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**HERNDON TOWN COUNCIL**  
**Tuesday**  
**January 29, 2019**

The Town Council met in public session on Tuesday, January 29, 2019, at 7:00 p.m. in the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia. In attendance were: Mayor Lisa C. Merkel; Vice Mayor Sheila A. Olem; and Councilmembers Jennifer K. Baker; Cesar del Aguila; Pradip Dhakal; Signe Friedrichs; and Bill McKenna.

Others present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Captain Ron Thunman, Herndon Police; Viki L. Wellershaus, Town Clerk; Elizabeth Gilleran, Director of Community Development; Page Kalapasev, Director of Information Technology; Cindy Roeder, Director of Parks and Recreation; Tammy Chastain and John Irish, Deputy Directors of Public Works; Police Officer Drew Stanley; John Cassella, Special Projects and Budget Manager; and Margie C. Tacci, Deputy Town Clerk.

Mayor Merkel called the meeting to order at 7:00 p.m., all members present, and with Mayor Merkel presiding.

Mayor Merkel led the audience in the Pledge of Allegiance to the Flag of the United States of America.

**1. ANNOUNCEMENT**

Mayor Merkel stated that following last week's work session, staff made minor editorial revisions to Resolution 19-G-15, to reinstate the Herndon Town Council's Interview Subcommittee, which was on tonight's Consent agenda.

**January 29, 2019  
(public hearing)**

**2. APPROVAL OF MINUTES**

**Vote on January 8, 2019  
Work Session Minutes**

On motion of Councilmember McKenna, seconded by Vice Mayor Olem, and carried by unanimous vote, the minutes of the January 8, 2019 work session were approved. The vote was: Councilmembers Baker, del Aguila, Dhakal, Friedrichs, McKenna, Vice Mayor Olem and Mayor Merkel voting "Aye."

**Vote on January 9, 2019  
Town Council Swearing-In Ceremony Minutes**

Vice Mayor Olem moved approval of the January 9, 2019 Town Council Swearing-In Ceremony minutes, as presented. Councilmember Baker seconded the motion.

There were brief comments from Council.

The question as called on the motion, which was carried by unanimous vote. The vote was: Councilmembers Baker, del Aguila, Dhakal, Friedrichs, McKenna, Vice Mayor Olem and Mayor Merkel voting "Aye."

**Vote on January 15, 2019  
Public Hearing Minutes**

On motion of Councilmember McKenna, seconded by Vice Mayor Olem, and carried by unanimous vote, the minutes of the January 15, 2019 public hearing were approved. The vote was: Councilmembers Baker, del Aguila, Dhakal, Friedrichs, McKenna, Vice Mayor Olem and Mayor Merkel voting "Aye."

**3. PRESENTATION**

**Proclamation, to recognize "African American History Month," February 2019.**

Due to the inclement weather, the Lead Pastors from the Life Ticket Church, who were scheduled to receive the proclamation, were unable to attend the meeting. With the Council's concurrence, Mayor Merkel asked that the presentation be rescheduled to February 12.

**January 29, 2019  
(public hearing)**

**4. COMMENTS FROM THE TOWN MANAGER**

William Ashton, Town Manager, stated that staff from the Department of Public Works (DPW) was working to clear the streets from the winter weather this evening.

**5. COMMENTS FROM THE TOWN COUNCIL**

Councilmember McKenna: Thanked the Town Manager and staff for facilitating the recent Town Council Orientation, which he found very informative. He thanked his colleagues on Council for a great discussion at the Orientation.

Mayor Merkel stated that the Town Council Orientation was a different format this year and she appreciated the changes.

Councilmember Friedrichs: Thanked the Board of Zoning Appeals (BZA) and staff for their patience at the BZA public hearing on Thursday, January 24. She was glad to see many citizens attend the meeting. She asked everyone to keep in mind that the BZA was made up of volunteers who are trying to make sure they follow the town's ordinances.

Councilmember Dhakal: Echoed his colleagues' comments on the Town Council Orientation meeting. He stated that he learned a lot and he commended the town's department heads.

Councilmember Dhakal stated that he joined Vice Mayor Olem and Councilmember Friedrichs at the Virginia Municipal League's (VML) Legislative Day in Richmond on Thursday, January 24. He found the event very informative and he enjoyed seeing Governor Northam.

Councilmember del Aguila: Thanked DPW for clearing the streets this evening.

Councilmember del Aguila echoed his colleagues' comments about the Town Council Orientation. He stated that he was impressed with the town's leadership, focus, and dedication. He offered kudos to staff.

Vice Mayor Olem: Echoed Councilmember Dhakal's comments about VML Legislative Day in Richmond. She enjoyed listening to Governor Northam, as well as Secretary of Transportation Shannon Valentin, who discussed potential tolls on Route 81. She stated that they saw Lieutenant Governor Fairfax and newly-elected Senator Boysko working hard when they visited Senate Chambers.

Mayor Merkel: Discussed the translate capability on the town's website, which allows individuals to read the website information in a variety of languages. The "translate" button is near the upper right-hand corner of the town's homepage, [Herndon-va.gov](http://Herndon-va.gov).

**January 29, 2019  
(public hearing)**

Mayor Merkel provided comments about this year's Mayor's Volunteer Appreciation Reception on Sunday, April 7. Nomination letters were sent to Herndon area clubs, organizations, homeowners associations, businesses, and schools. Further information and the application are available on the town's website and nominations are due by Friday, March 1.

Mayor Merkel echoed her colleagues' comments thanking DPW for clearing the streets.

**6. COMMENTS FROM THE AUDIENCE**

The following individuals came forward to provide comments:

- Barbara Glakas, 935 Barton Oaks Place, Herndon, provided comments on the January 24 BZA meeting. She was concerned about vagaries in the zoning ordinance regarding house concerts. She asked that the town update and improve its zoning ordinance to clarify house concerts and to address what it means if a use is not explicitly mentioned in the zoning ordinance.
- Steve Mitchell, 1291 Monroe Street, Herndon, discussed comments made at the last Town Council public hearing about Junction Square. He stated that the inspection of building he owns was referenced during the comments and he did not have any problems with the town's inspection services. He stated that the town is lucky to have John Orrison as its Building Official.

**7. PUBLIC HEARINGS**

**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.**

(Note: this public hearing was continued from the Town Council's public hearings on December 28, 2018 and January 15, 2019.)

Certificates of Publication were filed from the Editor of the *Fairfax County Times Newspapers*, showing that notices of said public hearing had been duly advertised in the December 28, 2018 and January 4, 2019 issues.

Mayor Merkel opened the public hearing and stated that this item was continued from the December 11, 2018 and January 15, 2019 meetings. She recognized Lesa Yeatts, Town Attorney, for comments.

**January 29, 2019  
(public hearing)**

Ms. Yeatts stated that Council had continued this ordinance twice to straighten out and clarify matters regarding ownership and responsibility for the structures that were encroaching into the public access easement; and to verify whether 711 Monroe Street encroached, which it does, by less than half an inch.

Ms. Yeatts discussed the proposed changes to the ordinance, which included comments about who would provide insurance to the town. She recognized John Irish, Deputy Director of Public Works, for the staff report.

Mr. Irish reviewed the staff report and a map of the proposed encroachments, which are on file in the Town Clerk's office. He stated that the encroachments were minor and occurred because a zero set-back was allowed here. In this instance, the town was unable to review the locations of the built items until the building location survey was complete. The ordinance would not impact any maintenance requirements of the town or impede the town. Staff recommends approval of the proposed ordinance, as presented.

There was brief discussion amongst Council and staff on this item.

The public hearing was held, and the following individual provided testimony:

- Steve Mitchell, 1291 Monroe Street, Herndon.

Following the public hearing, Councilmember Friedrichs moved approval of Ordinance 18-O-35, as presented. Vice Mayor Olem seconded the motion.

There were brief comments from Council.

In response to queries from Councilmember Friedrichs, Ms. Yeatts discussed the options the town had under the Code of Virginia for dealing with encroachments in this situation. She provided further comments on the process and opined that the ordinance before Council was the best possible option for this situation.

There were further comments from Council.

Mayor Merkel thanked Ms. Yeatts for clarifying and Mr. Mitchell for providing comments. She stated that going forward, the town would continue to look at all the options for encroachments to move forward in the best way possible.

