TOWN OF Herndon VIRGINIA

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HERNDON TOWN COUNCIL
Tuesday
October 15, 2019

The Town Council met in public session on Tuesday, October 15, 2019, at 7:00 p.m. in the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia. In attendance were: Mayor Lisa C. Merkel; Vice Mayor Sheila A. Olem; and Councilmembers Jennifer K. Baker; Cesar del Aguila; Pradip Dhakal; Bill McKenna; and Signe Friedrichs.

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Chief Maggie DeBoard, Herndon Police; Page Kalapasev, Director of Information Technology; Scott Robinson, Director of Public Works; Jennie Tripoli, Director of Finance; John Irish, Deputy Director of Public Works; Bryce Perry, Deputy Director of Community Development; and Erika Orellana, Acting Deputy Town Clerk.

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

2. PLEDGE OF ALLEGIANCE

Mayor Merkel recognized and welcomed forward Girl Scout Troop 2421 from St. Joseph Catholic Church who led the audience in the Pledge of Allegiance to the Flag of the United States of America.

Mayor Merkel stated that the Girl Scouts also had some great ideas on how to give back to the community.

ANNOUNCEMENTS

Mayor Merkel provided an update on two upcoming meetings. She stated that a special work session was scheduled to continue the Council's discussion on housing. The Council first discussed housing at its September 17 work session. The discussion was

continued to set aside dedicated time for additional discussion as the Council decides the direction it would like to take. The special work session would be Thursday, October 17, at 7:00 p.m., in the Hoover Conference Room.

Mayor Merkel stated that the third public Herndon Town Council Community Roundtable would be Wednesday, October 23, from 7:00 to 9:00 p.m., at Trinity Presbyterian Church. She looked forward to seeing those interested and encouraged attendance at these meetings.

Mayor Merkel stated that there were no presentations this evening.

3. COMMENTS FROM THE TOWN MANAGER

There were no comments from the Town Manager.

4. COMMENTS FROM THE TOWN COUNCIL

Councilmember Dhakal: Provided comments about several recent events in town, including the Mothers Against Drunk Driving (MADD) Virginia 5K walk/run, in which he participated; the ribbon cutting for the new Sprouts Farmers Market, which he attended with Councilmembers Baker and McKenna; and NatureFest at Runnymede Park on September 29, which he enjoyed with his family.

Councilmember Dhakal echoed Mayor Merkel's comments about the upcoming Town Council Community Roundtable on October 23 and the special work session on housing on October 17. He emphasized the importance of public input for the housing discussion, which was a very important issue that the Council was trying to address. He also provided comments about Herndon High School's Homecoming Parade on Saturday, October 19. He encouraged those interested to attend.

Councilmember Baker: Provided information about several upcoming events in town including the Herndon Homecoming Parade scheduled for this Saturday; NextStop Theatre's current performance, Pride and Prejudice, which was playing through October 27; and Herndon's Halloween house at 610 Spring Street.

Councilmember Baker stated that the Herndon High School Band's fall concert was scheduled for Wednesday, November 6. While the Town Council was holding a work session that night as well, she encouraged all those interested to attend. The band invited the veteran's families from the USS Herndon. Councilmember Baker would be reading a proclamation at that concert honoring the band, veterans, the town's connection to the USS Herndon, and the commemoration of the 75th anniversary of D-Day. The USS Herndon was the lead ship at D-Day. She looked forward to recognizing these individuals at the concert.

Councilmember del Aguila: Provided information about Bark Bash and Pooch Parade, which the town held on Saturday, October 5 at Town Hall Square.

Councilmember del Aguila echoed his colleagues' comments about the upcoming special work session on housing and the third Town Council Community Roundtable. He looked forward to hearing about resident's priorities.

Councilmember McKenna: Provided an update from the recent meeting of the Herndon Youth Advisory Council (HYAC). The meeting was held at the Herndon Police Department. The students provided valuable input on engaging with the police and also regarding careers after high school including state, local, and federal government jobs.

Councilmember McKenna wished luck to the Washington Nationals Baseball team, who were playing game four of the semifinals before the World Series.

Councilmember McKenna stated that he was at a birthday party at the National Zoo on Saturday, October 5. His friend's father – Rod Thorn – was there, who was just hired on October 1 as the consultant for the Washington Wizards. He has been executive of the year and is in the Basketball Hall of Fame. He stated that everywhere Mr. Thorn has gone, he has brought the team to the NBA Championships. He hoped that he could do the same and have success with the Wizards and he wished Mr. Thorn the best.

