TOWN OF HERNDON, VIRGINIA
WORK SESSION AGENDA
HERNDON COUNCIL CHAMBERS BUILDING
765 LYNN STREET
SEPTEMBER 1, 2020
7:00 PM

The meeting is being held electronically pursuant to Virginia Code Section 2.2-3708.2, as amended; the Governor's Executive Orders, as amended; and in accordance with Ordinance 20-O-23, Continuity of Governmental Operations during Pandemic Disaster (COVID-19), as amended. Public comments will be received through the town clerk at town.clerk@herndon-va.gov.

5:30 PM - CLOSED MEETING

1. A closed meeting as provided under Section 2.2-3711(A)(1) of the Code of Virginia pertaining to discussion of specific public employee relative to annual performance review.

7:00 PM - CALL TO ORDER

2. Roll Call & Determination of Quorum
3. Comments from the Town Manager

GENERAL

4. To amend and readopt Ordinance 20-O-23 to implement procedures and effectuate temporary changes to address Continuity of Governmental Operations during Pandemic Disaster (COVID-19) and to supersede previously adopted amendments.

5. Resolution numbers 20-G-30 through 20-G-36 to ratify Extensions of Licenses pursuant to Ordinance 20-O-23 Continuity of Governmental Operations between the Town and Green Lizard Cycling (20-G-30); Jimmy's Old Town Tavern (20-G-31); Mile 20 at Mediterranean Breeze 20-G-32); Red Kimono LLC, (20-G-33); Russia House Restaurant (20-G-34); Sully's Pour House (20-G-35); and Zeffirelli Ristorante Italiano (20-G-36) for use of public property for temporary outdoor dining.

    - Resolution 20-G-30, to ratify an Extension of License pursuant to Ordinance 20-O-23 Continuity of Governmental Operations between the Town and Green Lizard Cycling for use of public property for temporary outdoor dining

    - Resolution 20-G-31, to ratify an Extension of License pursuant to Ordinance 20-O-23 Continuity of Governmental Operations between the Town and Jimmy's Old Town Tavern for use of public property for temporary outdoor dining.

- Resolution 20-G-32, to ratify an Extension of License pursuant to Ordinance 20-O-23 Continuity of Governmental Operations between the Town and Mile 20 at Mediterranean Breeze for use of public property for temporary outdoor dining.

- Resolution 20-G-33, to ratify an Extension of License pursuant to Ordinance 20-O-23 Continuity of Governmental Operations between the Town and Red Kimono, LLC for use of public property for temporary outdoor dining.

- Resolution 20-G-34, to ratify an Extension of License pursuant to Ordinance 20-O-23 Continuity of Governmental Operations between the Town and Russia House Restaurant for use of public property for temporary outdoor dining.

- Resolution 20-G-35, to ratify an Extension of License pursuant to Ordinance 20-O-23 Continuity of Governmental Operations between the Town and Sully's Pour House for use of public property for temporary outdoor dining.

- Resolution 20-G-36, to ratify an Extension of License pursuant to Ordinance 20-O-23 Continuity of Governmental Operations between the Town and Zeffirelli Ristorante Italiano for use of public property for temporary outdoor dining.

6. Resolution 20-G-37 to establish the Herndon Town Council meeting schedule for January 1, 2021 to December 31, 2021.

ROUNDTABLE

TOWN OF Herndon VIRGINIA

STAFF REPORT

Town Council
September 1, 2020

Title:

ORDINANCE - To amend and readopt Ordinance 20-O-23 to implement procedures and effectuate temporary changes to address Continuity of Governmental Operations during Pandemic Disaster (COVID-19) and to supersede previously adopted amendments.

Staff Contact:

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

Description:

On March 24, 2020, Town Council adopted Ordinance 20-O-23 "Continuity of Governmental Operations during Pandemic Disaster (COVID-19)" pursuant to the authority granted by Virginia Code §15.2-1413 which authorizes the Town to adopt ordinances that "provide a method to assure continuity in its government" in the event of a disaster. The COVID-19 emergency is a type of disaster contemplated by this statute. The Town's Continuity of Government Ordinance (COG) was first amended in April to suspend certain deadlines and extend others related to development. The second amendment in May further clarified electronic meeting procedures, gave further authorization to the Town Manager regarding phased re-opening and provided for resumption of normal government practices and procedures upon the conclusion of the declared disaster.

The original ordinance provided for a six-month duration. Due to the still continuing nature of the COVID-19 disaster, it is necessary to amend and reenact the COG ordinance to extend its duration to the full extent provided by law (six month following the conclusion of the disaster), to include all continuity of government provisions in one ordinance, to allow discussion of a broader range of subjects, to reinstitute general public comment, to specify land development approvals extended during the emergency, and to continue to provide the Town Manager with authority to sign legal and negotiable instruments necessary for continuity of government.

