



This does not represent a verbatim transcript of the Town Council meeting. Visit www.herndon-va.gov "agendas & minutes" to view agendas and videos. Copies of videotapes of the public hearing meetings are available on request by contacting HCTV at 703-689-2323. Work sessions are not videotaped, but audio files are available. Individuals not having access to the town's website may contact the Town Clerk's office at 703-435-6804 or town.clerk@herndon-va.gov.

HERNDON TOWN COUNCIL
Tuesday
February 26, 2019

The Town Council met in public session on Tuesday, February 26, 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 Cesar del Aguila; Pradip Dhakal; Signe Friedrichs; and Bill McKenna. Councilmember Jennifer Baker was absent.

Others present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Chief Maggie DeBoard, Herndon Police; Elizabeth Gilleran, Director of Community Development; Tammy Chastain and John Irish, Deputy Directors of Public Works; David Stromberg, Zoning Administrator; Page Kalapasev, Director of Information Technology; Michael Wallick, Transportation Planner; and Margie C. Tacci, Deputy Town Clerk.

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

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

ANNOUNCEMENT

Mayor Merkel announced that Councilmember Baker was out of town.

APPROVAL OF MINUTES

Vote on February 12, 2019
Public Hearing Minutes

On motion of Vice Mayor Olem, seconded by Councilmember McKenna, and carried by 6-0 vote, the minutes of the February 12, 2019 public hearing were approved. The vote was: Councilmembers del Aguila, Dhakal, Friedrichs,

**February 26, 2019
(public hearing)**

McKenna, Vice Mayor Olem and Mayor Merkel voting "Aye." Councilmember Baker was absent.

**Vote on February 19, 2019
Work Session Minutes**

On motion of Councilmember Friedrichs, seconded by Vice Mayor Olem, and carried by 6-0 vote, the minutes of the February 19, 2019 work session were approved. The vote was: Councilmembers del Aguila, Dhakal, Friedrichs, McKenna, Vice Mayor Olem and Mayor Merkel voting "Aye." Councilmember Baker was absent.

PRESENTATION

3. Proclamation, to recognize "Women's History Month," March 2019.

Vice Mayor Olem read the proclamation recognizing "Women's History Month" into the record.

Following comments from Council, Mayor Merkel stated that Senator Boysko contacted her this afternoon and asked her to convey her regrets this evening. She very much wanted to participate in the presentation, however, had a conflict in her schedule. Senator Boysko honors all women who have pioneered to change society and that, she, too, asks all individuals to observe March as Women's History Month with appropriate programs, ceremonies, and activities.

The proclamation was presented to Herndon Rotary Club past presidents and representatives:

Pat Williams, Catherine Junel, Marlene Dorfeuille, Donielle Scherff, Marlene Dorochoer and Cassandre Durocher; Rowan Tree Founders Amy Dagliano and Kate Viggiano Janich; and Owner of Message Therapy Meg Donnelly.

Kate Viggiano Janich and Pat Williams provided brief comments and expressed appreciation for recognition.

**TOWN OF HERNDON, VIRGINIA
PROCLAMATION
WOMEN'S HISTORY MONTH
MARCH 2019**

In 1981, the National Women's History Project (NWHF) ~ an educational, nonprofit organization that recognizes and celebrates the accomplishments of

**February 26, 2019
(public hearing)**

women ~ petitioned the United States Congress to declare "National Women's History Week," which was celebrated for the next several years. Six years later, the NWHF successfully petitioned the Congress to expand the celebration of women's history to the month of March. From that point forward, March has been designated as **Women's History Month** across the country, to recognize the countless recorded and unrecorded contributions that women from every race and ethnic background have made to grow and strengthen our nation.

As the Town of Herndon celebrates **Women's History Month**, we remember that throughout history, women have demonstrated outstanding leadership in the areas of business, government, law, science, medicine, the arts, education and many other fields, and have comprised a significant portion of the labor force, working both inside and outside of the home. Women have been instrumental during times of war, serving in our nation's armed forces to defend the United States, and have taken an important role in serving our communities, particularly through volunteerism and in the establishment of charitable, philanthropic, and cultural institutions.

Therefore, the Mayor and Town Council of the Town of Herndon, Virginia, proclaim the month March 2019 as **Women's History Month** in the Town of Herndon, together with this year's theme, "Visionary Women: Champions of Peace and Nonviolence," to honor women who have led efforts to end war, violence, and injustice, and pioneered the use of nonviolence to change society.

Further, the Mayor and Town Council of the Town of Herndon, Virginia, call on citizens of the town to observe March as **Women's History Month** with appropriate programs, ceremonies, and activities.

