TOWN OF HERNDON, VIRGINIA
WORK SESSION AGENDA
HERNDON COUNCIL CHAMBERS BUILDING
765 LYNN STREET
APRIL 2, 2019
7:00 P.M.

PRESENTATIONS

1. Proclamation, to recognize "National Autism Acceptance Month," April 2019

2. Proclamation, to recognize "Distracted Driving Awareness Month," April 2019

3. Proclamation, to recognize "Nepalese American Heritage Day," April 20, 2019

PUBLIC HEARINGS

4. Ordinance 19-O-07, to consider Development Plan DP #17-01, an application for a Herndon Transit-Oriented Core (HTOC) Development Plan with proffered conditions to allow a mixed-use development located at 555 Herndon Parkway. Owner: 555 Herndon LLC; Representative: Frank J. Poli, Senior Vice President, Penzance Management, LLC; Agent: Kenneth W. Wire, Esq. Wire Gill, LLP. **(Continued from March 26)**

5. Ordinance, to Levy Taxes on Real Estate and Manufactured Homes, and Other Subjects for the Fiscal Year 2020 budget

6. Ordinance, to amend Chapter 30 (FINANCE & TAXATION), Article IX (Meals Tax), Sec. 30-401 (Levy), for a possible increase in the meals tax up to 4.0 percent. (The current rate is 2.5 percent.)

7. Ordinance, to amend Chapter 74 (UTILITIES), Article II (Sewers & Sewage Disposal), Division 5 (Sanitary Sewer System Rates & Charges), Section 74-262; and Article III (Water), Division 2 (Service), Section 74-326 (Schedule of Charges), to increase the usage charges for sanitary sewer and water, effective for meter readings taken on or after July 1, 2019

8. Resolution, to adopt a Fiscal Planning Resolution for the Fiscal Year 2020 budget

9. Ordinance, to Appropriate Funds to Implement the Fiscal Year 2020 budget, establishing the pay plan, and reserving on-going and capital funding for this fiscal year

GENERAL

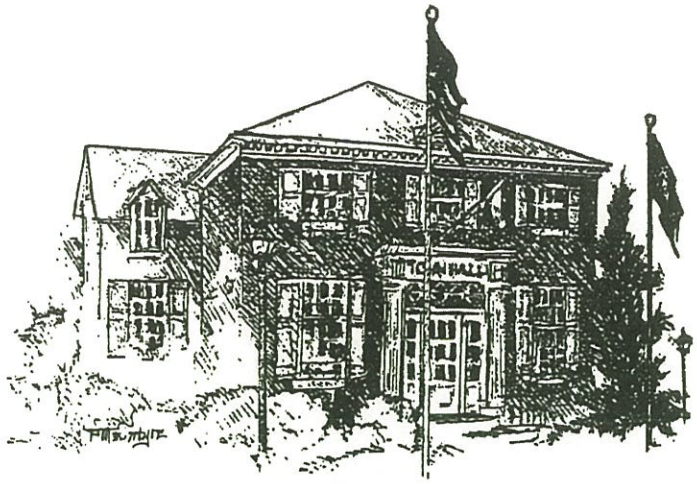
10. Ordinance, to amend Chapter 2 (ADMINISTRATION), Article I (In General), Section 2.5, of the Code of the Town of Herndon, to add a preamble, additional language to ethical responsibilities, and specific references to the Town Charter and Town Code

CONSENT AGENDA

11. Proclamation, to honor Mani Fierro on posthumously being named the 53rd Herndon Rotary Citizen of the Year

12. Resolution, to award contract IFB #19-09, Asphalt Concrete Paving & Milling

ROUNDTABLE



TOWN OF HERNDON, VIRGINIA

PROCLAMATION

NATIONAL AUTISM ACCEPTANCE MONTH

APRIL 2019

WHEREAS, Autism is a motor sensory difference experienced by children and adults. Some individuals are able to speak and others are not. Speech is not an indicator of intelligence. Autism is a lifelong condition. Skills and quality of life are improved by intervention and support services; and

WHEREAS, People should presume competence in autistic individuals. This means believing autistic individuals can and want to learn. This means providing quality education and intervention; and

WHEREAS, Individuals want to be included in the community. This means ensuring access and acceptance. Autistic individuals are your community members, your neighbors, friends and family. The Town of Herndon proclaims acceptance and welcome for autistic individuals in the community, welcoming autistic individuals comes through education and community supports.

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby proclaims April 2019 as **National Autism Acceptance Month** in the Town of Herndon and urges all employees and residents to participate in our municipality's **National Autism Acceptance Month** activities, in order to become better educated about autism and create a better community for individuals with autism.

Sheila A. Olem, Vice Mayor

Pradip Dhakal, Councilmember

Jennifer K. Baker, Councilmember

Signe Friedrichs, Councilmember

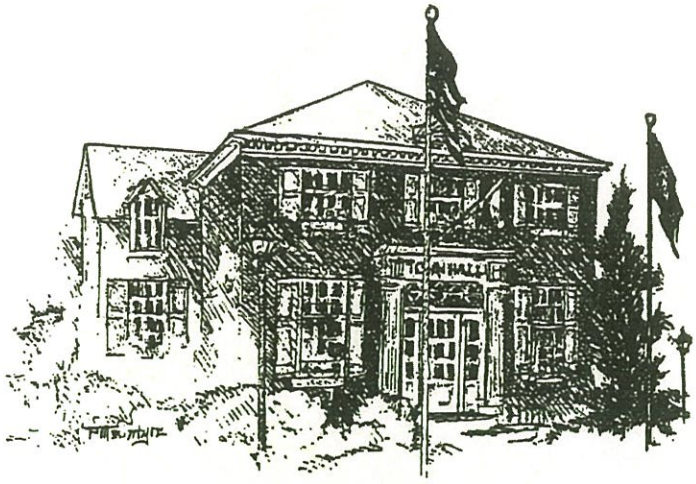
Cesar del Aguila, Councilmember

Bill McKenna, Councilmember

Lisa C. Merkel, Mayor

TOWN OF HERNDON VIRGINIA 1879

Proclaimed by the Herndon Town Council April 9, 2019.



TOWN OF HERNDON, VIRGINIA

PROCLAMATION

DISTRACTED DRIVING AWARENESS MONTH

APRIL 2019

Distracted driving is any activity that could divert a driver's attention away from the primary task of driving a vehicle. All distractions endanger driver, passenger and bystander safety. According to the National Highway Traffic Safety Administration, in 2016 alone ~ 3,450 lives were lost in distraction-affected crashes, while an estimated 391,000 were injured in motor vehicle crashes involving distracted drivers in 2015. Engaging in visual-manual subtasks associated with the use of hand-held phones and other portable devices increases the risk of getting into a crash by three times, while texting and driving increases the risk for a crash by 23 times. Considering the significant risks, the best way to end distracted driving is by educating all Americans about the dangers inherent with these behaviors.

