

**TOWN OF HERNDON, VIRGINIA
PUBLIC HEARING AGENDA
HERNDON COUNCIL CHAMBERS BUILDING *
765 LYNN STREET
April 13, 2021
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during Pandemic Disaster (COVID-19), as amended and readopted by the Herndon Town Council on September 8, 2020, which superseded previously adopted amendments. Individuals are encouraged to submit written comments for the record to town.clerk@herndon-va.gov

CALL TO ORDER

1. Roll Call & Determination of Quorum

APPROVAL OF MINUTES

February 9, 2021 Town Council Strategic Initiatives Discussion Draft Minutes
February 16, 2021 Town Council Work Session Draft Minutes
February 23, 2021 Town Council Public Hearing Draft Minutes

COMMENTS

2. Pandemic Update (Town Manager)
3. Council Initiatives Update (Town Manager)
4. Comments from the Town Manager
5. Comments from the Town Council
6. Comments from the Audience

PUBLIC HEARINGS

7. Ordinance 21-O-06, to amend Chapter 74 (UTILITIES), Article II (Sewers & Sewage Disposal), Division 5 (Sanitary Sewer System Rates & Charges), Section 74-262 (Schedule of Rates); and Article III (Water), Division 2 (Service), Subdivision II (In-Town Service Charges), Section 74-326 (Schedule of Charges), to increase the usage charges for sanitary sewer and water, effective for meter readings taken on or after July 1, 2021
8. Ordinance 21-O-07, to Levy Taxes on Real Estate and Manufactured Homes, and Other Subjects for the Fiscal Year 2022 Budget
9. Resolution 21-G-37, to Adopt a Fiscal Planning Resolution for the Fiscal Year 2022 Budget for the Town of Herndon

10. Ordinance 21-O-08, to Appropriate Funds to implement the Fiscal Year 2022 Budget for the Town of Herndon, establishing the Pay Plan, and reserving on-going and Capital Funding for this Fiscal Year

GENERAL

11. Ordinance 21-O-10, to amend Chapter 46 (OFFENSES), Article II (Firearms, Crossbows, and Pneumatic Guns), to amend definitions and to create a new Section 46-60 (Possession of Firearms on Town Property), to prohibit the possession, carrying, or transportation of any firearms, ammunition, or components or combination thereof on Town property, in Town buildings or on certain other areas owned by the Town

CONSENT

12. Resolution 21-G-38, to ratify a Third Temporary Emergency Extension of Lease pursuant to Ordinance 20-O-23 Continuity of Governmental Operations, as amended, between the Town and Fairfax County School Board
13. Ordinance 21-O-09, to amend Chapter 30 (FINANCE AND TAXATION), Article VIII (Fiscal Procedures), Division 2 (Procurement), Section 30-309 (Competitive Negotiation) to update public notice language and architectural and professional engineering project sum and fee limitations consistent with the Virginia Public Procurement Act
14. Resolution 21-G-39, to award contract IFB #21-07, Legal Advertisement Services

Future Town Council Meetings

April 20, 2021	Town Council Work Session	7:00 PM
April 27, 2021	Town Council Public Hearing	7:00 PM
May 4, 2021	Town Council Work Session	7:00 PM
May 6, 2021	Town Council Strategic Planning Session	7:00 PM
May 11, 2021	Town Council Public Hearing	7:00 PM

TOWN OF HERNDON, VIRGINIA

ORDINANCE

APRIL 27, 2021

Ordinance- to amend Chapter 74 (UTILITIES), Article II (Sewers & Sewage Disposal), Division 5 (Sanitary Sewer System Rates & Charges), Section 74-262 (Schedule of Rates); and Article III (Water), Division 2 (Service), Subdivision II (In-Town Service Charges), Section 74-326 (Schedule of Charges), to increase the usage charges for sanitary sewer and water, effective for meter readings taken on or after July 1, 2021.

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

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

CHAPTER 74 (UTILITIES)

Article II. Sewers & Sewage Disposal

Division 5. Sanitary Sewer System Rates & Charges

Sec. 74-262. – Schedule of Rates.