4. COMMENTS FROM THE TOWN MANAGER

William H. Ashton II, Town Manager, provided an update on the downtown redevelopment project with Comstock Partners, LLC. He stated that the staff has finished reviewing the fourth resubmission of the site plan. Staff is now preparing a consolidated list of questions to return to Comstock. The next step will involve the Heritage Preservation Review Board.

5. COMMENTS FROM THE TOWN COUNCIL

Councilmember Dhakal: Stated that Councilmember McKenna had invited him to speak at the recent Herndon Youth Advisory Council meeting. He stated that he enjoyed sharing his story and encouraging the youth.

**February 26, 2019
(public hearing)**

Councilmember Dhakal stated that the 2019 Community Foundation for Northern Virginia Shape of the Region conference will be held on Thursday, March 7. The conference will discuss economic mobility. He stated that he looks forward to attending and encouraged others to attend.

Councilmember del Aguila: Stated that at the February 19 work session, the council discussed a code of conduct. He stated that "it was a step in the right direction."

Councilmember del Aguila stated that the council has not received much input from the public on suggestions for the upcoming budget. He encouraged the public to comment on the budget.

Councilmember del Aguila stated that he had a meeting with Dulles Area Transportation Authority (DATA) and he liked the focus on segments of populations normally left out.

Councilmember McKenna: Echoed Councilmember Dhakal's comments about the Herndon Youth Advisory Council (HYAC). He stated Councilmember Dhakal's comments had been motivating to the members of the HYAC.

Councilmember Friedrichs: Echoed Councilmember del Aguila's comment about the budget. She encouraged citizens to share their comments on the budget.

Councilmember Friedrichs stated that on Saturday, March 2, from 9:00-11:00 a.m., the council will host the first Herndon Town Council Community Roundtable. She encouraged anyone interested to attend.

Councilmember Friedrichs stated that Planning Commission Chair Melissa Jonas serves as Co-Chair of the Fairfax County Task Force on Affordable Housing. She stated that she attended the meeting as a visitor and she stated that efforts are being made to expand affordable housing.

Councilmember Friedrichs expressed her appreciation to the Department of Public Works (DPW) for their hard work during the snow storm last week. She also thanked DPW's refuse crew.

Vice Mayor Olem: Stated that she attended the grand opening of PM Pediatrics. She stated that this was a great resource to have in the community.

Vice Mayor Olem echoed Councilmember Friedrich's comments about the community roundtable.

**February 26, 2019
(public hearing)**

Vice Mayor Olem echoed Councilmember Friedrich's comments expressing appreciation to DPW for clearing the streets during the snow storm.

Vice Mayor Olem stated that St. Patrick's Day would be on March 17. She encouraged citizens to be safe and not to drink and drive.

Mayor Merkel: Stated that the council continues to encourage citizens to provide comments and recommendations while the budget is being developed. After April 1, citizens will have an opportunity to provide comments on the town manager's proposed recommended budget at public hearings on April 9 and April 23.

Mayor Merkel echoed her colleagues' comments about the community roundtable.

5. COMMENTS FROM THE AUDIENCE

Comments received by council have been entered into the record.

The following individuals came forward to provide comments:

- Barbara Owsley, 2101 Highcourt Lane, Unit 101, Herndon, requested council to consider amending the town code to limit the number of dogs permitted in a household.
- Ann Vayda, 621 Oak Street, thanked those who responded to her concerns about Pearl Street. She also addressed council about the Code of Conduct discussed at last week's work session and she urged the council to proceed with establishing a Code of Conduct without delay.

PUBLIC HEARINGS

- 6. Resolution 19-G-25, to consider Special Exception SE #19-01, 767 Monroe Street, to increase the number of nonresident persons permitted at a home-based business in a 24-hour period; Applicant: Heather Kepshire.**

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 February 8 and February 15, 2019 issues.

Mayor Merkel opened the public hearing and recognized David Stromberg, Zoning Administrator, for the staff report.

**February 26, 2019
(public hearing)**

Mr. Stromberg presented the staff report and PowerPoint dated February 26, which are on file in the Town Clerk's office. The application was for a special exception to expand a home-based business that would exceed the standards provided in the Zoning Ordinance. He outlined the application, location, and use, as provided in the staff report. The applicant was approved to operate a hair salon as a home-based business in 2016 and the town had not received any complaints for this address. The applicant was requesting an increase in the maximum of nonresident visitors in a 24-hour period from four to seven.

He stated the Planning Commission, at its January 28 public hearing, recommended approval of SE #19-01, with the proposed staff conditions. Staff also recommends approval of the proposed resolution, in accordance with the conditions recommended by staff.

There was a brief discussion amongst council and staff on this item.

