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HERNDON TOWN COUNCIL
Tuesday
January 28, 2020

The Town Council met in public session on Tuesday, January 28, 2020, at 7:00 p.m. in the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia. In attendance were: Acting Mayor Sheila A. Olem and Councilmembers Jennifer K. Baker; Cesar del Aguila; Pradip Dhakal; Signe Friedrichs; and Bill McKenna.

Mayor Lisa Merkel was absent.

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Chief Maggie DeBoard, Herndon Police; Elizabeth Gilleran, Director of Community Development; Page Kalapasev, Director of Information Technology; Scott Robinson, Director of Public Works; John Irish, Deputy Director of Public Works; Tammy Chastain, Deputy Director of Public Works; Lauri Sigler, Deputy Town Attorney; Dana Heiberg, Senior Planner; Margie C. Tacci, Deputy Town Clerk; and Jessica Sizemore, Legislative Assistant.

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

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

ANNOUNCEMENT

Acting Mayor Olem welcomed those present to the meeting and stated that, as Vice Mayor, she would be chairing the meeting on behalf of Mayor Merkel, who would not be present that evening.

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(public hearing)**

APPROVAL OF MINUTES

**Vote on January 7, 2020
Work Session Minutes**

On motion of Councilmember Dhakal, seconded by Councilmember Friedrichs, and carried by a vote of 6-0, the minutes of the January 7, 2020 work session were approved. The vote was: Councilmembers Baker, del Aguila, Dhakal, Friedrichs, McKenna, and Acting Mayor Olem voting "Aye." Mayor Merkel was absent.

**Vote on January 14, 2020
Public Hearing Minutes**

On motion of Councilmember del Aguila, seconded by Councilmember Friedrichs, and carried by a vote of 5-0, the minutes of the January 14, 2020 public hearing were approved. The vote was: Councilmembers Baker, del Aguila, Dhakal, Friedrichs, and Acting Mayor Olem voting "Aye." Councilmember McKenna abstaining. Mayor Merkel was absent.

PRESENTATIONS

3. Certificate of Appreciation, to recognize Eric Fielding, member of the Architectural Review and Heritage Preservation Review Boards.

Acting Mayor Olem stated the Council was pleased to express their appreciation to Eric Fielding for his service as a member of the town's Architectural Review and Heritage Preservation Review Boards (ARB/HPRB).

Following comments from Council, Acting Mayor Olem recognized ARB/HPRB Chair Bob Walker, who provided comments.

The following staff member provided comments on Mr. Fielding's service:

- Chris Garcia, Community Design Planner.

Mr. Fielding provided comments on his recognition. He extended thanks to the mayor, Council, and staff.

The certificate was presented to Mr. Fielding. Colleagues, staff, his wife Maria, and his son, Thomas then joined him for the presentation.

4. Proclamation, to recognize "African American History Month," February 2020

Councilmember Dhakal read the proclamation recognizing "African American History Month" into the record.

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After Councilmember Dhakal read the proclamation into the record, Acting Mayor Olem asked if anyone in the audience would like to come forward to accept the proclamation and say a few words.

Councilmembers Dhakal, Baker, Friedrichs, McKenna, and Acting Mayor Olem provided comments on the proclamation, including appreciation and acknowledgement of the contributions of Herndon's African American residents and their historical impacts on the town.

Councilmember del Aguila concurred with his colleagues and he encouraged more resumes be submitted to serve on the town's boards and commissions to be more representative of the town.

**TOWN OF HERNDON, VIRGINIA
PROCLAMATION
AFRICAN AMERICAN HISTORY MONTH
FEBRUARY 2020**

Throughout the month of February each year, events are planned nationwide to honor the history and impact of African Americans. **African American History Month** began with an initiative by writer and educator Dr. Carter G. Woodson, who recognized the need to raise awareness of African American's contributions to civilization. The event was first celebrated in 1926, during the second week of February, to include the birthdays of Abraham Lincoln and Frederick Douglass. Since 1976, every American president has proclaimed February as African American History Month. Other countries such as Canada and the United Kingdom also observe month-long celebrations.

As the Town of Herndon celebrates **African American History Month**, we commemorate the sacrifices and contributions made by generations of African Americans; and we recall the impact that African Americans have made on American history in their struggle and perseverance for freedom and equality.

Therefore, the Mayor and Town Council of the Town of Herndon, Virginia, hereby proclaim the month of February 2020 as **African American History Month** in the Town of Herndon, and call on all citizens to enhance their awareness of the cultural, scientific, political, and economic contributions of African Americans throughout American society, and to recognize the significance of these endeavors.

Further, the Mayor and Town Council of the Town of Herndon, Virginia, hereby remember and honor the courage, resilience, and fortitude of African Americans. We acclaim the sacrifice, strength, accomplishments, and unyielding spirit of our nation's great civil rights leaders who fought for and protected equal rights including Frederick Douglass, W. E. B. Du Bois, Martin Luther King Jr., Rosa Parks, Fanny Lou Hamer, and we also honor those whose names we do not know.

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Further, the Mayor and Town Council of the Town of Herndon, hereby honor the innumerable contributions of African Americans since our country's beginning, and we recommit to continue reaching for a day when no person is judged by anything but the content of their character.

5. COMMENTS FROM THE TOWN MANAGER

William H. Ashton II, Town Manager, had no comments.

6. COMMENTS FROM THE TOWN COUNCIL

Councilmember McKenna: Stated he would like to congratulate Melissa Jonas who stepped down from the Planning Commission the night before. Councilmember McKenna stated she had served as Chair and with distinction for many years. He stated that Ms. Jonas would be working on important matters such as affordable housing with the Housing Authority in Fairfax County, and this would be a loss for the town but a gain for the county.

Councilmember Friedrichs: Stated that Council has seen a flood of applicant resumes to serve the ARB/HPRB. She pointed out that those who serve on the ARB/HPRB, except for one, had to be town residents.

Councilmember del Aguila: Stated that last week, he was lucky and surprised to have been invited to the National Mayor's Conference in downtown Washington, D.C., where he was a guest at the dinner of the Latino Leadership Network. He stated that Herndon was recognized at the event.

Acting Mayor Olem: Congratulated Councilmember del Aguila on attending the Latino Leadership Network dinner.

Acting Mayor Olem stated that the 36th Annual Mayor's Volunteer Reception would be on Sunday, April 19 to coincide with "National Volunteer Week". She stated that the tradition of volunteerism in Herndon is active in the town and surrounding area. The Council would host this special event to congratulate and extend the town's appreciation to the many volunteers who worked diligently throughout the year to make Herndon an outstanding community and to those who provided dedicated service through community-wide volunteerism. She also stated that those recognized would all have at least 100 hours of volunteer service. Nominations were open for Outstanding Volunteers, Distinguished Service Award and Distinguished Corporate Service Award on the town's website and would be due by Friday, March 6.

7. COMMENTS FROM THE AUDIENCE

The following members of the audience provided comments:

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- Ann Vayda, 631 Oak Street, Herndon, provided comments on the heritage district, which included the guidelines rewrite, stakeholder involvement, town outreach, and a letter the town sent to heritage district residents. She provided her comments for the record via email, which are on file in the Town Clerk's office.
- Barbara Glakas, 935 Barton Oaks Place, Herndon, provided information about the first African American owned business in Herndon.

Ms. Glakas shared information about the Good Neighbor Award. She reminded those interested that nominations were due January 31. Further information and the application were available on the town's website, herndon-va.gov.

PUBLIC HEARINGS

8. **Ordinance 20-O-04, to authorize the use of eminent domain for the acquisition of temporary and power utility easements on property owned by James R. Lee, Tax Map #: 0162-22-0006 for public use by condemnation for transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway, Herndon;**
9. **Ordinance 20-O-05, to authorize the use of eminent domain for the acquisition of a temporary easement on property owned by Virgilio Vasquez and Maria L. Vasquez, Tax Map #: 0162-22-0005 for public use by condemnation for transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway, Herndon;**
10. **Ordinance 20-O-06, to authorize the use of eminent domain for the acquisition of a temporary easement on property owned by Virgilio Vasquez and Maria L. Vasquez, Tax Map #: 0162-02-0151A for public use by condemnation for transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway, Herndon;**
11. **Ordinance 20-O-07, to authorize the use of eminent domain for the acquisition of a fee simple interest and a temporary easement on property owned by Alvin J. Cosmo and Elise L. Cosmo, Tax Map #: 0162-22-0019 for public use by condemnation for transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway, Herndon;**
12. **Ordinance 20-O-08, to authorize the use of eminent domain for the acquisition of a fee simple interest, permanent and temporary easements on property owned by Tu-Anh N. Nguyen, Tax Map #: 0162-22-0020 for public use by condemnation for transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway, Herndon;**

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13. Ordinance 20-O-09, to authorize the use of eminent domain for the acquisition of temporary, permanent, and power utility easements on property owned by St. Timothy's Church, Episcopal, Tax Map #:0162-02-0153 for public use by condemnation for transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway, Herndon;
14. Ordinance 20-O-10, to authorize the use of eminent domain for the acquisition of temporary and power utility easements on property owned by Nichole F. Lopes and Patrick T. Lopes, Tax Map #:0162-06-0002 for public use by condemnation for transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway, Herndon;
15. Ordinance 20-O-11, to authorize the use of eminent domain for the acquisition of a permanent easement on property owned by James Passmore and Alia M. Bowen, Tax Map #: 0162-06-0001 for public use by condemnation for transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway, Herndon;
16. Ordinance 20-O-12, to authorize the use of eminent domain for the acquisition of a temporary easement on property owned by Cleveland Woods Jr. and Sheila S. Woods, Tax Map #:0162-06-0016 for public use by condemnation for transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway, Herndon;
17. Ordinance 20-O-13, to authorize the use of eminent domain for the acquisition of a temporary easement on property owned by Bernice Miller and Stephanie Miller Crum, Tax Map #:0162-02-0141A for public use by condemnation for transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway, Herndon;
18. Ordinance 20-O-14, to authorize the use of eminent domain for the acquisition of a temporary easement on property owned by Bernice Miller and Stephanie Miller Crum, Tax Map #:0162-02-0141D for public use by condemnation for transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway, Herndon; and
19. Ordinance 20-O-15, to authorize the use of eminent domain for the acquisition of a temporary easement on property owned by Prasad Alapati and Santi Yarlagadda, Tax Map #:0162-02-0312C for public use by condemnation for transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway, Herndon.

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, December 27, 2019 and Friday, January 3, 2020 issues.

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Acting Mayor Olem opened the public hearings and stated that the next 12 ordinances related to eminent domain. She would call for concurrent staff reports on those items with separate public hearings and roll call votes on each one.

Lesa Yeatts, Town Attorney, clarified there would be separate public hearings held for each item.

Acting Mayor Olem then recognized John Irish, Deputy Director of Public Works and Lauri Sigler, Deputy Town Attorney, for the concurrent staff reports.

Mr. Irish presented the staff report and PowerPoint dated January 28, 2020 which are on file in the Town Clerk's office. He provided a brief overview of the Van Buren Complete Streets project, which was the reason Council would act on these eminent domain ordinances that evening. This would be a multi-modal project that would be significant in improving routes to Metrorail. Mr. Irish stated that very small pieces of property were involved in the taking of land process. The land was required to give the town access to improve the road and the town was "taking" 57 square feet. He outlined the project's location, description, proposed improvements, and estimated timeline.

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

In response to queries from Councilmember Friedrichs, Mr. Irish stated that permanently taking a small amount of the land was necessary to make the improvements contiguous all the way through the project.

Ms. Yeatts recognized Deputy Town Attorney Lauri Sigler to briefly describe the legal process.

Ms. Sigler discussed the legal process related to condemnation and eminent domain. She provided an update on the 12 parcels of land included on tonight's agenda. The purpose that night was to obtain Council's authority to file the certificates of take in case the town could not secure titles to the properties by the deeds.

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

In response to queries from Councilmember del Aguila, Ms. Sigler agreed that nothing had changed from the presentation at last week's work session. She also clarified that the bona fide offers were made based on appraisals or on assessed values from real estate records.

In response to queries from Councilmember Friedrichs, Ms. Sigler clarified that an impasse meant the agreement could not be reached. She stated that many times the property owner was happy with the offer, but they could not have the valid title conveyed without the lender's consent.

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Following brief comments and seeing no further questions from Council, Acting Mayor Olem stated that she would proceed with the separate public hearings on each item.

Ordinance 20-O-04, property owned by James R. Lee

Following the public hearing (there were no comments from the audience), on motion of Councilmember McKenna, seconded by Councilmember Dhakal, and carried by a 6-0 roll call vote, Ordinance 20-O-04 was approved as presented. The vote was: Councilmembers Baker, del Aguila, Dhakal, Friedrichs, McKenna, and Acting Mayor Olem voting "Aye." Mayor Merkel was absent.

Ordinance, 20-O-04, Authorizing the use of eminent domain for the acquisition of temporary and power utility easements on property owned by James R. Lee, Tax Map #: 0162-22-0006 for public use by condemnation for transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway.