The question was called on the motion, which carried by unanimous vote. The vote was: Councilmembers Baker, del Aguila, Dhakal, Friedrichs, McKenna, Vice Mayor Olem and Mayor Merkel voting "Aye."

**January 29, 2019  
(public hearing)**

**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.**

**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 (JSLLC), developer of the project known as "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. Junction Square has been subjected to that certain Declaration for Junction Square recorded among the land records of Fairfax County in Deed Book 24942 at Page 807 (the Declaration) and is subject to the jurisdiction of the Junction Square Property Owners Association (the Association). The encroachment hereby is authorized 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. JSLLC until the end of the Declarant Control Period (as defined in the Declaration) and the Association thereafter 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 JSLLC or the Association, as applicable, 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 JSLLC or the Association, as applicable, 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 JSLLC or the Association, as applicable, 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

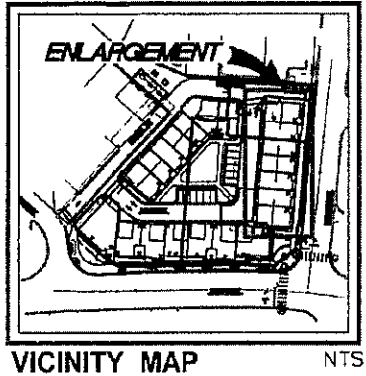
**January 29, 2019  
(public hearing)**

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 JSLLC or the Association, as applicable, or the Association's successors and assigns from liability for negligence on their part because of any such encroachment. JSLLC or the Association, as applicable, or the Association's successors and assigns shall be liable for negligence because of such encroachment.
4. This ordinance shall be effective on and after January 29, 2019.

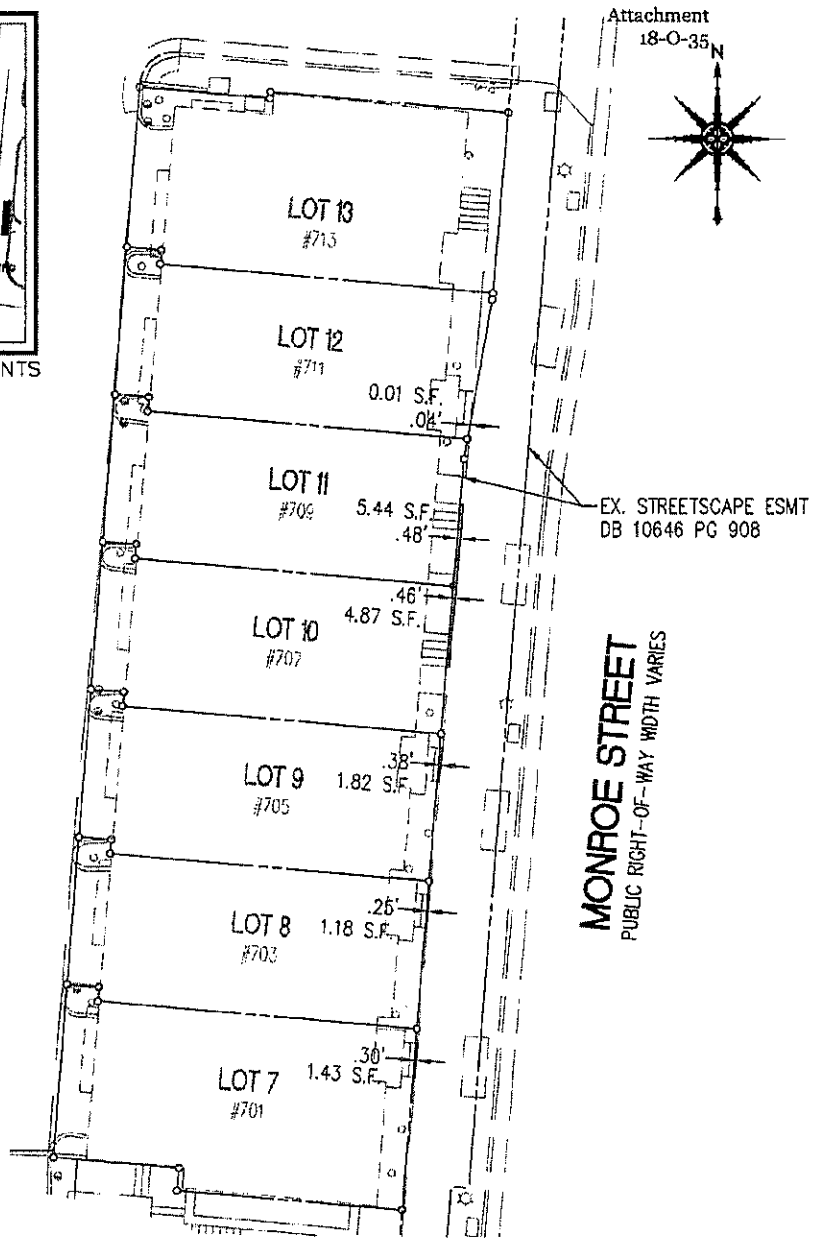
**[Note: Attached for reference is the "Stoop Encroachment Exhibit," dated November 28, 2018.]**

January 29, 2019  
(public hearing)



VICINITY MAP

NTS



**LEGEND**



AREA OF STOOP ENCROACHMENT  
INTO STREETSCAPE EASEMENT

Attachment  
18-O-35

**STOOP ENCROACHMENT EXHIBIT  
JUNCTION SQUARE**

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

**January 29, 2019  
(public hearing)**

**Ordinance 19-O-01, to approve and to authorize the Mayor to sign a second lease amendment to T-Mobile Northeast, LLC to revise the approved equipment list and increase the rent at the Town's Spring Knoll Drive Water Tower.**

Certificates of Publication were filed from the Editor of the *Fairfax County Times Newspapers*, showing that notices of said public hearing had been duly advertised in the January 11 and January 18, 2019 issues.

Mayor Merkel opened the public hearing and recognized Lesa Yeatts, Town Attorney, to provide background on the town's lease process.

Ms. Yeatts reviewed the process for selling, leasing, or franchising a town property for more than five years. In this case, the town entered into a 15-year agreement with T-Mobile to lease space on the Spring Knoll Drive Water Tower in 2008, with a first lease amendment in 2015. This second proposed amendment would add some equipment to the tower and include a rent increase. Unlike when the lease was originally granted, there were no bids required for this item; however, there would be a roll call vote. She recognized Tammy Chastain, Deputy Director of Public Works, for the staff report.

Ms. Chastain presented the staff report, which is on file in the Town Clerk's office. She echoed Ms. Yeatts' comments. She stated that the second amendment to the deed of lease would add equipment and a generator in an already existing enclosure. Staff recommends approval of the proposed ordinance, as presented.

There was brief discussion amongst Council and staff on this item.

The public hearing was held, and the following individual provided testimony:

- Jim McDonough, Site Acquisition Specialist, Network Building and Consulting, 6095 Marshalee Drive, Suite 300, Elkridge, Maryland, representing T-Mobile Northeast, LLC.

There was brief discussion amongst Council and Mr. McDonough.

Following the public hearing, Councilmember McKenna moved approval of Ordinance 19-O-01, as presented. Vice Mayor Olem seconded the motion.

There were brief comments from Council.

The question was called on the motion, which carried by unanimous roll call vote. The vote was: Councilmembers Baker, del Aguila, Dhakal, Friedrichs, McKenna, Vice Mayor Olem and Mayor Merkel voting "Aye."

**January 29, 2019  
(public hearing)**

**Ordinance 19-O-01, to approve and authorize the Mayor to sign a second lease amendment to T-Mobile Northeast, LLC to revise the approved equipment list and increase the rent at the Town's Spring Knoll Drive Water Tower.**

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

1. The Town Council approves this Second Amendment to Deed of Lease dated January 29, 2018. This instrument amends the original Deed of Lease dated December 22, 2008 and the First Amendment to Deed of Lease dated June 9, 2015.
2. This instrument updates the approved equipment list. Equipment changes include the removal of three tower mounted amplifiers (TMA's) and 12 coax cables; the addition of three 6 x 12 hybrid cables and an 83" x 38" x 72" 25 KW diesel generator.
3. This instrument approves revising the upper size limit of panel antennas from up to 96".4" x 11.9" x 7.1" to 96.4" x 24" x 9.4", remote radio units (RRU's) from up to 17" x 19.7" x 7.2" to 13.2" x 14.9" x 10", and 6 x 12 hybrid cables from up to 1 5/8" diameter , approximately 180' to 1 5/8" diameter, approximately 235'.
4. The monthly rent will increase by \$400.
5. In all other respects the original lease remains in effect.
6. The Mayor is authorized to sign and deliver the lease amendment and any ancillary instruments necessary to evidence or effectuate the lease amendment, provided they are consistent with this ordinance and on such form approved by the Town Attorney.
7. This ordinance shall be in effect on and after the date of its adoption.

