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HERNDON TOWN COUNCIL
Tuesday
October 13, 2020

Pursuant to Virginia Code Section 2.2-3708.2, as amended; the Governor's Executive Orders, as amended; in accordance with Ordinance 20-O-23, Continuity of Governmental Operations during Pandemic Disaster (COVID-19), as amended and readopted by the Herndon Town Council on September 8, 2020, which superseded previously adopted amendments, Mayor Merkel stated that the October 13, 2020 Herndon Town Council Public Hearing would be by electronic means. The meeting was broadcast and recorded through Cisco Webex and details for the meeting were made available to the public on Thursday, October 8, 2020. In attendance electronically were: Mayor Lisa C. Merkel; Vice Mayor Sheila A. Olem; and Councilmembers Jennifer Baker; Cesar del Aguila; Pradip Dhakal; Signe Friedrichs; and Bill McKenna.

Staff present during the meeting were: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; David Stromberg, Zoning Administrator; and Amanda M. Kertz, Deputy Town Clerk.

Announcements

Amanda M. Kertz, Deputy Town Clerk welcomed those listening to the October 13, 2020 Town Council public hearing and stated that night's regularly scheduled Herndon Town Council meeting was a virtual meeting, which was being conducted electronically pursuant to:

- ❖ Virginia Code Section 2.2-3708.2, as amended;
- ❖ the Governor's Executive Orders, as amended; and

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- ❖ in accordance with Ordinance 20-O-23, Continuity of Governmental Operations during Pandemic Disaster (COVID-19), as amended and readopted by the Herndon Town Council on September 8, 2020, which superseded previously adopted amendments.
- Proper notice of the electronic meeting was provided in accordance with the Code of Virginia;
- Agenda and meeting materials, along with information for viewing the meeting and submitting comments for the record are available on the town's website; and
- Electronic meetings will begin with a roll call to determine a quorum and all votes, including adjournment, will be by roll call vote.

CALL TO ORDER

1. Roll Call & Determination of Quorum

Mayor Merkel called the public hearing by electronic means to order at 7:00 p.m. and asked Ms. Kertz to call the roll for attendance. Mayor Merkel asked each Councilmember to respond by clearly stating their name and indicating they were present.

Following the roll call for attendance, Mayor Merkel confirmed there was an electronic quorum present. All members were present electronically, with Mayor Merkel presiding. As Ms. Kertz had stated, the meeting that evening was being conducted pursuant to the appropriate laws associated with the COVID-19 pandemic disaster.

MOMENT OF SILENCE

Mayor Merkel stated the town had a tough week and asked that they observe a moment of silence to remember two friends and neighbors who passed away suddenly: Lester Zidel and Vicky Robertson.

APPROVAL OF MINUTES

**Vote on September 15, 2020
Work Session Minutes**

On motion of Councilmember Friedrichs, seconded by Vice Mayor Olem, and carried by 6-0 roll call vote by electronic means, the minutes of the September 15, 2020 public hearing were approved. The vote was: Councilmembers del Aguila, Dhakal, Friedrichs, McKenna, Vice Mayor Olem, and Mayor Merkel voting "Aye." Councilmember Baker abstained.

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**Vote on September 22, 2020
Public Hearing Minutes**

On motion of Councilmember Friedrichs, seconded Vice Mayor Olem, and carried by a 6-0 roll call vote by electronic means, the minutes of the September 22, 2020 public hearing were approved. The vote was: del Aguila, Dhakal, Friedrichs, McKenna, Vice Mayor Olem, and Mayor Merkel voting "Aye." Councilmember Baker abstained.

2. COMMENTS FROM THE TOWN MANAGER

Mayor Merkel recognized William H. Ashton II, Town Manager, for comments followed by questions of Council.

Mr. Ashton stated that Fairfax County, including the town, was doing all right with an average of 70 to 80 COVID-19 cases a day, about six hospitalizations per day, and low numbers of deaths with a 3.7 percent positivity rate. He encouraged everyone to continue to socially distance, wear masks, and wash hands.

Mr. Ashton also stated that Dr. Gloria Addo-Ayensu (Dr. Gloria), Fairfax County Health Department, stressed that everyone should get the flu vaccine this year. There was fear about flu and COVID-19 cases merging, and anything to mitigate that was encouraged. He encouraged everyone to get out and get their flu vaccine.