Therefore, the Mayor and Town Council of the Town of Herndon, Virginia, hereby proclaim the month of April 2019, as **Distracted Driving Awareness Month** in the Town of Herndon; support the Herndon Police Department in raising awareness about distracted driving; and encourage education about of the significant dangers of distracted driving ~ improving highway safety for all citizens and visitors to Herndon, Virginia.

Sheila A. Olem, Vice Mayor

Pradip Dhakal, Councilmember

Jennifer K. Baker, Councilmember

Signe Friedrichs, Councilmember

Cesar del Aguila, Councilmember

Bill McKenna, Councilmember

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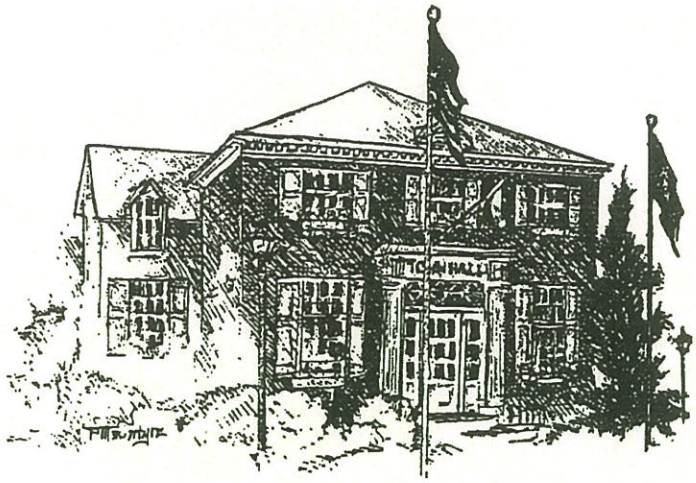

TOWN OF HERNDON, VIRGINIA
PROCLAMATION
NEPALESE AMERICAN HERITAGE DAY
APRIL 20, 2019

The United States recognized Nepal in 1947, and the two countries established diplomatic relations in 1948. The migration of Nepalese Americans to the United States began in the 20th century.

Nepalese American Heritage Day is recognized on the third Saturday of April each year for celebration within the first week of Nepalese New Year, which is on April 14, 2019. April 20thmarks this year's **Nepalese American Heritage Day**.

The Town of Herndon takes great pride to be the home of many Nepalese Americans that includes Councilmember Pradip Dhakal, who is one of four Americans of Nepalese origin, that have been elected to public office in the United States.

Therefore, the Mayor and Town Council of the Town of Herndon, Virginia, hereby proclaim the 20th day of April, 2019 as **Nepalese American Heritage Day** in the Town of Herndon; recognize the contributions of Americans of Nepalese origin, who through their hard work and engagement, dedication to family and strong sense of community, have helped to unite and sustain our nation, and break down barriers of discrimination, indifference, intolerance, working towards the inclusion of people from all backgrounds.

Further, the Mayor and Town Council of the Town of Herndon, Virginia, hereby celebrate the history, traditions and culture of Americans of Nepalese origin and applaud their commitment to leadership, dedication to knowledge and determination to succeed; and highlight their contributions across all aspects of our society, including the arts, science, industry, government, and commerce.

Further, the Mayor and Town Council of the Town of Herndon, Virginia, hereby encourage all residents to learn more about the history and culture of Nepal, and to celebrate the contributions that make the small town they call home ~ Herndon ~ a better place to live and work.

Sheila A. Olem, Vice Mayor

Pradip Dhakal, Councilmember

Jennifer K. Baker, Councilmember

Signe Friedrichs, Councilmember

Cesar del Aguila, Councilmember

Bill McKenna, Councilmember

Lisa C. Merkel, Mayor

TOWN OF HERNDON VIRGINIA 1879

TOWN OF Herndon VIRGINIA

MEMORANDUM

To: William H. Ashton II, Town Manager

From: Bryce A. Perry, Deputy Director of Community Development

Date: March 29, 2019

Subject: Development Plan Application, DP#17-01, 555 Herndon Parkway

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This memorandum serves as an addendum to the Town Council staff report, dated March 19, 2019, which was considered by the Town Council in its review of the above referenced case at its March 19, 2019 work session and the memorandum dated March 21, 2019 and considered by the Town Council in its review of the above referenced case at its March 26 public hearing.

The application has not changed since the public hearing on March 26, 2019 nor has the applicant submitted any new information. The application materials provided to the Town Council at its March 19, 2019 work session and the updated materials provided at the March 26, 2019 public hearing are still current.

Staff Recommendation:
Staff is recommending approval of this application, DP#17-01, in accordance with the attached ordinance (Attachment #1).

Attachments:
1. Draft Ordinance (including signed Proffer Statement and Metes and Bounds Description)

TOWN OF HERNDON, VIRGINIA

ORDINANCE

APRIL 9, 2019

Ordinance- to adopt Herndon Transit-Oriented Core (HTOC) Development Plan DP #17-01. To amend the zoning of the property located at 555 Herndon Parkway identified as Fairfax County Tax Map Reference Number 0164-10-0002C to allow a mixed-use development at a 4.3 FAR. The subject parcel contains an area of 4.3439 acres, and is zoned PD-TOC, Planned Development – Transit-Oriented Core. It is designated in the Town of Herndon 2030 Comprehensive Plan as Regional Corridor Mixed Use.

In adopting this Ordinance, the Town Council has considered the factors set out in 15.2-2284, Code of Virginia (1950) as amended.

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

A. The zoning of the property described below, lying in the Town of Herndon, Fairfax County, Virginia, is amended to allow the mixed use redevelopment at a 4.3 FAR as proposed in the Penzance/Christopher Consultants/DCS Design/Wire Gill Development Plan dated March 14, 2019 and the Proffer Statement dated March 20, 2019 for DP#17-01 and in accordance with the Section 78-50.8 of the Town of Herndon Zoning Ordinance.

The property is shown on the above referenced Development Plan and described in the land records of Fairfax County in Deed Book 23971 page 0001. The property is further described in the metes and bounds dated November 25, 2015 included as an attachment to this ordinance. Total land area of the property is 4.3439 acres (189,220 square feet).

B. This rezoning shall be governed by this ordinance, the Town of Herndon Zoning Ordinance, the above referenced Proffer Statement for DP#17-01 and the above referenced Development Plan for DP#17-01. The Proffer Statement is included as an attachment to this ordinance. This rezoning is consistent with the 2030 Comprehensive Plan of the Town of Herndon and the incorporated Herndon Metro Station Area Study and Herndon Transit-Oriented Core Plan adopted February 28, 2012. It is generally compliant with the Urban Design and Architectural Guidelines for the Herndon Transit-Oriented Core adopted November 26, 2013.

C. The Town Council approves the following modification to the zoning regulations, as allowed under Section 78-50.2(d):

A modification to Section 78-50.8(g)(4)(a) *Dimensional Standards* to allow tower separation for buildings over 80 feet in height be reduced from 65 feet to not less than 55 feet.

D. As to the modification set out in item C. above, the Town Council finds that such modification will afford equal or greater assurance of meeting the goals of the zoning ordinance, Town of Herndon, Virginia, as set out in the preamble of that ordinance and the goals of the statement of intent of the PD-TOC Planned Development – Transit-Oriented Core zoning district.