Mayor Merkel invited the applicant forward for comments.

- Heather Kepshire, applicant, provided brief comments on the application. She expressed her appreciation to the council for their support of home-based businesses.

Following the public hearing, Councilmember Friedrichs moved approval of Resolution 19-G-25, as presented. Councilmember del Aguila seconded the motion.

There were brief comments from Council.

The question was called on the motion, which carried by a 6-0 vote. The vote was: Councilmembers del Aguila, Dhakal, Friedrichs, McKenna, Vice Mayor Olem and Mayor Merkel voting "Aye." Councilmember Baker was absent.

Resolution to consider Special Exception SE #19-01, to increase the number of nonresident persons permitted at a home-based business from a maximum of four in a 24-hour period to seven in a 24-hour period in an existing single-family residence in a R-10, Residential Single-Family, zoning district.

WHEREAS, the applicant, Heather Kepshire, has submitted a request for a special exception to permit a maximum of seven nonresident visitors in a 24-hour period at a home-based business located in a single-family residence at 767 Monroe Street and identified as Fairfax County Tax Map # 0162 02 0265A; and

**February 26, 2019
(public hearing)**

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 #19-01, 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 November 27, 2018, except where modified by these conditions.
- b. **Permitted use.** The use shall be limited to an accessory home-based hair salon.
- c. **Hours of operation.** The hours of operation for the use shall not extend beyond 8:00 AM – 6:00 PM on weekdays and shall not occur on weekends.
- d. **Employee/client parking.** Any employee or client arriving by automobile shall park in the driveway located at 767 Monroe Street. No more than two nonresident vehicles shall be parked in the driveway during operational hours.
- e. **Number of permitted nonresidents.** The number of nonresidents permitted shall not exceed seven within any 24-hour period. Children aged 12 and under that

**February 26, 2019
(public hearing)**

accompany a client shall not count towards the maximum number of nonresidents.

- f. **Signs.** Signage related to the business shall not be permitted.
- g. **Inspection.** The property owner shall, during hours of operation, make provisions to allow town officials to inspect the property upon reasonable notice by the town.
- h. **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 commence operation of the use within twelve months of approval of the special exception; and
 - iii. A change in substantial ownership of possession of the subject land.
- i. **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.

7. **Ordinance 19-O-03, to consider Zoning Ordinance Text Amendment ZOTA #18-06, to amend Chapter 78 (Zoning), Article V (Planned Development Districts), Sections 78-50.7, 78-71.6 & 78-110.2, to make housekeeping changes for internal consistency.**

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 February 8 and February 15, 2019 issues.

**February 26, 2019
(public hearing)**

Mayor Merkel opened the public hearing and recognized David Stromberg, Zoning Administrator, for the staff report.

Mr. Stromberg presented the staff report and PowerPoint dated February 26, which are on file in the Town Clerk's office. This was part of the ongoing process to eliminate inconsistencies, errors, or obsolete provisions in the Zoning Ordinance, and to increase clarity and efficiency. He outlined the proposed changes to Section 78-50.7 – Planned Development-Traditional Downtown; Section 78-71.6 – Eating Establishments; and Section 78-110.2 – Planting Standards for Landscaping, as provided in the staff report.

He stated that at its January 28 public hearing, the Planning Commission recommended approval of ZOTA #18-06. Staff recommends approval of the proposed ordinance, as presented.

There was a brief discussion amongst council and staff on this item.

Following the public hearing (there were no comments from the audience), Vice Mayor Olem moved approval of Ordinance 19-O-03, as presented. Councilmember McKenna seconded the motion.

There were brief comments from Council.

The question was called on the motion, which carried by a 6-0 vote. The vote was: Councilmembers del Aguila, Dhakal, Friedrichs, McKenna, Vice Mayor Olem and Mayor Merkel voting "Aye." Councilmember Baker was absent.

Ordinance to amend and reenact Chapter 78 (ZONING), Article V (Planned Development Districts), Section 78-50.7 (Planned Development Traditional Downtown District), Article VII (Use Regulations), Section 78-71.6 (Eating Establishments Use Category), Article XI (Development Standards), Section 78-110.2 (Planting Standards for Landscaping), to make housekeeping changes for internal consistency.

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

1. Chapter 78 (ZONING) of the Herndon Town Code is amended and reenacted as follows.

Sec. 78-50.7 – PD-TD – Planned Development Traditional Downtown District.

**February 26, 2019
(public hearing)**

- (h) *Site planning and building design in PD-TD.* Sites and buildings within the PD-TD district shall meet the following standards:

- (5) *HPRB review required for increased FAR.* Site and building design shall comply with guidelines in the Herndon Heritage Preservation Handbook as determined by the HPRB prior to the planning commission public hearing *in accordance with Section 78-155.1(h)(2)* ~~when the increased floor area ratio is considered.~~

Sec. 78-71.6 – Eating Establishments Use Category.