**[Note: Attached for reference are the Second Amendment to the Deed of Lease," dated January 29, 2019; Exhibit B-1; and Exhibit C-2.]**

**January 29, 2019  
(public hearing)**

Page 1 of 3

**SECOND AMENDMENT TO DEED OF LEASE**

This Second Amendment to Deed of Lease ("Second Amendment") is made this 29<sup>th</sup> day of January 2019 by and between **Town of Herndon, Virginia**, a municipal corporation, ("Town") and **T-Mobile Northeast LLC**, a Delaware limited liability company ("Lessee").

**WHEREAS**, Town and Lessee entered into that certain Deed of Lease dated December 22, 2008 as amended by the First Amendment to Deed of Lease dated June 9, 2015 (collectively referred to herein as the "Lease") whereby Town leased to Lessee a portion of the Town's property and space on the Spring Knoll Water Tower located at 828 Spring Knoll Drive, Herndon, Fairfax County, Virginia 20170 (the "Property"); and known as Site Number 7WAC201A to Lessee; and

**WHEREAS**, Town and Lessee desire to amend the Lease as follows;

**WHEREAS**, Town and Lessee hereby affirm that, as of the date hereof: (i) no breach or default by Town or Lessee occurred; and (ii) the Lease, and all the terms, covenants, conditions, provisions and agreements thereof, except as expressly modified by this Second Amendment are in full force and effect, with no defenses or offsets thereto; and

**NOW THEREFORE**, in consideration of the mutual covenants contained in the Lease and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Town and Lessee hereby agree as follows:

1. All capitalized terms shall have the meaning ascribed to them in the Lease unless otherwise defined in this Second Amendment.
2. In consideration of the modifications of the Premises and equipment list as noted below, Lessee shall pay Town an additional monthly rental for the Premises in the amount of Four Hundred Dollars (\$400.00). Such rent increase shall commence on the first day of the month following full execution of this Second Amendment.
3. Exhibit B is deleted in its entirety and replaced with Exhibit B-1, Exhibit C-1, is deleted in its entirety and replaced with Exhibit C-2, both are attached hereto and incorporated herein.
4. Lessee shall have the right to modify its premises description as described in Exhibit B-1 and its equipment list as described in Exhibit C-2, both attached hereto and incorporated herein.
5. Each of the parties represent and warrant that they have the right, power, legal capacity and authority to enter into and perform their respective obligations under this Second Amendment.
6. This Second Amendment will be binding on and inure to the benefit of the parties herein, their heirs, executors, administrators, successors-in-interest and assigns.

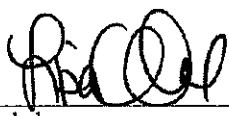
**January 29, 2019  
(public hearing)**

Page 2 of 3

7. Town represents and warrants to Lessee that the consent or approval of a third party has either been obtained or is not required with respect to the execution of this Amendment.
8. Except as specifically amended herein, the remaining terms of the Lease shall remain in full force and effect. To the extent any provision contained in this Second Amendment conflicts with the terms of the Lease, the terms and provisions of this Second Amendment shall prevail.
9. This Second Amendment may be executed in duplicate counterparts, each of which will be deemed an original.

**TOWN:**

**TOWN OF HERNDON, VIRGINIA**

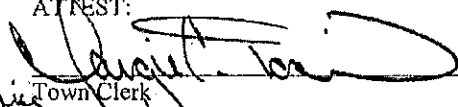
BY: 

Lisa C. Merkel

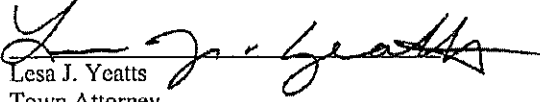
Mayor

DATE: 1-29-19

ATTEST:

  
Town Clerk

APPROVED AS TO FORM:

  
Lesa J. Yeatts  
Town Attorney

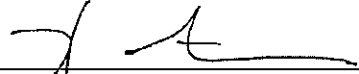
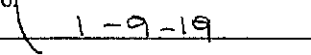
*Additional Signatures on Following Page*

**January 29, 2019  
(public hearing)**

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**LESSEE:**

**T-MOBILE NORTHEAST LLC**

BY:   
Kevin Forshee  
Area Director  
DATE: 

**January 29, 2019  
(public hearing)**

**Exhibit B-1**

The premises shall consist of the following:

1. The Ground Space, consisting of approximately 264 square feet for placement of equipment cabinets and a generator.
2. Space on the Tower sufficient to accommodate the placement, installation, operation and maintenance of the equipment (listed on Exhibit "C-2").
3. The Access easement.
4. The Utility Easements.
5. The premises are depicted on the attached drawings

January 29, 2019  
(public hearing)

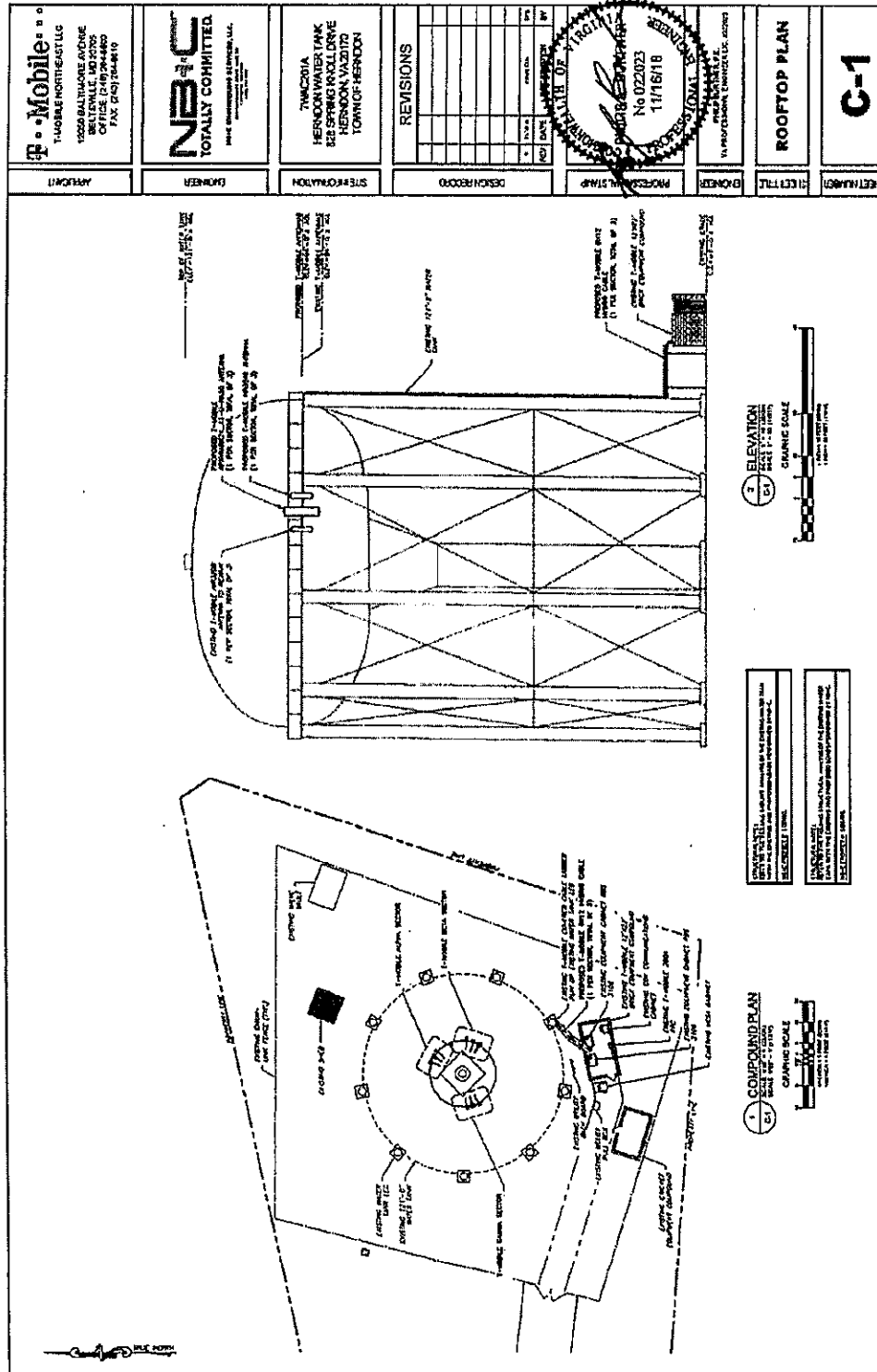


Exhibit B-1

**January 29, 2019  
(public hearing)**

**Exhibit C-2**

The following equipment together with any associated wires, cables, pipes, conduits and supporting structures associated with the equipment shall be located on the Spring Knoll Tank as generally shown on the attached drawings