E. This ordinance shall be effective on and after its adoption.

christopher
consultants

DESCRIPTION OF PARCEL 2C

PARKWAY TRADE CENTER

TOWN OF HERNDON

FAIRFAX COUNTY, VA

NOVEMBER 25, 2015

BEGINNING at a point on the southerly right of way line of Herndon Parkway State Route #924, said point being the northeast corner of Lot 6 Parkway Trade center and the northwest corner of the property herein described;

Thence with the southerly line of Herndon Parkway S 79°09'53" E a distance of 238.40 feet to a point of curvature;

Thence with a curve turning to the left with an arc length of 138.18 feet, with a radius of 840.00 feet, with a chord bearing of S 83°52'38" E, with a chord length of 138.02 feet, with a delta angle of 9°25'30" to a point;

Thence departing the southerly right of way line of Herndon Parkway and running with the westerly line of Lot 3 Parkway Trade Center S 03°17'45" E a distance of 405.22 feet to a point on the northerly line of the Dulles Toll Road Route #267;

Thence with the northerly line of the Dulles Toll Road with a curve turning to the right with an arc length of 486.05 feet, with a radius of 7439.44 feet, with a chord bearing of S 88°34'33" W, with a chord length of 485.97 feet, with a delta angle of 3°44'36" to a point;

Thence departing the northerly line of the Dulles Toll Road and running with the easterly line of Lot 6 Parkway Trade Center N 10°50'07" E a distance of 484.81 feet to the point of beginning.

Containing an area of 189,218 square feet or 4.3439 acres.

christopher consultants, ltd.
9417 innovation drive
manassas, virginia 20110

voice 703 393 8887
fax 703.393 9076
web site www.christopherconsultants.com

PROFFER STATEMENT

555 Herndon Parkway

March 20, 2019

Pursuant to Section 15.2-2303 of the Code of Virginia (1950, as amended) and Section 78-50.8 of the Town of Herndon Zoning Ordinance, as amended (the "Zoning Ordinance"), the undersigned, for themselves and their successors and/or assigns (referred to hereafter, both collectively and, where appropriate, individually, as the "Applicant"), hereby proffers that the development (the "Development") of the parcels that are the subject of this application, which are shown on the Fairfax County 2015 Tax Map as parcels 16-4(10))2C (the "Property") shall be in substantial conformance with the conditions set forth below (the "Proffers") if and only if Development Plan #17-01 ("Development Plan") is approved.

1. DEVELOPMENT PLAN.

   a. The Property shall be developed in substantial conformance with the development plan entitled 555 Herndon Parkway prepared by Christopher Consultants and Davis Carter Scott dated February 14, 2019 (the "Development Plan") and these Proffers. It is understood by the Applicant that all other applicable regulations and policies governing land development within the Town of Herndon (the "Town") shall apply to the Property and its development unless specifically modified by the language of this approval.

   b. Minor modifications of the Development Plan may be permitted without the need for an amendment to this approval when necessitated by final engineering or site design provided that the development is in substantial conformance with the Development Plan, these Proffers, and as approved by the Architectural Review Board ("ARB"), if applicable. Substantial conformity shall be determined as provided in the Zoning Ordinance.

   c. The Applicant may proceed with the approval of a unified commercial subdivision development plan without the need to amend these Proffers, provided that the proposed subdivision does not adversely impact the ability of the site to develop in accordance with the Development Plan and these proffers.

2. ARCHITECTURE AND URBAN DESIGN

   a. The final architectural treatment and exterior design of all buildings within the Development Plan shall create a sense of identity and place through the use of unifying elements such as materials, textures, color, lighting, and landscaping as

generally reflected on the materials and exhibits contained in the Development Plan and the HTOC Urban Design & Architectural Guidelines.

b. Architectural plans may be revised subsequent to the final approval of the Development Plan and pursuant to approval by the ARB.

c. Development Phasing. The Applicant shall construct the streets and provide pedestrian improvements, public accessible parks, private amenities and public accessible facilities on the Property in conjunction with the development of each new building in a manner that reflects the intent of that shown within the Phasing Exhibits contained in the Development Plan. Development may proceed in any order provided that each building provides the phasing conditions depicted on the Phasing Exhibits. Each phase of the project shall also comply with the minimum parking requirements. Adjustments to the phasing boundaries may be approved with the site plan approvals provided that the adjustments do not materially adversely affect the other phases.

d. Conceptual Open Space Plan. The Development Plan includes a conceptual landscape plan for the Property as shown on Sheet 8.0 consisting of approximately 1 acre and including details for streetscapes, plazas, publicly accessible park areas, courtyards and private amenity areas. As part of each plan approval, more detailed landscape plans for each building phase shall be provided and subject to the review and approval of the ARB, provided that the detailed landscaping and hardscape plans are found to be in substantial conformance with the concepts included in the Development Plan.

e. Garage Screening.

   i. The Applicant shall screen the interim phases of the parking garages with temporary decorative treatments such as fabric panels or decorative designs subject to the review and approval of the ARB.

   ii. The permanent garage facades shall be treated with architectural enhancements that integrate the garage into the overall project design. Such enhancements may include, continuing design elements for the primary use above down through the garage façade, incorporating decorative paneling within garage openings, landscaping, lighting or metal designs subject to the review and approval of the ARB.

f. First Floor Activation. The Applicant shall include active first floor uses in the areas shown in the Development Plan facing and turning the corner of Herndon

Parkway and facing the internal open space courtyard. Active first floor uses shall incorporate transparent exterior store fronts and lobbies accessible from the abutting streetscape.

g. Interior Noise Attenuation. The Applicant shall submit highway noise studies, prepared by a qualified acoustical consultant, at the time of each building permit submission to determine what if any noise attenuation measures are needed to achieve Day-Night Average Sound Levels (DNL) of no more than 45 dBA for interior residential uses or hotel uses and no more than 55 dBA for interior office uses. Based on the findings of the studies, the Applicant shall incorporate the appropriate noise attenuation elements into the design and construction documents to achieve the recommended DNL for the applicable building(s) or portions thereof.

h. Streetscape Furnishings, Materials and Lighting. Streetscape furnishing, materials and lighting plans shall be provided as part of the site plan and shall be in substantial conformance with the HTOC Urban Design & Architectural Guidelines and the Herndon Streetscape Manual and subject to review and approval by the ARB. Unified and high-quality streetscape materials shall be provided and may include, but not be limited to, unit pavers, seat walls, tree space edging, lighting, traffic signal poles, benches, trash receptacles and other hardscape elements. These plans shall include general product information and approximate locations of furnishings and materials to be located in the streetscape between the building face and the curb.

i. Sugarland Trail Run fence and Lighting. The Applicant shall install a metal fence and lighting along the southern border of the Property. The style of the components shall reflect the HTOC Urban and Design and Architectural Guidelines and are subject to the review and approval of the ARB. The proposed fence and lighting shall be incorporated in the first site plan for the Property and shall be built with the first phase of the project.