- (a) *Characteristics.* The eating establishments use category is characterized by establishments that sell prepared food for on- or off-premises consumption. Outdoor eating areas are permitted in accordance with section 78-80.4(n), ~~outdoor seating area of 25 seats or fewer, accessory to an enclosed restaurant with indoor seating.~~ Drive through lanes associated with the eating establishment are permitted in accordance with section 78-80.4(j), drive-through service accessory to a retail pharmacy, financial institution, laundry, eating establishment or other principal commercial use. See also Article XVIII, Definitions. Drive-in (not drive-through) window service is a term used to describe an establishment designed or operated to serve a patron while seated in an automobile parked in an off-street parking space. Drive-in window service is permitted with a special exception in this use category.

- (d) *Eating establishments use category specific standards.* All uses shall comply with all applicable standards in this chapter. In addition, the following specific use standards shall apply:

- (3) *Outdoor eating areas and drive-throughs.* Outdoor eating areas are permitted as an accessory to an eating establishment in accordance with section 78-80.4(n), ~~outdoor seating area of 25 seats or fewer, accessory to an enclosed restaurant with~~

**February 26, 2019
(public hearing)**

~~indoor seating.~~ Drive through lanes associated with the eating establishment are permitted as an accessory use in accordance with section 78-80.4(j).

Sec. 78-110.2 – Planting Standards for Landscaping.

- (b) *Planting standards.* Plantings required by this section shall comply with the following standards, unless otherwise specified herein.

- (2) *Existing vegetation.* Existing vegetation shall be subject to the following standards:

- a. Existing healthy, well-formed canopy and under story trees, as well as healthy shrubs, shall be credited toward the requirements of this section, provided the vegetation is protected before and during development of the site and maintained thereafter in a healthy growing condition *in accordance with* (see-s Section 78-111.4, tree preservation credit.) *All alien or invasive species, as determined by the community forester, shall be removed by the applicant.*

- b. ~~Prior to issuance of a zoning inspection permit, the applicant shall remove all alien, invasive plants from the property.~~

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

8. **Ordinance 19-O-04, to consider a third franchise amendment to Program Executive Office Enterprise Information Systems Project Manager Defense Communications & Army Transmission Systems Technology Applications Office, formerly the US Army Corps of Engineers, for the abandonment of existing routes resulting in town ownership and control of this conduit; the addition of a new route & the adjustment of franchise fees.**

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 February 8 and February 15, 2019 issues.

**February 26, 2019
(public hearing)**

Mayor Merkel opened the public hearing and recognized Lesa Yeatts, Town Attorney, to outline the town's bid process.

Ms. Yeatts reviewed the bid process, which is pursuant to the state code. She stated that the town would follow the bid process and the proposed ordinance would require a roll call vote.

Mayor Merkel announced that the town received one bid from the Program Executive Office Enterprise Information Systems Project Manager Defense Communications and Army Transmission Systems Technology Applications Office, (PEO-EIS PM-DCATS TAO) formerly the US Army Corps of Engineers, which is entered into the record and on file in the Town Clerk's office.

Mayor Merkel asked Tammy Chastain, Deputy Director of Public Works, whether staff received additional bids. Ms. Chastain replied no.

Hearing none, Mayor Merkel closed the bidding process.

Ms. Chastain presented the staff report, which is on file in the Town Clerk's office. The proposed Third Amendment to the franchise agreement would approve the abandonment of 4,510 feet of conduit. A new route consisting of 4,262 feet of conduit would start at the town boundary on the west side of Monroe Street and continue north on Monroe/Van Buren Street to Spring Street. The Third Amendment would also approve the abandonment of 1,592 feet of existing conduit. Ms. Chastain outlined the location of the conduit, as listed in the staff report and shown in attachment "Exhibit A" to the proposed ordinance. Staff recommends approval of the proposed ordinance, as presented.

Mayor Merkel invited the applicant's agent forward for comments.

- Dan Underwood, applicant agent, stated the applicant concurs with the staff recommendation.

Following the public hearing (there were no comments from the audience), Vice Mayor Olem moved approval of Ordinance 19-O-04, as presented. Councilmember McKenna seconded the motion.

There were brief comments from Council.

The question was called on the motion, which carried by a 6-0 ROLL CALL vote. The vote was: Councilmembers del Aguila, Dhakal, Friedrichs, McKenna, Vice Mayor Olem and Mayor Merkel voting "Aye." Councilmember Baker was absent.