Questions from Council

In response to queries from Councilmember Friedrichs, Mr. Ashton stated that Dr. Gloria had not made a prognostication for a second wave of COVID-19. Mr. Ashton stressed that the health community was urging the flu vaccine to prevent cases of the flu and COVID-19 at the same time.

3. COMMENTS FROM THE TOWN COUNCIL

Councilmember McKenna: Mentioned two Herndon Police Department officers who would be retiring this year: Senior Sergeant John Tacci and Lieutenant Jim Moore. He wished them the best and stated they were good people who served the town well.

Councilmember Friedrichs: Echoed Councilmember McKenna's comments about the retiring police officers.

Councilmember Friedrichs stated that she attended a recent Fairfax County Economic Advisory Commission meeting and that the county was working on a framework for recovery. She looked forward to seeing how the town could participate in these efforts.

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Councilmember del Aguila: Shared that the Green Lizard Foundation was throwing a fundraiser. He stated they would provide bicycles and health and wellness information. Any help or donations would be appreciated.

Vice Mayor Olem: Stated she had gotten her flu shot and that the shot was available at local pharmacies.

Vice Mayor Olem reminded those listening of the Fall Clean-Up next week on their regular trash day.

Vice Mayor Olem thanked the first responders from the Fairfax County Fire and Rescue Department and the Herndon Police Department who were professional and compassionate when she needed them recently. She also appreciated the interaction she had with the Fairfax County Animal Control during the same situation. She stated that residents were fortunate to be in Herndon and she asked that her thanks be passed on to the Herndon Police Department.

Mayor Merkel: Gave a shoutout to Lester Zidel and spoke of what he taught her and of the loss for the community. She also shared her condolences with Vice Mayor Olem who was personally affected by both the losses of Lester Zidel and Vicky Robertson in the past week.

COMMENTS & DISCLOSURES FOR THE RECORD

Mayor Merkel asked Amanda M. Kertz, Deputy Town Clerk, whether she had received comments for the record or Transactional Disclosure Declarations from Council on any items listed on that evening's agenda, and she stated that she had received comments for Comments from the Audience pertaining to Downtown Redevelopment and for General Item #6, Ordinance 20-O-57. She had not received any transactional disclosures for that evening's meeting.

4. COMMENTS FROM THE AUDIENCE

Mayor Merkel outlined the participation process for Webex. She stated that the Council would use a speakers list to call on those who have registered to provide "Comments from the Audience" to address Council on any matter that was not listed as a public hearing item on that night's agenda. She would call on each person that signed up to speak and would also announce the name of the next speaker. She would then pause briefly while staff enabled the speaker's ability to address Council. Speakers would have up to three minutes and should state their name and address for the record. Comments from the Audience were limited to 45 minutes or approximately 15 speakers.

Mayor Merkel stated that a timer would appear on the Webex screen and encouraged speakers to wrap up when there were 30 seconds left on the timer. She stated that if staff

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saw that someone was having trouble connecting, the Town Clerk's office would contact them to add their comments to the record and to see what assistance could be provided. She then called on the following individuals, who provided comments:

- Sherry Van Sloun, 708 Elden Street, Herndon, expressed support for the downtown redevelopment and for the Council sharing as much information as they were able to with the public. She provided a written copy of her comments, which is on file in the Town Clerk's office.
- Donielle Scherff, 710 Hemlock Court, Herndon, echoed Ms. Van Sloun's comments expressing support for the downtown redevelopment and for Council sharing as much information as they were able to with the public.

Mayor Merkel responded that the Town Council was working diligently to make the best decisions for the town. She stated that as soon as they could share something on this matter, they would.

- Stevan Porter, 905 Vine Street, Herndon, who stated that he was a candidate in the upcoming town election, provided comments about the status of downtown redevelopment and making information about both the downtown and the Heritage Preservation Review Board (HPRB) Guidelines rewrite available to the public. He provided a written copy of his comments, which is on file in the Town Clerk's office.

Mayor Merkel indicated that the HPRB Guidelines rewrite was coming up this fall.

Mayor Merkel encouraged members of the public to register for the speakers list on the town's website, www.herndon-va.gov and that the option to speak was part of the Webex registration form.

GENERAL

5. **Ordinance 20-O-56, to amend Chapter 66, (STREETS, SIDEWALKS AND CERTAIN OTHER PUBLIC PLACES), Article II, (Street Excavations) to develop standards for utility distribution or transmission poles and to establish a maximum fee for administrative review eligible projects.**

Mayor Merkel recognized Zoning Administrator, David Stromberg for the staff report.