j. Decorative Surface Treatments. The Applicant shall utilize decorative pavers for high visibility crosswalks at all intersections. Similar crosswalks designed to blend with the adjoining streetscape pavements shall extend over aprons and curb cuts to loading docks or similar vehicular entrances and exits. Within the roadway a special decorative surface treatment or pavers shall highlight the pedestrian/vehicular entrance into the garage and/or pedestrian connections. The style of the crosswalks and special surface treatments shall reflect the HTOC Urban Design Guidelines and are subject to the review and approval of the ARB.

k. Design of Central Plaza and Internal Street. The plaza will include decorative pavers and crosswalks, flush curbs, bollards and other design elements as shown, subject to the review and final approval of the ARB. The internal street installed with Building A shall include final materials including the decorative pavers within the drive aisle as shown on Sheet 7.0 of the development plan.

l. Pedestrian Passageways. The Applicant will continue to refine the pedestrian passageways to increase visibility through the use of lighting and distinct building materials. The Applicant will work with the Town to increase passageway ceiling height on the eastern passageway where possible.

3. USES. Unless modified by an amendment to the approved Development Plan, any use or combination of uses permitted in the PD-TOC may be established on the Property so long as the Project is in substantial conformance with graphics and notes on Development Plan Sheet 4.0 and the following:

a. The total maximum project floor area is limited to 813,637 square feet of GFA which is a 4.3 FAR based on a lot area of 189,218 square feet.

b. Total residential development shall not exceed 488,182 square feet of GFA;

c. Total office development shall not be less than 200,000 square feet of GFA.

d. Total retail development shall not be less than the minimums shown on Sheet 4.0 of the Development Plan.

e. Incorporation of a hotel use is permitted but shall be in lieu of the residential GFA.

f. Subject to Zoning Ordinance Article IX, Temporary uses and Structures, the Applicant, or its designee, shall be permitted to operate or hold festivals, fairs farmers' markets, food trucks/carts or similar activities on the Property, either in the interim surface parking lots or within publicly-accessible privately-owned open spaces, pedestrian ways and private streets. Portions of the private street network may be closed for such activities, provided that alternate circulation, garage and parking access is maintained.

g. The interim surface parking lots on the Property as shown on Sheets 5.1 through 5.6 of the development plan may remain as-is until each phase is completely built-out. Parking may only be used for on-site uses and shall not be used for Metro

parking.

4. TRANSPORTATION.

a. Off-Site Transportation Improvement Contribution. The Applicant shall make a per GFA foot contribution of $1.50 to the Town to address off-site transportation improvements. This contribution shall be paid on a pro-rata basis upon or prior to the issuance of an occupancy permit for each building based on the actual GFA of the building.

b. The Applicant shall receive a full credit towards the contribution provided in Proffer 4(a) for any other requested off-site transportation improvement expenditures, except for improvements required by Zoning Ordinance and HTOC Urban Design & Architectural Guidelines.

c. Traffic Signal. Concurrent with the submission of the site plan for Office Building B, the Applicant shall prepare and submit to the Town the appropriate traffic signal warrant analysis for a traffic signal at the western entrance to the Property and Herndon Parkway and diligently pursue any off-site easements and permission needed to construct the signal. If the applicable warrants are met, the signal warrant study is approved by the Town all design exceptions and waivers necessary for installation of the signal are approved, and all necessary off-site easements and permission are obtained, then the Applicant shall install the signal prior to the first certificate of occupancy for Building B. The Applicant shall deduct 50% of the total cost of the signal from the Off-Site Transportation Improvement contribution in Proffer 4(a) up to a total signal cost of Four Hundred Thousand Dollars ($400,000.00). If the cost of the signal exceeds Four Hundred Thousand Dollars ($400,000.00), the Applicant will shall deduct 100% of the costs above $400,000.00 from the Off-Site Transportation Improvement contribution in Proffer 4(a).

d. Right of Way Dedication. The Applicant shall dedicate the right-of-way along the Herndon Parkway frontage shown as Public Dedication Area on Sheet 8.1 of the Development Plan prior to the first site plan approval. Notwithstanding the foregoing, the existing eastern entrance as shown on Sheet 3.0 shall remain operational until the issuance of a building permit for Building B and C. The Applicant reserves future density credit from the Right-of-Way dedication in accordance with the terms and conditions of Zoning Ordinance Section 78-155.9 in affect as of the date of the approval of these Proffers.

e. Public Pedestrian Access. The Applicant shall provide public pedestrian access to the at-grade Public Accessible Space areas as shown on Sheet 8.1 of the Development Plan. Such access may be closed temporarily for private events and for construction and staging of the various phases. The Applicant will work with the Town to establish reasonable rules and hours for use of the Public Accessible Space.

f. Private Street and Utility Easements.

   a. The Applicant will grant public vehicular access and utility easements over the project's perimeter streets shown as Street and Utility Easement Area on Sheet 8.1 of the Development Plan.

   b. These easements will enable the Applicant to close the perimeter street for the construction of future phases and street maintenance.

   c. The Applicant will reasonably cooperate with the immediately adjacent property owners to permit the final construction and widening of the private streets to their full street cross sections, as well as address any maintenance, insurance and liability issues.

g. Sidewalk Improvements. As shown on the Development Plan, the Applicant will construct the sidewalk and bicycle track improvements along the Herndon Parkway frontage between the eastern and western Project entrances prior to the issuance of the first certificate of occupancy for the first phase of the project.

h. Transportation Demand Management. This Proffer sets forth the programmatic elements of a transportation demand management program (the "TDM Program") that shall be implemented by the Applicant to encourage the use of transit (Metrorail, Fairfax Connector, Metrobus, or other public transit service), other high-occupant vehicle commuting modes, walking, biking and teleworking, all in order to reduce automobile trips generated by the multifamily dwelling and the office uses constructed on the Property. The proffered elements of the TDM Program will be implemented through a Transportation Demand Management Work Plan (the "TDM Work Plan") developed by the Applicant with input from and approval by the Town of Herndon Department of Community Development. It is the intent of this Proffer that the TDM Work Plan will be adapted over time to respond to the changing transportation related circumstances of the Property, the surrounding community and the region, as well as to technological and/or other improvements. The Applicant's TDM Work Plan has the objective of meeting the

trip reduction goals for signal occupancy vehicles measured at the peak AM/PM hours by 35% for residential uses and 25% for office and commercial uses. The TDM Work Plan shall incorporate any combination of the following elements:

a. Contributions to resident and employee Metro fare cards.
b. Contributions to Fairfax Connector, WMATA, or other public transit service approved by the Town.
c. Ride sharing and carpool parking spaces.
d. Bicycle racks and bicycle share stations.
e. Bicycle storage rooms and office tenant shower and changing rooms.
f. Tenant incentives to participate in yearly transportation management surveys.

i. Parking. Parking shall be provided in phases concurrent with development of the Property and in substantial conformance with the Development Plan and these proffers. Notwithstanding the above, Applicant reserves the right to provide parking at revised ratios as may be permitted at time of site plan by the Town of Herndon Zoning Ordinance or may seek future parking reductions for the Property as permitted by the Town of Herndon Zoning Ordinance, either of which shall not require a Development Plan amendment.