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

1. The Town of Herndon made a bona fide but ineffectual effort to acquire a 474 square foot temporary construction and grading easement and a 150 square feet permanent utility easement to be assigned to Virginia Electric and Power Company ("Dominion Energy") from James R. Lee for \$3,000.00 in connection with the Van Buren Streets Improvement Project. Negotiations are at an impasse and the landowner cannot convey valid title. Therefore, the Town Attorney and outside counsel on behalf of the Town are authorized and directed to file a Certificate of Take and prosecute to completion a condemnation action against the land owned by James R. Lee as well as James R. Lee for the Town's condemnation of these interests in property over real estate located at 403 Hillwood Court, Town of Herndon, Fairfax County, Virginia, designated as Tax Map #: 0162-22-0006 and shown as Parcel 8 and Plat #5 of Job # RK1807.01, dated June 28, 2019 and revised through August 29, 2019, prepared by H&B Surveying and Mapping, LLC of Richmond, Virginia, and as shown on Plat Number 40-19-0199 dated August 12, 2019, prepared by Dominion Energy Virginia, which said plats are attached hereto and incorporated herein.
2. The Town Council approves the following proposed public use for this acquisition: the construction, maintenance, or improvement of the public roadway, bike lanes, sidewalks, utility relocation, curb and gutter, and storm drainage, for the public safety and welfare of the Town.

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(public hearing)**

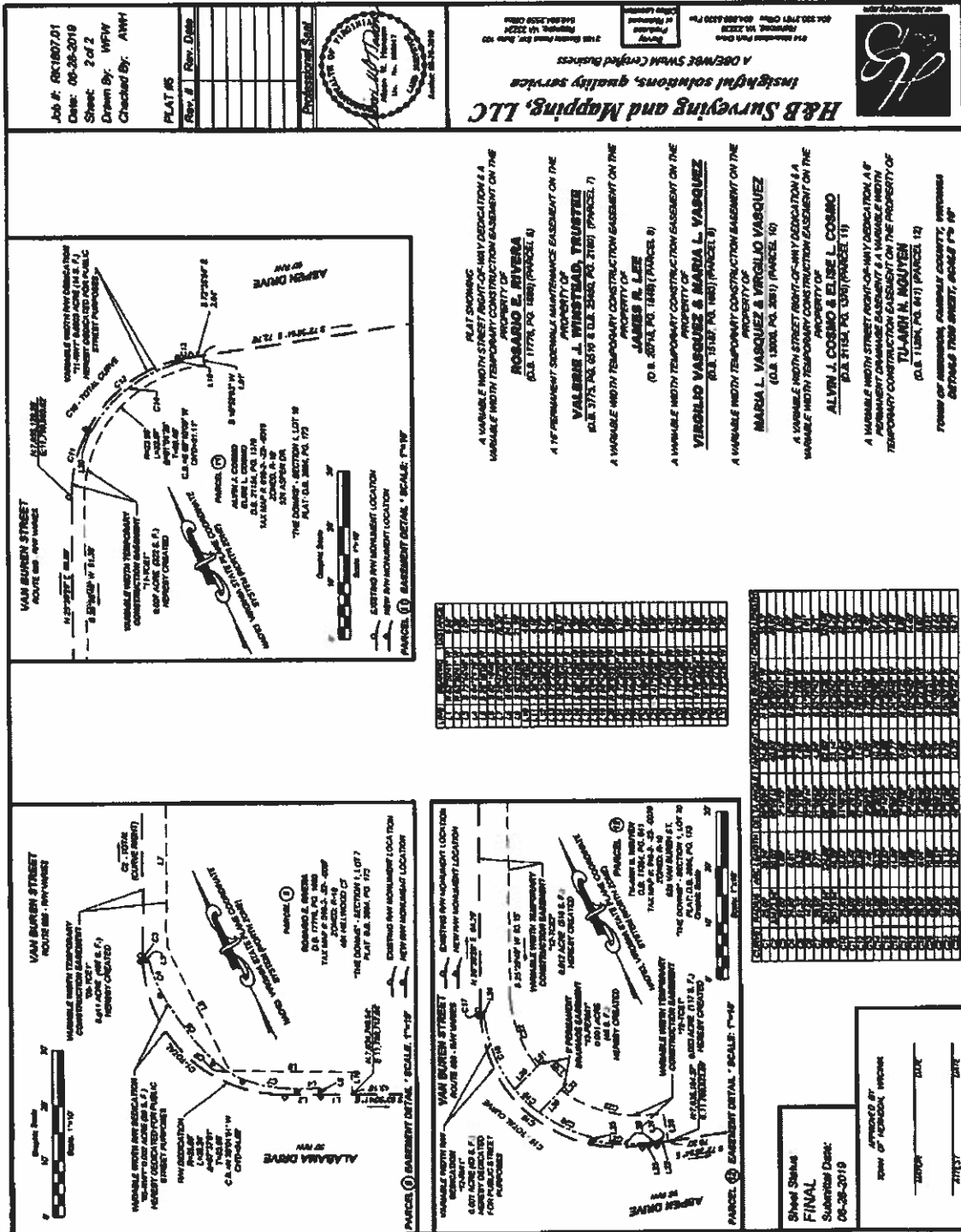
3. The Town Council directs the Town Manager, Town Attorney, and their outside counsel to acquire the above described interests in property for public use by condemnation, purchase, or other means. The Town staff is hereby authorized to pay the compensation set forth in paragraph 1 above into the Fairfax County Circuit Court contemporaneously with filing a Certificate of Take.
4. The property interests shall be used for the Van Buren Street Improvement Project. The property interests are necessary for the construction, maintenance, or improvement of, and access to, the public roadway, bike lanes, sidewalks, utility relocation, curb and gutter, and storm drainage.
5. This ordinance shall be effective on and after the date of its adoption.

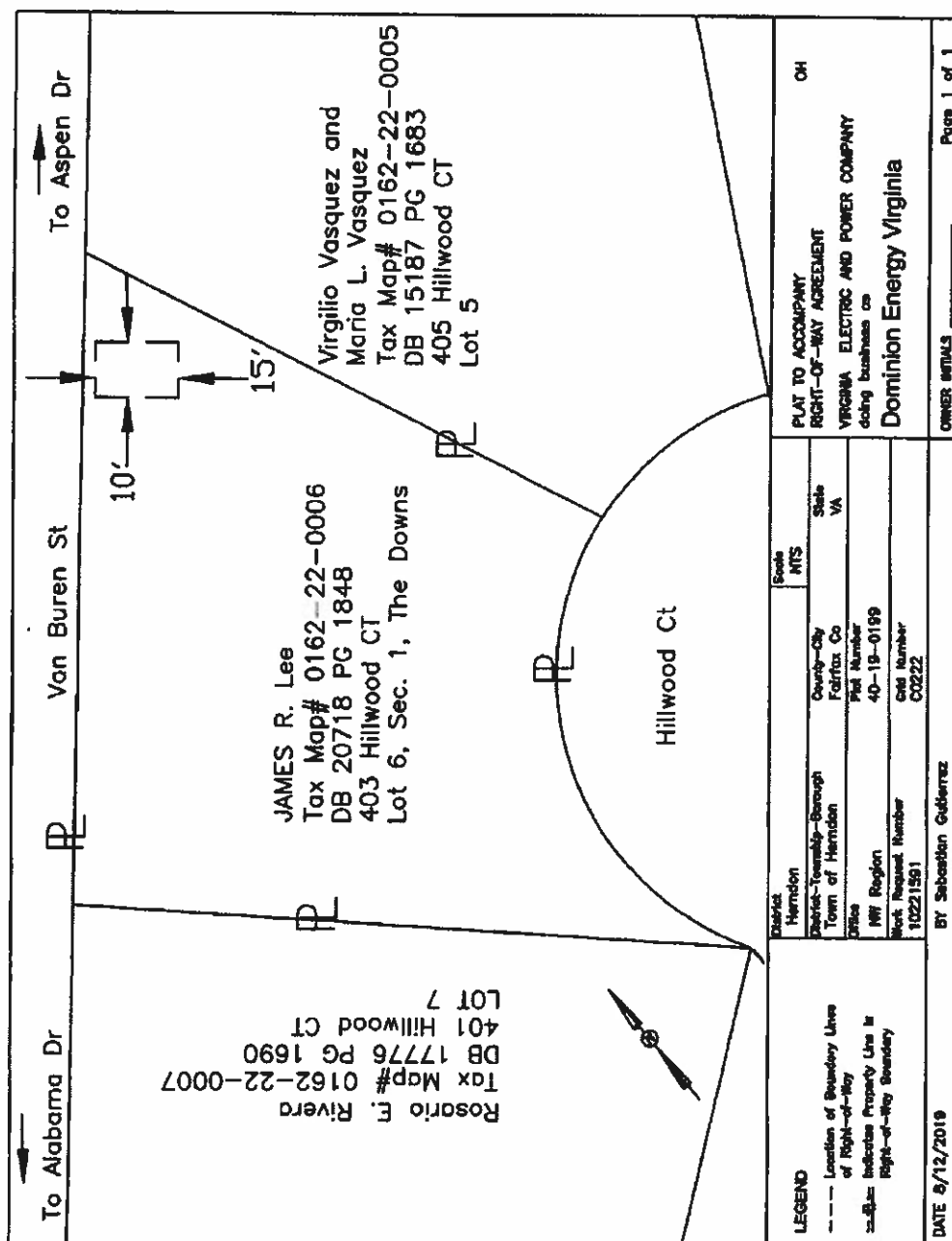
[Note: Attached for reference are Parcel 8 and Plat #5 of Job # RK1807.01, dated June 28, 2019 and revised through August 29, 2019, prepared by H&B Surveying and Mapping, LLC of Richmond, Virginia, and as shown on Plat Number 40-19-0199 dated August 12, 2019, prepared by Dominion Energy Virginia.]

January 28, 2020
(public hearing)

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January 28, 2020
(public hearing)





**January 28, 2020
(public hearing)**

Ordinance 20-O-05, property owned by Virgilio Vasquez and Maria L. Vasquez

Following the public hearing (there were no comments from the audience), Councilmember McKenna moved approval of Ordinance 20-O-05 as presented. Councilmember Baker seconded the motion.

Councilmember McKenna called a point of privilege and asked if comments from Council should occur prior to the roll call vote.

Lesa Yeatts, Town Attorney, stated that Councilmember McKenna was correct and asked Acting Mayor Olem to call for any discussion.

Acting Mayor Olem called for discussion.

Councilmember Dhakal provided brief comments on the use of eminent domain to benefit the community.

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

Ordinance 20-O-05, Authorizing the use of eminent domain for the acquisition of a temporary easement on property owned by Virgilio Vasquez and Maria L. Vasquez, Tax Map #0162-22-0005 for public use by condemnation for transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway.

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

1. The Town of Herndon made a bona fide but ineffectual effort to acquire a total of 214 square feet of temporary construction and grading easement from Virgilio Vasquez and Maria L. Vasquez for \$470.00 in connection with the Van Buren Streets Improvement Project. The landowner did not accept this offer, cannot convey valid title and negotiations are at an impasse. Therefore, the Town Attorney and outside counsel on behalf of the Town are authorized and directed to file a Certificate of Take and prosecute to completion a condemnation action against the land owned by Virgilio Vasquez and Maria L. Vasquez as well as Virgilio Vasquez and Maria L. Vasquez for the Town's condemnation of these interests in property over real estate located at 405 Hillwood Court, Town of Herndon, Fairfax County, Virginia, designated as Tax Map #: 016-2-22-0005 and shown as Parcel 9 and Plat #5 of Job # RK1807.01, dated June 28, 2019, prepared by H&B Surveying and

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Mapping, LLC of Richmond, Virginia, which said plat is attached hereto and incorporated herein.

2. The Town Council approves the following proposed public use for this acquisition: the construction, maintenance, or improvement of the public roadway, bike lanes, sidewalks, utility relocation, curb and gutter, and storm drainage, for the public safety and welfare of the Town.
3. The Town Council directs the Town Manager, Town Attorney, and their outside counsel to acquire the above described interests in property for public use by condemnation, purchase, or other means. The Town staff is hereby authorized to pay the compensation set forth in paragraph 1 above into the Fairfax County Circuit Court contemporaneously with filing a Certificate of Take.
4. The property interests shall be used for the Van Buren Street Improvement Project. The property interests are necessary for the construction, maintenance, or improvement of, and access to, the public roadway, bike lanes, sidewalks, utility relocation, curb and gutter, and storm drainage.
5. This ordinance shall be effective on and after the date of its adoption.

[Note: Attached for reference are Parcel 9 and Plat #5 of Job # RK1807.01, dated June 28, 2019, prepared by H&B Surveying and Mapping, LLC of Richmond, Virginia.]

**January 28, 2020
(public hearing)**

Ordinance 20-O-06, property owned by Virgilio Vasquez and Maria L. Vasquez

Following the public hearing (there were no comments from the audience), on motion of Councilmember del Aguila, seconded by Councilmember McKenna, and carried by a 6-0 roll call vote, Ordinance 20-O-06 was approved as presented. The vote was: Councilmembers Baker, del Aguila, Dhakal, Friedrichs, McKenna, and Acting Mayor Olem voting "Aye." Mayor Merkel was absent.

Ordinance 20-O-06, Authorizing the use of eminent domain for the acquisition of a temporary easement on property owned by Virgilio Vasquez and Maria L. Vasquez, Tax Map #0162-22-0151A for public use by condemnation for transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway.

