairfax County Tax Map # 0104 15 0179.

WHEREAS, the Planning Commission has reviewed this application and has held a public hearing in accordance with the provisions of §15.2-2204 of the State Code; and

WHEREAS, following the public hearing, the Planning Commission recommended that the application be approved with conditions based upon the finding that the proposed use meets the purpose and intent of the Zoning Ordinance, in particular Section 78-155.3; and

WHEREAS, the Town Council has conducted a public hearing and has reviewed the Planning Commission recommendations.

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

Approves Special Exception Application SE #18-05, in accordance with the conditions set forth below to achieve compliance with the standards found in Section 78-155.3;

a. **Substantial Conformity.** The site shall be operated in substantial conformance with the special exception application submitted October 31, 2018, except as modified by these conditions.

b. **Permitted use & licensure.** The use shall be limited to a home-based child daycare with an on-site play area. The applicant must maintain a license as a Family Day home as defined by the Code of Virginia and Virginia Department of Social Services.

c. **Hours of Operation.** The hours of operation for the use shall not extend beyond 7:00 AM – 6:30 PM.

d. **Child drop-off & pickup.** Child drop-off and pickup shall be from the driveway of the subject property. The applicant shall notify all current and new clients in writing that the driveway is the only permitted drop-off/pickup zone.

e. **Number of permitted children.** The number of non-resident children present on site shall not exceed 12 at any one time during the permitted operational hours.

f. **Signs.** Signage related to the business shall not be permitted.

g. **Play area.** When playing outside all children shall be within the fenced playground area.

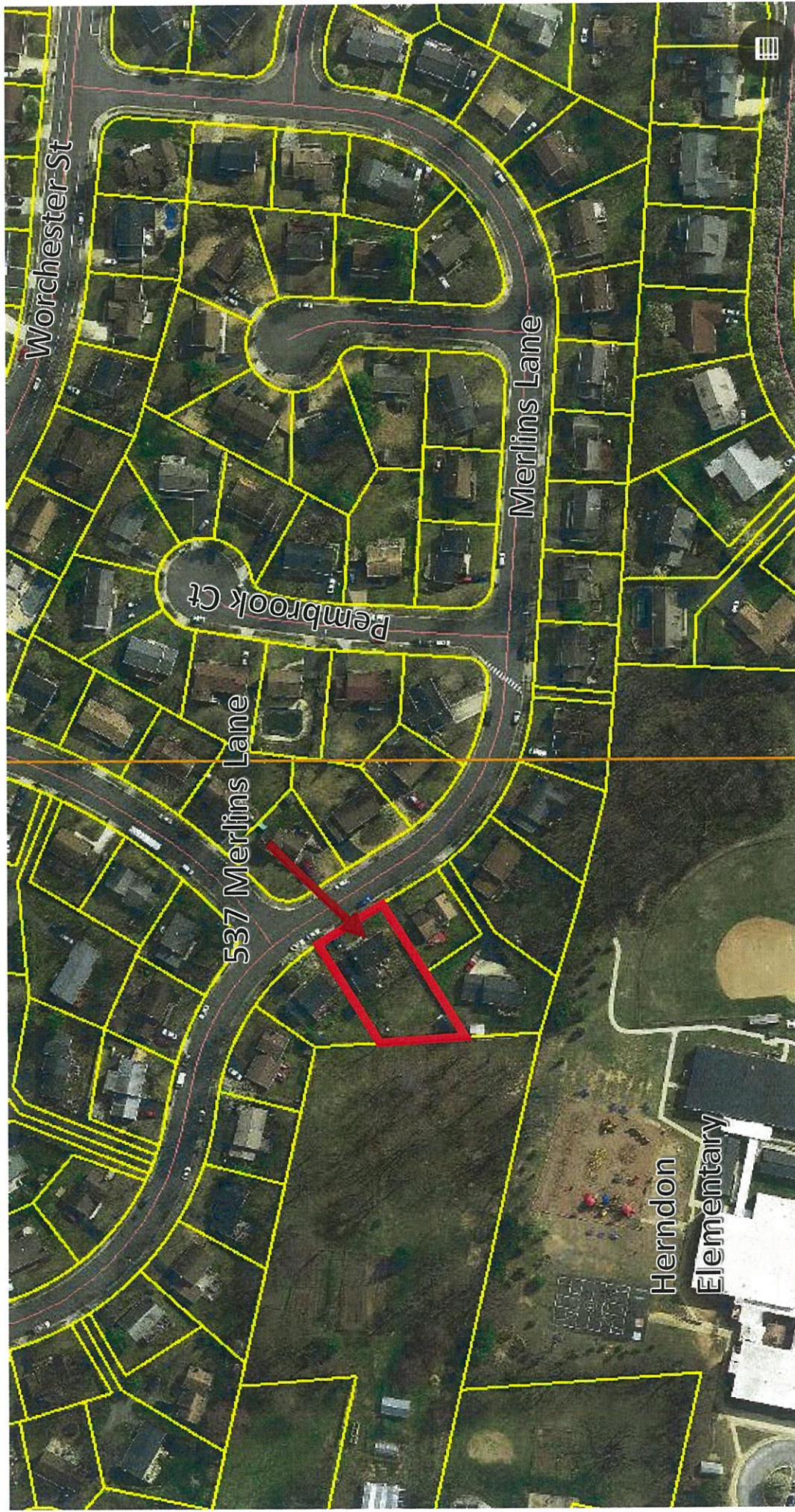
h. **Inspection.** The property owner shall, during hours of operation, make provisions to allow town officials to inspect the property.