5. GREEN BUILDING.

a. Residential Building Certifications. The Applicant shall design and construct each residential building to achieve either LEED v4 New Construction or Multifamily Midrise certification from U.S. Green Building Council, Multifamily Building certification from National Green Building Standard (NGBS), EarthCraft Multifamily certification, or an equivalent green building program as determined by the Applicant and the Town.

b. Office Building Certifications. The Applicant shall design and construct the office base building to achieve either LEED v4 Core and Shell Development or New Construction Silver certification from U.S. Green Building Council, or an equivalent green building program as determined by the Applicant and the Town.

c. The Applicant shall include, at the time of application for a building permit for each building, a list of specific credits or design elements incorporated into the building using the then current documentation of the selected green building program for each multifamily building and the office building.

d. The Applicant shall meet with the Town following application for each site plan to coordinate green building strategies and priority credits, such priorities shall

include evaluating green infrastructure for stormwater management and potential bird-friendly design features, and the installation of at least 2 electric vehicle charging stations per garage.

6. CONTRIBUTIONS.

a. Sanitary Sewer. The Applicant shall make a contribution to the Town in the amount of $120,000.00 for the construction of a new sewer sanitary line along the Project's Herndon Parkway frontage which shall be paid prior to the issuance of a building permit for the first phase of the project.

b. Recreation/Community Amenities/Civic Facilities. Prior to the issuance of the first certificate of occupancy for each phase, the Applicant shall demonstrate that the value of any proposed recreational on-site amenities/community amenities/civic facilities are equivalent to a minimum of $1,900.00 per residential unit. The value calculation shall include the cost of amenities such as, but not limited to, benches and seating, outdoor seating and gathering areas, fitness centers, community rooms, swimming pools, decks, artwork, fire pits, trellises, etc. Project building materials are not included in the calculation. The Applicant shall submit the verification of the cost of these improvements to the Town as provided by its general contractor. In the event it is demonstrated that the proposed facilities do not have sufficient value, the Applicant shall provide the remainder in a cash contribution to the Town of Herndon for use on recreational facilities in the Town of Herndon.

c. Offsite Recreation Contribution. The Applicant shall make a per GFA square foot contribution payment of $0.35 to the Town for offsite recreation improvements for residential GFA and $0.15 for offsite recreation improvements for non-residential GFA prior to the issuance of the first certificate of occupancy for each phase based on the actual GFA of the building. Such funds shall be used for the improvements of Town recreational facilities in locations that logically serve the approved development and the HTOC area.

d. School Contribution.

i. Per the Residential Development Criteria Implementation Motion adopted by the Fairfax County Board of Supervisors on January 7, 2003, as amended prior to the issuance of the first certificate of occupancy for each residential phase, the Applicant will contribute funds at an assumed rate of 0.062 students per units for elementary school, 0.019 for middle school, 0.031 students per high school multiplied by $12,262.00 per student generated to

the Board of Supervisors for transfer to the Fairfax County School Board to be used for capital improvements and capacity enhancements to schools that serve the Town of Herndon. The contributions will be based on the actual number of residential units constructed, as the total amount may vary. Following approval of this Development Plan and prior to the Applicant's payment of the amount(s) set forth in this Proffer, if Fairfax County should modify the ratio of students per units of the amount of the contribution per student, the Applicant will pay the modified contribution amount for that phase of development to reflect the then current ratio and/or contribution.

ii. Prior to beginning construction, the Applicant will notify the Fairfax County Public Schools of the intended construction and anticipated completion date.

e. Fire Department Contribution. The Applicant shall contribute a total of $10,000.00 to the Fairfax County Fire and Rescue Department towards the cost of preemptive devices within a two-mile radius of the Property. The contribution shall be paid upon site plan approval for the first building to be constructed on the Property.

7. DECLARATION OR OWNERS ASSOCIATION. Prior to any subdivision of the Property, the Applicant shall cause the recordation of one or more declarations creating an owners' association ("OA") and as necessary, condominium owners' associations ("COA") or declarations of covenants and agreements dealing with the governance of maintenance and operation of the Property or other governance documents which will legally bind the Property, (collectively referred to as the "Governance Documents"). Such Governance Documents shall be prepared, be legally effective and recorded prior to the issuance of the first certificate of occupancy. The respective Governance Documents (including budgets provided in any offering or sale materials) shall specify the various proffer and maintenance obligations set forth in the Development plan and these Proffers, including the maintenance of certain streets, bicycle facilities, associated sidewalks and streetscapes, and site amenities such as, but not limited to, the publicly accessible park areas as well as funding, implementation and monitoring of the TDM program, as related to the Property. Purchasers shall be advised in writing of these obligations, and other restrictions, prior to entering into a contract of sale, whether purchasing residential or commercial property. The Governance Documents shall be included in any offering, sale materials or contracts for any condominiums. Purchasers of land of buildings shall be advised of these obligations in the contract of sale.

8. MAINTENANCE. The Applicant shall maintain and replace in-kind all elements within the Development Plan that are shown on Sheet 8.1 as Public Accessible Space and Street Utility Easement Areas. Maintenance commitments include, but are not limited to:

a. All plantings including trees, shrubs, perennials, and annuals;

b. All associated irrigation elements;

c. All hard surfaces;

d. All streetscape furnishings including benches, bike racks, trash and recycling receptacles and non-standard structures;

e. All lighting fixtures, poles and brackets;

f. All sign posts, traffic signal poles, pedestrian signal poles, mast arms, signal heads and control boxes;

g. Snow removal;

h. Leaf removal;

i. Trash, recycling and litter removal;

j. Decorative and structural retaining walls;

k. Special drainage features, such a Low Impact Design facilities; and

l. All urban park amenities including horticultural care, maintenance of all water features, irrigation, lighting, furnishings, paving, and art.

9. METRORAIL TAX DISTRICT BUYOUT FOR CERTAIN RESIDENTIAL USES. At least sixty days prior to registration with the Common Interest Community Board of any residential condominium documents that would change the use of all or any portion of the Property to a use that is not subject to the Phase II Dulles Rail Transportation Improvement District (the "Phase II District") tax, the Applicant shall provide a written notice to the Director of the Real Estate Division of the Fairfax County Department of Tax Administration advising that the Applicant intends to register such condominium documents for that portion of the Property. Prior to registering the condominium documents, the Applicant shall pay to Fairfax County a sum equal to the then-present value of Phase II District taxes estimated by the County to be lost as a result of that change in use.

10. ESCALATION. All monetary contributions required by these proffers, with the exception of the proffer relating to the public school contribution, shall escalate on a yearly basis from the base year of 2022 and change effective each January 1 thereafter, based on the Consumer Price Index as published by the Bureau of Labor Statistics, the U.S. Department of Labor for the Washington-Baltimore, MD-VA-DC-WV Consolidated Metropolitan Statistical Area (the "CPI"), as permitted by Virginia State Code Section 15.2-2303.3.3.