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

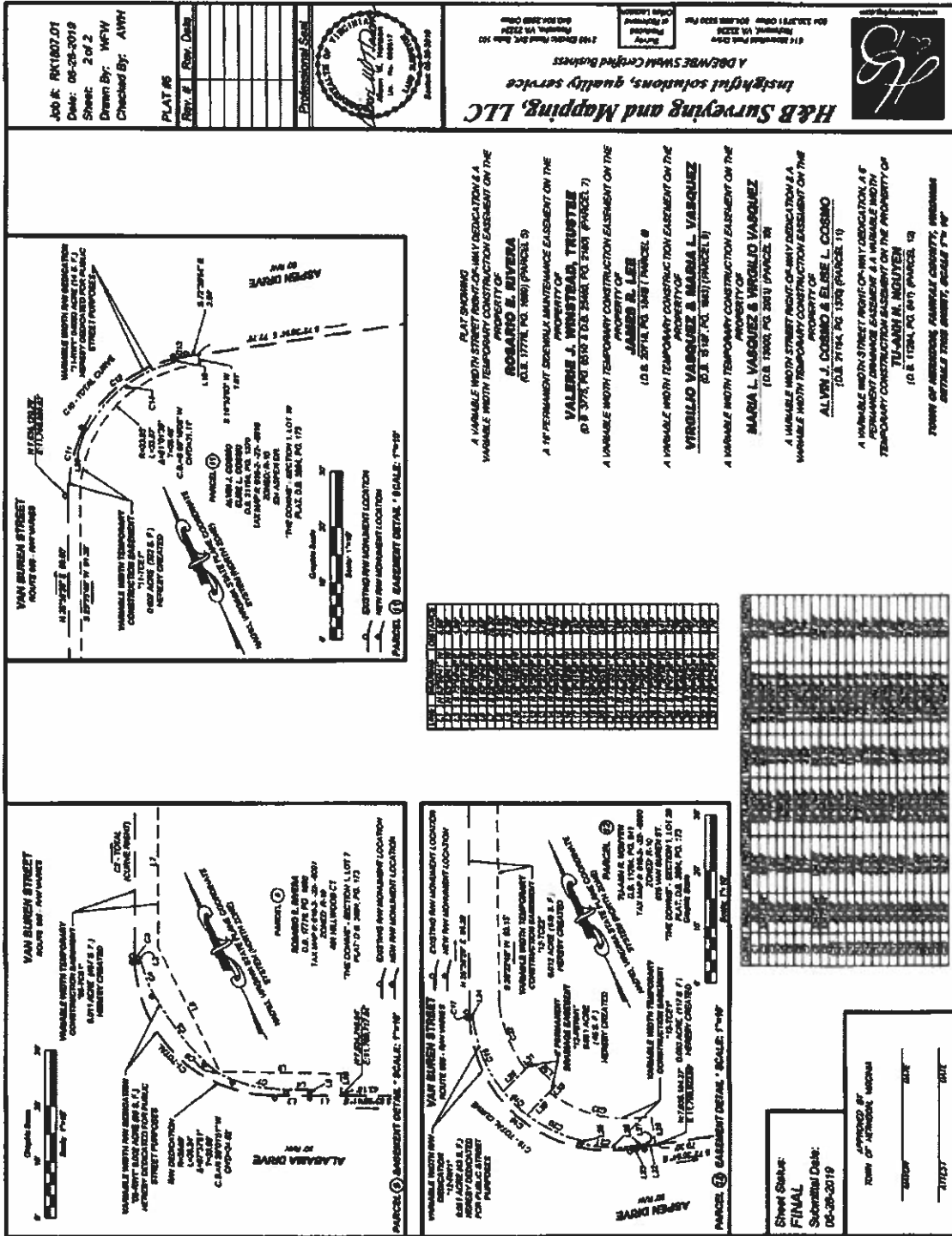
1. The Town of Herndon made a bona fide but ineffectual effort to acquire a total of 129 square feet of temporary construction and grading easement from Virgilio Vasquez and Maria L. Vasquez for \$50.00 in connection with the Van Buren Streets Improvement Project. The landowner did not accept this offer, cannot convey valid title and negotiations are at an impasse. Therefore, the Town Attorney and outside counsel on behalf of the Town are authorized and directed to file a Certificate of Take and prosecute to completion a condemnation action against the land owned by Virgilio Vasquez and Maria L. Vasquez as well as Virgilio Vasquez and Maria L. Vasquez for the Town's condemnation of these interests in property over real estate located at 406 Van Buren Street, Town of Herndon, Fairfax County, Virginia, designated as Tax Map #: 0162-22-0151A and shown as Parcel 10 and Plat #5 of Job # RK1807.01, dated June 28, 2019, prepared by H&B Surveying and Mapping, LLC of Richmond, Virginia, which said plat is attached hereto and incorporated herein.
2. The Town Council approves the following proposed public use for this acquisition: the construction, maintenance, or improvement of the public roadway, bike lanes, sidewalks, utility relocation, curb and gutter, and storm drainage, for the public safety and welfare of the Town.

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3. The Town Council directs the Town Manager, Town Attorney, and their outside counsel to acquire the above described interests in property for public use by condemnation, purchase, or other means. The Town staff is hereby authorized to pay the compensation set forth in paragraph 1 above into the Fairfax County Circuit Court contemporaneously with filing a Certificate of Take.
4. The property interests shall be used for the Van Buren Street Improvement Project. The property interests are necessary for the construction, maintenance, or improvement of, and access to, the public roadway, bike lanes, sidewalks, utility relocation, curb and gutter, and storm drainage.
5. This ordinance shall be effective on and after the date of its adoption.

[Note: Attached for reference are Parcel 10 and Plat #5 of Job # RK1807.01, dated June 28, 2019, prepared by H&B Surveying and Mapping, LLC of Richmond, Virginia.]

January 28, 2020
(public hearing)



**January 28, 2020
(public hearing)**

Ordinance 20-O-07, property owned by Alvin J. Cosmo and Elise L. Cosmo

Following the public hearing (there were no comments from the audience), on motion of Councilmember Baker, seconded by Councilmember del Aguila, and carried by 6-0 roll call vote, Ordinance 20-O-07 was approved as presented. The vote was: Councilmembers Baker, del Aguila, Dhakal, Friedrichs, McKenna, and Acting Mayor Olem voting "Aye." Mayor Merkel was absent.

Ordinance 20-O-07, Authorizing the use of eminent domain for the acquisition of a fee simple interest and a temporary easement on property owned by Alvin J. Cosmo and Elise L. Cosmo, Tax Map #: 0162-22-0019 for public use by condemnation for transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway.

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

1. The Town of Herndon made a bona fide but ineffectual effort to acquire a 14 square foot fee simple interest and a 322 square foot temporary construction and grading easement from Alvin J. Cosmo and Elise L. Cosmo for \$820.00 in connection with the Van Buren Streets Improvement Project. The landowner did not accept this offer, cannot convey valid title and negotiations are at an impasse. Therefore, the Town Attorney and outside counsel on behalf of the Town are authorized and directed to file a Certificate of Take and prosecute to completion a condemnation action against the land owned by Alvin J. Cosmo and Elise L. Cosmo as well as Alvin J. Cosmo and Elise L. Cosmo for the Town's condemnation of these interests in property over real estate located at 524 Aspen Drive, Town of Herndon, Fairfax County, Virginia, designated as Tax Map #: 0162-22-0019 and shown as Parcel 11 and Plat #5 of Job # RK1807.01, dated June 28, 2019, prepared by H&B Surveying and Mapping, LLC of Richmond, Virginia, which said plat is attached hereto and incorporated herein.
2. The Town Council approves the following proposed public use for this acquisition: the construction, maintenance, or improvement of the public roadway, bike lanes, sidewalks, utility relocation, curb and gutter, and storm drainage, for the public safety and welfare of the Town.
3. The Town Council directs the Town Manager, Town Attorney, and their outside counsel to acquire the above described interests in property for public use by condemnation, purchase, or other means. The Town staff is hereby authorized to pay the compensation set forth in paragraph 1 above into the Fairfax County Circuit Court contemporaneously with filing a Certificate of Take.

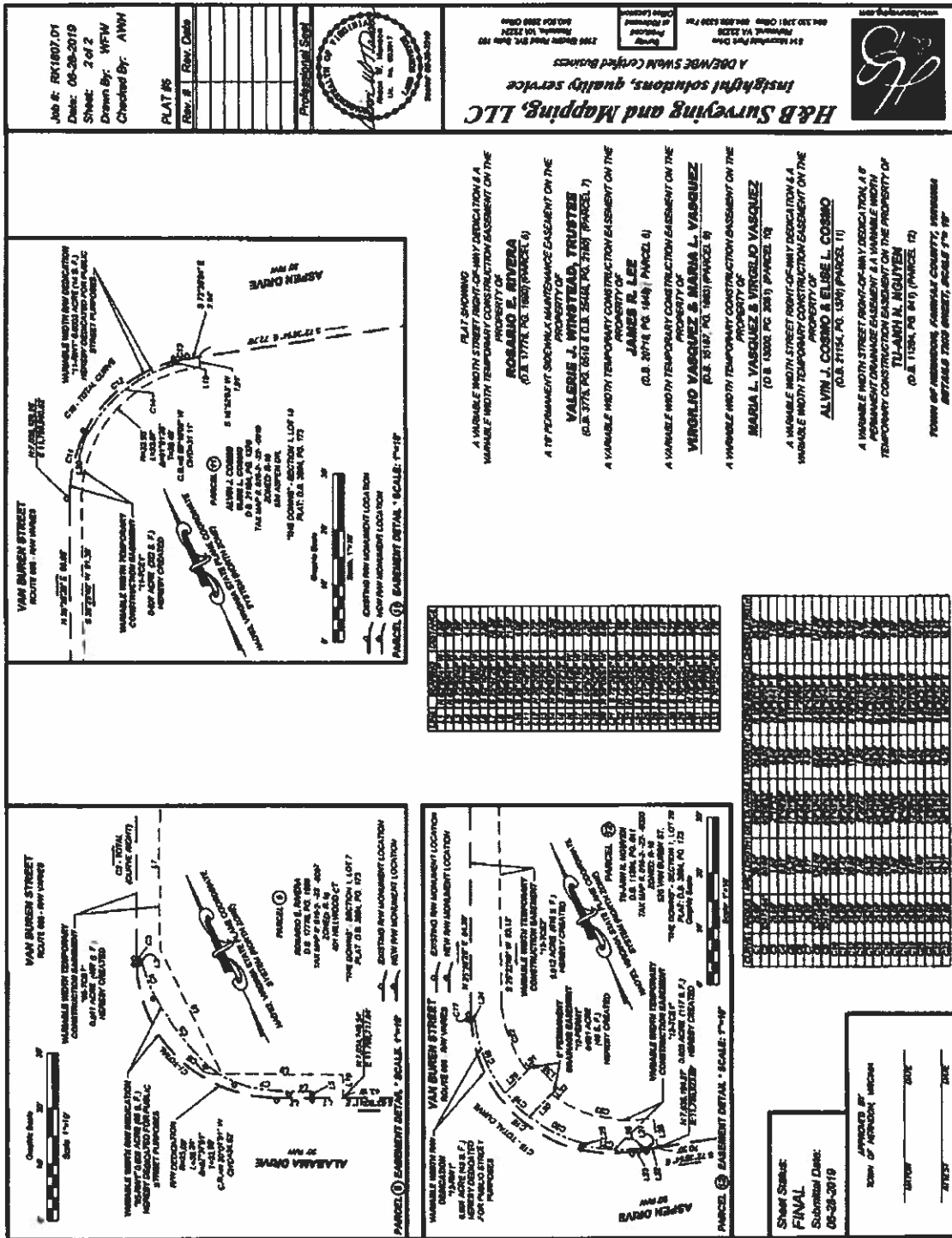
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(public hearing)**

4. The property interests shall be used for the Van Buren Street Improvement Project. The property interests are necessary for the construction, maintenance, or improvement of, and access to, the public roadway, bike lanes, sidewalks, utility relocation, curb and gutter, and storm drainage.
5. This ordinance shall be effective on and after the date of its adoption.

[Note: Attached for reference, are Parcel 11 and Plat #5 of Job # RK1807.01, dated June 28, 2019, prepared by H&B Surveying and Mapping, LLC of Richmond, Virginia.]

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January 28, 2020
(public hearing)



Ordinance 20-O-08, property owned by Tu-Anh N. Nguyen

**January 28, 2020
(public hearing)**

Following the public hearing (there were no comments from the audience), on motion of Councilmember McKenna, seconded by Councilmember Baker, and carried by a 6-0 roll call vote, Ordinance 20-O-08 was approved as presented. The vote was: Councilmembers Baker, del Aguila, Dhakal, Friedrichs, McKenna, and Acting Mayor Olem voting "Aye." Mayor Merkel was absent.

Ordinance 20-O-08, Authorizing the use of eminent domain for the acquisition of fee simple interest, permanent and temporary easements on property owned by Tu-Anh N. Nguyen, Tax Map #: 0162-22-0020 for public use by condemnation for transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway.