**February 26, 2019
(public hearing)**

Ordinance to grant a third franchise amendment to Program Executive Office Enterprise Information Systems Project Manager Defense Communications and Army Transmission Systems Technology Applications Office, formerly the United States Army Corps of Engineers, for the abandonment of existing routes resulting in Town ownership and control of this conduit, the addition of a new route, and the adjustment of franchise fees.

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

1. The Town Council approves this Third Amendment to the Franchise Agreement dated February 2, 2004 and amended by Ordinance 12-O-17 and 18-O-09.
2. The Town Council approves the abandonment of 4,510 feet of conduit constituting the existing route that crosses Monroe St. just south of Worldgate Dr. and extends northward on the east side of Monroe St./Van Buren St. before crossing Van Buren St. and extending northward to the Spring St. intersection under Franchise Agreement dated February 2, 2004. (As reflected on Exhibit A)
3. The Town Council approves the new route consisting of 4,262 feet of conduit starting at the Town boundary on the west side of Monroe St. and continuing north on Monroe St./Van Buren St. to the Spring St. intersection. (As reflected on Exhibit A)
4. The Town Council approves the abandonment of 1,592 feet of conduit constituting the existing route on the north side of Spring St from the eastern Town boundary to the Herndon Parkway and the existing route on the west side of the Herndon Parkway extending from Spring St. to approximately 100 feet south of the W&OD Trail under the Franchise Agreement dated February 2, 2004. (As reflected on Exhibit A)
5. The Town Council approves the new route consisting of 1,482 feet of conduit starting at the eastern Town boundary on the north side of Spring St. where it will turn right onto the northbound outer loop of the Herndon Parkway and crossing the Herndon Parkway meeting up with existing conduit on the west side of the inner loop of the Herndon Parkway, approximately 100 feet south of the W&OD Trail. (As reflected on Exhibit A)
6. Exhibit A dated February 26, 2019 replaces any previous exhibit(s).

**February 26, 2019
(public hearing)**

7. Conduit to be abandoned per Exhibit A shall be marked in each handhole/manhole by Franchisee.
8. The current franchise fee, effective July 1, 2018, is \$4.56 per linear foot for 14,188 linear feet of facilities (\$64,697.28). This fee continues to escalate annually per the terms of the February 2, 2004 franchise agreement.
9. In all other respects the original franchise remains in effect.
10. The Mayor is authorized to sign and deliver the franchise and any ancillary instruments necessary to effectuate the franchise.
11. This ordinance shall be in effect on and after the date of its adoption.

Attached for reference is the Third Amendment to the Franchise Agreement & Exhibit A dated February 26, 2019.

**February 26, 2019
(public hearing)**

THIRD FRANCHISE AMENDMENT

THIS THIRD AMENDMENT dated for identification this 26th day of February 2019 is hereby made to the Franchise Agreement dated February 2, 2004 as amended by the First Amendment dated August 14, 2012, as amended by the Second Amendment dated March 27, 2018, by and between Town of Herndon, Virginia (Town) and Program Executive Office Enterprise Information Systems Project Manager Defense Communications and Army Transmission Systems Technology Applications Office (PEO-EIS PM-DCATS TAO) formerly the United States of America, United States Army Corps of Engineers, Baltimore District (USACE)

In consideration of the PEO-EIS PM-DCATS TAO's payment to Town of a per linear foot franchise fee (as this fee may be adjusted), the parties agree that:

1. The existing route that crosses Monroe St. just south of Worldgate Dr. and extends northward on the east side of Monroe St./Van Buren St. before crossing Van Buren St. and extending northward to the Spring St. intersection is hereby abandoned. (As reflected on Exhibit A)
2. The new route will start at the Town boundary on the west side of Monroe St. and continue north on Monroe St./Van Buren St. to the Spring St. intersection. (As reflected on Exhibit A)
3. The existing route on the north side of Spring St. from the eastern Town boundary to the Herndon Parkway and the existing route on the west side of the Herndon Parkway extending from Spring St. to approximately 100 feet south of the W&OD Trail is hereby abandoned. (As reflected on Exhibit A)
4. The new route will start at the eastern Town boundary on the north side of Spring St. where it will turn right onto the northbound outer loop of the Herndon Parkway and will then cross the Herndon Parkway to meet up with existing conduit on the west side of the inner loop of the Herndon Parkway, approximately 100 feet south of the W&OD Trail. (As reflected on Exhibit A)
5. Conduit to be abandoned as reflected on Exhibit A, attached hereto, shall be marked in each handhole/manhole by Franchisee.
6. The current franchise fee, effective July 1, 2018, is \$4.56 per linear foot for 14,188 linear feet of facilities (\$64,697.28). The fee continues to escalate annually per the terms of the February 2, 2004 franchise agreement.
7. Exhibit A dated February 26, 2019, attached hereto, replaces any previous exhibit(s).