11. SUCCESSORS AND ASSIGNS. These proffers shall bind and inure to the benefit of the Applicant and his/her successors and assigns

12. COUNTERPARTS. These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document and all of which taken together shall constitute but one and the same instrument.

TITLE OWNER/APPLICANT SIGNATURE TO FOLLOW ON THE NEXT PAGE:

555 HERNDON LLC,
a Delaware limited liability company

By: DP Herndon LLC, its sole member

By: Penzance Herndon LLC, its manager

By: _____

Name: Victor Tolkan

Title: Manager

District of Columbia: SS
Subscribed and sworn to before me, in my presence,
this 20th day of March, 2019

Elizabeth Marie Penning, Notary Public, D.C.
My commission expires June 30, 2023.

ELIZABETH MARIE PENNING NOTARY PUBLIC EXP. 6-30-23 DISTRICT OF COLUMBIA

TOWN OF HERNDON, VIRGINIA

ORDINANCE

APRIL 23, 2019

Ordinance- to Levy Taxes on Real Estate and Manufactured Homes, and Other Subjects for the Fiscal Year 2020 Budget.

BE IT ORDAINED by the Town Council of the Town of Herndon, Virginia, that the Town Council fixes and orders the tax levies for the fiscal year beginning July 1, 2019 and ending June 30, 2020, as follows:

Real Estate

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

$.2650

Personal Property and Merchants' Capital

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

$.00

Vehicles Used as Manufactured Homes and Offices

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

$.2650

Farm Machinery, Farm Tools and Farm Livestock

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

$.00

Machinery and Tools

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

$.00

Other Classifications of Tangible Personal Property

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

$.00

Miscellaneous Levies

Except as provided above and other ordinances adopted by the Town Council in this budget cycle all other taxes and licenses previously enacted by the town are imposed and levy made to the same extent and at the same rate as during the fiscal year 2018-2019.

TOWN OF HERNDON, VIRGINIA

ORDINANCE

APRIL 23, 2019

Ordinance- to amend Chapter 30 (FINANCE & TAXATION), Article IX (Meals Tax), Sec. 30-401 (Levy), for a possible increase in the meals tax up to 4.0 percent.

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

1. Section 30-401. Levy, Herndon Town Code (2000), as amended is amended and re-ordained as follows:

Section 30-401. Levy.

There is hereby imposed and levied on each person purchasing a meal or meals from any food establishment, a tax at the rate of ***four*** ~~two and one-half~~ percent on the amount such person paid for the meal or meals, whether prepared in such food establishment or not, and whether consumed on the premises or not.

2. This ordinance shall be effective on and after July 1, 2019 for meals purchased on and after that date.

TOWN OF Herndon VIRGINIA

STAFF REPORT

Town Council
April 16, 2019

Title:

Ordinance - to amend Chapter 74 (UTILITIES), Article II (Sewers & Sewage Disposal), Division 5 (Sanitary Sewer System Rates & Charges), Section 74-262; and Article III (Water), Division 2 (Service), Section 74-326 (Schedule of Charges), to increase the usage charges for sanitary sewer and water.

Staff Contact:

Jennie A. Tripoli, Director of Finance
(phone) 703-435-6898
(e-mail) jennie.tripoli@herndon-va.gov

Background:

This proposed utility rate increase is in keeping with the fee model developed by a specialized consultant and analyzed by town management in conjunction with the town's financial advisors, as presented in late calendar 2017. The model provides for recommended usage charge increases over the next several fiscal years. Further, the financial advisors recommended that the town adopt a strategy to review usage charges annually, going out over several fiscal years, and make rate adjustments as required by that analysis. This is a best practice employed by utilities with high credit ratings. Favorable credit ratings will be crucial for the town since it is likely to issue debt to finance a portion of the growth-related sewer and water capacity and infrastructure expansion investments it will be making in the near future. The presentation can be viewed on the town's website at https://www.herndon-va.gov/town-services/water-and-sewer/utility-billing-and-rates/water-and-sewer-rates.

Additionally, Fairfax Water increased the rates charged to the town for the town's share of operations and maintenance, and repair and replacement costs. Rate increases by the town are necessary to cover these additional costs.

Finally, the Water and Sewer fund posted an operating loss of $391,039 for the year ended June 30, 2018 versus an operating loss of $1,136,606 for the year ended June 30, 2017. While the operating loss is substantially lower, usage rate increases are needed for the fund to remain self-sustaining.

Proposed Changes:

Sanitary Sewer:

- Sanitary sewer usage charge (per 1,000 gallons) – from $5.78 to $6.19

Water:

- Water usage base charge (per 1,000 gallons) – from $3.06 to $3.16

- Service charges for all metered service:

Meter size (inches)	Charge
5/8	~~$ 8.84~~ $ 8.97
3/4	~~13.26~~ 13.45
1	~~22.11~~ 22.41
1 1/2	~~44.21~~ 44.83
2	~~70.74~~ 71.72
3	~~141.48~~ 143.45
4	~~221.06~~ 224.14
6	~~442.12~~ 448.28

- Peak water usage charges (per 1,000 gallons):
  - From $5.23 to $5.38

Fiscal Impact:

The rate increases should result in approximately $335,000 in additional revenues for the Water and Sewer Fund. Generally, the majority of the town's sewer and water customers will see their quarterly bills increase by approximately 5% as a result of these changes.

As the Water and Sewer Fund is an enterprise fund, these fee increases will not impact the General Fund. However, there could be a negative impact to the General Fund if fee increases are not adopted and the General Fund is compelled to support the Water and Sewer Fund.

Staff Recommendation:

Staff recommends approval of the proposed increases in the sewer and water usage charges.

Attachments:

Draft Ordinance

Staff:

Jennie A. Tripoli
Director of Finance

TOWN OF HERNDON, VIRGINIA

ORDINANCE

APRIL 23, 2019

Ordinance- to amend Chapter 74 (UTILITIES), Article II (Sewers & Sewage Disposal), Division 5 (Sanitary Sewer System Rates & Charges), Section 74-262; and Article III (Water), Division 2 (Service), Section 74-326 (Schedule of Charges), to increase the usage charges for sanitary sewer and water, effective for meter readings taken on or after July 1, 2019.

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

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

Chapter 74 (UTILITIES)

Article II (Sewers & Sewage Disposal), Division 5 (Sanitary Sewer System Rates & Charges)

Sec. 74-262. – Schedule of Rates.

(a) The rate schedule for sanitary sewer service shall be determined on the basis of water consumed and shall be charged at the rate of ~~$5.78~~ ***$6.19*** per 1,000 gallons of water used, except as otherwise provided in this division.

***

Article III (Water), Division 2 (Service)

Sec. 74-326. – Schedule of charges.

(a) The water usage charge shall be ~~$3.06~~ ***$3.16*** per 1,000 gallons, based on the consumption of water as measured by readings of the water meter serving the property.