- (a) The rate schedule for sanitary sewer service shall be determined on the basis of water consumed and shall be charged at the rate of ~~\$6.19~~ **\$6.28** per 1,000 gallons of water used, except as otherwise provided in this division.

Article III. Water

Division 2. Service

Subdivision II. In-Town Service Charges

Sec. 74-326. Schedule of charges.

- (a) The water usage charge shall be ~~\$3.16~~ **\$3.21** per 1,000 gallons, based on the consumption of water as measured by readings of the water meter serving the property.

(c) All water consumed during the peak use periods in excess of the average consumption of the preceding two winter quarter billing periods shall be charged an additional amount of ~~\$5.38~~ **\$5.46** per 1,000 gallons. This peak use period charge shall be applied in addition to the base water usage charge in subsection (a) above.

2. This ordinance shall be effective for all meter readings taken on or after July 1, 2021.

TOWN OF HERNDON, VIRGINIA

ORDINANCE

APRIL 27, 2021

Ordinance- to Levy Taxes on Real Estate and Manufactured Homes, and Other Subjects for the Fiscal Year 2022 Budget.

BE IT ORDAINED by the Town Council of the Town of Herndon, Virginia, that the Town Council fixes and orders the tax levies for the fiscal year beginning July 1, 2021 and ending June 30, 2022, as follows:

Real Estate

On each \$100.00 of the valuation of real estate and improvements to the Town.
\$.2650

Personal Property and Merchants' Capital

On each \$100.00 of the valuation of tangible personal property classified by Section 58.1-3503 and 58.1-3510 of the Code of Virginia.
\$.00

Vehicles Used as Manufactured Homes and Offices

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

\$.2650

Farm Machinery, Farm Tools and Farm Livestock

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

\$.00

Machinery and Tools

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

\$.00

Other Classifications of Tangible Personal Property

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

\$.00

Miscellaneous Levies

Except as provided above and other ordinances adopted by the Town Council in this budget cycle all other taxes and licenses previously enacted by the town are imposed and levy made to the same extent and at the same rate as during the Fiscal Year 2020-2021.

TOWN OF HERNDON, VIRGINIA

RESOLUTION

April 27, 2021

Resolution- to adopt a Fiscal Planning Resolution for the Fiscal Year 2022 Budget for the Town of Herndon.

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

WHEREAS, the town properly advertised the April 13 and April 27, 2021 public hearings on the budget; and

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

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby adopts for the purpose of fiscal planning during the fiscal year 2021-2022 for the Town of Herndon, Virginia, the budget prepared by the Town Manager, set out in "Proposed FY 2022 Budget" dated April 1, 2021, on file in the office of the Town Manager.

TOWN OF HERNDON, VIRGINIA

ORDINANCE

APRIL 27, 2021

Ordinance- to Appropriate Funds to implement the Fiscal Year 2022 Budget for the Town of Herndon, establishing the Pay Plan, and reserving on-going and Capital Funding for this Fiscal Year.

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

1. There is appropriated and authorized for expenditure during the Fiscal Year 2021-2022 such sums as appear in the Fiscal Planning Budget for the Fiscal Year 2021-2022 as set out in "Proposed Annual Budget 2021-2022" dated April 1, 2021, on file in the office of the Town Manager, and as may be subsequently modified by the Town Council.
2. No money shall be withdrawn from the treasury of the town and no obligation for expenditure of money can be incurred, except in accordance with the Fiscal Planning Budget, or with supplemental appropriations as may be made by the Town Council.
3. The town advertised the public hearing at least once in "The Times" and held a public hearing on the budget at least seven days prior to approval of the budget.
4. The 2021-2022 proposed schedule of salaries, set out in the Fiscal Planning Budget, are adopted effective July 1, 2021.
5. The Town Council may award to the Town Manager and the Town Attorney bonuses as provided for in the Fiscal Planning Budget for Fiscal Year 2021-2022 for exceptional services rendered. Any such bonuses shall not become a part of these officers' annual salary.
6. The Town Council reserves, encumbers, and appropriates for Fiscal Year 2021 funding for capital and on-going projects, for which funds were previously appropriated. The Town Manager as of July 1, 2021, shall take the appropriate accounting steps to reserve and encumber these funds as of that date for Fiscal Year 2021-2022 and to report to the Mayor and Town Council in this regard.