Background:

In response to the various Federal, State and local declarations of emergency and Executive Orders of the Governor of Virginia, the Town in March adopted its Continuity of Government Ordinance 20-O-23. The ordinance was amended twice

to address issues as they developed during the emergency. Those amendment are included in this ordinance.

Since the adoption of the Continuity of Government Ordinance, the Town has advanced numerous improvements and additions to its electronic meeting capabilities including:

- Public Hearings are broadcast through Webex, Granicus on the town's website, and HCTV CORP- COX CHANNEL 23- VERIZON CHANNEL 28

- Ability of Councilmembers, Boardmembers, citizens, applicants, etc. to participate in the meetings remotely, including the possibility of general public comment

- Different options for participating – including by phone, computer, tablet, iPad

These amendments and the re-adoption of the ordinance will promote further continuity and transparency of governmental functions by extending the ordinance until the six months following the end of the disaster, allow Council discussion of a much broader range of subjects and allow general public comment.

Fiscal Impact:

None.

Recommendation:

That the Town Council approve the Ordinance as proposed.

Attachments:

1. Proposed Ordinance

Prepared and Approved By:

_____

Lesa J. Yeatts, Town Attorney

TOWN OF HERNDON, VIRGINIA

ORDINANCE

SEPTEMBER 8, 2020

ORDINANCE - To amend and readopt Ordinance 20-O-23 to implement procedures and effectuate temporary changes to address Continuity of Governmental Operations during Pandemic Disaster (COVID-19) and to supersede previously adopted amendments.

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

WHEREAS, on March 12, 2020, Governor Ralph S. Northam issued Executive Order Fifty-One declaring a state of emergency for the Commonwealth of Virginia arising from the novel coronavirus (COVID-19) pandemic; and

WHEREAS, Executive Order Fifty-One acknowledged the existence of a disaster as defined by Virginia Code Section 44-146.16 arising from the public health threat presented by a communicable disease anticipated to spread; and

WHEREAS, Executive Order Fifty-One ordered implementation of the Commonwealth of Virginia Emergency Operations Plan, activation of the Virginia Emergency Operations Center to provide assistance to local governments, and authorization for executive branch agencies to waive "any state requirement or regulation" as appropriate; and

WHEREAS, On March 24, 2020, the Town's Emergency Management Coordinator issued a Declaration of Emergency and Disaster, applicable throughout the entire Town of Herndon, Virginia pursuant to the Town's Emergency Management Plan and Virginia Code Sections 44-146.21; and

WHEREAS, Also on March 24, 2020 the Town Council affirmed the existence of a disaster and declared a state of emergency and disaster throughout the entire Town that remains active; and

WHEREAS, Virginia Code Section 15.2-1413 provides that a locality may, by ordinance, provide a method at variance with general or special laws to assure continuity of government in the event of a disaster for a period not to exceed six months after the disaster; and

WHEREAS, Virginia Code Section 44-146.21(C) further provides that a local director of emergency management or any member of a governing body in his absence may upon the declaration of a local emergency "proceed without regard to time-consuming procedures and formalities prescribed by law (except mandatory constitutional requirements) pertaining to performance of public work"; and

WHEREAS, the Town Council values transparency in government and public engagement, it also finds that emergency measures are necessary to

mitigate the spread of COVID-19 and to protect the health, safety and welfare of residents and employees, while still providing for government operations to continue during this state of emergency; and

WHEREAS, due to the Declaration of Emergency and Disaster and the limitations on interpersonal contacts and public gatherings it is necessary to delegate to the Town Manager certain responsibilities and powers in order to preserve the continuity of operations; and

NOW, THEREFORE, BE IT ORDAINED

a. that any meeting or activities which require the physical presence of members of the Town Council or any of the Town's boards or commissions may be held through real time electronic means (including audio, telephonic, video or other practical electronic medium) without a quorum physically present in one location; and

b. prior to holding any such electronic meeting, public notice shall be provided at least 3 days in advance of the electronic meeting identifying how the public may participate or otherwise offer comment; and

c. any such electronic meeting shall state on its agenda and at the beginning of such meeting that it is being held pursuant to and in compliance with this Ordinance; identify members physically and/or electronically present; identify process for receiving public comment; and identify notice of the opportunities for the public to access and participate in such electronic meeting; and

d. any such electronic meeting shall be open to electronic participation by the public and closed to in-person participation by the public; and

e. for any matters requiring a public hearing, public comment may be solicited by electronic means in advance and shall also be solicited through electronic means during the electronic meeting. All such public comments will be provided to members of the public body at or before the electronic meeting and made part of the record for such meeting; and

f. the minutes of all electronic meetings shall conform to the requirements of law, identify how the meeting was conducted, members participating, and specify what actions were taken at the meeting. Minutes of an electronic meeting may be approved at a subsequent electronic meeting and all such minutes shall be approved at a regular or special meeting after the emergency and disaster has ended; and