Signatures on following page

February 26, 2019
(public hearing)

PROGRAM EXECUTIVE OFFICE ENTERPRISE
INFORMATION SYSTEMS PROJECT MANAGER
DEFENSE COMMUNICATIONS AND ARMY
TRANSMISSION SYSTEMS TECHNOLOGY
APPLICATIONS OFFICE

By: John J. Swart
John J. Swart
Director

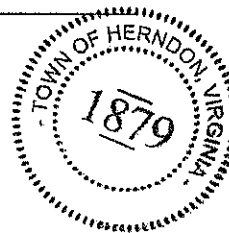
TOWN OF HERNDON, VIRGINIA

By: Lisa C. Merkel
Lisa C. Merkel
Mayor

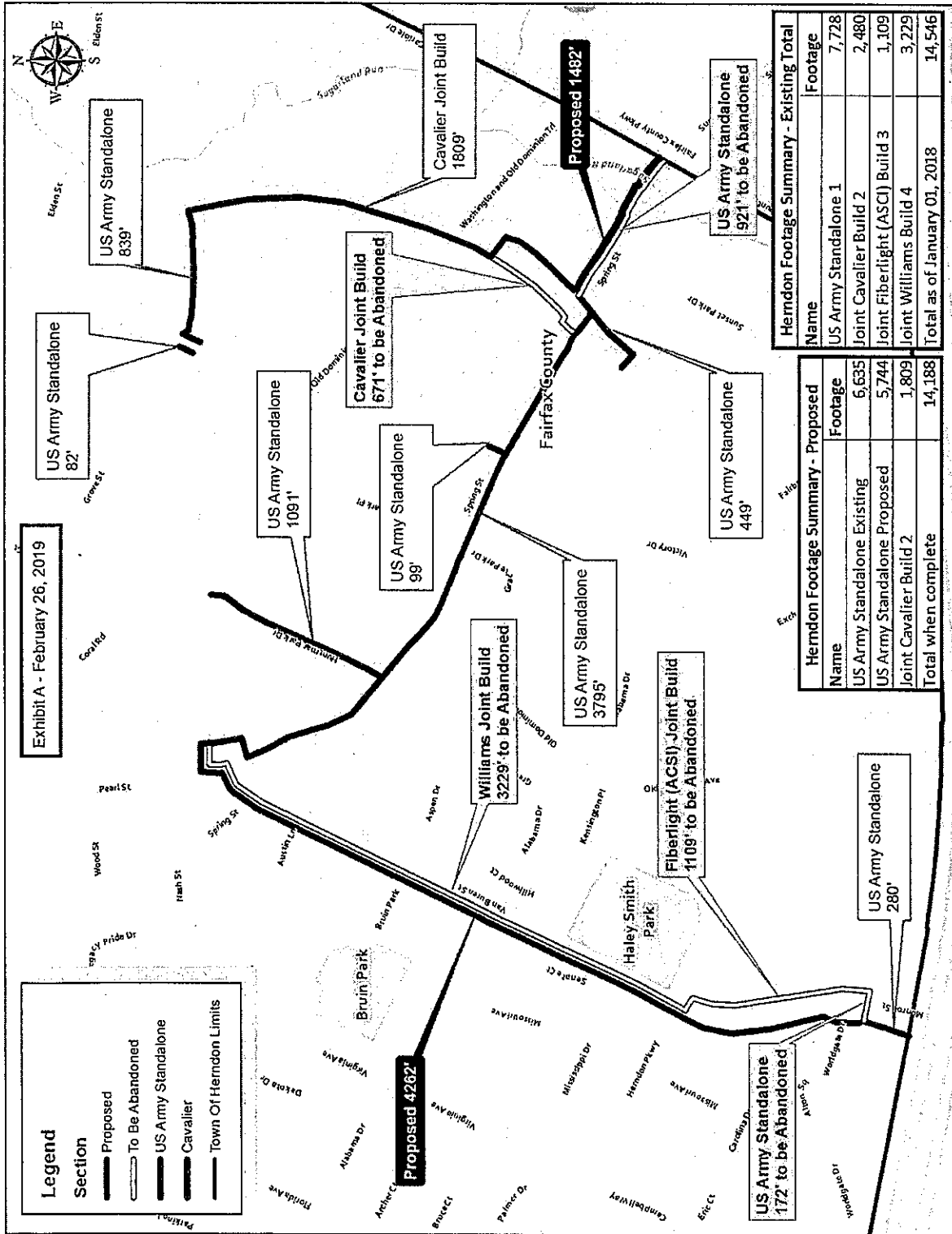
ATTEST:
[Signature]
Acting Town Clerk

APPROVED AS TO FORM:

[Signature]
Lesh J. Yeatts
Town Attorney



February 26, 2019
(public hearing)



February 26, 2019
(public hearing)

9. **Resolution 19-G-26, to consider Comprehensive Plan Amendment CPA #18-02, to amend the town's 2030 Comprehensive Plan, to establish a design concept for street improvements on South Elden Street, between Sterling Road and Herndon Parkway, and incorporate by reference the Design Concept by AECOM consultants.**

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 February 8 and February 15, 2019 issues.