Councilmember Friedrichs: Provided comments on the recent Virginia Municipal League (VML) Conference in Roanoke that she and several members of Council attended. The Conference was focused on what the jurisdictions want to do as municipalities in Virginia. She enjoyed the event, and she stated that they learned a lot, saw a beautiful city, and experienced hospitality from the host city.

Councilmember Friedrichs recently represented the town at FAITH's 20th anniversary celebration. She stated that she was truly inspired by this group, who works very hard to ensure that people in need get assistance, including providing food and financial planning assistance. She stated that FAITH focuses on making sure that our community is healthy, diverse, and kind. She encouraged those interested to visit FAITH's thrift store and to learn more about the organization.

Councilmember Friedrichs had just returned from the Virginia Women's Achieve Summit in Richmond, where Queen Latifah was the MC. She had the opportunity to listen to inspiring women who work across many fields ~ including the first woman astronaut and the President of Marymount University. She stated that she had a very inspiring week.

Vice Mayor Olem: Echoed Councilmember Friedrichs' comments about the VML Conference. She enjoyed learning about other funding sources and made some contacts, which she would pass along to staff. She was really excited about the session on stormwater management.

Vice Mayor Olem stated that the next Dulles Regional Chamber of Commerce's Metro Monday would be held on Monday, October 28. It would feature the Town of Herndon

and the Innovation Station stop. She believed that the Town Manager would be speaking. More information could be found on the Chamber's website.

Vice Mayor Olem echoed her colleagues' comments about the upcoming Town Council Community Roundtable. She stated it would be a great opportunity for citizens to meet and talk to Councilmembers in an informal session. She looked forward to hearing from residents, especially those who do not usually attend Council meetings.

Mayor Merkel: Echoed her colleagues' comments about the upcoming Community Roundtable and stated it was a casual event. She encouraged residents to attend "as you are."

5. COMMENTS FROM THE AUDIENCE

The following member(s) of the audience provided comments:

- Carol Hadlock, 515 Alabama Drive, Herndon, provided comments about this year's NatureFest, held at Runnymede Park on September 29. She publicly thanked town staff ~ especially John Dudzinsky, Community Forester, and the departments of Public Works and Parks and Recreation ~ for all the support they give NatureFest each year.

- Jay Hadlock, 515 Alabama Drive, Herndon, provided written comments for the record, which are on file in the Town Clerk's office. He provided comments on the change to glass recycling in town. He asked that the town add one of the purple bins for glass recycling in town.

  Mayor Merkel stated that the town was working on obtaining a purple bin.

- Ann Vayda, 631 Oak Street, Herndon, provided written comments for the record and presented a slideshow, which are on file in the Town Clerk's office. In her presentation, she discussed an item from the September 24, 2019 public hearing, Resolution 19-G-60, to consider an appeal of the Heritage Preservation Review Board's Decision on HPRB #19-29. She implored the Council to amend the September 24, 2019 Certificate of Appropriateness for her roof replacement to include architectural shingles.

- Walt Shorter, 559 Early Fall Court, Herndon, recently stepped down at the President of the Four Seasons HOA. He would now serve as its Vice President. He thanked the Department of Public Works for their efforts this past weekend in his community. He stated that the community was still concerned about building a fence at the town's border with Parcher Avenue. He stated he would address the Planning Commission on this subject and he was looking for the town's support.

  Mayor Merkel thanked Mr. Shorter for keeping the town updated.

October 15, 2019
(public hearing)

GENERAL

6. Resolution 19-G-63, to accept the State of the Town Report, Fiscal Year 2019.

[Note: This item was continued from the Town Council's meeting on September 24, 2019.]

Mayor Merkel stated that in accordance with State law, the Town Manager submitted his State of the Town Report for Fiscal Year 2019 to Council at the September 24, 2019, Council meeting. However, due to the lateness in the hour, he was asked to delay the presentation until this evening, which the Town Attorney stated would meet the legal requirements. At last week's work session, Mayor Merkel asked staff to move the presentation of the report to the beginning of the agenda. She recognized William H. Ashton, II, Town Manager; for the staff report.