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

Quarterly Billing

Meter size (inches)	Charge
5/8	~~$8.84~~ ***$ 8.97***
3/4	~~13.26~~ ***13.45***
1	~~22.11~~ ***22.41***
1 1/2	~~44.21~~ ***44.83***
2	~~70.74~~ ***71.72***
3	~~141.48~~ ***143.45***
4	~~221.06~~ ***224.14***
6	~~442.12~~ ***448.28***

(c) All water consumed during the peak use periods in excess of the average consumption of the preceding two winter quarter billing periods shall be charged an additional amount of ~~$5.23~~ ***$5.38*** per 1,000 gallons. This peak use period charge shall be applied in addition to the base water usage charge in subsection (a) above.

(1) Average consumption of the preceding two winter quarter billing periods is defined as the average of any consumption for the quarterly billing periods reflected in bills issued during the months of December through May.

(2) Peak use consumption is defined as any consumption for a quarterly billing period reflected in bills issued during the months of June through November.

***

2. This ordinance shall be effective for all meter readings taken on or after July 1, 2019.

TOWN OF HERNDON, VIRGINIA

RESOLUTION

APRIL 23, 2019

Resolution- to Adopt a Fiscal Planning Resolution for the Fiscal Year 2020 Budget for the Town of Herndon.

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

WHEREAS, the town advertised the public hearings on the budget on April 9 and April 23, 2019; and

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

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby adopts for the purpose of fiscal planning during the fiscal year 2019-2020 for the Town of Herndon, Virginia, the budget prepared by the Town Manager, set out in "Proposed Annual Budget 2019-2020" dated March 29, 2019, on file in the office of the Town Manager.

TOWN OF HERNDON, VIRGINIA

ORDINANCE

APRIL 23, 2019

Ordinance- to Appropriate Funds to Implement the Fiscal Year 2020 Budget for the Town of Herndon, Establishing the Pay Plan, and Reserving On-Going and Capital Funding for this Fiscal Year.

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

1. There is appropriated and authorized for expenditure during the Fiscal Year 2019-2020 such sums as appear in the Fiscal Planning Budget for the Fiscal Year 2019-2020 as set out in "Proposed Annual Budget 2019-2020" dated March 29, 2019, on file in the office of the Town Manager, and as may be subsequently modified by the Town Council.

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

3. The town advertised the public hearing at least once in "The Times" and held a public hearing on the budget at least seven days prior to approval of the budget.

4. The 2019-2020 proposed schedule of salaries, set out in the Fiscal Planning Budget, are adopted effective July 1, 2019.

5. The Town Council may award to the Town Manager and the Town Attorney bonuses as provided for in the Fiscal Planning Budget for Fiscal Year 2019-2020 for exceptional services rendered. Any such bonuses shall not become a part of these officers' annual salary.

6. The Town Council reserves, encumbers, and appropriates for Fiscal Year 2020 funding for capital and on-going projects, for which funds were previously appropriated. The Town Manager as of July 1, 2019, shall take the appropriate accounting steps to reserve and encumber these funds as of that date for Fiscal Year 2019-2020 and to report to the Mayor and Town Council in this regard.

TOWN OF
Herndon
OFFICE OF THE TOWN ATTORNEY

STAFF REPORT

Town Council
April 2, 2019

Title:

Ordinance to amend Chapter 2 (ADMINISTRATION), Article I (In General), Section 2.5, of the Code of the Town of Herndon, to add a preamble, additional language regarding ethical responsibilities, and specific references to the Town Charter and Town Code.

Staff Contact:

Lesa J. Yeatts, Town Attorney
(703) 787-7370
lesa.yeatts@herndon-va.gov

Description:

These amendments are necessary to reflect the desire of Council to amend the existing Code of Ethics, Herndon Town Code Sec. 2-5, as follows:

- Addition of a Preamble reflecting the values of the Town
- Creation of numbered paragraphs for Ethical Responsibilities
- Addition of specific language consistent with Town values
- Addition of cites to applicable Town Charter and Town Code sections

Fiscal Impact:

None.

Staff Recommendation:

The Mayor and Town Council approve the draft ordinance as proposed.

Attachments:

Ordinance.

Prepared and Approved by:

Lesa J. Yeatts

Lesa J. Yeatts, Town Attorney

TOWN OF HERNDON, VIRGINIA

ORDINANCE

APRIL 9, 2019

Ordinance- to amend Chapter 2 (ADMINISTRATION), Article I (In General), Section 2.5, of the Code of the Town of Herndon, to add a preamble, additional language to ethical responsibilities, and specific references to the Town Charter and Town Code.

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

1. The following section of the Herndon Town Code (2000), as amended, is amended and re-ordained as follows:

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

Preamble

WHEREAS, the proper operation of local government requires that public officials be independent, impartial and accountable to the citizens, that governmental decisions and policy be made through proper processes, that public office not be used for personal gain, and that the public have confidence in the integrity of its government and public officials; and

WHEREAS, as public officials we are charged with upholding the trust of the citizens and with obeying the law and respecting established policies and procedures; and

WHEREAS, as public officials we have taken the oath of office and have pledged that we will support and maintain the Constitution and laws of the United States, and the Constitution and laws of the Commonwealth of Virginia and further that we will faithfully and impartially discharge the duties of our office.

NOW THEREFORE, in recognition of our obligations as citizens of the Commonwealth of Virginia and as public officials and citizens of the Town of Herndon, we do hereby adopt the following Code of Ethics to guide the Town's council and council appointed board and commission members.

Ethical Responsibilities

1. Faithful and Impartial Performance of Duties

~~(a)~~ Members of the town council and council appointed board and commission members shall *faithfully and impartially* perform their duties to the very best of their

abilities and demonstrate integrity, *independence,* honesty, and ethical behavior in the conduct of all town business.

2. Demonstrate Integrity and Respect

~~(b)~~ Members of the town council and council appointed board and commission members shall treat the public, town staff and each other in a *respectful and* courteous manner and shall at all times refrain from abusive conduct, threatening or intimidating language or gestures, personal charges, or verbal or written attacks concerning the character or motives of other members of the town council, town boards and commissions, town staff, or the public.