| <u>Quantity</u> | <u>Type</u>                | <u>Approximate Size</u>      |
|-----------------|----------------------------|------------------------------|
| One             | Equipment Shelter          | 12' X 22'                    |
| One             | 25 KW Diesel Generator     | 83" X 38" X 72"              |
| 9               | Antennas                   | Up to 96.4" x 24.0" x 9.4"   |
| 3               | Remote Radio Units (RRU's) | Up to 13.2" x 14.9" 10.      |
| 3               | 6 x12 Hybrid Cable         | 1 5/8" diameter, approx 235' |
| 1               | Microwave                  | 1' Diameter                  |

[illegible]

January 29, 2019  
(public hearing)

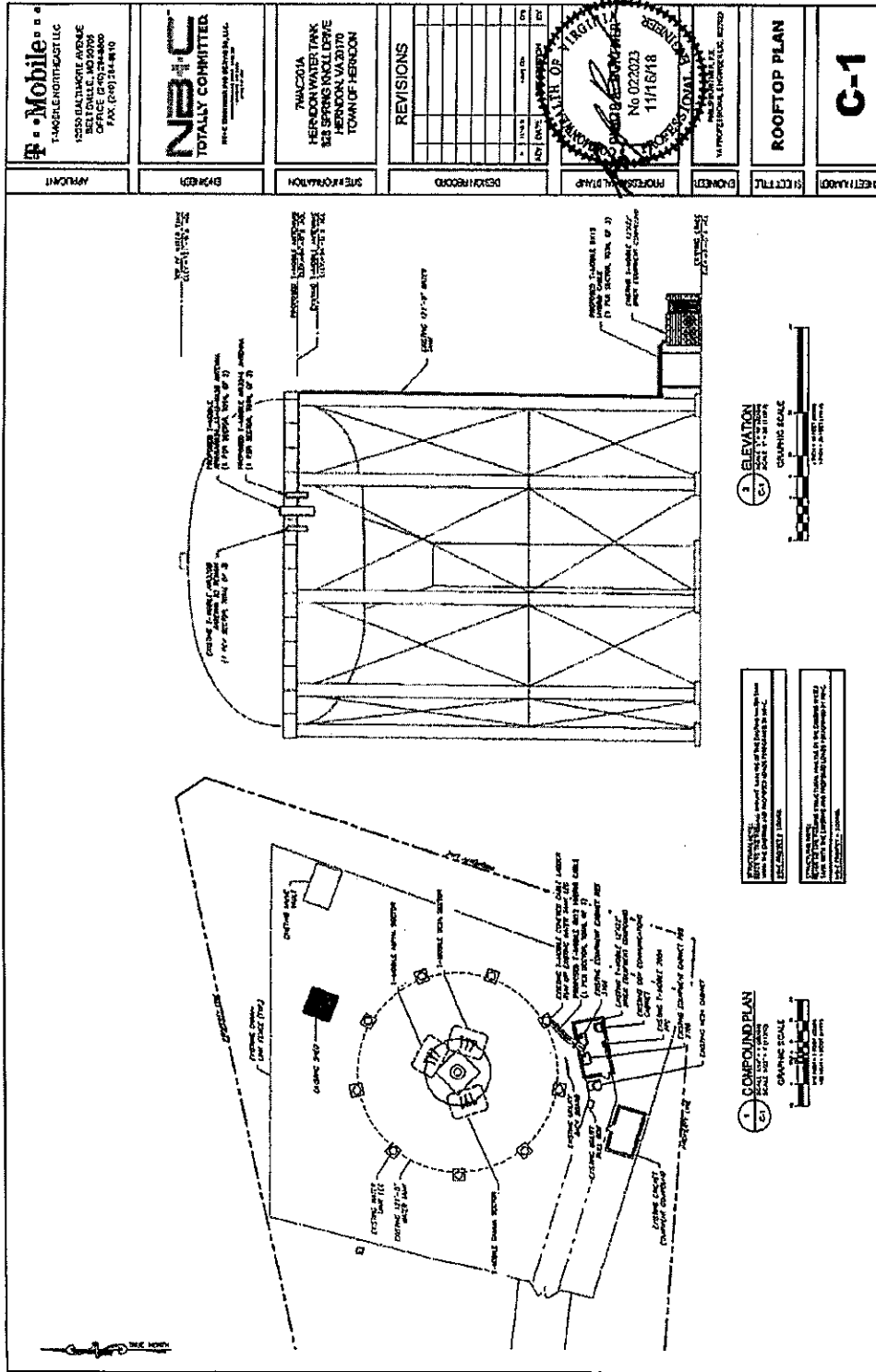
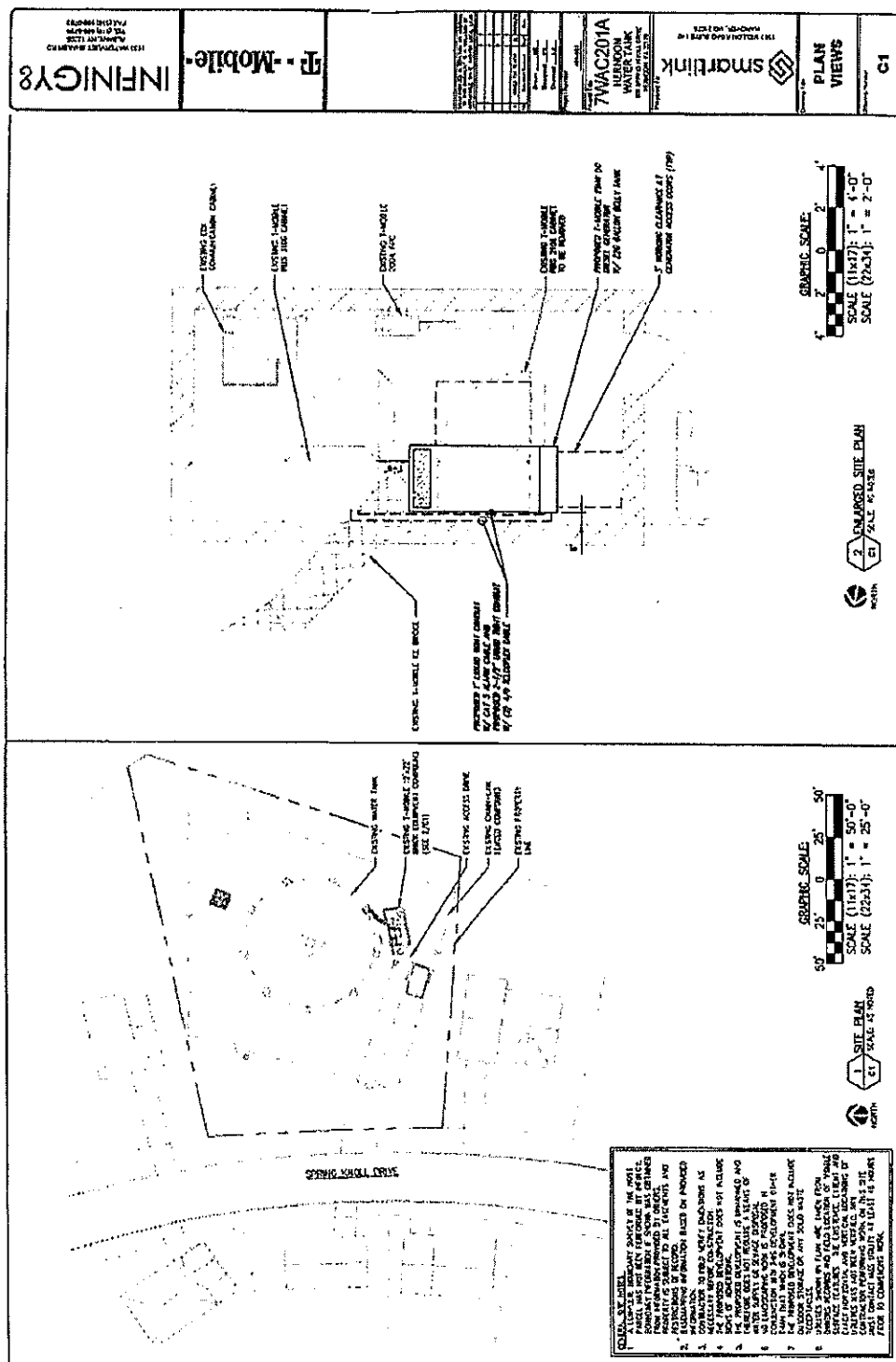