Mr. Stromberg presented the staff report dated October 6, 2020, which is on file in the Town Clerk's office. He stated that Council adopted Zoning Ordinance Text Amendment (ZOTA) #19-02 on January 14, 2020, establishing requirements and the administrative process for proposed small cell facilities and other administrative review eligible projects (AREPs) located on private property. This proposed ordinance was the companion town code amendment to establish requirements and an administrative

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process for proposed small cell facilities and other AREPs on public property. He stated that the proposed amendment applied to town-owned, public rights-of-way. The proposed amendments would provide comprehensive regulation of small cell facilities in town and would align the town code more with the Code of Virginia. State Code allowed localities to limit the number of new wireless facilities in a specific location and does allow localities to require a public hearing for facilities located within a historic district. This amendment was originally scheduled to immediately follow ZOTA #19-02 earlier in the year but was delayed due to the COVID-19 pandemic. Staff recommends approval of the proposed ordinance, as presented.

There was a brief question and answer session during which Mr. Stromberg responded to questions from Councilmembers Dhakal, Friedrichs, and del Aguila.

Vice Mayor Olem moved approval of Ordinance 20-O-56, as presented. Councilmember McKenna seconded the motion.

There were brief comments from Council.

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

Ordinance 20-O-56, to amend Chapter 66, (STREETS, SIDEWALKS AND CERTAIN OTHER PUBLIC PLACES), Article II (Street Excavations) to develop standards for utility distribution or transmission poles and to establish a maximum \$500 fee for administrative review eligible projects in Section 66-37 (Fee) pursuant to Virginia Code 15.2-2316.4.

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

1. Chapter 66 (STREETS, SIDEWALKS, AND CERTAIN OTHER PLACES, Herndon Town Code (2000), is amended as follows:

DIVISION 1. – GENERALLY

DIVISION 2. – PERMIT

Section 66-36 – Required

No person shall break, dig up or open or cause to be broken, dug up or opened any street, public easement area, or alley, or portion thereof within the town without having first applied for and obtained a permit to do so from the director of public works.

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Section 66-36.1 – Applications.

(a) *Application not associated with an administrative review eligible project or small cell facility requires:*

(1) *Sketch plan meeting the following criteria:*

- a. *Drawings at a standard engineering scale no larger than 1"=30' on standard sheet sizes of 8.5"x11" (letter), 11"x17" (ledger), or 24"x36".*
- b. *Property lines, where appropriate, and the street right-of-way line, with the location of the work with reference to a fixed point in the street. This information shall be based on surveyed information (i.e. record data or field run survey) unless otherwise approved by the director of public works.*
- c. *All proposed improvements and the proposed removal of existing structures. Provide dimensions showing size of structures and proximity from property lines.*
- d. *Existing easements in the vicinity of the work. Provide dimensions and recordation information.*
- e. *Where surface or underground work is involved, a cross section indicating existing conditions and proposed changes.*
- f. *Where grading operations are involved, the pavement, shoulder, ditch and slope.*
- g. *Existing and proposed topography in 2-foot contour intervals.*
- h. *Any tree which is to be removed, and the location and description of trees and shrubs within and adjacent to the right-of-way.*

(2) *For underground installations, a sketch plan shall include the following in addition to what is outlined in Section 66-36.1(a)(1):*

- a. *The exact location and dimensions of conduits, pipes, vaults, manholes, crossings and other installations.*
- b. *Type (concrete, iron, etc.).*
- c. *Depth of covering material.*

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- d. Outlets, showing type and size.
- e. Design and location of identification indicators.
- (3) Authorization from the owner or owner's authorized agent. If multiple owners, all owners must provide authorization.
- (4) Existing and proposed height if the work involves the replacement of a utility pole.
- (5) Traffic control plan with applicable notes as referenced by all federal, state, and local regulations. If the required work cannot be covered by a standard plate from the MUTCD or WAPM the traffic control plan must be sealed by a professional engineer licensed to practice in the Commonwealth of Virginia.
- (6) Other information required by the director of public works as necessary to review and approve the construction drawings, not in conflict with the Town's required ordinances and specifications.
- (b) Application associated with an administrative review eligible project or small cell facility requires:
 - (1) All items required under Section 66-36.1(a).
 - (2) A sketch plan shall also include the following:
 - a. Location and height of all existing and proposed equipment with dimensioned drawings of every proposed element including wiring and hardware.
 - b. Dimensioned drawings of all elements to be installed showing cubic area and outside dimensions in both aggregate and as individual units.
 - (3) Additional conditions.
 - a. All wiring, cables, and conduits must be located in a fully enclosed structure or match the color of the utility or distribution transmission pole.
 - b. All antennas and equipment related to the small cell facility, to include any ground-mounted equipment, must be removed within 120 days after such antennas or related equipment are no longer in use.