1 **TOWN OF HERNDON, VIRGINIA**

2 **ORDINANCE**

3 **April 13, 2021**

4

5 **Ordinance– to amend Chapter 46 (OFFENSES), Article II (Firearms,**
6 **Crossbows, and Pneumatic Guns), to amend definitions and to**
7 **create a new Section 46-60 (Possession of Firearms on Town**
8 **Property), to prohibit the possession, carrying, or**
9 **transportation of any firearms, ammunition, or components or**
10 **combination thereof on Town property, in Town buildings or**
11 **on certain other areas owned by the Town.**

12

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

- 14 1. Chapter 46 (OFFENSES), Herndon Town Code (2000), is amended as follows:

15 **CHAPTER 46 – OFFENSES**

16 **ARTICLE II. – FIREARMS, CROSSBOWS, AND PNEUMATIC GUNS**

17 ***

18 Sec. 46-56. Definitions

19 ***

20 ***Ammunition** means a cartridge, pellet, ball, missile or projectile adapted for use in a*
21 *firearm.*

22 ***

23 ***Sec. 46-60. Possession of Firearms on Town Property***

24 ***(a) Firearms, ammunition, or components or combination thereof prohibited in***
25 ***certain areas:***

26

27 ***(1) The possession, carrying, or transportation of any firearms, ammunition,***
28 ***or components or combination thereof is prohibited in the following areas:***

29

30 ***a. In any building, or part thereof, owned or used by the town, or by***
31 ***any authority or local government entity created or controlled by***
32 ***the town, for governmental purposes.***

33

34 ***b. In any public park owned or operated by the town, or any authority***
35 ***or local government entity created or controlled by the town.***

36
37 c. *In any recreation or community center facility operated by the*
38 *town, or any authority or local government entity created or*
39 *controlled by the town.*

40
41 d. *In any public street, road, alley, or sidewalk or public right-of-way*
42 *or any other place of whatever nature that is open to the public and*
43 *is being used by or is adjacent to a town-permitted event or an event*
44 *that would otherwise require a town permit. [For purposes of this*
45 *Section, town-permitted event and event that would otherwise*
46 *require a town permit include events permitted by an authority or*
47 *local government entity created or controlled by the town in whole*
48 *or in part.]*

49
50 e. *In buildings not owned by the town, or any authority or local*
51 *government entity created or controlled by the town, this Section*
52 *shall apply only to the part of the building used for a governmental*
53 *purpose and when such building, or part thereof, is being used for*
54 *a governmental purpose.*

55
56 f. *In parks located in the town that are owned or operated by or in*
57 *conjunction with one or more other localities, provided that all*
58 *participating localities enact an ordinance containing a prohibition*
59 *substantially similar to that imposed by Paragraph (1)b. above and*
60 *the governing body passes a resolution or other measure*
61 *agreeing to the application of each such ordinance within the parks*
62 *located in each such locality.*

63
64 (2) *Pursuant to this Section, the town may implement security measures that*
65 *are designed to reasonably prevent the unauthorized access of such*
66 *buildings, parks, recreation or community center facilities, or public*
67 *streets, roads, alleys, or sidewalks or public rights-of-way or any other*
68 *place of whatever nature that is open to the public and is being used by or*
69 *is adjacent to a permitted event or an event that would otherwise require*
70 *a permit by a person with any firearms, ammunition, or components or*
71 *combination thereof, such as the use of metal detectors and increased use*
72 *of security personnel.*

73
74 (3) *The provisions of this Section shall not apply to the following:*

75
76 a. *The activities of (i) a Senior Reserve Officers' Training Corps*
77 *program operated at a public or private institution of higher*
78 *education in accordance with the provisions of 10 U.S.C. § 2101 et*
79 *seq., or (ii) any intercollegiate athletics program operated by a*

public or private institution of higher education and governed by the National Collegiate Athletic Association or any club sports team recognized by a public or private institution of higher education where the sport engaged in by such program or team involves the use of a firearm. Such activities shall follow strict guidelines developed by such institutions for these activities and shall be conducted under the supervision of staff officials of such institutions.