Exhibit C-2

**January 29, 2019**  
**(public hearing)**



**Exhibit C-2**

January 29, 2019  
(public hearing)

**Ordinance 19-O-02, to approve and to authorize the Mayor to sign a second lease amendment to T-Mobile Northeast, LLC for additional ground space, to revise the approved equipment list, and increase the rent at the Town's Alabama Drive Water Tower.**

Certificates of Publication were filed from the Editor of the *Fairfax County Times Newspapers*, showing that notices of said public hearing had been duly advertised in the January 11 and January 18, 2019 issues.

Mayor Merkel opened the public hearing and called on Tammy Chastain, Deputy Director of Public Works, for the staff report.

Ms. Chastain presented the staff report, which is on file in the Town Clerk's office. The second amendment to the deed of lease would provide ground space for a generator, to include a concrete pad and enclosure. The monthly rent would increase by \$400. Staff recommends approval of the proposed ordinance, as presented.

The public hearing was held, and the following individual provided testimony:

- Richard Downer, 715 Branch Drive, Apartment #308, Herndon.

Following the public hearing, on motion of Vice Mayor Olem, seconded by Councilmember McKenna, and carried by unanimous roll call vote, Ordinance 19-O-02 was approved, as presented. The vote was: Councilmembers Baker, del Aguila, Dhakal, Friedrichs, McKenna, Vice Mayor Olem and Mayor Merkel voting "Aye."

**Ordinance 19-O-02, to approve and authorize the Mayor to sign a second lease amendment to T-Mobile Northeast, LLC for additional ground space, to revise the approved equipment list, and increase the rent at the Town's Alabama Drive Water Tower.**

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

1. The Town Council approves this Second Amendment to Deed of Lease dated January 29, 2019. This instrument amends the original Deed of Lease dated May 5, 2009 and the First Amendment to Deed of Lease dated June 9, 2015.
2. This instrument approves the increase in the ground space of approximately 150 square feet for the placement of a back-up generator and associated concrete pad and enclosure.

**January 29, 2019  
(public hearing)**

3. This instrument updates the approved equipment list. Equipment changes include the addition of an 83" x 38" x 72" 25 KW diesel generator and a 10' x 15' generator enclosure.
4. The monthly rent will increase by \$400.
5. In all other respects the original lease remains in effect.
6. The Mayor is authorized to sign and deliver the lease amendment and any ancillary instruments necessary to evidence or effectuate the lease amendment, provided they are consistent with this ordinance and on such form approved by the Town Attorney.
7. This ordinance shall be in effect on and after the date of its adoption.

**[Note: Attached for reference are the Second Amendment to the Deed of Lease," dated January 29, 2019; Exhibit B-1; and Exhibit C-2.]**

**January 29, 2019  
(public hearing)**

Page 1 of 3

**SECOND AMENDMENT TO DEED OF LEASE**

This Second Amendment to Deed of Lease ("Second Amendment"), is made this 29<sup>th</sup> day of January 2019 by and between the **TOWN OF HERNDON, VIRGINIA**, a municipal corporation, ("Town") and **T-MOBILE NORTHEAST, LLC**, a Delaware limited liability company ("Lessee").

**WHEREAS**, Town and Lessee entered into that certain Deed of Lease dated May 5, 2009, as amended by the First Amendment to Deed of Lease dated June 9, 2015 (collectively referred to herein as the "Lease") whereby the Town leased to Lessee a portion of the Town's property and space on the Alabama Drive Water Tower located at 624 Alabama Drive, Herndon, Fairfax County, Virginia 20170 (the "Premises"); and known as Site Number 7WAC315N to Lessee; and

**WHEREAS**, Town and Lessee desire to amend the Lease as follows;

**WHEREAS**, Town and Lessee hereby affirm that, as of the date hereof: (i) no breach or default by Town or Lessee occurred; and (ii) the Lease, and all the terms, covenants, conditions, provisions and agreements thereof, except as expressly modified by this Amendment are in full force and effect, with no defenses or offsets thereto; and

**NOW THEREFORE**, in consideration of the mutual covenants contained in the Lease and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Town and Lessee hereby agree as follows:

1. All capitalized terms shall have the meaning ascribed to them in the Lease unless otherwise defined in this Second Amendment.
2. In consideration of the modifications of the Premises and equipment list as noted below, Lessee shall pay Town an additional monthly rental for the Premises in the amount of Four Hundred Dollars (\$400.00) for the installation of the back-up generator and the associated concrete pad and enclosure. Such rent increase shall commence on the first day of the month following full execution of this Second Amendment.
3. Exhibit B is deleted in its entirety and replaced with Exhibit B-1, Exhibit C-1, is deleted in its entirety and replaced with Exhibit C-2, both are attached hereto and incorporated herein.
4. Lessee shall have the right to modify its premises description as described in Exhibit B-1 and its equipment list as described in Exhibit C-2, both attached hereto and incorporated herein.
5. Each of the parties represent and warrant that they have the right, power, legal capacity and authority to enter into and perform their respective obligations under this Amendment.
6. This Second Amendment to Deed of Lease will be binding on and inure to the benefit of the parties herein, their heirs, executors, administrators, successors-in-interest and assigns.
7. Town represents and warrants to Lessee that the consent or approval of a third party has either been obtained or is not required with respect to the execution of this Amendment.

**January 29, 2019  
(public hearing)**

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8. Except as specifically amended herein, the remaining terms of the Lease shall remain in full force and effect. To the extent any provision contained in this Second Amendment conflicts with the terms of the Lease, the terms and provisions of this Amendment shall prevail.
9. This Amendment may be executed in duplicate counterparts, each of which will be deemed an original.

**TOWN:**

**TOWN OF HERNDON, VIRGINIA**

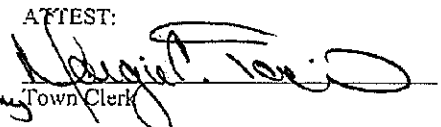
BY: 

Lisa C. Merkel

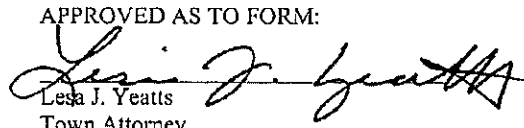
Mayor

DATE: 1-29-19

ATTEST:

  
Nancy Town Clerk

APPROVED AS TO FORM:

  
Lesa J. Yeatts

Town Attorney

*Additional Signatures on Following Page*

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(public hearing)

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LESSEE:

T-MOBILE NORTHEAST LLC

BY:   
Kevin Forshoe  
Area Director

DATE: 1-14-19

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(public hearing)**

**Exhibit B-1**

The premises shall consist of the following:

1. The Ground Space, consisting of approximately 200 square feet for placement of equipment cabinets.
2. The Ground Space, consisting of approximately 150 square feet for the placement of a back-up generator and associated concrete pad and enclosure.
3. Space on the Tower sufficient to accommodate the placement, installation, operation and maintenance of the equipment (listed on Exhibit "C-2").
4. The Access easement.
5. The Utility Easements.
6. The premises are depicted on the attached drawings.
7. The property is described in a deed dated May 9, 1956 by and among Maxwell Hurston, Esther O. Hurston, E. Maurice Kupersmidt, Irving S. Lichtman, Irene K. Lichtman, Albert W. Lewitt and Monte Maton, as grantors, and the Town of Herndon, as grantee, which deed is recorded in the Fairfax County Court land records in Deed Book 1453, Page 582.