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- c. *When located within the heritage preservation overlay district, all facilities must comply with Section 78-71.13(d)(3)(a) of the zoning ordinance.*

Section 66-37 – Fee

	Type	Cost for first item	Cost for two or more/each where applicable
(1)	Aboveground structure including poles, pedestals, fire hydrants, towers and the like	\$20.00 per structure	\$10.00

(11)	<i>Small cell facilities on an existing structure</i>	<i>\$100 per facility for the first 5 facilities and then \$50 per facility</i>	
(12)	<i>Administrative review eligible project</i>	<i>\$500 per structure</i>	

DIVISION 3 – REGULATIONS

Section 66-62. Residential driveway aprons.

- (a) *Parcels in residential districts are limited to a maximum of one driveway apron per parcel.*
- (b) *Driveway aprons shall be limited to a maximum of twenty feet in width.*

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- (c) *Requests for exceptions to Section 66-62(a) or 66-62(b) shall be submitted in writing to the Director and specify the need for the exception.*

Sections 66-~~62~~63 – 66-80. – Reserved.

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

6. Ordinance 20-O-57, to amend Chapter 26 (ENVIRONMENT), Article II (TREE PROTECTION AND PRESERVATION), Section 26-24 (Tree removal on private property) of the Code of the Town of Herndon to clarify Town actions consistent with state code.

Mayor Merkel recognized Town Attorney, Lesa Yeatts for the staff report.

Ms. Yeatts presented the staff report dated October 6, 2020, which is on file in the Town Clerk's office. The proposed amendment would clarify language and provide consistency with state enabling authority to include the following provisions which were outlined in the staff report:

1. Clarified that town's authority on private property applies only when a dead or diseased tree constitutes a public hazard to life or property;
2. Clarified "owner" means "property owner";
3. Clarified that consistent with state law, the remedy the town has in the event the property owner fails to remove the tree is to seek an injunction through the Circuit Court ordering the removal of the tree on private property;
4. Stated that violation of this section is a misdemeanor punishable by a \$250.00 fine pursuant to the town code; and
5. Clarified that an appeal of the Urban Forester's decision was to the Town Manager not the Town Council.

Ms. Yeatts stated staff had revised the proposed ordinance following last week's meeting to further clarify what occurs if the property owner fails to trim or remove the tree. Staff recommends approval of the revised version of the proposed ordinance.

There was a brief question and answer session between Ms. Yeatts and Councilmember Friedrichs about the fine, timeframe for removal, and advertising requirements for town code amendments.

In response to Councilmember del Aguila, Mr. Ashton confirmed he was willing to take on this responsibility.

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Vice Mayor Olem moved to approve Ordinance 20-O-57, dated and distributed October 13, 2020, which reflected the following revisions:

- **Sec. 26-24. Dangerous or diseased trees on private property.**

(a) “...In the event of failure of the **property** owner to comply with such provisions, the town shall have the authority to ~~remove trim or prune~~ such tree and charge the cost of ~~removal~~ to the **property** owner. **The Town may seek injunctive relief in the Circuit Court for the County of Fairfax for the removal of a tree identified in the notification by the urban forester at the property owner’s expense...**”

Councilmember McKenna seconded the motion.

There were brief comments from Council.

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

Ordinance, 20-O-57 to amend Chapter 26 (ENVIRONMENT), Article II (TREE PROTECTION AND PRESERVATION), Section 26-24 (Tree removal on private property) of the Code of the Town of Herndon to clarify Town actions consistent with state code.

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

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

Sec. 26-24. - ~~Tree removal~~ Dangerous or diseased trees on private property.