Mayor Merkel opened the public hearing and stated that comments received on this item have been entered into the record. She recognized Michael Wallick, Transportation Planner, for the staff report.

Mr. Wallick presented the staff report and PowerPoint, dated February 26, which are on file in the Town Clerk's office. The proposed resolution was a Comprehensive Plan Amendment (CPA), to establish a design concept for street improvements on South Elden Street, between Sterling Road and Herndon Parkway, and to incorporate by reference the Design Concept by AECOM consultants (dated November 30, 2017, revised June 15, 2018).

Mr. Wallick reviewed the background and process for the proposed CPA; proposed comprehensive plan language; and location and types of proposed improvements. This was a limited plan amendment, establishing a design concept for street improvements on South Elden Street, between Sterling Road and Herndon Parkway.

He stated that at its January 28 public hearing, the Planning Commission provided a recommended resolution, which was attached to the staff report. Staff recommends approval of CPA #18-02, as presented.

There was a brief discussion amongst council and staff on this item.

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

- Ann Vayda, 631 Oak Street, asked for clarity on whether the proposed plan would reduce the number of lanes and she asked that staff make the traffic plan available to the public.
- Donielle Scherff, 721 Hemlock Court, asked that streetlights and trash receptacles be included in the plan.

Following the public hearing, Councilmember Friedrichs moved approval of Resolution 19-G-26, as presented. Vice Mayor Olem seconded the motion.

**February 26, 2019
(public hearing)**

There were brief comments from council.

The question was called on the motion, which carried by a 6-0 vote. The vote was: Councilmembers del Aguila, Dhakal, Friedrichs, McKenna, Vice Mayor Olem and Mayor Merkel voting "Aye." Councilmember Baker was absent.

Resolution to consider Comprehensive Plan Amendment #18-02, to amend the Town of Herndon 2030 Comprehensive Plan, adopted August 12, 2008, as amended, to establish a design concept for street improvements on South Elden Street, between Sterling Road and Herndon Parkway, and incorporate by reference the Design Concept by AECOM consultants (dated November 30, 2017, revised June 15, 2018).

WHEREAS, On November 13, 2018, the Town Council formally authorized consideration of the plan amendment by Resolution 18-G-63; and

WHEREAS, The Planning Commission held a public hearing on the plan amendment as required under Section 15.2225 of the Code of Virginia, which resulted in approval and certification of a recommending resolution which has been transmitted to the Town Council; and

WHEREAS, The Town Council held a public hearing on the plan amendment on February 26, 2019.

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

1. The Town Council approves Comprehensive Plan Amendment CPA #18-02 for adoption as an amendment to the Town of Herndon 2030 Comprehensive Plan adopted August 12, 2008, as amended.
2. Approves and recommends inserting the following text amendment to the Transportation Chapter, current Page IX-8, as well as supporting documents described below to be incorporated by reference into the comprehensive plan:
[text shown on the following page]
6. South Elden Street: (Town Minor Arterial) Herndon Parkway to Sterling Road, improve to divided four lane section. Project study area to encompass Elden

**February 26, 2019
(public hearing)**

Street/Sterling Road and Elden Street/Ferndale Avenue intersections. (CIP) add a shared-use path of eight feet in width & improve the existing 5-lane section to be a 4-lane section with 11 foot wide travel lanes and a raised median and protected turning lanes. To increase visibility and safety to pedestrian crossings, enhanced crosswalks are to be added at the intersections of Elden Street and Alabama Drive, the intersection at Dulles Park Shopping Center, and the intersection of Elden Street at Sterling Road. The eight foot wide shared-use path is to be located on the western side of Elden Street and is to run from Sterling Road to Herndon Parkway.