i. **Expiration.** This Special Exception shall not run with the land and shall expire under the following condition(s):

- i. A discontinuation of the use for which the special exception was granted for a continuous twelve-month period;
- ii. Failure to obtain a Certificate of Occupancy for the proposed use within twelve months of approval of the special exception;
- iii. A change in substantial ownership of possession of the subject land.

j. **Revocation.** 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) of the zoning ordinance.

This resolution by its terms shall be effective on and after the date of its adoption.



SITE LOCATION - AERIAL PHOTO

Case: SE #18-05 - 537 Merlins Lane



TOWN OF HERNDON, VIRGINIA

RESOLUTION

JANUARY 15, 2019

Resolution— To award Contract #B-19-01, 3rd Street Water Tank Painting and Rehabilitation.

WHEREAS, the 3rd Street Water Tank Painting and Rehabilitation project is in the Capital Improvement Program; and

WHEREAS, Contract #B-19-01, 3rd Street Water Tank Painting and Rehabilitation, was advertised on October 16, 2018; and

WHEREAS, a pre-bid conference was held on November 1, 2018 and was attended by two firms; and

WHEREAS, the following bids were received and opened on December 4, 2018 at a public bid opening:

<u>Contractor</u>	<u>Bid</u>
Worldwide Industries Corp.	\$791,640
D&M Painting Corporation	\$986,000
Horizon Brothers Painting Corp.	\$989,700
NOSTOS SS Contractors, LLC	\$1,085,000
Manolis Painting, Inc.	\$1,194,000; and

WHEREAS, Worldwide Industries Corp. submitted the lowest bid which was found to be responsive and responsible; and

WHEREAS, staff recommends in addition to the contract that a contingency of \$79,000 which is approximately 10% of the bid, be authorized; and

WHEREAS, funds to support this contract are available in the Capital Projects Account Number 0020888-480020; and

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby awards Contract #B-19-01, 3rd Street Water Tank Painting and Rehabilitation, to Worldwide Industries Corp. in the amount of \$791,640.

BE IT FURTHER RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby authorizes a contingency of \$79,000.

BE IT FURTHER RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby authorizes the Town Manager's designee to approve contract modifications (change orders) that increase project scope and costs, utilizing the project contingency.