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

1. The Town of Herndon made a bona fide but ineffectual effort to acquire a 43 square foot fee simple interest, a 635 square foot temporary construction and grading easement, and a 45 square foot permanent light easement from Tu-Anh N. Nguyen for \$2,910.00 in connection with the Van Buren Streets Improvement Project. The landowner cannot convey valid title and negotiations are at an impasse. Therefore, the Town Attorney and outside counsel on behalf of the Town are authorized and directed to file a Certificate of Take and prosecute to completion a condemnation action against the land owned by Tu-Anh N. Nguyen as well as Tu-Anh N. Nguyen for the Town's condemnation of these interests in property over real estate located at 525 Aspen Drive, Town of Herndon, Fairfax County, Virginia, designated as Tax Map #: 0162-22-0020 and shown as Parcel 12 and Plat #5 of Job # RK1807.01, dated June 28, 2019, prepared by H&B Surveying and Mapping, LLC of Richmond, Virginia, which said plat is attached hereto and incorporated herein.
2. The Town Council approves the following proposed public use for this acquisition: the construction, maintenance, or improvement of the public roadway, bike lanes, sidewalks, utility relocation, curb and gutter, and storm drainage, for the public safety and welfare of the Town.
3. The Town Council directs the Town Manager, Town Attorney, and their outside counsel to acquire the above described interests in property for public use by condemnation, purchase, or other means. The Town staff is hereby authorized to pay the compensation set forth in paragraph 1 above into the Fairfax County Circuit Court contemporaneously with filing a Certificate of Take.

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4. The property interests shall be used for the Van Buren Street Improvement Project. The property interests are necessary for the construction, maintenance, or improvement of, and access to, the public roadway, bike lanes, sidewalks, utility relocation, curb and gutter, and storm drainage.
5. This ordinance shall be effective on and after the date of its adoption.

[Note: Attached for reference are Parcel 12 and Plat #5 of Job # RK1807.01, dated June 28, 2019, prepared by H&B Surveying and Mapping, LLC of Richmond, Virginia.]

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[illegible]

Attachment
20-0-46

**January 28, 2020
(public hearing)**

Ordinance 20-O-09, property owned by St. Timothy's Church, Episcopal

Following the public hearing (there were no comments from the audience), on motion of Councilmember Baker, seconded by Councilmember McKenna, and carried by a 6-0 roll call vote, Ordinance 20-O-09 was approved as presented. The vote was: Councilmembers Baker, del Aguila, Dhakal, Friedrichs, McKenna, and Acting Mayor Olem voting "Aye." Mayor Merkel was absent.

Ordinance 20-O-09, Authorizing the use of eminent domain for the acquisition of temporary, permanent, and power utility easements on property owned by St. Timothy's Church, Episcopal, Tax Map #: 0162-02-0153 for public use by condemnation for transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway.

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

1. The Town of Herndon made a bona fide but ineffectual effort to acquire 18,859 square feet of temporary construction and grading easements, 8,938 square feet of storm drainage and stormwater management easements, and a 14,362 square foot permanent utility easement to be assigned to Virginia Electric and Power Company ("Dominion Energy") from Trustees of the St. Timothy's Episcopal Church for \$64,310 in connection with the Van Buren Streets Improvement Project. The landowner cannot convey valid title and negotiations are at an impasse. Therefore, the Town Attorney and outside counsel on behalf of the Town are authorized and directed to file a Certificate of Take and prosecute to completion a condemnation action against the land owned by St. Timothy's Episcopal Church as well as St. Timothy's Episcopal Church for the Town's condemnation of these interests in property over real estate located at 432 Van Buren Street, Town of Herndon, Fairfax County, Virginia, designated as Tax Map #: 0162-02-0153 and shown as Parcel 13 and Plat #9 of Job # RK1807.01, dated July 23, 2019 and revised through October 2, 2019, prepared by H&B Surveying and Mapping, LLC of Richmond, Virginia, which said plat is attached hereto and incorporated herein.
2. The Town Council approves the following proposed public use for this acquisition: the construction, maintenance, or improvement of the public roadway, bike lanes, sidewalks, utility relocation, curb and gutter, and storm drainage, for the public safety and welfare of the Town.

**January 28, 2020
(public hearing)**

3. The Town Council directs the Town Manager, Town Attorney, and their outside counsel to acquire the above described interests in property for public use by condemnation, purchase, or other means. The Town staff is hereby authorized to pay the compensation set forth in paragraph 1 above into the Fairfax County Circuit Court contemporaneously with filing a Certificate of Take.
4. The property interests shall be used for the Van Buren Street Improvement Project. The property interests are necessary for the construction, maintenance, or improvement of, and access to, the public roadway, bike lanes, sidewalks, utility relocation, curb and gutter, and storm drainage.
5. This ordinance shall be effective on and after the date of its adoption.

[Note: Attached for reference are Parcel 13 and Plat #9 of Job # RK1807.01, dated July 23, 2019 and revised through October 2, 2019, prepared by H&B Surveying and Mapping, LLC of Richmond, Virginia.]

January 28, 2020
(public hearing)

[illegible]

January 28, 2020
(public hearing)

Attachment
20-0-09

← TO ASPEN DR VAN BUREN ST PL TO SPRING ST →			
LOT 20	Trustees of St. Timothy's Episcopal Church Tax Map# 0162-02-0153 DB 2416 PG 436 (#432 VAN BUREN ST)		
LOT 21			
LOT 22			
LOT 23			
LOT 24			
LOT 25			
LOT 26	PL		
Town of Herndon Tax Map# 0162-02-0156A DB 8463 PG 1484 (#500 VAN BUREN ST)			
LEGEND --- Location of Boundary Lines of Right-of-Way --- Indicates Property Line in Right-of-Way Boundary		Scale NTS County-City Fairfax Co State VA Lot Number 40-19-0179 Old Number C0222	
DATE By Sebastian G. Garza		PLAT TO ACCOMPANY RIGHT-OF-WAY AGREEMENT VIRGINIA ELECTRIC AND POWER COMPANY doing business as Dominion Energy Virginia OTHER DETAILS _____ Page 1 of 1	

**January 28, 2020
(public hearing)**

Ordinance 20-O-10, property owned by Nichole F. Lopes and Patrick T. Lopes

Following the public hearing (there were no comments from the audience), on motion of Councilmember McKenna, seconded by Councilmember Baker, and carried by a 6-0 roll call vote, Ordinance 20-O-10 was approved as presented. The vote was: Councilmembers Baker, del Aguila, Dhakal, Friedrichs, McKenna, and Acting Mayor Olem voting "Aye." Mayor Merkel was absent.

Ordinance 20-O-10, Authorizing the use of eminent domain for the acquisition of temporary and power utility easements on property owned by Nichole F. Lopes and Patrick T. Lopes, Tax Map #: 0162-06-0002 for public use by condemnation for transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway, Herndon, Virginia.

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

1. The Town of Herndon made a bona fide but ineffectual effort to acquire a 1,608 square foot temporary construction and grading easement and 100 square feet permanent utility easement for assignment to Virginia Electric and Power Company ("Dominion Energy") from Nichole F. Lopes and Patrick T. Lopes for \$2,540.00 in connection with the Van Buren Streets Improvement Project. The landowner cannot convey valid title and negotiations are at an impasse. Therefore, the Town Attorney and outside counsel on behalf of the Town are authorized and directed to file a Certificate of Take and prosecute to completion a condemnation action against the land owned by Nichole F. Lopes and Patrick T. Lopes as well as Nichole F. Lopes and Patrick T. Lopes for the Town's condemnation of these interests in property over real estate located at 433 Van Buren Street, Town of Herndon, Fairfax County, Virginia, designated as Tax Map #: 016-2-06-0002, and shown as Parcel 15 on Plat #7 of Job # RK1807.01, dated July 17, 2019, prepared by H&B Surveying and Mapping, LLC of Richmond, Virginia, and as shown on Plat Number 40-19-0075 prepared by Dominion Energy Virginia, which said plats are attached hereto and incorporated herein.
2. The Town Council approves the following proposed public use for this acquisition: the construction, maintenance, or improvement of the public roadway, bike lanes, sidewalks, utility relocation, curb and gutter, and storm drainage, for the public safety and welfare of the Town.
3. The Town Council directs the Town Manager, Town Attorney, and their outside counsel to acquire the above described interests in

**January 28, 2020
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property for public use by condemnation, purchase, or other means. The Town staff is hereby authorized to pay the compensation set forth in paragraph 1 above into the Fairfax County Circuit Court contemporaneously with filing a Certificate of Take.

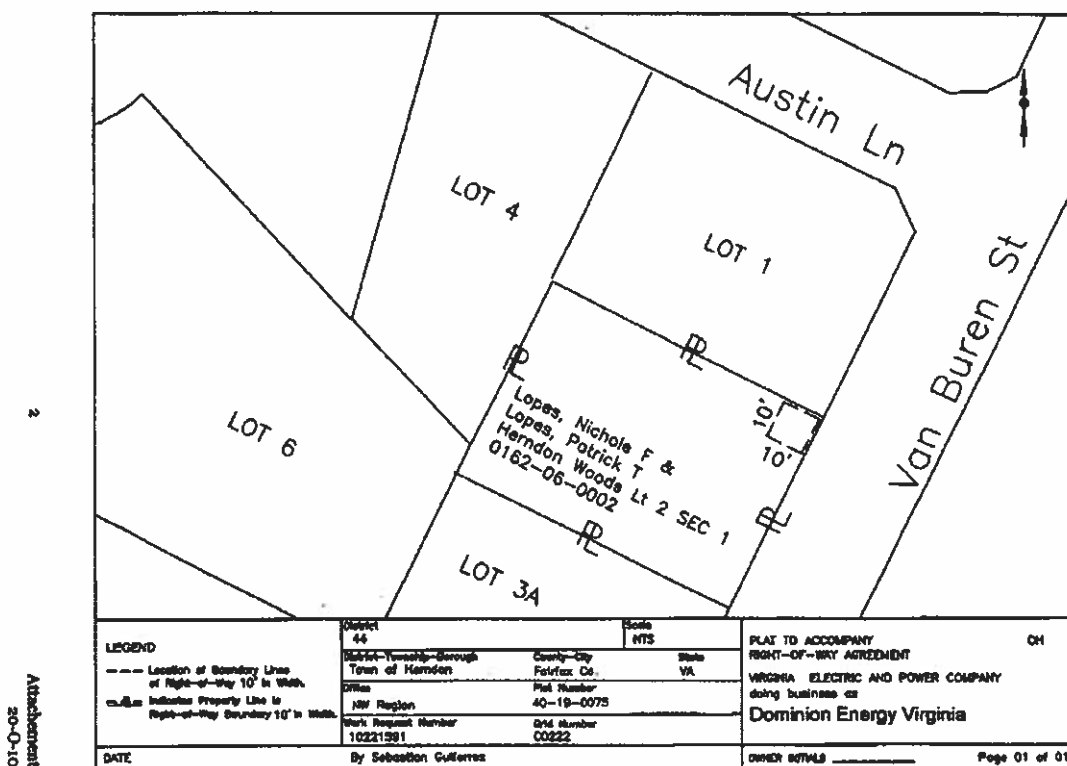
4. The property interests shall be used for the Van Buren Street Improvement Project. The property interests are necessary for the construction, maintenance, or improvement of, and access to, the public roadway, bike lanes, sidewalks, utility relocation, curb and gutter, and storm drainage.
5. This ordinance shall be effective on and after the date of its adoption.

[Note: Attached for reference are Parcel 15 on Plat #7 of Job # RK1807.01, dated July 17, 2019, prepared by H&B Surveying and Mapping, LLC of Richmond, Virginia, and as shown on Plat Number 40-19-0075 prepared by Dominion Energy Virginia.]