IT IS FURTHER ORDAINED that agenda items scheduled or proposed to be considered for the duration of the local emergency declaration by the Town Council, Planning Commission or any other Town board or commission shall be deemed continued for the duration of the local emergency declaration, if the Town Council, Planning Commission or other Town board or commission does not take action on the agenda item during the referenced timeframe, including those agenda items for which state or local law

requires an affirmative action to be taken within a statutorily-mandated time frame and the failure to act can be deemed an approval; and

IT IS FURTHER ORDAINED that nothing in this ordinance shall prohibit the public entity from holding in-person public meetings provided that the Town Manager has approved resumption of such meetings and public health and safety measures as well as social distancing are put into place; and

IT IS FURTHER ORDAINED that the Town Manager or his designee shall, in addition to all powers otherwise granted by the federal, state and local law, for the duration of the local emergency declaration be empowered with all responsibilities and powers, heretofore conferred upon the Town Council, by the Town's Internal Administrative Policies, Resolution 18-G-29, be enabled to approve any transaction pursuant to Chapter 30, Section 30-311 of the Town Code, be empowered to re-direct or suspend town services to preserve the public health and safety, be enabled to take actions to preserve the health and safety of employees including any action taken under Section 54-61 of the Town code relative to administrative leave, and be empowered to sign all legal or negotiable instruments necessary for the function and continuity of Town operations; and

IT IS FURTHER ORDAINED that the Town Manager is hereby temporarily authorized to approve and sign instruments necessary to address the phased re-opening. The Manager's actions will only be effective until the next regularly scheduled Town Council meeting. At that time the Town Council may ratify and extend the time for which the Town Manager's action remains in effect.; and

IT IS FURTHER ORDAINED that Town Council reserves the right by subsequently enacted ordinance to rescind, readopt or amend this ordinance. An emergency and disaster is deemed to exist and this ordinance shall be effective upon its adoption; and

IT IS FURTHER ORDAINED that to the extent possible, town staff will endeavor to take action as is practical and appropriate to meet deadlines or time frames established under state law or town ordinances, however, notwithstanding any provision of law, regulation, or policy to the contrary, any deadlines requiring action by the town, any public body, or town employees are suspended. Time frames for review or expedited reviews are also suspended. Failure to meet any deadline or time frame will not constitute a default, violation, approval, ratification, or recommendation. Any policies or procedures inconsistent with this ordinance are hereby suspended; and

IT IS FURTHER ORDAINED that the validity of any approvals set out in Virginia Code Section 15.2-2209.1 and any staff approved plan, plat, permit, modification, waiver or determination that would have otherwise expired during the disaster and before the expiration or repeal of this ordinance, will remain valid until 60 days following the lifting of the state of emergency declared by the Town or as otherwise provided by law; and

IT IS FURTHER ORDAINED that upon rescission of this ordinance, as amended, or automatic expiration as described herein, this emergency ordinance shall

terminate and normal practices and procedures of government shall resume; and

IT IS FURTHER ORDAINED that this Ordinance to Amend and Readopt Ordinance 20-O-23 shall be effective upon its adoption and supersedes any previously adopted amendments.

STAFF REPORT

Town Council
September 1, 2020

Title:

Resolutions - to ratify Extensions of Licenses pursuant to Ordinance 20-O-23 Continuity of Governmental Operations between the Town and Green Lizard Cycling, Jimmy's Old Town Tavern, Mile 20 at Mediterranean Breeze, Red Kimono, LLC, Russia House Restaurant, Sully's Pour House, and Zeffirelli Ristorante Italiano for use of public property for temporary outdoor dining.

Staff Contacts:

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

Description:

In late May Northern Virginia entered Phase I allowing restaurants to operate outdoors at a reduced capacity. The Town sought to assist Town businesses in re-opening by streamlining requirements for the outdoor dining approval process. The streamlined process provided for three types of outdoor dining scenarios—private property, town sidewalks (ROW), and town parking lots.

The Town Manager signed temporary license agreements with establishments that sought to use town sidewalks and/or parking lots pursuant to the Town's Continuity of Government ordinance authorizing him to approve and sign instruments necessary to address the phased reopening of the town. Such instruments were subject to final consideration and ratification by the Town Council. On July 14, 2020, Town Council ratified seven (7) Temporary Outdoor Dining Permits on private property. Those licenses are set to expire 100 days from the date of the Agreements.