3. Follow established town policies and procedures

(e*a*) Members of the town council and council appointed board and commission members shall bring any concerns about the performance of a *town council member or* council appointee to the entire council. *Herndon Town Charter Sec. 3.5 and 3.9*

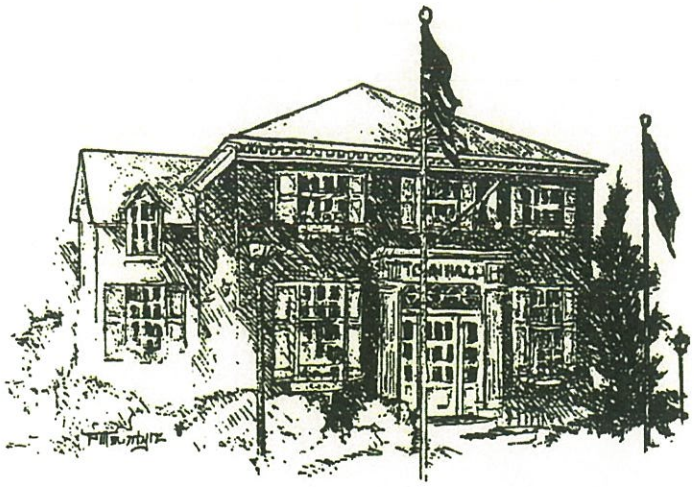
(b) Concerns about the performance of a town employee shall be discussed privately with the town manager. *Herndon Town Charter 4.1 and Herndon Town Code Sec. 54.1*

(~~d~~*c*) Members of the town council and council appointed board and commission members should direct significant requests for information or discussions concerning town business to the town manager, who directs the day-to-day operations of the town and its employees. *Herndon Town Code Sec. 54.1*

4. Follow the Law

~~(e)~~ Members of the town council and council appointed board and commission members shall*, as required by the Code of Virginia,* fully comply with the provisions of the Virginia Freedom of Information Act, Code of Virginia, §§ 2.2-3700, et seq. and the State and Local Government Conflict of Interests Act, Code of Virginia, §§ 2.2-3100—2.2-3131, as applicable.

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



TOWN OF HERNDON, VIRGINIA
PROCLAMATION
MANI FIERRO DAY
APRIL 11, 2019

Each year, the Herndon Rotary Club names an individual who has greatly contributed to the Herndon community through volunteerism and community service as its "Citizen of the Year." This year, the Herndon Rotary Club has posthumously honored **Mani Fierro** ~ dedicated community volunteer ~ as the **53rd Herndon Rotary Citizen of the Year**.

Mr. Fierro spent countless hours of his personal time volunteering with many organizations, including ~ Jeanie Schmidt Free Clinic, where he served as president; Herndon Rotary Club, where he was an active member and Board Member; Loyal Order of Moose; Herndon Police Citizens' Support Team; American Cancer Society; and the Advisory Board for the Northern Virginia Community Foundation Herndon Rotary Scholarship Program. Mr. Fierro served as a mentor for many; a dedicated little league coach; and he regularly provided free legal services to charitable organizations and those in need in Virginia. He will also be remembered as a leading member of the Herndon business community.

The Herndon community was dealt with an irreplaceable loss when Mani passed in November 2018. The personal commitment and attributes that Mani embraced and shared are very rare in most individuals and are what made Mr. Fierro a leading volunteer and citizen in our community.

Therefore, to honor his dedicated volunteer spirit and unwavering commitment to improving the quality of life in Herndon, the Mayor and Town Council of the Town of Herndon, Virginia, proclaim April 11, 2019 as **Mani Fierro Day** in the Town of Herndon.

Further, the Mayor and Town Council of the Town of Herndon, Virginia, commend **Mani Fierro** on being named posthumously as the **53rd Herndon Rotary Citizen of the Year**, the highest honor presented by the Herndon Rotary Club, and look forward to celebrating his life and momentous achievements ~ together with his family ~ at the Rotary Club's banquet in his honor on Thursday, April 11, 2019.

Sheila A. Olem, Vice Mayor

Pradip Dhakal, Councilmember

Jennifer K. Baker, Councilmember

Signe Friedrichs, Councilmember

Cesar del Aguila, Councilmember

Bill McKenna, Councilmember

Lisa C. Merkel, Mayor

TOWN OF HERNDON VIRGINIA 1879

Presented on behalf of the Herndon Town Council at the Herndon Rotary Citizen of the Year Banquet ~ April 11, 2019.

TOWN OF
Herndon
DEPARTMENT OF PUBLIC WORKS

STAFF REPORT

Town Council
April 2, 2019

Title:

Resolution – Award of Contract #19-09, Asphalt Concrete Paving & Milling

Staff Contact:

Tammy Chastain, Deputy Director of Public Works
(phone) 703-435-6860
(e-mail) tammy.chastain@herndon-va.gov

Background:

As part of the development of the Public Works annual street repaving program, the department has identified requirements for the milling and repaving of streets where asphalt surface conditions have deteriorated. The work will consist of milling to remove the deteriorated asphalt to a desirable depth and then placing a new asphalt overlay.

Contract #19-09, Asphalt Concrete Paving & Milling was advertised on February 28, 2019. A mandatory pre-bid conference was held on March 11, 2019 with six contracting firms in attendance. On March 21, 2019, the following bids were received:

Contractor	Bid
Virginia Paving Company	$703,510.25
Arthur Construction Co., Inc.	$765,350.00
Commonwealth Paving, Inc.	$807,345.75
Finley Asphalt & Sealing	$954,229.40
Pro Pave, Inc.	$1,047,091.51

The apparent lowest bidder, Virginia Paving Company, has been found to be responsive and responsible. In accordance with the specifications, this contract may be extended by the town for four successive one-year periods. Quantities furnished were based on estimated amounts only and may vary by project and year.

Fiscal Impact:

Funds to support this contract are available in the FY19 Street Maintenance & Construction, Repaving Program, budget account 0010886-420710 and the Major Road Repaving Projects CIP account 0150886-491720

Staff Recommendation:

Staff recommends the Mayor and Town Council award Contract #19-09, Asphalt Concrete Paving & Milling to Virginia Paving Company for $703,510.25.

Attachments:

1. Draft Resolution

Staff:

Tammy Chastain
Deputy Director of Public Works

Gerald W. Amacker
Purchasing Agent

TOWN OF HERNDON, VIRGINIA

RESOLUTION

APRIL 9, 2019

Resolution- to award contract #19-09, Asphalt Concrete Paving & Milling

WHEREAS, Asphalt Concrete Paving & Milling is an annual program funded for street rehabilitation; and

WHEREAS, IFB #19-09, Asphalt Concrete Paving & Milling was advertised on February 28, 2019; and

WHEREAS, the following bids were received and opened on March 21, 2019 at a public bid opening:

Contractor	Bid
Virginia Paving Company	$703,510.25
Arthur Construction Co., Inc.	$765,350.00
Commonwealth Paving, Inc.	$807,345.75
Finley Asphalt & Sealing	$954,229.40
Pro Pave, Inc.	$1,047,091.51; and

WHEREAS, in accordance with the specifications, the contract may be extended by the town for four successive one-year periods; and

WHEREAS, it is the staff's recommendation to award the contract to the lowest responsive and responsible bidder, Virginia Paving Company; and

WHEREAS, funds to support this contract are available in the FY 2019 Street Maintenance & Construction, Repaving Program, budget account 0010886-420710 and the Major Road Repaving Projects CIP account 0150886-491720; and

WHEREAS, other Budget and Reserve accounts as needed will be used to fund the work under this contract.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby awards Contract #19-09, to Virginia Paving Company for Asphalt Concrete Paving & Milling in the amount of $703,510.25.

BE IT FURTHER RESOLVED that staff is authorized to complete work using this contract with appropriate funding sources identified in the FY 2019 Budget and CIP, and subsequent approved budgets, as appropriate.