January 28, 2020
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Job #: RK1807.01 Date: 07-17-2019 Sheet: 1 of 1 Drawn By: WFW Checked By: ANH	PLAT #7 Rev. # Rev. Desc	PROFESSIONAL SEAL 	H&B Surveying and Mapping, LLC <i>insightful solutions, quality service</i> A DEWEBE SWAM CREDIT Business 814 MacArthur Blvd. Suite 100 Richmond, VA 23220 (804) 688-2300 Fax: (804) 688-2300	 PLAT SHOWING A VISIBLE MOTIVATED CONSTRUCTION EASEMENT ON NICOLE F. LOPES & PATRICK T. LOPES (PLA. 2018-01-01) PARCEL 15 TOWN OF ARLINGTON, ARLINGTON COUNTY, VIRGINIA SCALE 1" = 20'
OWNER'S CERTIFICATE: WITH RESPECT TO PARCEL 15 ONLY THE PLATTING OR RECORDING OF THE ABOVE-DESCRIBED EASEMENT IS IN ACCORDANCE WITH THE PUBLIC CONSENT AND IN ACCORDANCE WITH THE TERMS OF THE UNDERSTANDING, AGREEMENT, AND INSTRUMENTS, IF ANY. BY (SIGNATURE) _____ DATE _____ PREPARED BY (NAME AND TITLE) _____ DATE _____ BY (SIGNATURE) _____ DATE _____ PREPARED BY (NAME AND TITLE) _____ DATE _____ NOTARY: COMMISSIONER IN CHIEF OF VIRGINIA THIS PLAT WAS RECORDED BEFORE ME, A NOTARY PUBLIC FOR THE ABOVE JURISDICTION. WITNESSED THE ABOVE SIGNATURE THIS _____ DAY OF _____ 2019. AT _____ BY COMMISSIONER IN CHIEF _____ SURVEYOR'S CERTIFICATE: I, ALISON F. HARRIS, L.S., A L.S. LICENSED SURVEYOR IN THE COMMONWEALTH OF VIRGINIA, DO HEREBY CERTIFY THAT THE DISPOSITIONS OF EASEMENTS AND RIGHTS OF WAY SHOWN HEREON ARE LOCATED UPON THE FOLLOWING RECORDED PARCELS SHOWN ON THIS PLAT AND IN ACCORDANCE WITH THE TERMS OF THE UNDERSTANDING, AGREEMENT, AND INSTRUMENTS, IF ANY. PARCEL 8 15. NICOLE F. LOPES & PATRICK T. LOPES AS RECORDED IN D.E. 7546 PG. 10 ACCORD TO THE LAND RECORDS OF ARLINGTON COUNTY, VIRGINIA, AND THAT THE EASEMENTS REFER TO MAPS VIRGINIA STATE PLANE COORDINATE SYSTEM (NAD 83). ALISON F. HARRIS, L.S. (Professional Seal) 03.05.2019 NOTE: 1. EASEMENTS AND RIGHTS OF WAY SHOWN HEREON ARE BASED ON RECORDED DEEDS AND SURVEY PLANS INFORMATION AND DO NOT REPRESENT A CURRENT BOUNDARY SURVEY BY THE FIRM. 2. ALL PREVIOUSLY RECORDED RIGHTS OF WAY, EASEMENTS, OR OTHER INTERESTS OF THE TOWN OF ARLINGTON SHALL REMAIN OF FULL FORCE AND EFFECT UNLESS OTHERWISE SPECIFICALLY SHOWN HEREON. 3. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. THEREFORE, NOT ALL ENCUMBRANCES TO THE PROPERTY ARE NECESSARILY SHOWN HEREON.				
AREA TABULATION: PARCEL 15 TOTAL AREA IN RECREATION EASEMENT 25.10 ACRES (1,881,800 S.F.) TOTAL AREA IN RECREATION EASEMENT 25.10 ACRES (1,881,800 S.F.)				
LOT 4 - SECTION ONE HERBERT HARRIS D.E. 1506 PG. 321 TAX MAP # 010-3-48-0000 LOT 2 - SECTION ONE HERBERT HARRIS D.E. 1506 PG. 321 TAX MAP # 010-3-48-0000 LOT 1 - SECTION ONE HERBERT HARRIS D.E. 1506 PG. 321 TAX MAP # 010-3-48-0000 PARCEL 15 NICOLE F. LOPES & PATRICK T. LOPES D.E. 7546 PG. 10 TAX MAP # 010-3-48-0000 PARCEL 16 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 17 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 18 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 19 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 20 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 21 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 22 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 23 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 24 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 25 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 26 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 27 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 28 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 29 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 30 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 31 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 32 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 33 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 34 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 35 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 36 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 37 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 38 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 39 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 40 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 41 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 42 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 43 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 44 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 45 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 46 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 47 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 48 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 49 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 50 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 51 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 52 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 53 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 54 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 55 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 56 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 57 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 58 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 59 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 60 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 61 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 62 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 63 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 64 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 65 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 66 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 67 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 68 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 69 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 70 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 71 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 72 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 73 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 74 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 75 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 76 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 77 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 78 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 79 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 80 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 81 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 82 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 83 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 84 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 85 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 86 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 87 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 88 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 89 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 90 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 91 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 92 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 93 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 94 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 95 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 96 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 97 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 98 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 99 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000 PARCEL 100 VIRGINIA CLARITY D.E. 1507 PG. 32 TAX MAP # 010-3-48-0000				
APPROVED BY: _____ Name of Applicant: VIRGINIA CLARITY Sheet Status: FINAL Submitted Date: 07-25-2019				

January 28, 2020
(public hearing)



**January 28, 2020
(public hearing)**

Ordinance 20-O-11, property owned by James Passmore and Alia M. Bowen

Following the public hearing (there were no comments from the audience), on motion of Councilmember Baker, seconded by Councilmember McKenna, and carried by 6-0 roll call vote, Ordinance 20-O-11 was approved as presented. The vote was: Councilmembers Baker, del Aguila, Dhakal, Friedrichs, McKenna, and Acting Mayor Olem voting "Aye." Mayor Merkel was absent.

Ordinance 20-O-11, Authorizing the use of eminent domain for the acquisition of a permanent easement on property owned by James Passmore and Alia M. Bowen, Tax Map #: 0162-06-0001 for public use by condemnation for transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway, Herndon, Virginia.

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

1. The Town of Herndon made a bona fide but ineffectual effort to acquire a 2,399 square foot storm drainage easement from James Passmore and Alia M. Bowen and compensate them for five shrubs for a total of \$21,760.00 in connection with the Van Buren Streets Improvement Project. The landowner cannot convey valid title and negotiations are at an impasse. Therefore, the Town Attorney and outside counsel on behalf of the Town are authorized and directed to file a Certificate of Take and prosecute to completion a condemnation action against the land owned by James Passmore and Alia M. Bowen for the Town's condemnation of these interests in property over real estate located at 601 Austin Lane, Town of Herndon, Fairfax County, Virginia, designated as Tax Map #: 0162-06-0001 and shown as Parcel 16 and Plat #8 of Job # RK1807.01, dated July 17, 2019, prepared by H&B Surveying and Mapping, LLC of Richmond, Virginia, which said plat is attached hereto and incorporated herein.
2. The Town Council approves the following proposed public use for this acquisition: the construction, maintenance, or improvement of the public roadway, bike lanes, sidewalks, utility relocation, curb and gutter, and storm drainage, for the public safety and welfare of the Town.
3. The Town Council directs the Town Manager, Town Attorney, and their outside counsel to acquire the above described interests in property for public use by condemnation, purchase, or other means. The Town staff is hereby authorized to pay the compensation set forth in paragraph 1 above into the Fairfax County Circuit Court contemporaneously with filing a Certificate of Take.

**January 28, 2020
(public hearing)**

4. The property interests shall be used for the Van Buren Street Improvement Project. The property interests are necessary for the construction, maintenance, or improvement of, and access to, the public roadway, bike lanes, sidewalks, utility relocation, curb and gutter, and storm drainage.
5. This ordinance shall be effective on and after the date of its adoption.

[Note: Attached for reference is Parcel 16 and Plat #8 of Job # RK1807.01, dated July 17, 2019, prepared by H&B Surveying and Mapping, LLC of Richmond, Virginia.]

January 28, 2020
(public hearing)

[illegible]

**January 28, 2020
(public hearing)**

Ordinance 20-O-12, property owned by Cleveland Woods Jr. and Sheila S. Woods

Following the public hearing (there were no comments from the audience), on motion of Councilmember Dhakal, seconded by Councilmember del Aguila, and carried by a 6-0 roll call vote, Ordinance 20-O-12 was approved as presented. The vote was: Councilmembers Baker, del Aguila, Dhakal, Friedrichs, McKenna, and Acting Mayor Olem voting "Aye." Mayor Merkel was absent.

Ordinance 20-O-12, Authorizing the use of eminent domain for the acquisition of a temporary easement on property owned by Cleveland Woods Jr. and Sheila S. Woods, Tax Map #: 0162-06-0016 for public use by condemnation for transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway, Herndon, Virginia.

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

1. The Town of Herndon made a bona fide but ineffectual effort to acquire a 652 square foot of temporary construction and grading easement from Shelia S. Woods and Cleveland Woods for \$720.00 in connection with the Van Buren Streets Improvement Project. The landowner cannot convey valid title and negotiations are at an impasse. Therefore, the Town Attorney and outside counsel on behalf of the Town are authorized and directed to file a Certificate of Take and prosecute to completion a condemnation action against the land owned by Shelia S. Woods and Cleveland Woods as well as Shelia S. Woods and Cleveland Woods for the Town's condemnation of these interests in property over real estate located at 605 Spring Street, Town of Herndon, Fairfax County, Virginia, designated as Tax Map #: 016-2-06-0016, and shown as Parcel 18 on Plat #10 of Job # RK1807.01, dated July 24, 2019, prepared by H&B Surveying and Mapping, LLC of Richmond, Virginia, which said plat is attached hereto and incorporated herein.
2. The Town Council approves the following proposed public use for this acquisition: the construction, maintenance, or improvement of the public roadway, bike lanes, sidewalks, utility relocation, curb and gutter, and storm drainage, for the public safety and welfare of the Town.
3. The Town Council directs the Town Manager, Town Attorney, and their outside counsel to acquire the above described interests in property for public use by condemnation, purchase, or other means. The Town staff is hereby authorized to pay the compensation set forth in paragraph 1 above into the Fairfax County Circuit Court contemporaneously with filing a Certificate of Take.

**January 28, 2020
(public hearing)**

4. The property interests shall be used for the Van Buren Street Improvement Project. The property interests are necessary for the construction, maintenance, or improvement of, and access to, the public roadway, bike lanes, sidewalks, utility relocation, curb and gutter, and storm drainage.
5. This ordinance shall be effective on and after the date of its adoption.

[Note: Attached for reference are Parcel 18 on Plat #10 of Job # RK1807.01, dated July 24, 2019, prepared by H&B Surveying and Mapping, LLC of Richmond, Virginia.]

[illegible]



**January 28, 2020
(public hearing)**

Ordinance 20-O-13, property owned by Bernice Miller and Stephanie Miller Crum

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

- Bernice Miller (affected property owner), stated that she had no objections to the town using the property and that she did not want any money. However, she had questions about the process that she wanted to discuss with someone.

Ms. Yeatts stated that Ms. Sigler had been in contact with Ms. Crum and could speak with Ms. Miller and Ms. Crum after the meeting.

Ms. Miller indicated that she would meet with Ms. Sigler after the meeting.

Following the public hearing, Councilmember McKenna moved approval of Ordinance 20-O-13 as presented. Councilmember Baker seconded the motion.

There were brief comments from Council.

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

Ordinance 20-O-13, Authorizing the use of eminent domain for the acquisition of a temporary easement on property owned by Bernice Miller and Stephanie Miller Crum, Tax Map #: 0162-02-0141A for public use by condemnation for transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway, Herndon, Virginia.

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

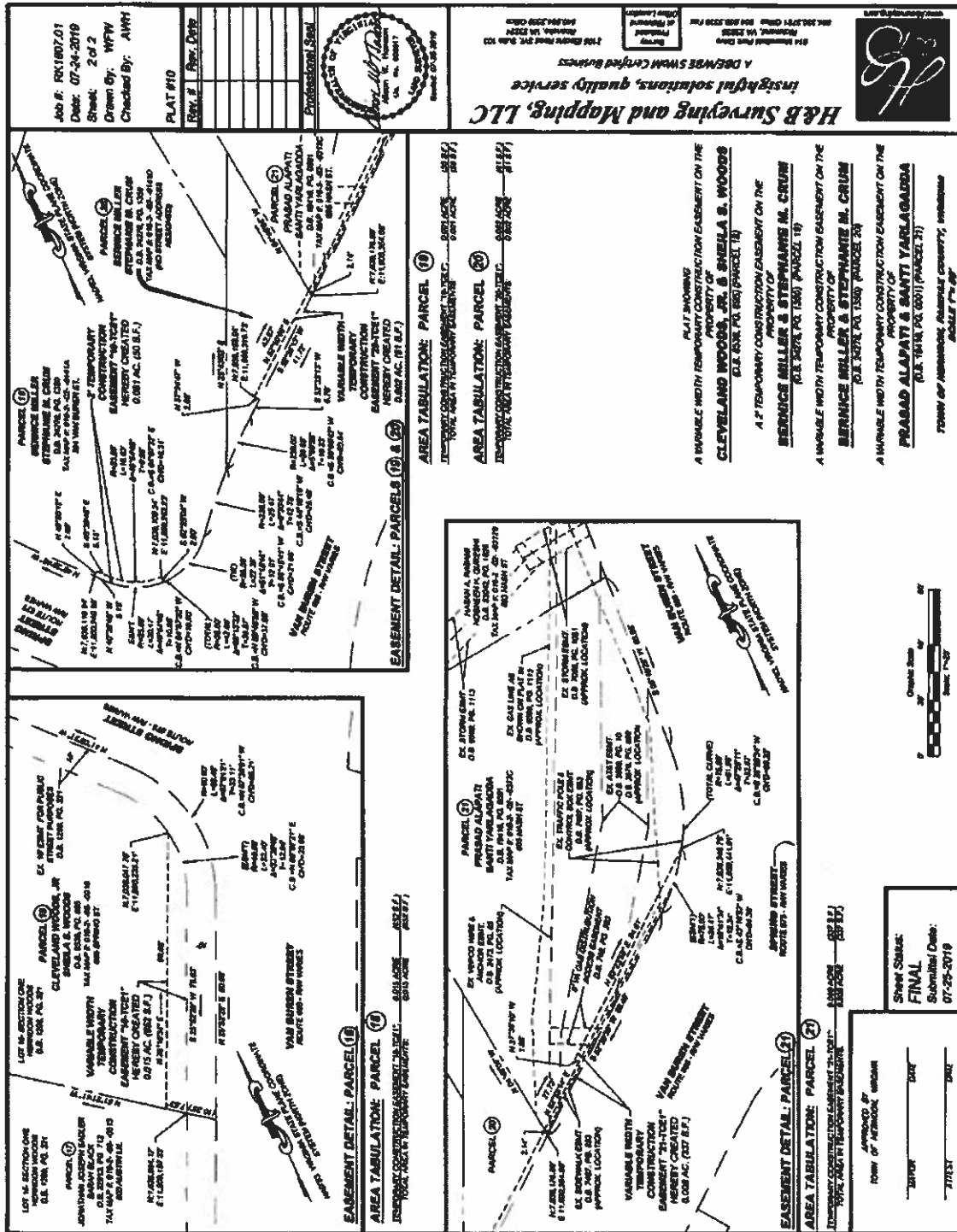
1. The Town of Herndon made a bona fide but ineffectual effort to acquire a 50 square foot temporary construction and grading easements from Bernice Miller and Stephanie Miller Crum for \$90.00 in connection with the Van Buren Streets Improvement Project. The landowner did not accept this offer and cannot convey valid title, as a result, negotiations are at an impasse. Therefore, the Town Attorney and outside counsel on behalf of the Town are authorized and directed to file a Certificate of Take and prosecute to completion a condemnation action against the land owned by Bernice Miller and Stephanie Miller Crum as well as Bernice Miller and Stephanie Miller Crum for the Town's condemnation of these interests in property over real estate located at 501 Van Buren Street, Town of Herndon, Fairfax County, Virginia, designated as Tax Map #: 016-2-02-0141A, and shown as Parcel 19 on Plat #10 of

**January 28, 2020
(public hearing)**

Job # RK1807.01, dated July 24, 2019, prepared by H&B Surveying and Mapping, LLC of Richmond, Virginia, which said plat is attached hereto and incorporated herein.