**Nothing in this legal description shall convey to Lessee any rights in the Property other than what are specifically described in this Deed of Lease as to the Premises.**

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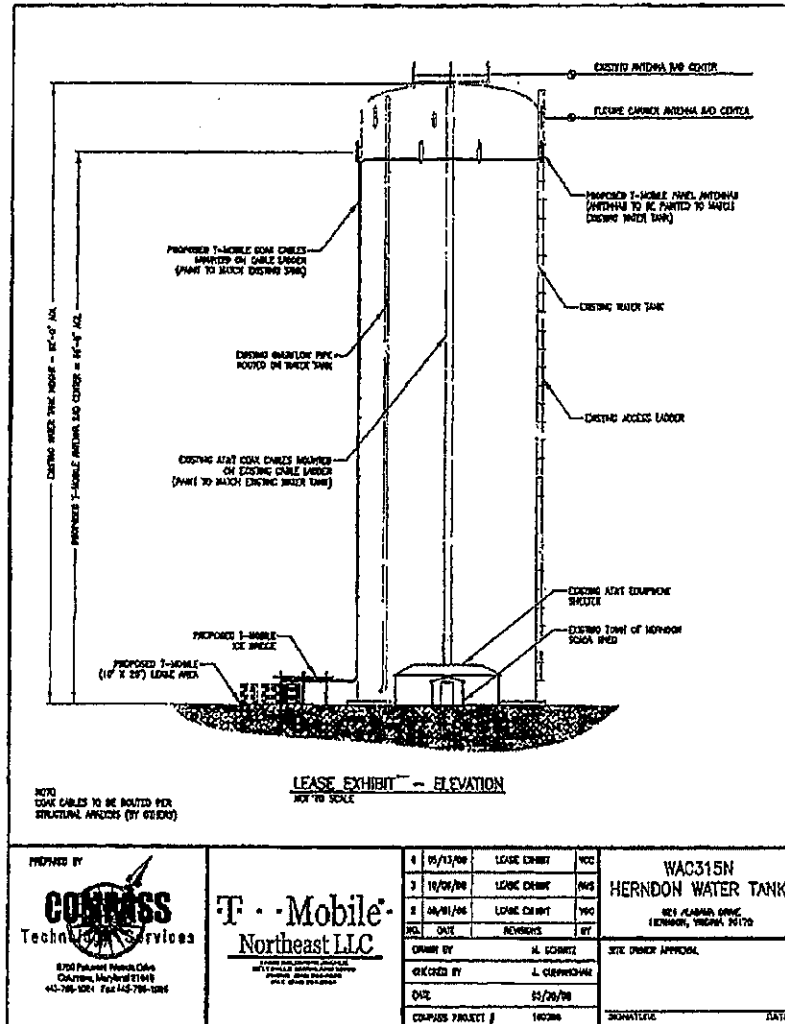


Exhibit B-1

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**Exhibit C-2**

The following equipment together with any associated wires, cables, pipes, conduits and supporting structures associated with the equipment shall be located on the Alabama Drive Water Tank as generally shown on the attached drawings.

| <u>Quantity</u> | <u>Type</u>                     | <u>Approximate Size</u> |
|-----------------|---------------------------------|-------------------------|
| 1               | Equipment Shelter               | 10' X 20'               |
| 1               | Generator Enclosure             | 10' X 15'               |
| 3               | Equipment Cabinets              | 63" X 51" X 37"         |
| 1               | 25 KW Diesel Generator          | 83" X 38" X 72"         |
| 9               | Antennas                        | 56.6" x 12.9" x 8.7"    |
| 9               | Tower Mount Amplifiers (TMA's)  | 12.5" x 5.9" x 3.5"     |
| 3               | Remote Radio Units (RRU's)      | 17" x 7.2" x 19.7"      |
| 18              | Coax and/or Fiber Hybrid Cables | 7/8" diameter           |







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**8. GENERAL**

**Resolution 19-G-05, to provide the Town Manager with Town Council Guidance on the FY 2020 Budget.**

William Ashton, Town Manager, presented the staff report, which is on file in the Town Clerk's office. He provided comments on the proposed resolution, which would start the FY 2020 budget process by providing guidance to staff for developing the budget.

Mr. Ashton reviewed the major themes provided in the proposed resolution, which were: advancing the 2035 Vision; funding activities that would demonstrate a commitment to and investment in the town's employees; and continuing efforts to develop and maintain a strong fiscal position. Further detail on the themes was provided under the "Now, Therefore, Be It Resolved" portion of the proposed resolution.

Mr. Ashton stated that staff would also revisit the existing parks and recreation model; prepare for the costs associated with supporting a Metrorail Station in Herndon and the development costs in and around the Metro Station; and review the town's lifecycle maintenance processes.

Councilmember del Aguila moved of approval Resolution 19-G-05, as presented. Councilmember McKenna seconded the motion.

There were brief comments from Council.

All members of Council and Mayor Merkel provided comments on the budget process and encouraged citizen feedback on the budget. Residents were asked to send their comments for the record to the Town Clerk's office at [town.clerk@herndon-va.gov](mailto:town.clerk@herndon-va.gov).

The question was called on the motion, which carried by unanimous vote. The vote was: Councilmembers Baker, del Aguila, Dhakal, Friedrichs, McKenna, Vice Mayor Olem and Mayor Merkel voting "Aye."

**Resolution 19-G-05, to provide to the Town Manager Town Council Guidance on the FY 2020 Budget.**

**WHEREAS,** the Town Council is committed to providing the core services expected of a municipal government, providing quality services and facilities for residents and businesses of the town and continuously improving town government effectiveness and efficiency; and

**WHEREAS,** the Town Council is committed to advancing the 2035 Vision Plan and Goals for the Town of Herndon as embodied in its principles, goals and objectives; and

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**WHEREAS,** the Town Council is committed to maintaining the town's fiscal integrity; and

**WHEREAS,** the Town Council recognizes the FY 2020 budget priorities for funding must be set.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Herndon, Virginia, hereby directs the Town Manager to use the following guidance in preparing the FY 2020 budget:

**Fund activities that will advance the 2035 Vision, to include:**

- Advancing implementation of Council's sustainability plan;
- Advancing implementation of town's downtown redevelopment plan;
- Providing for development and operation of an arts center facility; and
- Maintaining the town's focus on the use of technology to support administration and service provision.

**Fund activities that will demonstrate a commitment to, and investment in the town's employees, to include:**

- Continuing employee skills development and education, with an emphasis on succession planning and leadership development; and
- Continuing emphasis on maintaining a competitive employment position in local market.

**Continue efforts to develop and maintain a strong fiscal position, to include:**

- At Council's direction, preparing an annual budget that addresses the rising costs associated with program and service delivery, along with the additional revenue appropriations needed to meet them;
- At Council's direction, beginning with the FY 2020 budget cycle, the policy of linking the 1 percent increase in Meals Tax,

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initiated July 1, 2011, to address downtown development and various economic development initiatives, shall no longer be in effect;

- At Council's direction, revisit the town's existing Parks and Recreation cost recovery model and make recommendations regarding possible updates;
- Continue forward looking budget preparation in anticipation of impacts associated with the Metrorail and downtown redevelopment projects; and
- Emphasizing the funding of life cycle maintenance that provides a comprehensive assessment of the town's overall exposure along with the revenue stream needed to properly maintain town assets.

**Resolution 19-G-06, to consider amending the existing Tyler Technologies contract, #13-04, to add the EnerGov module.**

Page Kalapasev, Director of Information Technology, presented the staff report, which is on file in the Town Clerk's office. He stated that the town's current system for building inspections and permitting would no longer be supported. Staff worked together through the procurement process to find a suitable replacement for the existing software. The proposed EnerGov system would bring the town's existing building inspections and permitting system services online and allow for a paperless, more efficient module, which would improve citizen engagement. The system would tie into the town's existing Tyler Technologies software. Staff recommends approval of the proposed resolution, as presented.

There was brief discussion amongst Council and staff on this item.

In response to queries that Councilmember Dhakal asked for the record, Mr. Kalapasev affirmed that the town was migrating its data from the legacy system to a new one and that EnerGov would provide data migration, integration, and archiving. He stated that since this system would tie into the Tyler Technologies software, it would provide a centrally managed portal for staff to look up records.