- b. Sworn law enforcement personnel.
- c. Security personnel hired as employees or contracted by the town, or other local government entity created or controlled by the town in whole or in part, when such personnel are present and working in any building or other location set forth in Paragraph (1) and who are authorized to carry firearms as part of their duties.
- d. The activities of educational programs and events, including static displays and historical reenactments, conducted or permitted by the town or local government entity created or controlled by the town, when such educational programs and events involve the use or display of firearms that are not loaded with projectiles.
- e. Individuals who are authorized to carry a concealed firearm pursuant to the Law Enforcement Officers Safety Act, 18 U.S.C. §§ 926B and 926C, as amended.
- f. Active duty military personnel acting within the scope of their official duties.
- g. The possession and carrying of weapons in a town building operating as a courthouse shall be governed by the provisions of Va. Code § 18.2-283.1, as amended.
- h. An otherwise lawfully possessed firearm, ammunition, components or combination thereof that is stored out of sight in a locked private motor vehicle that is lawfully parked on town property or a public street.
- i. Private security officers licensed by the Virginia Department of Criminal Justice Services providing security for a town-permitted event.

124 *(4) Notice of ordinance.*

125
126 *a. Notice of this ordinance shall be posted (i) at all entrances of any*
127 *building, or part thereof, owned or used by the town, or any*
128 *authority or local governmental entity created or controlled by the*
129 *town, for governmental purposes; (ii) at all entrances of any public*
130 *park owned or operated by the town, or any authority or local*
131 *governmental entity created or controlled by the town; (iii) at all*
132 *entrances of any recreation or community center facilities operated*
133 *by the town, or any authority or local governmental entity created*
134 *or controlled by the town; and (iv) at all entrances or other*
135 *appropriate places of ingress and egress to any public street, road,*
136 *alley, or sidewalk or public right-of-way or any other place of*
137 *whatever nature that is open to the public and is being used by or is*
138 *adjacent to a permitted event or an event that would otherwise*
139 *require a permit.*

140
141 *b. Notice of this ordinance shall be posted at all entrances of any public*
142 *park owned or operated by a park authority that was created or is*
143 *controlled by the town in conjunction with one or more other*
144 *localities, provided that all participating localities have enacted an*
145 *ordinance containing a prohibition substantially similar to that*
146 *imposed by Paragraph (1)b. above and the governing body has*
147 *passed a resolution or other measure agreeing to the application of*
148 *each such ordinance within the parks located in each such locality.*

149
150 *(5) Violation of this section (46-60) shall constitute a class 1 misdemeanor.*

151 ***

152
153 2. This ordinance shall be effective on and after the date of its adoption.

TOWN OF HERNDON, VIRGINIA

RESOLUTION

APRIL 13, 2021

Resolution- to ratify a Third Temporary Emergency Extension of Lease pursuant to Ordinance 20-O-23 Continuity of Governmental Operations, as amended, between the Town and Fairfax County School Board.

WHEREAS, the parties entered into a Lease Agreement dated March 2, 2005, as amended on March 29, 2010, October 1, 2010, and October 1, 2015, with Emergency Extensions on August 31, 2020 and November 16, 2020 for 13,593 sq. ft of office space in the Town's building at 397 Herndon Parkway, as well as use of the rear parking lot for overnight and weekend storage of its maintenance vehicles; and

WHEREAS, the Lease Agreement expired on March 31, 2021; and

WHEREAS, Town and Lessee desired to temporarily extend the term of the Agreement to expire on August 31, 2021; and

WHEREAS, The Third Temporary Emergency Extension of Lease Agreement was signed by the Town Manager and ratified by Town Council; and

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia hereby ratifies the Third Temporary Emergency Extension of Lease dated March 24, 2021 and signed by the Town Manager between the Town of Herndon and Fairfax County School Board for space in the Town's building at 397 Herndon Parkway in Herndon.