- (a) The town shall have **authority to require a property owner** ~~the right to cause the removal of~~ all or a portion of any dead or diseased tree on **their** private property within the town, when such tree constitutes a **public** hazard to life or property, or harbors insects or disease which constitutes a threat to other trees within the town. The urban forester shall notify the **property** owner in writing by certified mail of such tree, citing the tree's condition and the corrective action required. ~~Disposal of an insect infested or diseased tree shall also be done in the manner prescribed or approved by the urban forester.~~ Removal or other required work shall be done by such **property** owner at the **property** owner's expense within 15 days after receipt of the notice that indicates a **public** hazard to life or property exists. It shall be unlawful for the **property** owner to fail to remove such tree or to perform other work specified by the town. In the event of failure of the

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property owner to comply with such provisions, the town shall have the authority to ~~remove trim or prune~~ such tree and charge the cost of ~~removal~~ to the property owner. The Town may seek injunctive relief in the Circuit Court for the County of Fairfax for the removal of a tree identified in the notification by the urban forester at the property owner's expense. If removal or other work is required by the urban forester and is not deemed to constitute a hazard to life or property, then a mutually agreed upon time frame to perform the work will be determined.

- (b) An appeal to the town ~~council~~ **manager** may be taken by any person aggrieved by a decision of the urban forester. Such appeal shall be made within 14 days of receipt of the notice from the urban forester by filing with the town manager a written appeal specifying the grounds of such appeal.

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

CONSENT AGENDA

- 7. **Ordinance 20-O-55, to amend Chapter 10 (BUILDING AND BUILDING REGULATIONS), Article II (STANDARDS), Section 10-21 (Adoption of statewide building code) of the Code of the Town of Herndon to update language to accommodate adoption of future editions;**
- 8. **Resolution 20-G-46, to ratify an Extension of Lease pursuant to Ordinance 20-O-23 Continuity of Governmental Operations, as amended, between the Town and The Elden Street Players; and**
- 9. **Resolution 20-G-47, to ratify an Extension of Lease pursuant to Ordinance 20-O-23 Continuity of Governmental Operations, as amended, between the Town and the Board of Supervisors of Fairfax County, Virginia.**

On motion of Councilmember Friedrichs, seconded by Vice Mayor Olem, the Consent agenda items were approved by unanimous roll call vote by electronic means, without comment. The vote was: Councilmembers Baker, del Aguila, Dhakal, Friedrichs, McKenna, Vice Mayor Olem, and Mayor Merkel voting "Aye."

Ordinance 20-O-55, to amend Chapter 10 (BUILDING AND BUILDING REGULATIONS), Article II (STANDARDS), Section 10-21 (Adoption of statewide building code) of the Code of the Town of Herndon to update language to accommodate adoption of future editions.

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

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

Sec. 10-21. - Adoption of statewide building code.

- (a) ~~There is hereby adopted and incorporated by reference the Virginia Uniform Statewide Building Code (2009 edition) adopted by order of the Virginia Board of Housing and Community Development, effective March 1, 2011, as amended, and as may be amended from time to time. The Virginia Uniform Statewide Building Code, as adopted by Virginia Board of Housing and Community Development and currently in effect or hereafter amended, is hereby adopted by the Town and incorporated herein as if set out in its entirety.~~ This code contains provisions for new construction; property maintenance; dwellings, plumbing, mechanical and fire prevention regulations, among others. **Copies of the Virginia Uniform Statewide Building Code, together with a copy of this chapter, shall be filed and maintained in the office of the building official.**

(Code 1992, § 5-1; Ord. No. 04-O-16, § 1, 4-27-2004; Ord. No. 11-O-31, § 1, 12-13-2011)

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

Resolution, 20-G-46, to ratify an Extension of Lease pursuant to Ordinance 20-O-23 Continuity of Governmental Operations, as amended, between the Town and The Elden Street Players.

WHEREAS, the parties entered into a Lease Agreement dated October 15, 2019 for 1,275 sq. ft of space for rehearsal in the Town's building at 397 Herndon Parkway; and

WHEREAS, the Lease Agreement expires on October 14, 2020; and

WHEREAS, Town and Lessee desired to extend the term of the Agreement to expire on October 14, 2021; and

WHEREAS, the Extension of Lease Agreement was signed by the Town Manager and ratified by Town Council.

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NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia hereby ratifies the Extension of Lease dated September 18, 2020 and signed by the Town Manager between the Town of Herndon and The Elden Street Players for space in the Town's building at 397 Herndon Parkway in Herndon.

[Note: Attached for reference is the extension of lease dated September 18, 2020 b/n town and The Elden Street Players.]

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

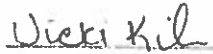
Pursuant to the powers conferred upon the Town Manager by Ordinance 20- O-23, as amended, this Extension of Lease Agreement dated September 18, 2020 hereby extends the October 14, 2020 termination date of the existing Lease Agreement between the TOWN OF HERNDON, a municipal corporation (Landlord) and THE ELDEN STREET PLAYERS, a Virginia corporation (Tenant), dated October 15, 2019, (the Lease) for 1,275 square feet of space at 397 Herndon Parkway (the Premises), as set out in this Extension of Lease (the Extension).