The Town Manager signed Temporary License Agreement Extensions with the seven (7) businesses to extend the expiration date to November 30, 2020. I am asking that you consider ratification of the seven (7) Extensions to finalize their approval:

Green Lizard Cycling
Jimmy's Old Town Tavern
Mile 20 at Mediterranean Breeze
Red Kimono, LLC
Russia House Restaurant

Sully's Pour House
Zeffirelli Ristorante Italiano

Fiscal Impact:

None.

Recommendation:

We recommend that the Town Council approve the Resolution(s) as proposed.

Attachments:

- 7 Resolutions
- 7 License Agreement Extensions

Prepared and Approved By:

_____
Lesa J. Yeatts, Town Attorney

TOWN OF HERNDON, VIRGINIA

RESOLUTION

SEPTEMBER 8, 2020

Resolution- to ratify an Extension of License pursuant to Ordinance 20-O-23 Continuity of Governmental Operations between the Town and Green Lizard Cycling for use of public property for temporary outdoor dining.

WHEREAS, the parties entered into a License Agreement dated May 26, 2020 for use of public property or public right-of-way for temporary outdoor dining, necessitated by Executive orders of Governor Northam limiting indoor dining services due to the COVID-19 pandemic; and

WHEREAS, said License Agreement was signed by the Town Manager and ratified by Town Council; and

WHEREAS, the term of the License Agreement expires on September 3, 2020; and

WHEREAS, Town and Licensee desired to extend the term of the License to expire on November 30, 2020; and

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia hereby ratifies the Extension of License dated September 1, 2020 and signed by the Town Manager between the Town of Herndon and **Green Lizard Cycling** for use of public property or public right-of-way for temporary outdoor dining dated, 718 Lynn Street, Herndon.

Extension of License Pursuant to Ordinance 20-O-23 Continuity of Governmental Operations due to State of Emergency, Pandemic Disaster Covid-19

Pursuant to the powers conferred upon the Town Manager by Ordinance 20-O-23, as amended, this Extension of License dated September 1, 2020 (the Extension), hereby extends the termination date of the existing License between the TOWN OF HERNDON, VIRGINIA (Town) and GREEN LIZARD CYCLING (the Licensee) dated May 26, 2020, for the use of the Town property or public right-of-way for temporary outdoor dining (the License) for a period not to extend exceed November 30, 2020.

THEREFORE, for the consideration stated in the License and herein, the parties agree as follows:

1. The License is incorporated by reference.
2. Unless otherwise terminated pursuant to paragraph 8 of the License, the Extension shall terminate on **November 30, 2020**.
3. Pursuant to paragraph 7 of the License, the Licensee will provide Town evidence of its insurance coverage required during the extension.
4. In all other respects, the License remains in full force and effect.

GREEN LIZARD CYCLING

By: _____

Print Name: David A. Meyer

Title: Owner

Date: 8/21/20

APPROVED AS TO FORM:

_____

Town Attorney

TOWN OF HERNDON, VIRGINIA

_____

William H. Ashton III

TOWN OF HERNDON, VIRGINIA

RESOLUTION

SEPTEMBER 8, 2020

Resolution- to ratify an Extension of License pursuant to Ordinance 20-O-23 Continuity of Governmental Operations between the Town and Jimmy's Old Town Tavern for use of public property for temporary outdoor dining.

WHEREAS, the parties entered into a License Agreement dated May 28, 2020 for use of public property or public right-of-way for temporary outdoor dining necessitated by Executive Orders of Governor Northam limiting indoor dining services due to the COVID-19 pandemic; and

WHEREAS, said License Agreement was signed by the Town Manager and ratified by Council; and

WHEREAS, the term of the License Agreement expires on September 5, 2020; and

WHEREAS, Town and Licensee desired to extend the term of the License to expire on November 30, 2020; and

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia hereby ratifies the Extension of License dated September 1, 2020 and signed by the Town Manager between the Town of Herndon and **Jimmy's Old Town Tavern** for use of public property or public right-of-way for temporary outdoor dining dated, 697 Spring Street, Herndon.

Extension of License Pursuant to Ordinance 20-O-23 Continuity of Governmental Operations due to State of Emergency, Pandemic Disaster Covid-19

Pursuant to the powers conferred upon the Town Manager by Ordinance 20-O-23, as amended, this Extension of License dated September 1, 2020 (the Extension), hereby extends the termination date of the existing License between the TOWN OF HERNDON, VIRGINIA (Town) and JIMMY'S OLD TOWN TAVERN (the Licensee) dated May 28, 2020, for the use of the Town property or public right-of-way for temporary outdoor dining (the License) for a period not to extend exceed November 30, 2020.