2. The Town Council approves the following proposed public use for this acquisition: the construction, maintenance, or improvement of the public roadway, bike lanes, sidewalks, utility relocation, curb and gutter, and storm drainage, for the public safety and welfare of the Town.
3. The Town Council directs the Town Manager, Town Attorney, and their outside counsel to acquire the above described interests in property for public use by condemnation, purchase, or other means. The Town staff is hereby authorized to pay the compensation set forth in paragraph 1 above into the Fairfax County Circuit Court contemporaneously with filing a Certificate of Take.
4. The property interests shall be used for the Van Buren Street Improvement Project. The property interests are necessary for the construction, maintenance, or improvement of, and access to, the public roadway, bike lanes, sidewalks, utility relocation, curb and gutter, and storm drainage.
5. This ordinance shall be effective on and after the date of its adoption.

[Note: Attached for reference are Parcel 19 on Plat #10 of Job # RK1807.01, dated July 24, 2019, prepared by H&B Surveying and Mapping, LLC of Richmond, Virginia.]



**January 28, 2020
(public hearing)**

Ordinance 20-O-14, property owned by Bernice Miller and Stephanie Miller Crum

Following comments from the Town Attorney, Acting Mayor Olem closed the public hearing on Ordinance 20-O-14.

Following the public hearing (there were no comments from the audience), on motion of Councilmember del Aguila, seconded by Councilmember Baker, and carried by a 6-0 roll call vote, Ordinance 20-O-14 was approved as presented. The vote was: Councilmembers Baker, del Aguila, Dhakal, Friedrichs, McKenna, and Acting Mayor Olem voting "Aye." Mayor Merkel was absent.

Ordinance 20-O-14, Authorizing the use of eminent domain for the acquisition of a temporary easement on property owned by Bernice Miller and Stephanie Miller Crum, Tax Map #: 0162-02-0141D for public use by condemnation for transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway, Herndon, Virginia.

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

1. The Town of Herndon made a bona fide but ineffectual effort to acquire a 81 square foot temporary construction and grading easements from Bernice Miller and Stephanie Miller Crum for \$150.00 in connection with the Van Buren Streets Improvement Project. The landowner did not accept this offer and cannot convey valid title, as a result, negotiations are at an impasse. Therefore, the Town Attorney and outside counsel on behalf of the Town are authorized and directed to file a Certificate of Take and prosecute to completion a condemnation action against the land owned by Bernice Miller and Stephanie Miller Crum as well as Bernice Miller and Stephanie Miller Crum for the Town's condemnation of these interests in property over real estate located at 501 Van Buren Street, Town of Herndon, Fairfax County, Virginia, designated as Tax Map #: 016-2-02-0141D, and shown as Parcel 20 on Plat #10 of Job # RK1807.01, dated July 24, 2019, prepared by H&B Surveying and Mapping, LLC of Richmond, Virginia, which said plat is attached hereto and incorporated herein.
2. The Town Council approves the following proposed public use for this acquisition: the construction, maintenance, or improvement of the public roadway, bike lanes, sidewalks, utility relocation, curb and gutter, and storm drainage, for the public safety and welfare of the Town.

**January 28, 2020
(public hearing)**

3. The Town Council directs the Town Manager, Town Attorney, and their outside counsel to acquire the above described interests in property for public use by condemnation, purchase, or other means. The Town staff is hereby authorized to pay the compensation set forth in paragraph 1 above into the Fairfax County Circuit Court contemporaneously with filing a Certificate of Take.
4. The property interests shall be used for the Van Buren Street Improvement Project. The property interests are necessary for the construction, maintenance, or improvement of, and access to, the public roadway, bike lanes, sidewalks, utility relocation, curb and gutter, and storm drainage.
5. This ordinance shall be effective on and after the date of its adoption.

[Note: Attached for reference are Parcel 20 on Plat #10 of Job # RK1807.01, dated July 24, 2019, prepared by H&B Surveying and Mapping, LLC of Richmond, Virginia.]

January 28, 2020
(public hearing)

January 28, 2020
(public hearing)

Job #: RK1807/01
Date: 07-31-2019
Sheet: 1 of 2
Drawn By: WFW
Checked By: AMH

PLAT #10

Rev. #	Rev. Date

PROFESSIONAL SEAL

For the State of Virginia

Surveyor

License No. 000001

Exp. 03-31-2026

H&B Surveying and Mapping, LLC

Insightful solutions, quality service

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LOT 15 - SECTION ONE
HARRISON WOODS
D.L. 1000 P.L. 201

PARCEL ①
JAMES BRIDGES
ALL A. BROWN
D.L. 1000 P.L. 201

LOT 16 - SECTION ONE
HARRISON WOODS
D.L. 1000 P.L. 201

PARCEL ②
JAMES BRIDGES
ALL A. BROWN
D.L. 1000 P.L. 201

LOT 17 - SECTION ONE
HARRISON WOODS
D.L. 1000 P.L. 201

PARCEL ③
JAMES BRIDGES
ALL A. BROWN
D.L. 1000 P.L. 201

LOT 18 - SECTION ONE
HARRISON WOODS
D.L. 1000 P.L. 201

PARCEL ④
JAMES BRIDGES
ALL A. BROWN
D.L. 1000 P.L. 201

LOT 19 - SECTION ONE
HARRISON WOODS
D.L. 1000 P.L. 201

PARCEL ⑤
JAMES BRIDGES
ALL A. BROWN
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LOT 20 - SECTION ONE
HARRISON WOODS
D.L. 1000 P.L. 201

PARCEL ⑥
JAMES BRIDGES
ALL A. BROWN
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LOT 21 - SECTION ONE
HARRISON WOODS
D.L. 1000 P.L. 201

PARCEL ⑦
JAMES BRIDGES
ALL A. BROWN
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LOT 22 - SECTION ONE
HARRISON WOODS
D.L. 1000 P.L. 201

PARCEL ⑧
JAMES BRIDGES
ALL A. BROWN
D.L. 1000 P.L. 201

LOT 23 - SECTION ONE
HARRISON WOODS
D.L. 1000 P.L. 201

PARCEL ⑨
JAMES BRIDGES
ALL A. BROWN
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LOT 24 - SECTION ONE
HARRISON WOODS
D.L. 1000 P.L. 201

PARCEL ⑩
JAMES BRIDGES
ALL A. BROWN
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LOT 25 - SECTION ONE
HARRISON WOODS
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PARCEL ⑪
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LOT 26 - SECTION ONE
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PARCEL ⑫
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LOT 27 - SECTION ONE
HARRISON WOODS
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PARCEL ⑬
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LOT 28 - SECTION ONE
HARRISON WOODS
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PARCEL ⑭
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LOT 29 - SECTION ONE
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PARCEL ⑮
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LOT 30 - SECTION ONE
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PARCEL ⑯
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LOT 31 - SECTION ONE
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PARCEL ⑰
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LOT 32 - SECTION ONE
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LOT 33 - SECTION ONE
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PARCEL ⑲
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LOT 34 - SECTION ONE
HARRISON WOODS
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PARCEL ⑳
JAMES BRIDGES
ALL A. BROWN
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LOT 35 - SECTION ONE
HARRISON WOODS
D.L. 1000 P.L. 201

PARCEL ㉑
JAMES BRIDGES
ALL A. BROWN
D.L. 1000 P.L. 201

LOT 36 - SECTION ONE
HARRISON WOODS
D.L. 1000 P.L. 201

PARCEL ㉒
JAMES BRIDGES
ALL A. BROWN
D.L. 1000 P.L. 201

LOT 37 - SECTION ONE
HARRISON WOODS
D.L. 1000 P.L. 201

PARCEL ㉓
JAMES BRIDGES
ALL A. BROWN
D.L. 1000 P.L. 201

LOT 38 - SECTION ONE
HARRISON WOODS
D.L. 1000 P.L. 201

PARCEL ㉔
JAMES BRIDGES
ALL A. BROWN
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LOT 39 - SECTION ONE
HARRISON WOODS
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PARCEL ㉕
JAMES BRIDGES
ALL A. BROWN
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LOT 40 - SECTION ONE
HARRISON WOODS
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PARCEL ㉖
JAMES BRIDGES
ALL A. BROWN
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LOT 41 - SECTION ONE
HARRISON WOODS
D.L. 1000 P.L. 201

PARCEL ㉗
JAMES BRIDGES
ALL A. BROWN
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LOT 42 - SECTION ONE
HARRISON WOODS
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PARCEL ㉘
JAMES BRIDGES
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LOT 43 - SECTION ONE
HARRISON WOODS
D.L. 1000 P.L. 201

PARCEL ㉙
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LOT 44 - SECTION ONE
HARRISON WOODS
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PARCEL ㉚
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LOT 45 - SECTION ONE
HARRISON WOODS
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PARCEL ㉛
JAMES BRIDGES
ALL A. BROWN
D.L. 1000 P.L. 201

LOT 46 - SECTION ONE
HARRISON WOODS
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PARCEL ㉜
JAMES BRIDGES
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LOT 47 - SECTION ONE
HARRISON WOODS
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PARCEL ㉝
JAMES BRIDGES
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LOT 48 - SECTION ONE
HARRISON WOODS
D.L. 1000 P.L. 201

PARCEL ㉞
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LOT 49 - SECTION ONE
HARRISON WOODS
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PARCEL ㉟
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ALL A. BROWN
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LOT 50 - SECTION ONE
HARRISON WOODS
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PARCEL ㊱
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LOT 51 - SECTION ONE
HARRISON WOODS
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PARCEL ㊲
JAMES BRIDGES
ALL A. BROWN
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LOT 52 - SECTION ONE
HARRISON WOODS
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PARCEL ㊳
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LOT 53 - SECTION ONE
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PARCEL ㊴
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LOT 54 - SECTION ONE
HARRISON WOODS
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PARCEL ㊵
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LOT 55 - SECTION ONE
HARRISON WOODS
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PARCEL ㊶
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LOT 56 - SECTION ONE
HARRISON WOODS
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PARCEL ㊷
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LOT 57 - SECTION ONE
HARRISON WOODS
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PARCEL ㊸
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ALL A. BROWN
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LOT 58 - SECTION ONE
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D.L. 1000 P.L. 201

PARCEL ㊹
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**January 28, 2020
(public hearing)**

Ordinance 20-O-15, property owned by Prasad Alapati and Santi Yarlagadda

Following the public hearing (there were no comments from the audience), on motion of Councilmember McKenna, seconded by Councilmember Dhakal, and carried by a 6-0 roll call vote, Ordinance 20-O-15 was approved as presented. The vote was: Councilmembers Baker, del Aguila, Dhakal, Friedrichs, McKenna, and Acting Mayor Olem voting "Aye." Mayor Merkel was absent.

Ordinance 20-O-15, Authorizing the use of eminent domain for the acquisition of a temporary easement on property owned by Prasad Alapati and Santi Yarlagadda, Tax Map #: 0162-02-0312C for public use by condemnation for transportation facility improvements to Van Buren Street from Spring Street to Herndon Parkway, Herndon, Virginia.

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

1. The Town of Herndon made a bona fide but ineffectual effort to acquire a 337 square foot temporary construction and grading easement from Prasad Alapati and Santi Yarlagadda for \$560.00 in connection with the Van Buren Streets Improvement Project. The landowner did not accept this offer and negotiations are at an impasse. Therefore, the Town Attorney and outside counsel on behalf of the Town are authorized and directed to file a Certificate of Take and prosecute to completion a condemnation action against the land owned by Prasad Alapati and Santi Yarlagadda as well as Prasad Alapati and Santi Yarlagadda for the Town's condemnation of these interests in property over real estate located at 605 Nash Street, Town of Herndon, Fairfax County, Virginia, designated as Tax Map #: 016-2-02-0312C, and shown as Parcel 21 on Plat #10 of Job # RK1807.01, dated July 24, 2019, prepared by H&B Surveying and Mapping, LLC of Richmond, Virginia, which said plat is attached hereto and incorporated herein.
2. The Town Council approves the following proposed public use for this acquisition: the construction, maintenance, or improvement of the public roadway, bike lanes, sidewalks, utility relocation, curb and gutter, and storm drainage, for the public safety and welfare of the Town.
3. The Town Council directs the Town Manager, Town Attorney, and their outside counsel to acquire the above described interests in property for public use by condemnation, purchase, or other means. The Town staff is hereby authorized to pay the compensation set forth in paragraph 1 above into the Fairfax County Circuit Court contemporaneously with filing a Certificate of Take.