Mr. Ashton provided an overview of the proposed resolution, which is on file in the Town Clerk's office. Staff had mailed out the citizen's brochure, which summarized the report, to every home in Herndon. He stated that staff inadvertently left out the paragraph that discussed the arts center in the brochure. He thanked Vice Mayor Olem for pointing out the omission. He stated it would take an act of Council to change the Comprehensive Agreement.

Mr. Ashton reviewed the highlights from Fiscal Year (FY) 2019. He discussed staff's accomplishments from the past year. He reviewed the significant achievements from FY 2019, which included supporting the 2035 Vision tenets:

Honoring People

- Planning Commission work session was held on housing diversity, workforce and affordable housing in the town and Fairfax County;
- Housing Rehabilitation Specialist was hired to work to maintain and preserve the town's aging neighborhoods;
- The town increased community outreach, which included the new Town Council Community Roundtables; and
- Herndon Police Department furthered outreach to the community through increased social media presence, encouraging officers to learn Spanish, and after school programs like Project Hope at Hutchison Elementary School.

Celebrating Community Spirit

- The Department of Public Works supported over 100 special events;
- The Herndon Police Department held the annual National Night Out; and
- Staff began the process of updating the Heritage Preservation Review Board Guidelines.

Championing Business and Technology

- Two networking events for technology companies were held;
- The site plan review process was transitioned from the Department of Community Development to Public Works;
- The town worked to listen to the town's business community better, which included wiring for smart city projects;
- The Herndon Festival was moved to Northwest Federal Credit Union space;
- The Department of Parks and Recreation held the Play it Safe Bicycle Rodeo and Safety Fair; and
- Herndon Centennial Golf Course saw increased revenues.

Cultivating a Sustainable Environment

- Herndon Centennial Golf Course's nutrient management program was recognized nationwide, and the town saw increased curbside recycling rates;
- The town used a system-wide survey to proactively identify and fix leaks;
- Pursuing Multimodal Transportation updates, including Phase II of the W&OD Trail Lighting and completing engineering for the Van Buren complete streets project;
- South Elden Street improvements;
- Obtaining grant funding, primarily for transportation;
- Moving forward with redevelopment in the Metro and downtown areas;
- Expanding water and sewer capacity;
- Working with Comstock on the downtown plans; and

- Working toward undergrounding utilities.

Mr. Ashton stated that the town maintained its AAA credit rating with all three credit agencies and complied with all financial policies. He discussed the major changes and adaptations that had occurred over the past year in the town's organization.

Mr. Ashton stated that his presentation highlighted only a few of staff's successes this year. A full version of the report was available on the town's website. He thanked the Town Attorney, management team, and staff for their coordination and efforts. He thanked the Mayor and Council for their vision, which allowed staff to produce this high quality of work. He thanked the citizens and businesses of the town for allowing staff to serve the community.

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

Vice Mayor Olem asked if the town would issue a statement regarding the missing paragraph in the State of the Town Report that she had identified. She stated that the number of downtown parking spaces was also missing from the brochure.

In response to Vice Mayor Olem, Mr. Ashton stated that he could work with staff on a clarifying statement for the paragraph that was inadvertently omitted. Staff would need to separate out the parking space numbers in the report so that they would not create confusion.

Vice Mayor Olem moved approval of Resolution 19-G-63, as presented. Councilmember Friedrichs seconded the motion.

There were brief comments from Council.

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

Resolution 19-G-63, to accept the State of the Town Report, Fiscal Year 2019.

WHEREAS, pursuant to Chapter 4-2(d) of the Town of Herndon Charter, the Town Manager is required to prepare for publication and to submit to the Town Council each September at a regular meeting in September a concise, comprehensive report of the financial transactions and administrative activities of the Town government during the immediately preceding fiscal year; and

WHEREAS, following the Town's annual audit, a Comprehensive Annual Financial Audit report of the Town is presented to the Town Council in December; and

WHEREAS, the Town Manager has prepared a report of the administrative activities of the Town government titled *"Town of Herndon Annual Report FY 2019,"* including an Executive Summary; and

WHEREAS, a copy of the report is posted on the Town's Web site and is available to citizens at the Herndon Fortnightly Library and the Herndon Municipal Center.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby accepts the *"Town of Herndon Annual Report FY 2019."*

PUBLIC HEARINGS

7. **Ordinance 19-O-35, to authorize additional capital projects to be financed by the town's General Obligation Public Improvement Bonds, Series 2018B, by amending the provisions of a prior ordinance and prior resolution adopted by the Town Council on August 14, 2018.**

Certificates of Publication were filed from the Editor of the *Fairfax County Times Newspapers*, showing that notices of said public hearings had been duly advertised in the Friday, September 27 and Friday, October 4, 2019 issues.