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

Pursuant to the powers conferred upon the Town Manager by Ordinance 20- O- 23, as amended, this Third Temporary Emergency Extension of Lease dated March 24, 2021 hereby extends the March 31, 2021 termination date of the existing Lease between the Town of Herndon, Virginia (Landlord) and Fairfax County School Board (Tenant), dated March 2, 2005, as amended on March 29, 2010, October 1, 2010, and October 1, 2015, with Emergency Extensions on August 31, 2020 and November 16, 2020 (collectively, the Lease) for 13,593 square feet of space at 397 Herndon Parkway (the Premises), as set out in this Third Temporary Emergency Extension of Lease (Temporary Emergency 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 August 31, 2021.
3. In all other respects, the Lease is confirmed.

TOWN OF HERNDON, VIRGINIA

FAIRFAX COUNTY SCHOOL BOARD

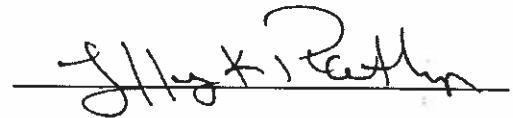
By: _____



Name: William H. Ashton II

Title: Town Manager

By: _____



Name: Jeffery K. Platenberg

Title: Assistant Superintendent

APPROVED AS TO FORM

By: _____



Name: Lesa J. Yeatts

Title: Town Attorney

TOWN OF HERNDON, VIRGINIA

ORDINANCE

APRIL 13, 2021

Ordinance – to amend Chapter 30 (FINANCE AND TAXATION), Article VIII (Fiscal Procedures), Division 2 (Procurement), Section 30-309 (Competitive Negotiation) to update public notice language and architectural and professional engineering project sum and fee limitations consistent with the Virginia Public Procurement Act.

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

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

CHAPTER 30 (FINANCE AND TAXATION)

Article VIII. Fiscal Procedures

Division 2. Procurement

Sec. 30-309 – Competitive Negotiations.

- (b) *Public notice.* At least ten days prior to the date set for receipt of proposals by posting on the Virginia Department of General Services' central electronic procurement website or other appropriate websites. Additionally, the town shall **may** publish a notice in a newspaper of general circulation in the area where contract performance will occur so as to provide reasonable notice to the maximum number of offerors that are reasonably anticipated to submit proposals in response to the particular request. In addition, the procurement official or officer may solicit proposals directly from potential contractors.

- (j) *Architectural and professional engineering term contracting; limitations.*

- (2) The sum of all projects performed in a one-year contract term shall not exceed ~~\$500,000.00~~ **\$750,00.00.**

- (4) The fee for any single project shall not exceed ~~\$100,000.00~~ **\$150,00.00.**

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

TOWN OF HERNDON, VIRGINIA

RESOLUTION

April 13, 2021

Resolution- to award Contract IFB #21-07, Legal Advertisement Services.

WHEREAS, the Code of Virginia Section §8.01-324 mandates which newspapers may be used for legal notices and publications; and

WHEREAS, the Invitation for Bid was posted on the Town of Herndon website and eVA Commonwealth of Virginia procurement website on February 10, 2021 to obtain the services of a qualified publication specializing in publishing legal notices in general circulation newspapers in the Town of Herndon; and

WHEREAS, to maximize the fullest competition, IFB packets were emailed to 26 contacts at local newspapers for potential responses; and

WHEREAS, two bids were received on March 10, 2021:

Newspaper	Cost
<u>The Fairfax County Times</u>	\$3.55 per column/inch
<u>The Washington Post</u>	Daily Rate: \$11.88 per line Sunday Rate: \$16.25 per line Online Fee: \$30.00 for 30 days

WHEREAS, The Fairfax County Times newspaper provided an affidavit filed from the Circuit Court showing that the newspaper met criteria in Section §8.01-324 of the Code of Virginia; and

WHEREAS, this contract includes a one-year term commencing on the date that the contract is fully executed, with four (4) one-year optional renewals; and

WHEREAS, it is the staff's recommendation to award the contract to the lowest responsive and responsible bidder, The Fairfax County Times.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby awards IFB #21-07 to **The Fairfax County Times**, for the town's legal advertising services, at \$3.55 per column/inch, which includes the display of the Town of Herndon seal and logo on each legal advertisement.