Councilmember McKenna moved approval Resolution 19-G-06, as presented. Councilmember Baker seconded the motion.

There were brief comments from Council.

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The question was called on the motion, which carried by unanimous vote. The vote was: Councilmembers Baker, del Aguila, Dhakal, Friedrichs, McKenna, Vice Mayor Olem and Mayor Merkel voting "Aye."

**Resolution 19-G-06, to consider amending the existing Tyler Technologies contract, #13-04, to add the EnerGov module.**

**WHEREAS,** the Town of Herndon requires a software system for Public Works permitting and building inspections; and

**WHEREAS,** the previous software will be unsupported therefore mandating the need for a new software system; and

**WHEREAS,** staff evaluated three (3) possible software solutions (EnerGov, TRAKiT, Cityworks) and EnerGov scored the highest on the software evaluation; and

**WHEREAS,** staff determined that EnerGov is the best suited to meet the requirements for automation of workflow, mobile device capability for field workers, existing data conversion and migration, electronic submission and review of documents, online payments with Tyler cashiering and integration with Munis financials; and

**WHEREAS,** the initial software licensing cost will be funded through the requested IT FY 2020 budget; and

**WHEREAS,** once the system is fully operational the annual subscription cost will be allocated via the departmental operating budget (\$68,321 annually) replacing the current annual subscription cost of HTE Naviline (\$96,000); and

**WHEREAS,** implementation (\$110,890) is to be funded with the remaining IT CIP budget account 016; and

**WHEREAS,** the existing Tyler Technologies contract, #13-04, will be amended to add the EnerGov module.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Herndon, Virginia, hereby amends Tyler Technologies contract, #13-04, by an amount of \$68,321.

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**9. CONSENT AGENDA**

Mayor Merkel stated that there were several items on the Consent agenda, items #12 through #26, which were appointments to the town's boards, commissions, committees, and advisory and ad hoc committees.

As announced earlier, Mayor Merkel stated that the Consent agenda included the minor editorial revisions to Resolution 19-G-15.

On motion of Vice Mayor Olem, seconded by Councilmember Baker, and carried by unanimous vote, the following Consent agenda items were approved, with minor editorial revisions to Resolution 19-G-15. The vote was: Councilmembers Baker, del Aguila, Dhakal, Friedrichs, McKenna, Vice Mayor Olem and Mayor Merkel voting "Aye."

**Resolution 19-G-07, to reappoint Raymond Geier as a Member of the Building Board of Appeals.**

**BE IT RESOLVED BE IT RESOLVED** that the Town Council of the Town of Herndon, Virginia, hereby reappoints Raymond Geier as the "experienced builder" member to the Building Board of Appeals for a five-year term ending December 31, 2023.

\*\*\*

**Resolution 19-G-08, to reappoint Jay Donahue as a Member of the Board of Zoning Appeals.**

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Herndon, Virginia, hereby reappoints Jay Donahue as a member of the Board of Zoning Appeals for a five-year term ending December 31, 2023.

\*\*\*

**Resolution 19-G-09, to appoint the Town of Herndon's "Principal" and "Alternate" members as Advisory Directors to the Committee for Dulles Board of Directors.**

**WHEREAS,** founded in 1966, the Committee for Dulles, a non-profit organization, is the oldest member-sponsored organization dedicated to achieving the full potential of the Washington Dulles International Airport and its immediate market area; and

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**WHEREAS,** the committee provides the only significant opportunity for businesses, organizations and concerned individuals who depend on the Dulles Economic Corridor to stay current with up-to-the-minute, first-hand knowledge about the issues affecting the airport's daily operation and future prospects, and to play a vital role in the outcomes; and

**WHEREAS,** the Town of Herndon pays annual membership dues to the committee and appoints one elected official to serve as the Advisory Director on the Board of Directors as the town's official representative, although all members of council and town staff may attend monthly luncheons and events.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Herndon, Virginia, hereby appoints the following members to serve as the town's representatives to the Committee for Dulles for the 2019-2020 term:

- **Vice Mayor Sheila Olem**, as the town's "principal" advisory director; and
- **Councilmember Signe Friedrichs**, as the town's "alternate" advisory director.

\*\*\*

**Resolution 19-G-10, to appoint the Town of Herndon's "Principal" and "Alternate" members to the Dulles Area Transportation Association Board of Directors.**

**WHEREAS,** the Dulles Area Transportation Association (DATA), a nonprofit, public-private, 501(c)3 non-stock corporation, is dedicated to enhancing transportation mobility and fostering economic vitality and provides a visionary voice for building a transportation network that will accommodate the current and future growth planned for the area, with particular emphasis directed toward transportation issues in the Greater Dulles Area of Northern Virginia (Western Fairfax, Eastern Loudoun, and Northern Prince William Counties); and

**WHEREAS,** the Town of Herndon has been a member of DATA since its creation in 1988, and in November 1989, by Resolution 89-G-205, the Herndon Town Council approved support of DATA and its efforts; and

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**WHEREAS,** the town pays annual membership dues to the association and appoints an elected official as the town's 'principal' representative and the town manager to serve as an 'alternate' representative, although all members of council and staff may attend Board of Directors/Member meetings, events and seminars.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Herndon, Virginia, hereby appoints the following members to serve as the town's representatives to the Dulles Area Transportation Association for the 2019-2020 term.

- **Councilmember Cesar del Aguila**, as the town's "principal" member;
- **Councilmember Jen Baker**, as the town's "alternate" member; and
- **William H. Ashton II, Town Manager**, to serve as the town's CAO "second alternate" member.

\*\*\*

**Resolution 19-G-11, to reinstate the Herndon Town Council's Economic Development Advisory Committee.**

**WHEREAS,** the Herndon Town Council, as part of organizational housekeeping matters at the onset of each term, reviews council advisory committees to determine whether to reinstate or disband existing committees; and

**WHEREAS,** throughout the term, the Council may change representation and/or create additional advisory committees.

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

- reinstates the Economic Development Advisory Committee for the 2019-2020 term; and
- reappoints the following members to the advisory committee:
  - **Jeff Bentley**, as the "Large Employer Member";
  - **David Birtwistle**, as the "General Member";

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- **Shelley Grandy**, as the “Technology Sector Member”;
  - **Arthur Nachman**, as the “Real Estate Sector Member”;
  - **Peggy O’Reilly**, as the “Arts Community Member”;
  - **Vinay Patel**, as the “Hotel/Hospitality Sector Member”;
  - **Dave Richardson**, as the “Financial Sector Member”;
  - **Mauricio Velásquez**, as the “Downtown/Small Business Owner”;
  - the town’s Economic Development Manager, to serve as the staff liaison/ex-officio member;
  - a representative of the Herndon Chamber of Commerce, to serve as an ex-officio member; and
- requests the town clerk to work with the Economic Development Manager to fill the remaining vacancies for the “General Member” and “Restaurant Sector” representatives and to bring forward recommendations for consideration by the council at a future meeting.

\*\*\*

**Resolution 19-G-12, to reinstate and to reappoint members to the Herndon Town Council’s Grant Oversight Committee.**

**WHEREAS,** the Herndon Town Council, as part of organizational housekeeping matters at the onset of each term, reviews council committees to determine whether to reinstate or disband existing committees; and

**WHEREAS,** throughout the term, council may change representation and/or create additional committees.

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

- reinstates the Town Council’s **Grant Oversight Committee** for the 2019-2020 term; and
- reappoints:

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- **Councilmember Signe Friedrichs** to serve as the member of the Herndon Town Council;
  - **Commissioner Michael Romeo** to serve as the member of the Herndon Planning Commissioner; and
- confirms the appointment of **Michael Wallick** to serve as the member of staff.