Mayor Merkel opened the public hearing and announced that, following the public hearing, she would ask for action followed by a roll call vote. She recognized Jennie Tripoli, Director of Finance, for the staff report.

Ms. Tripoli presented the staff report dated October 9, 2019. The proposed resolution would add language to the bond ordinance, specifically stating that bond proceeds may be expended to include roadway and transportation improvement projects The proposed ordinance would broaden the purposes for which the town could expend the Series 2018B Bond proceeds. Ms. Tripoli stated this was a housekeeping item and staff worked with the town's bond counsel and the Town Attorney's office on it. Staff recommends approval of the proposed ordinance, as presented.

Following the public hearing (there were no comments from the audience), on motion of Councilmember McKenna, seconded by Councilmember Baker, and carried by unanimous roll call vote, Ordinance 19-O-35, was approved, as presented. The vote was: Councilmembers Baker, del Aguila, Dhakal, Friedrichs, McKenna, Vice Mayor Olem, and Mayor Merkel voting "Aye."

October 15, 2019
(public hearing)

COVERING CERTIFICATE FOR ORDINANCE

The undersigned Town Clerk of the Town of Herndon, Virginia (the "Town"), certifies as follows:

At the regular meeting on October 15, 2019, the Town Council of the Town of Herndon, Virginia (the "Council") held a public hearing, duly noticed, in accordance with Section 15.2-2606 of the Code of Virginia of 1950, as amended. Following such public hearing, the Council adopted an ordinance entitled "ORDINANCE AUTHORIZING ADDITIONAL CAPITAL PROJECTS TO BE FINANCED BY THE TOWN'S GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS, SERIES 2018B, BY AMENDING THE PROVISIONS OF A PRIOR ORDINANCE AND PRIOR RESOLUTION ADOPTED BY THE TOWN COUNCIL ON AUGUST 14, 2018" (the "Ordinance") by the recorded affirmative roll-call vote of a majority of all members elected to the Council as follows:

Member	**Attendance** (Present/Absent)	**Vote** (Aye/Nay/Abstain)
Lisa C. Merkel, Mayor	Present	Aye
Sheila A. Olem, Vice Mayor	Present	Aye
Jennifer K. Baker	Present	Aye
Cesar del Aguila	Present	Aye
Pradip Dhakal	Present	Aye
Signe Friedrichs	Present	Aye
Bill McKenna	Present	Aye

A true, correct and complete copy of the Ordinance is attached hereto.

The Council meeting at which the Ordinance was adopted was held at the time and place established by the Council for its regular meetings.

The Ordinance has not been repealed, revoked, rescinded or amended and is in full force and effect on the date hereof.

WITNESS my signature and the seal of the Town of Herndon, Virginia this 15th day of October, 2019.

/s/
Viki L. Wellershaus, Town Clerk
Town of Herndon, Virginia

(SEAL)

October 15, 2019
(public hearing)

ORDINANCE 19-O-35 AUTHORIZING ADDITIONAL CAPITAL PROJECTS TO BE FINANCED WITH PROCEEDS OF THE TOWN'S GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS, SERIES 2018B, BY AMENDING THE PROVISIONS OF A PRIOR ORDINANCE AND A PRIOR RESOLUTION ADOPTED BY THE TOWN COUNCIL ON AUGUST 14, 2018

WHEREAS, the Town Council of the Town of Herndon, Virginia (the "Town"), adopted on August 14, 2018, an ordinance (the "Prior Ordinance") and bond resolution (the "Prior Resolution") authorizing and providing for the issuance of general obligation public improvement bonds to finance the acquisition, construction, improvement and equipping of various capital projects, including (without limitation) (a) relocation of utilities in the downtown area; (b) sidewalk, storm drainage and other streetscape improvements in the downtown area; (c) intersection and related roadway improvements; (d) water system improvements and the purchase of additional capacity for the water system; and (e) parking improvements (the "2018 Bond Projects");

WHEREAS, pursuant to such authorization, the Town issued its $11,135,000 General Obligation Public Improvement Bonds, Series 2018B (the "Series 2018B Bonds"), on September 13, 2018;

WHEREAS, the Town has experienced delays in fully undertaking certain of the 2018 Bond Projects in accordance with initial expectations; and

WHEREAS, the Town has other capital improvement projects ready to be undertaken and the Town Council desires to broaden the purposes for which the Series 2018B Bond proceeds may be expended;

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HERNDON, VIRGINIA:

1. It is hereby determined to be necessary and expedient, and in furtherance of the development and general welfare of the Town and its citizens, for the Town to finance various roadway and multi-modal transportation improvement projects (the "Transportation Improvement Projects") and to use a portion of the Series 2018B Bond proceeds to finance such projects.