THEREFORE, for the consideration stated in the License and herein, the parties agree as follows:

1. The License is incorporated by reference.
2. Unless otherwise terminated pursuant to paragraph 8 of the License, the Extension shall terminate on **November 30, 2020**.
3. Pursuant to paragraph 7 of the License, the Licensee will provide Town evidence of its insurance coverage required during the extension.
4. In all other respects, the License remains in full force and effect.

JIMMY'S OLD TOWN TAVERN

By: James C. Cirrito
Print Name: JAMES C. CIRRITO
Title: OWNER
Date: 8.21.2020

APPROVED AS TO FORM:

Lesa J. Yeatts
Town Attorney

TOWN OF HERNDON, VIRGINIA

William H. Ashton III

TOWN OF HERNDON, VIRGINIA

RESOLUTION

SEPTEMBER 8, 2020

Resolution- to ratify an Extension of License pursuant to Ordinance 20-O-23 Continuity of Governmental Operations between the Town and Mile 20 at Mediterranean Breeze for use of public property for temporary outdoor dining.

WHEREAS, the parties entered into a License Agreement dated May 28, 2020 for use of public property or public right-of-way for temporary outdoor dining necessitated by Executive Orders of Governor Northam limiting indoor dining services due to the COVID-19 pandemic; and

WHEREAS, said License Agreement was signed by the Town Manager and ratified by Council; and

WHEREAS, the term of the License Agreement expires on September 5, 2020; and

WHEREAS, Town and Licensee desired to extend the term of the License to expire on November 30, 2020; and

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia hereby ratifies the License Extension dated September 1, 2020 and signed by the Town Manager between the Town of Herndon and **Mile 20 at Mediterranean Breeze** for use of public property or public right-of-way for temporary outdoor dining dated, 781 Station Street, Herndon.

Extension of License Pursuant to Ordinance 20-O-23 Continuity of Governmental Operations due to State of Emergency, Pandemic Disaster Covid-19

Pursuant to the powers conferred upon the Town Manager by Ordinance 20-O-23, as amended, this Extension of License dated September 1, 2020 (the Extension), hereby extends the termination date of the existing License between the TOWN OF HERNDON, VIRGINIA (Town) and MILE 20 AT MEDITERRANEAN BREEZE (the Licensee) dated May 28, 2020, for the use of the Town property or public right-of-way for temporary outdoor dining (the License) for a period not to extend exceed November 30, 2020. (the Extension)

THEREFORE, for the consideration stated in the License and herein, the parties agree as follows:

1. The License is incorporated by reference.
2. Unless otherwise terminated pursuant to paragraph 8 of the License, the Extension shall terminate on **November 30, 2020**.
3. Pursuant to paragraph 7 of the License, the Licensee will provide Town evidence of its insurance coverage required during the extension.
4. In all other respects, the License remains in full force and effect.

MILE 20 AT MEDITERRANEAN BREEZE

By: Phillip H Crwe
Print Name: Phillip H. Crwe
Title: owner
Date: 8/24/20

APPROVED AS TO FORM:

Lesa J. Yeatts
Town Attorney

TOWN OF HERNDON, VIRGINIA

William H. Ashton III

TOWN OF HERNDON, VIRGINIA

RESOLUTION

SEPTEMBER 8, 2020

Resolution- to ratify an Extension of License pursuant to Ordinance 20-O-23 Continuity of Governmental Operations between the Town and Red Kimono, LLC for use of public property for temporary outdoor dining.

WHEREAS, the parties entered into a License Agreement dated May 29, 2020 for use of public property or public right-of-way for temporary outdoor dining necessitated by Executive Orders of Governor Northam limiting indoor dining services due to the COVID-19 pandemic; and

WHEREAS, said License Agreement was signed by the Town Manager and ratified by Council; and

WHEREAS, the term of the License Agreement expires on September 6, 2020; and

WHEREAS, Town and Licensee desired extend the term of the License to expire on November 30, 2020; and

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia hereby ratifies the License Extension dated September 1, 2020 and signed by the Town Manager between the Town of Herndon and **Red Kimono, LLC** for use of public property or public right-of-way for temporary outdoor dining dated, 790 Station Street, Herndon.

Extension of License Pursuant to Ordinance 20-O-23 Continuity of Governmental Operations due to State of Emergency, Pandemic Disaster Covid-19

Pursuant to the powers conferred upon the Town Manager by Ordinance 20-O-23, as amended, this Extension of License dated September **1**, 2020 (the Extension), hereby extends the termination date of the existing License between the TOWN OF HERNDON, VIRGINIA (Town) and RED KIMONO, LLC (the Licensee) dated May 29, 2020, for the use of the Town property or public right-of-way for temporary outdoor dining (the License) for a period not to extend exceed November 30, 2020.