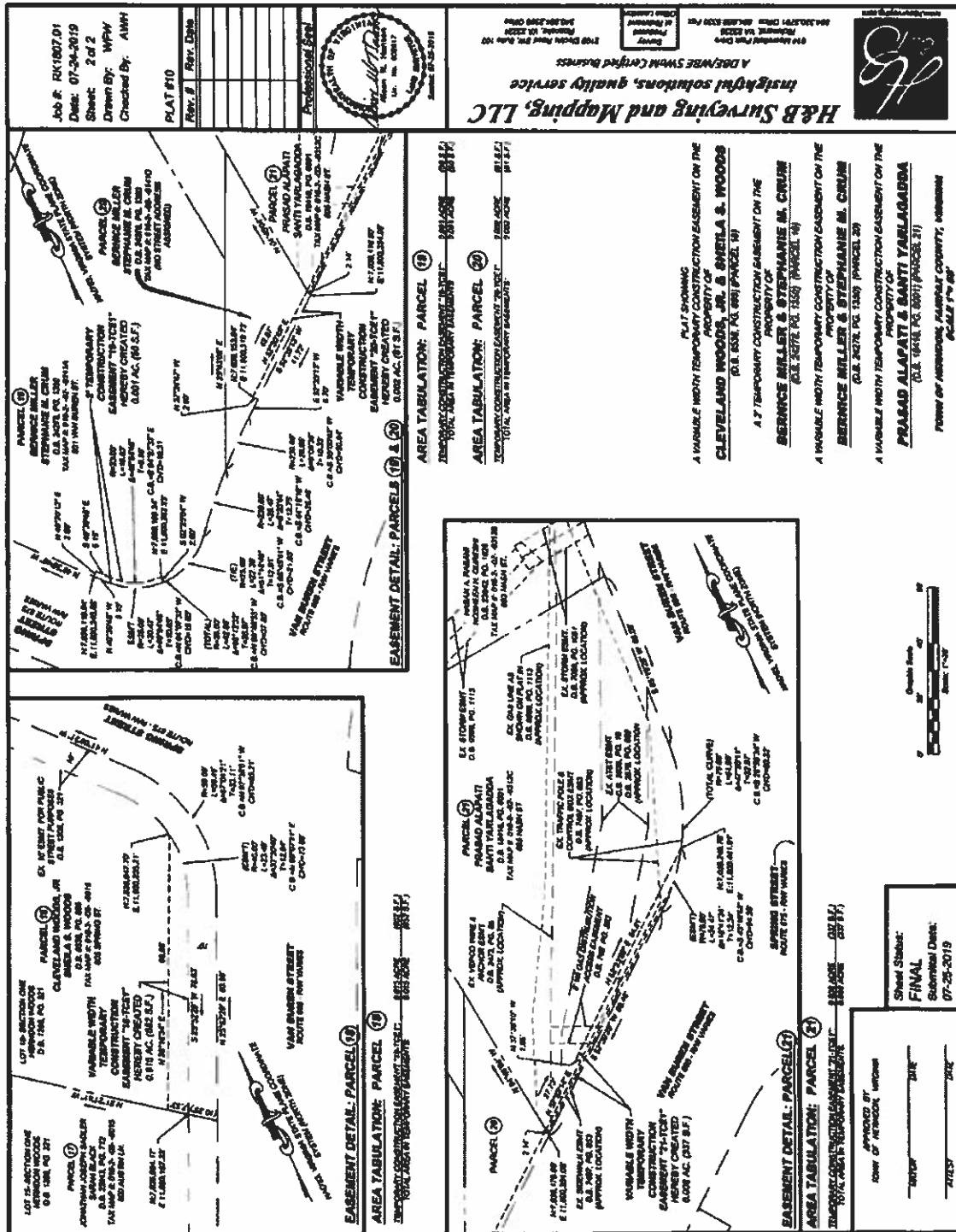
**January 28, 2020
(public hearing)**

4. The property interests shall be used for the Van Buren Street Improvement Project. The property interests are necessary for the construction, maintenance, or improvement of, and access to, the public roadway, bike lanes, sidewalks, utility relocation, curb and gutter, and storm drainage.
5. This ordinance shall be effective on and after the date of its adoption.

[Note: Attached for reference are Parcel 21 on Plat #10 of Job # RK1807.01, dated July 24, 2019, prepared by H&B Surveying and Mapping, LLC of Richmond, Virginia.]

[illegible]

January 28, 2020
(public hearing)



**January 28, 2020
(public hearing)**

GENERAL

20. **Resolution 20-G-01, to accept the Planning Commission's findings and recommendations of the Commission's five year review of the Comprehensive Plan, confirming the direction and providing staff with guidance for future Comprehensive Plan amendments and studies (continued from the January 14 public hearing).**

Acting Mayor Olem stated, for the record, that this item was continued from the Council's January 14 public hearing. She recognized Dana Heiberg, Senior Planner, for the staff report.

Mr. Heiberg presented the staff report and PowerPoint dated January 28, 2020, which are on file in the Town Clerk's office. He reviewed the background and intent of the Comprehensive Plan, along with staff's outreach to the public during the five-year plan review.

At its December 16, 2019 meeting, the Planning Commission adopted a resolution determining the status of the plan and providing staff guidance for potential future amendments. The proposed resolution before Council would accept and affirm the Commission's findings and would incorporate Council's policy directives that were discussed during its recent work sessions and at the January 14, 2020 public hearing. Staff recommended approval of the proposed resolution, as presented.

Councilmember McKenna moved approval of Resolution 20-G-01 as presented. Councilmember del Aguila seconded the motion.

There were brief comments from Council.

Councilmembers McKenna, del Aguila, Friedrichs, and Acting Mayor Olem expressed thanks to staff for their efforts on this item.

Councilmember McKenna also provided comments on the resolution and stated that in the future, he would like Council to hold more work sessions with the Planning Commission and other town boards. He stated that Virginia is unique in that the Planning Commission recommends items for approval to the Town Council, versus a home-rule state like New Jersey, where the planning commission is able to approve their own items. He thought this could help with alignment amongst the boards.

Councilmember del Aguila also thanked the public for their comments and encouraged those present to continue to provide comments, especially during budget season.

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

**January 28, 2020
(public hearing)**

Resolution 20-G-01, Five Year Review of the Town of Herndon 2030 Comprehensive Plan and its associated supplements, as required by the Code of Virginia, Section 15.2-2230 (1950), as amended.

WHEREAS, the Town of Herndon, Virginia 2030 Comprehensive Plan was adopted August 12, 2008; the Planning Commission completed an initial review of the plan in 2013 and has continued to recommend amendments to the plan; and

WHEREAS, at this time the Planning Commission has completed a review of the comprehensive plan as required by the Code of Virginia, to determine if it is advisable to amend the plan; and

WHEREAS, as part of this review the Planning Commission has completed a process of community outreach on the comprehensive plan and a wide variety of issues associated with the plan; and

WHEREAS, the Planning Commission of the Town of Herndon, Virginia finds that the comprehensive plan as amended to date contains the desired and appropriate plans and policies, and

WHEREAS, the Planning Commission of the Town of Herndon, Virginia, in their resolution of December 16, 2019, confirmed existing policy and provided additional priorities for future amendments to the comprehensive plan.

NOW THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia affirms the policies and findings of the Planning Commission as included in the commission's resolution of December 16, 2019, and the Town Council affirms the priorities for future plan amendments as recommended by the commission.

BE IT FURTHER RESOLVED, that the Town Council of the Town of Herndon provides the following guidance for future amendments to the comprehensive plan:

The Town of Herndon will continue to support the arts through art related activities and facilities within future amendments of the comprehensive plan, and

Work force and affordable housing serve distinct groups of individuals within the Herndon community and the region, and the Town of Herndon endorses the inclusion of housing for both populations within the town and its surrounding area, and

**January 28, 2020
(public hearing)**

Renewable energy infrastructure, such as electrical vehicle charging stations, is important to the health of the community and the inclusion of such resources shall be considered in future amendments of the comprehensive plan, and

The Town of Herndon recognizes the need to update the chapter on Heritage Resources found in the comprehensive plan, and will update the town's comprehensive plan policies to reflect the updated guidelines and policy guidance that is currently being formulated by the town, and

Future amendments to the comprehensive plan will incorporate the awareness and need for the town to take a proactive role in support of small businesses through policies that ease the processes associated with opening and operating a business within the town, and

The need for a proactive mindset towards attracting, retaining and fostering the success of all businesses, but especially small business, will be included in the future comprehensive plan Economic Development chapter, and

Future comprehensive plan amendments will promote policies that ensure that transportation solutions be multimodal and address the needs of individuals of varying sensory, communication and activity abilities, and

The town's multimodal transportation initiatives will emphasize both walkability as well as bikeability, to capitalize on the presence of the Washington and Old Dominion Trail, the mix of uses inherent within the town's arrangement of land uses and the future opening of the Herndon Metrorail Station, and

As growth and redevelopment continue, the town will continue to create, preserve and enhance its unique sense of place through thoughtfully designed public and private architecture, landscape architecture, streetscapes and public spaces, the design of which will reflect and celebrate the community in its entirety, and preserve and highlight the town's standing as a unique presence along the Silver Line corridor due to a legacy of its own independent identity and a built environment spanning over 150 years, and

The comprehensive plan's future land use map will be amended to include the designation of "Redevelopment Area" along with the term "Adaptive," and to highlight areas designated by small area plans as appropriate for redevelopment with an expanded legend to describe the intent of the words, and

**January 28, 2020
(public hearing)**

When, in the future the 2030 Comprehensive Plan is rewritten the term "Adaptive" will be replaced by "Redevelopment Area" and the mapping and text will provide enhanced explanation of those small area plans that have been adopted and additional small area plans that will be adopted prior to the rewrite of the 2030 Comprehensive Plan.

[Note: Attached for reference is the Planning Commission's resolution dated December 16, 2019.]

TOWN OF HERNDON, VIRGINIA

PLANNING COMMISSION RESOLUTION

DECEMBER 16, 2019

Resolution— **Five Year Review of the Town of Herndon 2030 Comprehensive Plan and its associated supplements, as required by the Code of Virginia, Section 15.2-2230 (1950), as amended.**

WHEREAS, the Town of Herndon, Virginia 2030 Comprehensive Plan was adopted August 12, 2008; the Planning Commission completed an initial review of the plan in 2013 and has continued to recommend amendments to the plan; and

WHEREAS, at this time the Planning Commission has completed a review of the comprehensive plan as required by the Code of Virginia, to determine if it is advisable to amend the plan; and

WHEREAS, several amendments to the comprehensive plan have addressed major goals and objectives of the original plan through intensive planning processes driven by community input; specifically, the plan was amended by Town Council after Planning Commission recommendation, as follows:

CPA 10-01, Downtown Master Plan, adopted February 22, 2011;

CPA 11-01, Downtown Streetscape Map, a residential streetscape map designation along Center and Vine streets, adopted September 27, 2011;

CPA 11-02, Herndon Metro Station Area Plan, adopted February 28, 2012;

**January 28, 2020
(public hearing)**

CPA 15-01, Fairbrook Drive Extension, a change to the Major Street Network Map adopted January 13, 2015;

CPA 17-02, Cycle Track on Herndon Parkway, to establish a cycle track along Herndon Parkway approximately 2,000 feet south of the W & OD Trail property at the eastern side of the town, adopted September 27, 2017.

CPA 18-01, South Elden Area Plan, adopted February 12, 2019; and

CPA 18-02, South Elden Street Design Concept, adopted February 26, 2019; and

WHEREAS, the Planning Commission and staff have completed an outreach process during 2019 on the Five Year Review of the comprehensive plan, which has included a public input meeting on September 25, 2019, preceded by staff outreach at the Herndon Farmers Market, as well as presentations and discussion at several community group meetings including, the Herndon Youth Advisory Committee, the Herndon Committee of the Dulles Regional Chamber of Commerce, the Herndon Economic Development Advisory Committee and the Pedestrian, Bicycle Advisory Committee and through a variety of media channels; and

WHEREAS, the Planning Commission of the Town of Herndon, Virginia finds that the comprehensive plan as amended to date contains the plans and policies that the commission supports.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the Town of Herndon recommends to the Town Council that the following priorities for the development of potential future amendments to the plan and for the implementation of the comprehensive plan be adopted:

1. Continue a cooperative relationship with Fairfax County and regional entities regarding major public services such as human services, public transportation, and fire and rescue, while remaining vigilant to ensure that the town receives adequate and equitable services.
2. Ensure that the town's public facilities serve the needs of all ages and abilities.
3. Continue to assess indoor and outdoor recreational facilities and seek needed additional facilities through the land development entitlement process to ensure that increase service demand is met.

**January 28, 2020
(public hearing)**

4. Continue to advance the comprehensive plan goal as adopted in the Metrorail Station Area Plan to provide housing choices for those attracted to compact, mixed use, walkable neighborhoods with nearby transit availability. Explore opportunities to achieve a greater range of housing choices through redevelopment in areas of the town where the comprehensive plan supports redevelopment. For example, the areas designated Adaptive Area or Adaptive Area-Residential on the comprehensive plan land use map.
5. Continue to advance major pedestrian and multimodal facilities in the Capital Improvement Program such as the Van Buren Street Improvements, the W & OD Trail Lighting and other pedestrian and bicycle connections to enhance access to Metrorail as well as other connections and linkages throughout the town and connecting to areas in Fairfax County or Loudoun County striving to ensure a walkable and multimodal community.
6. Ensure that while every town resident lives within ½ mile of a park, those parks are accessible by all forms of transportation and for all residents regardless of their varying sensory, communication and activity abilities.
7. Undertake a minor plan amendment to add references within the comprehensive plan to the Sustainability Plan adopted December 12, 2017, the Streetscape Manual adopted October 2018, the Bicycle Network Master Plan adopted August 13, 2019, and the Pedestrian Plan adopted October 29, 2019. This amendment should also address outdated references or instances where an older planning document has been superseded by more recent Town Council action.
8. Support the environmental goals of the plan including compliance with Virginia Chesapeake Bay Act requirements and the implementation of water quality improvement projects within the town through a cooperative agreement with Fairfax County and funded by the countywide stormwater service district tax. Depending on Virginia Department of Environmental Quality direction and guidance, develop an updated plan chapter on the environment including Chesapeake Bay policy specific to water quality and watershed improvements.
9. Amend the Heritage Preservation chapter of the comprehensive plan to provide desired changes to preservation policy, using the term “historic” rather than the term “heritage.”