2. The provisions of the Prior Ordinance and the Prior Resolution are hereby amended to authorize and provide that the Series 2018B Bond Proceeds may be expended on the Transportation Improvement Projects in addition to the capital projects already described in the Prior Ordinance and the Prior Resolution.

3. Except as amended hereby, the Prior Ordinance and the Prior Resolution are hereby ratified, confirmed and approved.

4. All other actions of officers of the Town in conformity with the purposes and intent of the Prior Ordinance, the Prior Resolution and this ordinance are approved and confirmed. The officers of the Town are authorized and directed to execute and deliver all certificates and instruments and to take all such further action as may be considered necessary or desirable in connection with the uses of the proceeds of the Series 2018B Bonds, as hereby provided.

5. The Town Clerk, in collaboration with the Town Attorney, is hereby authorized and directed to see to the immediate filing of a certified copy of this ordinance in the Circuit Court of Fairfax County, Virginia.

6. This ordinance shall take effect immediately upon its adoption.

8. Ordinance 19-O-36, to consider amending the Fiscal Year (FY) 2020 Adopted Budget.

A Certificate of Publication was filed from the Editor of the *Fairfax County Times Newspapers*, showing that notice of said public hearing had been duly advertised in the Friday, October 4, 2019 issue.

Mayor Merkel opened the public hearing and announced that, following the public hearing, she would ask for action followed by a roll call vote. She recognized Jennie Tripoli, Director of Finance, for the staff report.

Ms. Tripoli presented the staff report and PowerPoint dated October 15, 2019, which are on file in the Town Clerk's office. She stated that the Council usually acts on two amendments to the adopted budget for the current fiscal year. Staff was requesting an amendment of the Fiscal Year (FY) 2020 Adopted Budget year because the town received grants for paving and other capital projects, and to request appropriation for General Fund projects that were given greater priority after the adoption of the FY 2020 budget. Ms. Tripoli reviewed the budget adjustments recommended for Council consideration, as provided in the staff report and PowerPoint. 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 to approve Ordinance 19-O-36, as presented. Councilmember McKenna seconded the motion.

There were brief comments from Council.

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

October 15, 2019
(public hearing)

Ordinance 19-O-36, Amending the Fiscal Year 2020 Adopted Budgets of the General Fund, Capital Projects Fund, and Information Systems Improvement Fund to provide the financial adjustments needed to implement the Town Manager's recommended budget modifications.

Recital

In adopting this ordinance, the Town Council has considered the Town Manager's recommended budget modifications as described in Attachment A, FY 2020 Budget Amendment Number 2.

BE IT ORDAINED by the Council of the Town of Herndon, Virginia that the financial adjustments to the FY 2020 budget, as described in Attachment A, FY 2020 Budget Amendment Number 2, dated October 15, 2019 and incorporated as part of this ordinance, are hereby approved.

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

[Note: Attached for reference is Attachment A, titled "FY 2020 Budget Amendment Number 2."]

October 15, 2019
(public hearing)

Attachment A

TOWN OF HERNDON, VA

FY 2020
BUDGET AMENDMENT NUMBER 2

October 15, 2019

GENERAL FUND

Expenditure Appropriations:		
Increase General Fund Operations & Maintenance Expenditures	$	1,067,277
General Fund Capital Asset Expenditures		56,400
Decrease Transfers from General Fund		(177,000)
Total	$	946,677
Revenue Budgets:		
Increase Grant Revenues	$	558,000
Increase Transfer from Information Systems Fund		190,000
Increase Use of Unassigned Fund Balance		198,677
Total	$	946,677

CAPITAL PROJECTS FUND

Expenditure Appropriations:		
Increase Public Works Capital Projects Expenditures	$	2,173,000
Revenue Budget:		
Decrease Transfer from General Fund	$	(177,000)
Increase Grant Revenues		1,850,000
Increase Use of Assigned Fund Balance		500,000
Total	$	2,173,000

INFORMATION SYSTEMS IMPROVEMENT FUND

Expenditure Appropriations:		
Increase Transfer to General Fund	$	190,000
Decrease IS Improvement Project		(190,000)

October 15, 2019
(public hearing)

9. <u>Ordinance 19-O-37, to approve a lease of space in the Town's building at 397 Herndon Parkway to The Elden Street Players</u>.