THEREFORE, for the consideration stated in the License and herein, the parties agree as follows:

1. The License is incorporated by reference.
2. Unless otherwise terminated pursuant to paragraph 8 of the License, the Extension shall terminate on **November 30, 2020**.
3. Pursuant to paragraph 7 of the License, the Licensee will provide Town evidence of its insurance coverage required during the extension.
4. In all other respects, the License remains in full force and effect.

RED KIMONO, LLC

By: _____

Print Name: [illegible] CHIGA

Title: CHEF

Date: 8/26/2020

APPROVED AS TO FORM:

Lisa J. Yeatts

Town Attorney

TOWN OF HERNDON, VIRGINIA

William H. Ashton III

TOWN OF HERNDON, VIRGINIA

RESOLUTION

SEPTEMBER 8, 2020

Resolution- to ratify an Extension of License pursuant to Ordinance 20-O-23 Continuity of Governmental Operations between the Town and Russia House Restaurant for use of public property for temporary outdoor dining.

WHEREAS, the parties entered into a License Agreement dated June 4, 2020 for use of public property or public right-of-way for temporary outdoor dining necessitated by Executive Orders of Governor Northam limiting indoor dining services due to the COVID-19 pandemic; and

WHEREAS, said License Agreement was signed by the Town Manager and ratified by Council; and

WHEREAS, the term of the License Agreement expires on September 12, 2020; and

WHEREAS, Town and Licensee desired to extend the term of the License to expire on November 30, 2020; and

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia hereby ratifies the License Extension dated September 1, 2020 and signed by the Town Manager between the Town of Herndon and **Russia House Restaurant** for use of public property or public right-of-way for temporary outdoor dining dated, 724 Pine Street, Herndon.

Extension of License Pursuant to Ordinance 20-O-23 Continuity of Governmental Operations due to State of Emergency, Pandemic Disaster Covid-19

Pursuant to the powers conferred upon the Town Manager by Ordinance 20-O-23, as amended, this Extension of License dated September 1, 2020 (the Extension), hereby extends the termination date of the existing License between the TOWN OF HERNDON, VIRGINIA (Town) and RUSSIA HOUSE RESTAURANT (the Licensee) dated June 4, 2020, for the use of the Town property or public right-of-way for temporary outdoor dining (the License) for a period not to extend exceed November 30, 2020.

THEREFORE, for the consideration stated in the License and herein, the parties agree as follows:

1. The License is incorporated by reference.
2. Unless otherwise terminated pursuant to paragraph 8 of the License, the Extension shall terminate on **November 30, 2020.**
3. Pursuant to paragraph 7 of the License, the Licensee will provide Town evidence of its insurance coverage required during the extension.
4. In all other respects, the License remains in full force and effect.

RUSSIA HOUSE RESTAURANT

By: Nonuya Demuev
Print Name: HOMEYRA DARUGAR
Title: Vice President
Date: 08/25/2020

APPROVED AS TO FORM:

Lisa J. Yeatts

Town Attorney

TOWN OF HERNDON, VIRGINIA

William H. Ashton III

TOWN OF HERNDON, VIRGINIA

RESOLUTION

SEPTEMBER 8, 2020

Resolution- to ratify an Extension of License pursuant to Ordinance 20-O-23 Continuity of Governmental Operations between the Town and Sully's Pour House for use of public property for temporary outdoor dining.

WHEREAS, the parties entered into a License Agreement dated May 29, 2020 for use of public property or public right-of-way for temporary outdoor dining necessitated by Executive Orders of Governor Northam limiting indoor dining services due to the COVID-19 pandemic; and

WHEREAS, said License Agreement was signed by the Town Manager and ratified by Council; and

WHEREAS, the term of the License Agreement expires on September 6, 2020; and

WHEREAS, Town and Licensee desired to extend the term of the License to expire on November 30, 2020; and

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia hereby ratifies the License Extension dated September 1, 2020 and signed by the Town Manager between the Town of Herndon and **Sully's Pour House** for use of public property or public right-of-way for temporary outdoor dining dated, 754 Elden Street, #102, Herndon.

Extension of License Pursuant to Ordinance 20-O-23 Continuity of Governmental Operations due to State of Emergency, Pandemic Disaster Covid-19

Pursuant to the powers conferred upon the Town Manager by Ordinance 20-O-23, as amended, this Extension of License dated September 1, 2020 (the Extension), hereby extends the termination date of the existing License between the TOWN OF HERNDON, VIRGINIA (Town) and SULLY'S POUR HOUSE (the Licensee) dated May 29, 2020, for the use of the Town property or public right-of-way for temporary outdoor dining (the License) for a period not to extend exceed November 30, 2020.