**January 28, 2020
(public hearing)**

10. Consider the regional planning efforts related to resilience, including the Northern Virginia Regional Commission's "Resilient Critical Infrastructure, A Roadmap for Northern Virginia," February 2018, which contains a goal to identify appropriate policy frameworks to respond to climate change planning and adaptation.
11. Continue to support cooperation with Fairfax and Loudoun with regard to new development and public facilities planning within areas that are close to the town/county boundaries, especially the coordination of all modes of transportation improvements with regard to major transit-oriented development areas.
12. Incorporate a plan chapter on economic development.
13. Ensure that future comprehensive plan amendments promote universal design and opportunities for individuals with varying sensory, communication and activity abilities.
14. Complete infrastructure impact analysis in the near term to inform planning efforts and to allow for full consideration of a potential plan amendment process relative to the Transit Related Growth area or designated portions (subareas) thereof.
15. In general, consider the 2040 and 2045 time horizons and beyond throughout the comprehensive plan document as these horizons have been part of the more recent plan amendment efforts adopted by the town. Further, these horizons have become part of the town's participation in regional planning and funding efforts.
16. Downtown Master Plan: The commission acknowledges that there will be a significantly changed environment in place by the next five-year comprehensive plan review, as there are major projects currently in the development pipeline. Leading up to year 2024, reconsider the plan relative to the land use and density for non-redeveloped properties and other areas within the context and the experience of the build-out that has occurred by that point in time.
17. Continue to engage in regional planning efforts related to the Innovation Metrorail Station and surrounding areas within Loudoun County and Fairfax County.

**January 28, 2020
(public hearing)**

21. Resolution 20-G-03, to provide the Town Manager with Town Council Guidance on the FY 2021 Budget.

Acting Mayor Olem recognized William H. Ashton II, Town Manager, for comments.

Mr. Ashton stated tonight's meeting was an important part of the budget process which began in the fall and would culminate later this spring. The proposed resolution would guide staff on Council's priorities and what Council wanted incorporated in the budget.

Mr. Ashton discussed the budget guidance process. He reviewed some of the major themes in the proposed resolution, which included the costs of labor and materials; funding for transportation projects; downtown redevelopment; the arts center; sustainability; and technology.

Mr. Ashton discussed personnel costs and stated that Council wanted the town to stay competitive in the employment market. He stated that the town addressed several critical areas where there were issues with recruiting. He stated that staff anticipated an increase in both retirement and health care costs this year. Mr. Ashton stated that the proposed resolution demonstrated a commitment to skills development and education for employees. The resolution also addressed maintaining and bolstering the town's strong fiscal position, along with continuing multi-year expenditure revenue and expenditure models and project lifecycle maintenance.

Mr. Ashton stated that major upcoming issues in water and sewer were balancing water and sewer costs with potential rate increases and addressing aging infrastructure. Staff recommends approval of the proposed resolution, as presented.

Councilmember Friedrichs provided comments thanking staff for their efforts in planning for this resolution.

Councilmember McKenna called a point of privilege and stated that a motion and a second needed to happen before Council provided comments.

Acting Mayor Olem concurred and moved the item to Council level for discussion and action.

Councilmember McKenna moved approval of Resolution 20-G-03 as presented. Councilmember Friedrichs seconded the motion.

There were comments from Council.

Councilmembers McKenna, Baker, Dhakal, del Aguila, and Acting Mayor Olem provided comments thanking staff for their efforts on this item and encouraging continued public input.

**January 28, 2020
(public hearing)**

Councilmember Baker also stated that she appreciated staff highlighting personnel costs. She stated that employee retention is important and that gaps have an impact on safety and security.

Councilmember Dhakal also suggested adding a budget line item to help small or home-based businesses. This could include meetings and events similar to those held by the Dulles Regional Chamber of Commerce and the Fairfax County Economic Development Authority. He would like to bring in those groups once or twice a year to help educate residents about how to open small and home-based businesses. This could help residents increase their incomes. He shared that he attended the training "Entrepreneurship 101." He stated that a similar program would benefit both residents and the town.

Councilmember del Aguila also stated, for the record, that he would like to thank the Council. He stated that he thought, unlike some of their predecessors, that this Council was committed to assessing, evaluating, and investing in things that he thought were paramount to the town's long-term success. He thought there was "a majority plus one on this Council" to make sure that the town's investments were prudent and thought out. He reminded citizens that Members of Council live in the town.

Acting Mayor Olem also emphasized the upcoming Town Council Community Roundtable on February 29 at the Herndon Municipal Center and encouraged those interested to attend, or to contact Council in person or over email. She stated that she could not think of any services she would want to be cut from the budget and she appreciates the benefits of living in the town.

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

Resolution 20-G-03, to provide to the Town Manager guidance from the Town Council on the FY 2021 Budget.

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

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

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

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WHEREAS, the Town Council recognizes the FY 2021 budget priorities for funding must be set.

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby directs the Town Manager to use the following guidance in preparing the FY 2021 budget:

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

- Continuing to address the impacts of transportation projects and redevelopment projects associated with Metrorail and the downtown on the town's governmental and proprietary funds;
- Advancing implementation of the town's downtown redevelopment plan;
- Providing for the development and operation of an arts center facility;
- Advancing implementation of the Council's sustainability plan; and
- Maintaining the town's focus on the use of technology to support administration and service provision.

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

- Continuing emphasis on maintaining a competitive employment position in the local market;
- Addressing rising health care and pension costs; and
- Continuing employee skills development and education, with an emphasis on leadership development and succession planning.

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

- Preparing an annual budget that addresses the rising costs associated with high-quality program and service delivery and the revenues required to meet them;
- Continuing to develop a multi-year revenue and expenditure forecast in anticipation of impacts associated with the economic climate;

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- Emphasizing the funding of life cycle maintenance that provides a comprehensive assessment of the town's overall exposure along with the revenue stream needed to maintain town assets;
- Balancing water and sewer service revenue with operating costs; and
- Addressing increasing problems with water and sewer infrastructure.

22. Resolution 20-G-04, Award of Contract IFB #20-06, Facility of Marketing of Recyclable Materials.

Acting Mayor Olem recognized Tammy Chastain, Deputy Director of Public Works, for the staff report.

Ms. Chastain presented the staff report and PowerPoint dated January 28, 2020, which are on file in the Town Clerk's office. She reviewed the town's recycling process; challenges; recycling rebate trends over the past several years; and the proposed contract, which was similar to the town's previous recycling contract. There was an estimated cost increase of \$50,000, which was mainly from tonnage costs. Staff recommends approval of the proposed resolution, to award the contract to Republic/BDI. Staff would continue to communicate with other jurisdictions and the Northern Virginia Regional Commission to determine what future changes might be in store for recycling and would look at changes in the solid waste ordinance ~ including trash and recycling fees.

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

Councilmember McKenna moved approval of Resolution 20-G-04 as presented. Councilmember Baker seconded the motion.

There were comments from Council.

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

Resolution 20-G-04, Award of Contract IFB #20-06 for Facility of Marketing of Recyclable Materials.

WHEREAS, IFB #20-06, Facility of Marketing of Recyclable Materials, was budgeted in the General Fund for FY 20; and

WHEREAS, IFB #20-06, Facility of Marketing of Recyclable Materials, was advertised on September 13, 2019; and

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(public hearing)**

WHEREAS, the following bid was received and opened on October 15, 2019 at a public bid opening:

<u>Contractor</u>	<u>Bid</u>
BFI Transfer Systems of Virginia, LLC	\$98.65 per ton less commodity value; and

WHEREAS, the only bidder, BFI Transfer Systems of Virginia, LLC, was determined to be responsive and responsible; and

WHEREAS, funds to support this contract are available in the Refuse account (Recycling Tipping Fee) number 0010889-420290. Staff recommends Contract IFB #20-06, Facility for Marketing of Recyclable Materials, be awarded to BFI Transfer Systems of Virginia, LLC for per ton rate of \$98.65.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby awards Contract IFB #20-06, Facility of Marketing of Recyclable Materials, to BFI Transfer Systems of Virginia, LLC for per ton rate of \$98.65.

BE IT FURTHER RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby authorizes the Director of Public Works designee to approve contract modifications (change orders) that increase service scope and costs, utilizing the service contingency.

CONSENT AGENDA

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

23. Resolution 20-G-05, Award of Contract for July 4th Fireworks Displays – RFP 20-03.

WHEREAS, the competitive negotiation process (request for proposal) was used to solicit offers from fireworks contractors for the Fourth of July Celebration; and

WHEREAS, specifications were prepared for vendors to submit proposals and to provide for evaluation of proposals based upon artistry; capability for choreographed displays; the quantity, quality, diversity, and size of materials; experience and expertise of the firm and pyrotechnicians; references; cost for cancellation; and price; and

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WHEREAS, funds are provided in the Parks and Recreation fiscal year 20 budget for fireworks in the amount of \$23,000 for the Fourth of July Celebration; and

WHEREAS, upon successful completion of the show, the contract may be renewed for up to four, one-year agreements; and

WHEREAS, staff has evaluated the proposal and recommends that the contract be awarded to Digital Lightning, LLC.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Herndon that it hereby awards RFP 20-03 to Digital Lightning, LLC.

24. Resolution 20-G-06, Amendment to Fee Schedule – Chestnut Grove Cemetery.

WHEREAS, the Town of Herndon has established fees for the Chestnut Grove Cemetery; and

WHEREAS, due to the increasing demand for cremation sites, a proposed increase in price to the non-park ground cremation sites and the Park Cremation Garden is recommended; and

WHEREAS, with the continuing decrease in in-ground burials during the past several years, and the need for additional funding support to maintain the cemetery enterprise fund operations, fee adjustments are recommended; and

WHEREAS, it is recommended the fees be modified as follows:

SITES	<i>FY18 Fees</i>
Lots 1 through 605 (older section)	\$ 3,295
Lots 606 through 999 (Sec.7-back)	3,295
Lots 2200 through 2226	3,695
Lots 3300 through 3335	3,695
Lots 4200 through 4246	3,695
Lots 5200 through 5217	3,695
Infant/Child Site	595
Park/Infant-Child	975
<i>Estate Lots</i>	
Interment Rights (6)	35,995
Interment Rights (4)	23,995

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<i>Mausoleum</i> (including bronze crypt plate)	
Level 1 & Level 4	5,695
Level 2 & Level 3	6,195

Cremation Sites

Land Cremation Sites Non-Park	
Single	2,700
Double	4,000
Land Cremation Sites Park (no memorial plate included)	
Single	2,700
Double	4,000
Columbaria 3, 4, 5 & 6 (including memorial plate)	
Single	3,250
Double	4,550

<i>Mausoleum/Columbaria</i> (including crypt plate)	
Single	3,250
Double	4,550

INTERMENTS

Weekdays before 2:00 p.m.	
Adult	1,695
Infant/Child	495
Cremation (Ground Burial)*	1,095
Columbarium*	1,095
Mausoleum*	1,895

**Includes tent and chairs*

Additional Fees for Interment

Weekdays after 2:00 p.m.	500
Saturdays	500
Sundays & Holidays	750

GENERAL SERVICE FEES

Disinterment	3,000
Deed Transfer	175
Tent & Chair Rental	450
Memorial Permit Fee	125

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby approves the Amendment to the Chestnut Grove Cemetery Fee Schedule-January 2020, and, directs the Chestnut Grove Cemetery staff to implement the amended fee schedule effective July 1, 2020.

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(public hearing)**

25. Resolution 20-G-07, to amend the Parks and Recreation Fees – Special Facilities Use and Facility Rental Fees.

WHEREAS, the Town's Parks and Recreation Department operates the Herndon Community Center and other town parks and facilities; and

WHEREAS, the department is expected to recover 75 percent of its operating costs through fees and charges for services; and

WHEREAS, the department recommends adoption of the amendments stated below to the *Special Facilities Use and Facility Rental Fees*.

Indoor Tennis Center

Effective beginning with the September 2020 season:

Contract Time	Town of Herndon Resident	Non-Resident
Primetime	\$28	\$36
Non-Primetime	\$25	\$32
Youth/Seniors	\$22	\$26

Random Time	Town of Herndon Resident	Non-Resident
Primetime	\$32	\$40
Non-Primetime	\$27	\$34
Youth/Seniors	\$24	\$28

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby approves the *Amendment to Parks and Recreation Fees-Special Facilities Use and Facility Rental Fees*, and directs the Parks and Recreation Department to implement the amended fee schedule effective September, 2020.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:55 p.m.


Lisa C. Merkel
Mayor


Amanda M. Kertz
Deputy Town Clerk



Minutes approved by Town Council: February 11, 2020.