A Certificate of Publication was filed from the Editor of the Fairfax County Times Newspapers, showing that notice of said public hearing had been duly advertised in the Friday, October 4, 2019 issue.

Mayor Merkel opened the public hearing and called on Lesa Yeatts, Town Attorney, for the staff report.

Ms. Yeatts presented the staff report dated October 9, 2019, which is on file in the Town Clerk's office. The proposed ordinance would be a new lease between the town and The Elden Street Players. The town has another lease with The Elden Street Players at ArtSpace. The space would be used for rehearsals and rent for would be $1.00 per term, consistent with leases for space in town buildings. The lease term would be for one year. Staff recommends approval of the proposed ordinance, as presented.

Following the public hearing (there were no comments from the audience), Vice Mayor Olem moved to approve Ordinance 19-O-37, as presented. Councilmember del Aguila seconded the motion.

There were brief comments from Council.

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

Ordinance 19-O-37, to approve a lease of space in the Town's building at 397 Herndon Parkway to The Elden Street Players.

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

1. The Town Council approves a lease dated October 15, 2019 by which the Town would lease to The Elden Street Players, space in the Town's building at 397 Herndon Parkway, Herndon, Virginia. The rent shall be $1.00 for the term. The term shall be from October 15, 2019 through October 14, 2020. The lease may contain certain other terms agreed to by the Mayor and Town Manager.

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

[Note: Attached for reference is the lease agreement dated October 15, 2019 b/n the Town and The Elden Street Players.]

October 15, 2019
(public hearing)

LEASE AGREEMENT

THIS LEASE made on the 15th day of October 2019, by and between the TOWN OF HERNDON, a municipal corporation (Landlord) and THE ELDEN STREET PLAYERS, a Virginia corporation (Tenant).

Recitals

Landlord is the owner of a building and premises located at 397 Herndon Parkway, Herndon, Virginia (the building).

Landlord and Tenant have agreed that Tenant will lease from Landlord, in consideration of the rent and other benefits, and under the terms and conditions specified here, a portion of the premises commonly known as part of the building at 397 Herndon Parkway, (as shown on Exhibit A, attached and incorporated by reference).

THEREFORE, the parties agree as follows:

1. Commencement and Ending Date of Term. Beginning October 15, 2019, Landlord leases the leased premises to Tenant according to the terms of this lease. The Tenant may possess the leased premises with the Tenant having the right to terminate the Lease upon 30 days prior written notice to the Landlord, and the Landlord having the right to terminate the Lease upon 90 days prior written notice to the Tenant. The term of this lease shall expire October 14, 2020.

2. Rent. Tenant shall pay Landlord on demand $1.00 rent for the entire term.

3. Use of Premises. Tenant shall use the leased premises solely for rehersal. Tenant shall have access to and from the leased premises and to the restrooms. Landlord retains for itself and its employees, agents, and invitees, a right of access through the leased premises to and from spaces. Tenant certifies to Landlord that uses of this space are consistent with the Town of Herndon

Zoning Ordinance and architectural guidelines or ordinances of the Herndon Town Code.

4. Utility Charges. Landlord shall maintain and pay the cost of all utilities (except telecommunications) on the leased premises.

5. Liability Insurance. Tenant shall keep in effect a policy of bodily injury and property damage liability insurance or a self-insurance program of the Commonwealth of Virginia with respect to the leased premises in commercially reasonable amounts, as determined by Landlord. Any policy shall name the Town of Herndon as an additional insured.

6. Hold Harmless of Landlord. Tenant shall hold harmless Landlord, its officers, agents, and employees from any and all claims, actions, damages, liability and expense, in connection with loss of life, personal injury or damage to property arising from any occurrence in, upon, or at the leased premises through the occupancy or use by Tenant.

7. Default. Tenant shall be in default upon failure to perform any term of this lease for more than five days after written notice of such failure shall have been given to Tenant or after Tenant's abandonment of the leased premises.