THEREFORE, for the consideration stated in the License and herein, the parties agree as follows:

1. The License is incorporated by reference.
2. Unless otherwise terminated pursuant to paragraph 8 of the License, the Extension shall terminate on **November 30, 2020**.
3. Pursuant to paragraph 7 of the License, the Licensee will provide Town evidence of its insurance coverage required during the extension.
4. In all other respects, the License remains in full force and effect.

SULLY'S POUR HOUSE

By: _____

Print Name: Jenna Kuhn

Title: Owner

Date: August 25 2020

APPROVED AS TO FORM:

_____

Town Attorney

TOWN OF HERNDON, VIRGINIA

_____

William H. Ashton III

TOWN OF HERNDON, VIRGINIA

RESOLUTION

SEPTEMBER 8, 2020

Resolution- to ratify an Extension of License pursuant to Ordinance 20-O-23 Continuity of Governmental Operations between the Town and Zeffirelli Ristorante Italiano for use of public property for temporary outdoor dining.

WHEREAS, the parties entered into a License Agreement dated June 30, 2020 for use of public property or public right-of-way for temporary outdoor dining necessitated by Executive Orders of Governor Northam limiting indoor dining services due to the COVID-19 pandemic; and

WHEREAS, said License Agreement was signed by the Town Manager and ratified by Council; and

WHEREAS, the term of the License Agreement expires on October 8, 2020; and

WHEREAS, Town and Licensee desired to extend the term of the License to expire on November 30, 2020; and

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia hereby ratifies the License Extension dated September 1, 2020 and signed by the Town Manager between the Town of Herndon and **Zeffirelli Ristorante Italiano** for use of public property or public right-of-way for temporary outdoor dining dated, 728 Pine Street, Herndon.

Extension of License Pursuant to Ordinance 20-O-23 Continuity of Governmental Operations due to State of Emergency, Pandemic Disaster Covid-19

Pursuant to the powers conferred upon the Town Manager by Ordinance 20-O-23, as amended, this Extension of License dated September 1, 2020 (the Extension), hereby extends the termination date of the existing License between the TOWN OF HERNDON, VIRGINIA (Town) and ZEFFIRELLI RISTORANTE ITALIANO (the Licensee) dated June 30, 2020, for the use of the Town property or public right-of-way for temporary outdoor dining (the License) for a period not to extend exceed November 30, 2020.

THEREFORE, for the consideration stated in the License and herein, the parties agree as follows:

1. The License is incorporated by reference.
2. Unless otherwise terminated pursuant to paragraph 8 of the License, the Extension shall terminate on **November 30, 2020**.
3. Pursuant to paragraph 7 of the License, the Licensee will provide Town evidence of its insurance coverage required during the extension.
4. In all other respects, the License remains in full force and effect.

ZEFFIRELLI RISTORANTE ITALIANO

By: Syed Hussain
Print Name: SYED HUSSAIN
Title: PRESIDENT
Date: 8/25/2020

APPROVED AS TO FORM:

Lisa J. Yeatts
Town Attorney

TOWN OF HERNDON, VIRGINIA

William H. Ashton III

STAFF REPORT

Town Council
September 1, 2020

Title:

Resolution, to establish the Herndon Town Council meeting schedule for January 1, 2021 to December 31, 2021.

Staff Contact:

Viki Wellershaus, Town Clerk
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Background:

Chapter 2 (Administration), Section 2.1 (Meeting Schedule), of the Herndon Town Code, authorizes the town council to modify the meeting schedule by resolution.

With the development of the 2021 annual town calendar underway, there is an opportunity for the council to consider modifications to include in the annual calendar before it is printed. The council may, at any time throughout the year, modify the schedule by resolution.

Discussion:

Traditionally, the meeting schedule is modified to accommodate participation in National Night Out; federal, state and county elections; and Thanksgiving holiday travel.

Staff proposes three modifications for council consideration:

1. Reschedule the work session on Tuesday, August 3 TO Wednesday, August4 to allow council participation in National Night Out.

2. Reschedule the town council work session on Tuesday, November 2 **TO** Tuesday, November 9, to allow participation in the 2021 state election. [Last year, staff proposed that the work session be rescheduled to Wednesday following the election, however council preferred moving the work session to the following Tuesday] ~ thus, rescheduling the town council public hearing one week later **TO** Tuesday, November 16.

3. Forgo conducting a second town council work session and town council public hearing in November to accommodate Thanksgiving holiday travel.

Fiscal Impact

None

Staff Recommendation:

Staff recommends that the council consider the 2021 meeting schedule as proposed.

Attachments:

Draft resolution
2021 calendar

Prepared and Approved by:

Viki Wellershaus, Town Clerk

TOWN OF HERNDON, VIRGINIA

RESOLUTION

SEPTEMBER 8, 2020

Resolution- to establish the Herndon Town Council meeting schedule for January 1, 2021 to December 31, 2021.