THEREFORE, for the consideration stated in the Lease, the parties agree as follows:

1. The Lease is incorporated by reference.
2. The Lease shall terminate on October 14, 2021.
3. In all other respects, the Lease is confirmed.

TOWN OF HERNDON, VIRGINIA

THE ELDEN STREET PLAYERS

By: <u></u>	By: <u></u>
Name: <u>William H. Ashton II</u>	Name: <u>Vicki Kile</u>
Title: <u>Town Manager</u>	Title: <u>President</u>

APPROVED AS TO FORM

By: <u></u>
Name: <u>Lesa J. Yeatts</u>
Title: <u>Town Attorney</u>

Attachment
20-G-46

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Resolution 20-G-47, to ratify an Extension of Lease pursuant to Ordinance 20-O-23 Continuity of Governmental Operations, as amended, between the Town and the Board of Supervisors of Fairfax County, Virginia.

WHEREAS, the parties entered into a Lease Agreement dated November 12, 2019 for 185.4 sq. ft of office space in the Town's building at 397 Herndon Parkway; and

WHEREAS, the Lease Agreement expires on November 11, 2020; and

WHEREAS, Town and Lessee desired to extend the term of the Agreement to expire on November 11, 2021; and

WHEREAS, the Extension of Lease Agreement was signed by the Town Manager and ratified by Town Council.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia hereby ratifies the Extension of Lease dated September 18, 2020 and signed by the Town Manager between the Town of Herndon and the Board of Supervisors of Fairfax County, Virginia for space in the Town's building at 397 Herndon Parkway in Herndon.

[Note: Attached for reference is the extension of lease dated September 18, 2020 b/n the town and the Board of Supervisors of Fairfax County.]

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**Extension of Lease Agreement 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 Lease Agreement dated September 18, 2020 hereby extends the November 11, 2020 termination date of the existing Lease Agreement between the TOWN OF HERNDON, a municipal corporation (Landlord) and the BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, a body politic and corporate of the Commonwealth of Virginia (Tenant), dated November 12, 2019, (the Lease) for 185.4 square feet of space at 397 Herndon Parkway (the Premises), as set out in this Extension of Lease (the Extension).

THEREFORE, for the consideration stated in the Lease, the parties agree as follows:

1. The Lease is incorporated by reference.
2. The Lease shall terminate on November 11, 2021.
3. The language of Paragraph 5 of the Lease is deleted and replaced with:
 5. Liability Insurance. Tenant represents that it is a self-insured governmental body with an AAA bond rating with S&P, Moody's and Fitch. Landlord understands and accepts that the Tenant is self-insured. Tenant is prescribed by law from extending its self-insurance to outside parties and nothing herein shall be deemed an expressed or implied waiver of the sovereign immunity of the Tenant.
4. In all other respects, the Lease is confirmed.

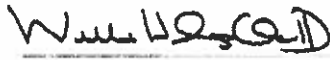
Signatures on the following page

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TOWN OF HERNDON, VIRGINIA

BOARD OF SUPERVISORS OF
FAIRFAX COUNTY, VIRGINIA

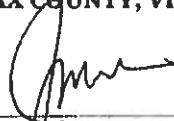
By:



Name: William H. Ashton II

Title: Town Manager

By:

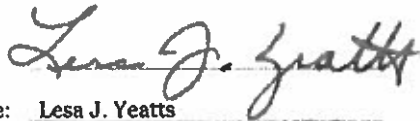


Name: Joseph M. Mondoro

Title: Chief Financial Officer

APPROVED AS TO FORM

By:



Name: Lesa J. Yeatts

Title: Town Attorney

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10. ADJOURNMENT

On motion of Vice Mayor Olem, seconded by Mayor Merkel, and carried by unanimous roll call vote by electronic means, the meeting of the October 13, 2020 public hearing adjourned at 7:42 p.m. The vote was: Councilmembers Baker, del Aguila, Dhakal, Friedrichs, McKenna, Vice Mayor Olem, and Mayor Merkel voting "Aye."


Lisa C. Merkel
Mayor


Jessica Sizemore
Legislative Assistant



Minutes approved by Town Council: October 27, 2020.

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NOTE:

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