\*\*\*

**Resolution 19-G-13, to reinstate the Herndon Town Council's Herndon Youth Advisory Council.**

**WHEREAS,** the Herndon Town Council, as part of organizational housekeeping matters at the onset of each term, reviews council subcommittees to determine whether to reinstate or disband existing committees; and

**WHEREAS,** throughout the term, council may change representation and/or create additional subcommittees.

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

- reinstates the Town Council's Herndon Youth Advisory Council for the 2019-2020 term;
- appoints **Councilmember Bill McKenna**, to serve as the Herndon Town Council Liaison; and
- reappoints the following members:
  - **Lucy Brown**;
  - **Kade Cralle**;
  - **Katie Evans**;
  - **Laura Evans**;
  - **Andrew Freeman**;
  - **Tea Geary**;

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- **Kathleen Grover;**
- **Claire Jones;**
- **Piper Luczak;**
- **Ian Nordling,** Growing Kids Therapy Center;
- **Ankit Poudel;** and
- **Zachary Skalaban.**

It is noted that at its meeting on January 10, 2019, the HYAC decided to rotate the leadership role among the members, giving all members an opportunity to serve as chair.

\*\*\*

**Resolution 19-G-14, to appoint members of the Herndon Town Council to the Inter-Jurisdictional Committee.**

**WHEREAS,** the inter-jurisdictional committee was originally formed in January 2008; and reinstated in July 2008, July 2010, July 2012 and July 2014, to meet with similar committees formed by Fairfax and Loudoun Counties; and

**WHEREAS,** the town's inter-jurisdictional committee meets jointly with Fairfax and Loudoun Counties as needed on inter-jurisdictional matters.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Herndon, Virginia, hereby appoints the following members of the Herndon Town Council to the inter-jurisdictional committee for the 2019-2020 term:

- **Mayor Lisa C. Merkel,** as the town's chief elected official;
- **Vice Mayor Sheila Olem;**
- **Councilmember Pradip Dhakal;** and
- **Councilmember Jen Baker,** as an "alternate" member.

\*\*\*

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**Resolution 19-G-15, to reinstate the Herndon Town Council's Interview Subcommittee.**

**WHEREAS,** the Herndon Town Council, as part of organizational housekeeping matters at the onset of each term, reviews council subcommittees to determine whether to reinstate or disband existing committees; and

**WHEREAS,** throughout the term, council may change representation and/or create additional subcommittees.

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

- reinstates the Town Council's Interview Committee for the 2019-2020 term; and
- appoints the following members:
  - **Councilmember Jen Baker;**
  - **Councilmember Cesar del Aguila;**
  - **Councilmember Pradip Dhakal;** and
  - **Councilmember Signe Friedrichs,** to serve as an alternate member.

\*\*\*

**Resolution 19-G-16, to reinstate and to appoint members to the Herndon Town Council's Investment and Auditing Advisory Committee.**

**WHEREAS,** the Herndon Town Council, as part of organizational housekeeping matters at the onset of each term, reviews council advisory committees to determine whether to reinstate or disband existing committees; and

**WHEREAS,** throughout the term, the Council may change representation and/or create additional advisory committees.

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

- reinstates the Investment and Auditing Advisory Committee for the 2019-2020 term.

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- appoints the following members of town council to serve:
  - **Councilmember Jen Baker**; and
  - **Councilmember Pradip Dhakal**.

\*\*\*

**Resolution 19-G-17, to appoint Town of Herndon Elected Officials to serve on the Northern Virginia Regional Commission.**

**WHEREAS,** the Northern Virginia Regional Commission (NVRC) is a regional council of 14 local governments in Northern Virginia and recognized by the Commonwealth of Virginia as a political subdivision — a government agency; and

**WHEREAS,** NVRC's programs and policies are established by a 25-member Board of Commissioners composed of elected officials appointed by the governing bodies of NVRC's 14 member localities, which include the Counties of Arlington, Fairfax, Loudoun and Prince William; the Cities of Alexandria, Fairfax, Falls Church, Manassas and Manassas Park; and the towns of Dumfries, Herndon, Leesburg, Purcellville and Vienna; and

**WHEREAS,** the NVRC's basic roles and functions have focused on providing information, professional and technical services, and a mechanism for regional coordination; and

**WHEREAS,** the Town of Herndon pays annual membership dues to the commission and appoints one elected official to serve as the town's representative.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Herndon, Virginia, hereby appoints the following members of the Herndon Town Council to the Northern Virginia Regional Commission for the 2019-2020 term.

- **Mayor Lisa Merkel**, as the town's "Principal" member;
- **Councilmember Jen Baker**, as the town's "alternate" member; and
- **Councilmember Bill McKenna**, as the town's "second alternate" member.

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\*\*\*

**Resolution 19-G-18, to appoint the Town of Herndon's 'Principal' member to the Northern Virginia Transportation Authority's Planning Coordination Advisory Committee (NVTA PCAC).**

**WHEREAS,** General Assembly legislation creating the Northern Virginia Transportation Authority (NVTA) calls for the establishment of the Planning Coordination Advisory Committee (PCAC); and

**WHEREAS,** legislation mandates that the PCAC, 'shall include, but not be limited to, at least one elected official from each town that is located in any county embraced by the Authority and receives street maintenance payments under § 33.1-41.1'; and

**WHEREAS,** membership of the PCAC is comprised of elected officials who are not members of the NVTA, including one member from the towns of Dumfries, Herndon, Leesburg, Purcellville, Vienna and any town that receives the specified street payment in the future; one member each from the Cities of Fairfax, Falls Church, Manassas and Manassas Park; two members each from the City of Alexandria and Arlington County; three members each from the Counties of Loudoun and Prince William; and four members from Fairfax County; and

**WHEREAS,** members are appointed annually by their local governing bodies.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Herndon, Virginia, hereby appoints **Councilmember Signe Friedrichs**, as the town's elected official to the Northern Virginia Transportation Authority's Planning Coordination Advisory Committee (NVTA PCAC) for the 2019-2020 term.

\*\*\*

**Resolution 19-G-19, to reinstate the Herndon Town Council's Pedestrian and Bicycle Advisory Committee.**

**WHEREAS,** the Herndon Town Council, as part of organizational housekeeping matters at the onset of each term, reviews council advisory committees to determine whether to reinstate or disband existing committees; and

**WHEREAS,** throughout the term, the Council may change representation and/or create additional advisory committees.

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

- reinstates the Pedestrian and Bicycle Advisory Committee (PBAC) for the 2019-2020 term;
- appoints **Councilmember Cesar del Aguila**, to serve as chair; and
- requests the town clerk to:
  - contact current members of PBAC to see their desire to continue to serve and to bring forward those names for appointment by the council at a future meeting; and
  - contact the Heritage Preservation Review Board and Planning Commission chairs to confirm the names of members to represent those bodies on PBAC.

\*\*\*

**Resolution 19-G-20, to appoint the Town of Herndon's representative to the Phase II District Commission.**

**WHEREAS,** on November 10, 2009, the Herndon Town Council adopted Resolution 09-G-130 determining that the Town Council wishes commercial, industrial and multi-unit residential property in the town to be included within the proposed Phase II Dulles Rail Transportation Improvement District; and

**WHEREAS,** Virginia Code Section 33.1-432 authorizes the creation of a Phase II District Commission consisting of four members of the Fairfax County Board of Supervisors (appointed by the Fairfax Board); one member of the Herndon Town Council (appointed by the Council); and the Chairman of the Commonwealth Transportation Board or his designee; and

**WHEREAS,** the Phase II District Commission would take action as permitted by the Virginia Code Act to provide for the funding, acquisition, construction and equipping of the Phase II Transportation Improvements including, but not limited to entering in agreements requiring the payment of proceeds from an annual special improvement tax levied and collected as authorized by the Act.

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**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Herndon, Virginia, hereby appoints the following members of the Herndon Town Council to the Phase II District Commission for the 2019-2020 term.

- **Councilmember Bill McKenna**, as the town's "principal" member; and
- **Councilmember Cesar del Aguila**, as the town's "alternate" member.

\*\*\*

**Resolution 19-G-21, to nominate Roland Taylor for appointment as the Town of Herndon's "Alternate" member to the Fairfax County Athletic Council.**

**BE IT RESOLVED** that the Town Council of the Town of Herndon, Virginia, hereby nominates **Roland Taylor** for appointment as the Town of Herndon's "**alternate**" member to the Fairfax County Athletic Council to fill an unexpired two-year term ending November 30, 2019.

**10. ADJOURNMENT**

There being no further business, the meeting adjourned at 7:50 p.m.

  
\_\_\_\_\_  
**Lisa C. Merkel**

**Mayor**

  
\_\_\_\_\_  
**Amanda M. Kertz**  
**Deputy Town Clerk**



**Minutes approved by Town Council: February 12, 2019.**

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(public hearing)

**NOTE:**

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