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

1. Incorporates the meeting schedule set out in Section 2-1 of the Herndon Town Code (2000), as amended, and establishes the meeting schedule for January 1, 2021 to December 31, 2021, modified as follows:

   - Reschedule the town council work session on Tuesday, August 3 **TO** Wednesday, August 4, to allow council participation in National Night Out;

   - Reschedule the town council work session on Tuesday, November 2 **TO** Tuesday, November 9, to allow participation in the 2021 state election ~ thus, rescheduling the town council public hearing one week later **TO** Tuesday, November 16; and

   - Forgo conducting a second town council work session and town council public hearing in November to accommodate Thanksgiving holiday travel.

2. Directs staff to reflect the modified meeting schedule in the 2021 annual town calendar.

JANUARY 2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
27	28	29	30	31	1 Holiday Town closed New Year's Day	2
3	4	5 TCWS	6	7	8	9
10	11	12 TCPH	13	14	15	16
17	18 Holiday Town closed Martin Luther King Jr. Day	19 TCWS	20	21	22	23
24	25	26 TCPH	27	28	29	30
31	1	2	3	4	5	6

PROPOSED

FEBRUARY 2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
31	**1**	**2** TCWS	**3**	**4**	**5**	6
7	**8**	**9** TCPH	**10**	**11**	**12**	13
14	**15** Holiday Town closed Presidents' Day	**16** TCWS	**17**	**18**	**19**	20
21	**22**	**23** TCPH	**24**	**25**	**26**	27
28	1	2	3	4	5	6

PROPOSED

MARCH 2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
28	1	2 TCWS	3	4	5	6
7	8	9 TCPH	10	11	12	13
14	15	16 TCWS	17	18	19	20
21	22	23 TCPH	24	25	26	27
28	29	30	31	1	2	3

PROPOSED

APRIL 2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
28	29	30	31	1	2	3
4	5	6 TCWS	7	8	9	10
11	12	13 TCPH	14	15	16	17
18	19	20 TCWS	21	22	23	24
25	26	27 TCPH	28	29	30	1

PROPOSED

MAY 2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
25	26	27	28	29	30	1
2	3	4 TCWS	5	6	7	8
9	10	11 TCPH	12	13	14	15
16	17	18 TCWS	19	20	21	22
23	24	25 TCPH	26	27	28	29
30	31 Holiday Town Closed Memorial Day	1	2	3	4	5

PROPOSED

JUNE 2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
30	31	1 TCWS	2	3	4	5
6	7	8 TCPH	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	1	2	3

PROPOSED

JULY 2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
27	28	29	30	1	2	3
4	5 Holiday Town closed Independence Day	6 TCWS	7	8	9	10
11	12	13 TCPH	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

PROPOSED

AUGUST 2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3 National Night Out	4 TCWS	5	6	7
8	9	10 TCPH	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31	1	2	3	4

PROPOSED

Reschedule the TCWS on Tuesday, August 3 TO Wednesday, August 4, to allow Council participation in National Night Out activities.

SEPTEMBER 2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
29	30	31	1	2	3	4
5	6 Holiday Town closed Labor Day	7 TCWS	8	9	10	11
12	13	14 TCPH	15	16	17	18
19	20	21 TCWS	22	23	24	25
26	27	28 TCPH	29	30	1	2

PROPOSED

OCTOBER 2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
26	27	28	29	30	1	2
3	4	5 TCWS	6	7	8	9
10	11 Holiday Town closed Columbus Day	12 TCPH	13	14	15	16
17	18	19 TCWS	20	21	22	23
24	25	26 TCPH	27	28	29	30
31	1	2	3	4	5	6

PROPOSED

NOVEMBER 2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
31	1	2 Election Day [State]	3	4	5	6
7	8	9 TCWS	10	11 Holiday Town closed Veterans Day	12	13
14	15	16 TCPH	17	18	19	20
21	22	23	24	25 Holiday Town closed Thanksgiving Day	26 Holiday Town Closed	27
28	29	30	1	2	3	4

PROPOSED

Reschedule the town council work session on Tuesday, November 2 TO Tuesday, November 9, to allow participation in the 2021 state election ~ thus, rescheduling the town council public hearing one week later TO Tuesday, November 16; and forgo conducting a second town council work session and town council public hearing in November to accommodate Thanksgiving holiday travel.

DECEMBER 2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
28	29	30	1	2	3	4
5	6	7 TCWS	8	9	10	11
12	13	14 TCPH	15	16	17	18
19	20	21	22	23 ½ holiday Town closed at Noon	24 Holiday Christmas Eve Town Closed	25 Christmas Day
26	27	28	29	30	31	1

PROPOSED