8. Rights and Remedies on Default. Landlord shall have the following rights on default of Tenant, which shall be cumulative, none excluding any other right allowed by this lease or by law.

a. Landlord may enter the leased premises and repossess the leased premises and remove Tenant and any others who may be occupying the leased premises and remove any property.

b. Landlord may seize, remove and sell all of the personal property and fixtures of Tenant on the leased premises or remove and store such property at the cost of and for

the account of Tenant.

9. Custodial. Landlord shall provide custodial services, consisting of emptying trash and vacuuming, once a week for the leased premises.

10. Waste or Nuisance. Tenant shall not commit any waste or nuisance upon the leased premises.

11. Maintenance by Tenant. Tenant accepts the leased premises including the improvements and any furnishings and equipment in the leased premises in their existing condition. Tenant shall at all times keep the leased premises in good order, condition, and repair. Tenant shall maintain the leased premises in a clean and sanitary condition. If Landlord is required to make any repairs by reason of Tenant's negligent or intentional act or omission, Tenant shall pay to Landlord the cost of the repairs as additional rent within ten days after written notice. Landlord shall be responsible for roof, structural integrity of the building, and replacement and repair of utility systems related to the leased premises. Except as provided in paragraph 14, Tenant shall return the leased premises to its original condition prior to Tenant's vacation of the premises, normal wear and tear excepted.

12. Notification of Hazard. Tenant and Landlord shall give immediate notice to the other in case of fire, accident, or defect in the leased premises or in any fixtures or personal property comprising the leased premises.

13. Alterations and Improvements. Except as provided in this paragraph, Tenant shall not make or cause to be made any alterations to the leased premises without first obtaining Landlord's written consent.

14. Removal of Improvements and Restoration by Tenant. All alterations except

lighting not necessary for normal use of the building or conformance with the Virginia Uniform Statewide Building Code made by Tenant shall remain the property of Landlord at the expiration or termination of the lease. This property will remain part of the leased premises and Tenant shall not have any obligation to remove it.

14. Loss and Damage. Landlord shall not be liable for any loss or damage to property of Tenant located on the leased premises. Landlord shall not be liable for any injury, death, or damage to persons or property associated with Tenant resulting from fire, explosion, falling plaster, steam, gas, electricity, water, rain, snow, or leaks from any part of the leased premises. Landlord shall not be liable for any latent defect in the leased premises or in the building of which they form a part. All property of Tenant or its subtenants kept or stored on the leased premises shall be so kept or stored at the risk of Tenant or subtenants and Tenant shall hold Landlord harmless from any claims arising out of damage to the same, including subrogation claims by Tenant's insurance carrier.

15. Right of Entry. In addition to Landlord's right of access as described in paragraph 3, Landlord, its contractors, agents, or prospective purchasers or lessees, shall have the right to enter the leased premises during normal business hours to examine the same upon reasonable notice, either oral or written.

16. Quiet Enjoyment. Upon the observance of all Tenant's obligations of this lease, Tenant shall peaceably and quietly hold and enjoy the leased premises.

17. Surrender of Premises. At the expiration or termination of the term of this lease, Tenant shall surrender the leased premises in the same condition that the leased premises were in at the commencement of this lease, except as provided in paragraph 14, reasonable wear and tear

excepted, and shall surrender all keys for the leased premises to Landlord.

18. Assignment and Subletting. Tenant may not assign this lease without prior written consent of Landlord. This prohibition against assigning or subletting shall be construed to include a prohibition against any assignment or subletting by operation of law.

19. Binding on Successors/Assigns. All of the terms of this lease shall bind the successors and assigns of Landlord and Tenant, except where the assignment is ineffective due to lack of Landlord's consent.

THE ELDEN STREET PLAYERS

Vicki Kile
Name: Vicki Kile
Title: President

TOWN OF HERNDON, VIRGINIA

By: Lisa Merkel
Lisa C. Merkel
Mayor

TOWN OF HERNDON, VIRGINIA 1879

ATTEST:

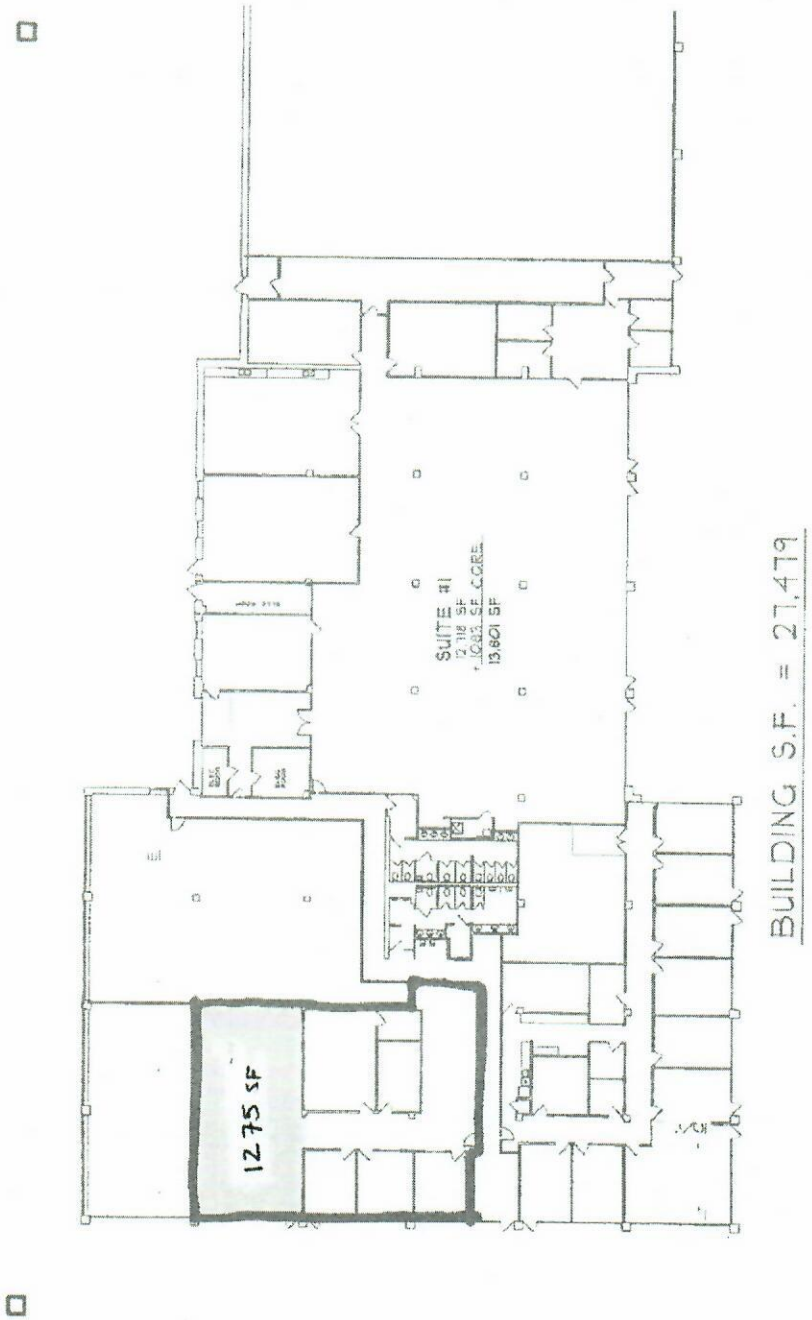
Acting Town Clerk

APPROVED AS TO FORM:

Lesa J. Yeatts
Town Attorney

October 15, 2019
(public hearing)

Exhibit
A



BUILDING S.F. = 27,479

BASE BUILDING 397 HERNDON PARKWAY HERNDON, VIRGINIA 20170	Arencibia Architects Inc. 703-733-0190 13346 POINT RIDER LANE, HERNDON, VA. 20171	DATE 17 FEB. 2005 SCALE 1" = 30'

October 15, 2019
(public hearing)

CONSENT

10. **Resolution 19-G-65, to appoint Charles "Charlie" A. Colligan, III to the Herndon Town Council's Herndon Youth Advisory Council.**

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

Resolution 19-G-65, to appoint Charles "Charlie" A. Colligan, III to the Herndon Town Council's Herndon Youth Advisory Council.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby appoints Charles "Charlie" A. Colligan, III as the TRIBE student member to the Herndon Youth Advisory Council to fill an unexpired two-year term ending December 31, 2020.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:03 p.m.

Lisa C. Merkel
Mayor

Amanda M. Kertz
Deputy Town Clerk

TOWN OF HERNDON, VIRGINIA 1879

Minutes approved by Town Council: October 29, 2019.

NOTE:

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