3. CPA #18-02 amends the Town of Herndon 2030 Comprehensive Plan adopted August 12, 2008, as amended through January 13, 2015 to establish a design concept for street improvements on Elden Street, between Sterling Road and Herndon Parkway, and incorporate by reference:
 - a. The Design Concept by AECOM (dated November 30, 2017, revised June 15, 2018)
 - b. Traffic Operations Technical Memorandum South Elden Street Corridor Plan Existing and No Build Condition, prepared by AECOM and dated December 22, 2017
 - c. 2040 Build Scenario Traffic Operations Addendum South Elden Street Corridor Plan, prepared by AECOM and dated July 9, 2018
 - d. The conceptual access management plan prepared by the Department of Community Development and shown as attachment 8 to the staff report of February 19, 2019
4. Based upon outcomes of the OIPI (Grant Oversight Committee which met in 2018), the town shall pursue two separately funded initiatives related to this project within the study area:
 - a. Signalize the intersection of Elden Street and the Dulles Park Shopping Center.

**February 26, 2019
(public hearing)**

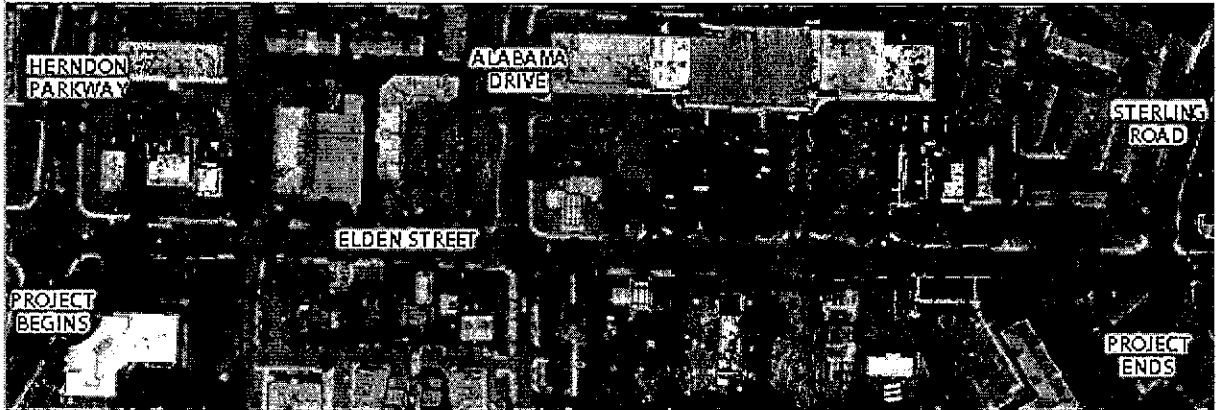
- b. Improve the existing sidewalk on the east side of Elden Street, between Herndon Parkway and Sterling Road.
- 5. This resolution shall be effective on and after its date of adoption.

Attached for reference is the location map.

February 26, 2019
(public hearing)

Attachment
19-G-26

Location Map



Herndon

**February 26, 2019
(public hearing)**

10. CONSENT AGENDA

On motion of Vice Mayor Olem, seconded by Councilmember del Aguila, and carried by 6-0, the following Consent agenda item was approved, without comment. The vote was: Councilmembers del Aguila, Dhakal, Friedrichs, McKenna, Vice Mayor Olem and Mayor Merkel voting "Aye." Councilmember Baker was absent.

Resolution 19-G-27, to reappoint members to the town Council's Pedestrian and Bicycle Advisory Committee.

WHEREAS, the Town Council's Pedestrian and Bicycle Advisory Committee was established in October 2008; reinstated in July 2010, July 2012, July 2014, January 29, 2019, with Councilmember Cesar del Aguilar appointed to serve as chair; and

WHEREAS, members serve two-year terms to coincide with election terms.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby reappoints the following individuals to the Town Council's Pedestrian and Bicycle Advisory Committee for a two-year term ending December 31, 2020:

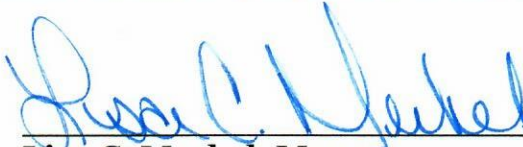
Reappoints:

- Martha "Jo" Adams, as a citizen representative;
- Sherry Blanton, as a citizen representative;
- Matthew Dykstra, as a citizen representative;
- Dua'a Elbarasse, as a citizen representative;
- Janis Linkov-Johnson, as a citizen representative;
- Ian MacDonald, as a citizen representative;
- Nancy Myers, as a citizen representative;
- Eric Boll, as the HPRB representative; and
- Marcia Bouchard, as the Planning Commission representative.

February 26, 2019
(public hearing)

11. ADJOURNMENT

There being no further business, the meeting adjourned at 8:13 p.m.



Lisa C. Merkel, Mayor


Amina Ait-Bella, Legislative Assistant

Minutes approved by Town Council: March 12, 2019