



This does not represent a verbatim transcript of the Town Council meeting. Visit www.herndon-va.gov "agendas & minutes" to view agendas and videos. Copies of videotapes of the public hearing meetings are available on request by contacting HCTV at 703-689-2323. Work sessions are not videotaped, but audio files are available. Individuals not having access to the town's website may contact the Town Clerk's office at 703-435-6804 or town.clerk@herndon-va.gov.

HERNDON TOWN COUNCIL

Tuesday

April 27, 2021

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during Pandemic Disaster (COVID-19), as amended and readopted by the Herndon Town Council on September 8, 2020, which superseded previously adopted amendments, the regularly scheduled April 27, 2021 Herndon Town Council Public Hearing would be by electronic means.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, April 22, 2021. In attendance electronically were: Mayor Sheila A. Olem; Vice Mayor Cesar del Aguila; and Councilmembers Pradip Dhakal; Signe Friedrichs; Sean M. Regan; and Jasbinder Singh.

Councilmember Alam was absent from the Webex until 7:42 p.m. and left the Webex at 8:47 p.m.

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Scott Robinson, Director of Public Works; Elizabeth Gilleran, Director of Community Development; Karen Gagliano and Maria Lee, Budget Managers; and Amanda M. Kertz, Chief Deputy Town Clerk.

Announcements

Amanda M. Kertz, Chief Deputy Town Clerk, welcomed those listening to the April 27, 2021 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;

**April 27, 2021
(public hearing)**

- ❖ 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during Pandemic Disaster (COVID-19), as amended and readopted by the Herndon Town Council on September 8, 2020, which superseded previously adopted amendments.
- 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 Olem 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 Olem asked each Councilmember to respond by clearly stating their name and indicating they were present.

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

Mayor Olem asked Council to observe meeting decorum by showing their hand to be recognized by the chair for comments and stating their last names before providing comments and when making or seconding motions. She reminded those participating to follow the town's Meeting Guidelines that were used for all government meetings to maintain good order, which included: refraining from participation unless and until recognized by the chair; being respectful in comments; refraining from threatening or intimidating language; profane, vulgar, obscene, or threatening remarks were not permitted; and attacks on the character, motive, or other harmful remarks against individual members of Council, town staff, or the public would not be tolerated.

**April 27, 2021
(public hearing)**

APPROVAL OF MINUTES

Vote on March 2, 2021

Town Council Work Session Minutes

On motion of Councilmember Dhakal, seconded by Councilmember Friedrichs and carried by 6-0 roll call vote by electronic means, the minutes of the March 2, 2021 Town Council Work Session were approved. The vote was: Councilmembers Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye." Councilmember Alam had not yet arrived.

Vote on March 9, 2021

Town Council Public Hearing Minutes

On motion of Councilmember Friedrichs, seconded by Councilmember Dhakal, and carried by 6-0 roll call vote by electronic means, the minutes of the March 9, 2021 Town Council Public Hearing were approved. The vote was: Councilmembers Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye." Councilmember Alam had not yet arrived.

ANNOUNCEMENTS

Mayor Olem shared that Councilmember Alam would be joining the meeting late after a long day at the Equity Clinic.

Mayor Olem indicated that individuals registered to speak in support of funding for Friday Night Live would address Council during the public hearing on the Fiscal Planning Resolution, which was part of the budget public hearings—not during the "Comments from the Audience" portion. She also shared that the Town Clerk's office reached out to the individuals registered under "Comments from the Audience" to make the clarification and to ensure they would be speaking at the appropriate time in the meeting.

2-3. COMMENTS FROM THE TOWN MANAGER

Mayor Olem recognized William H. Ashton II, Town Manager, for his comments and updates. She asked Council to hold their questions until the end of each update.

Pandemic Update

Mr. Ashton stated Fairfax County continued to have under 100 cases per day, and the seven-day percent positivity average was at 5.2 percent statewide. The percent positivity average in Fairfax County was at 3.79 percent.

**April 27, 2021
(public hearing)**

The FDA and CDC lifted the pause on the Johnson & Johnson vaccine, and the governor relaxed the executive order on outdoor venues and related items. Those guidelines were available on the governor's website. The CDC also relaxed guidance on masks outdoors for vaccinated individuals. Mr. Ashton indicated staff were looking at operational impacts.

Mr. Ashton also shared that Fairfax County was having a community vaccination clinic at the old Lord & Taylor at Tysons Corner. Walk-ins would be accepted on a first come first serve basis from 9:00 a.m. to 4:00 p.m. Monday through Saturday.

He then provided a data update. There had been 631, 683 vaccines administered in Fairfax County, and 605,000 people had received both their first and second dose.

Mr. Ashton stated that, on staff, one employee was out awaiting test results, and one returned with a negative test. They estimated one-third of employees were vaccinated but staff were not required to disclose their vaccination status.

Mr. Ashton provided information about the Fairfax County Department of Health Vaccine Equity Clinic and participation. He thanked Councilmember Alam who was instrumental in getting the clinic to Herndon. He was hopeful for more clinics in the town.

Questions from Council

Councilmember Dhakal gave kudos to Councilmember Alam. Responding to queries from Councilmember Dhakal, Mr. Ashton stated he was not privy to any conversations specifically about booster shots. Councilmember Dhakal provided further queries about new guidelines for fully vaccinated people gathering outside. Mr. Ashton said it seemed to be broad-based guidance, and they would look to the governor's guidance and restrictions.

Vice Mayor del Aguila thought the governor's update was for 200-250 max outdoors starting May 15, and June would potentially be 50 percent capacity. Mr. Ashton stated they were working under the governor's order, and he thought there was a 50 percent capacity for June.

Mayor Olem stated that the commonwealth physician indicated vaccination was important to keep variants from springing up.

Council Initiatives Update

Mr. Ashton stated staff analyses were coming in and due to him that week. He hoped to get those to Council for review before the following week's Strategic Planning meeting. He indicated that he had the analyses from items: 11.1-11.4, 14, meetings,

**April 27, 2021
(public hearing)**

16, 17, transcripts, 24.1-24.4, 24.5, 25.4, 35. He hoped to have them all in a packet by COB Friday after reviewing them to ensure all questions were answered.

Mr. Ashton provided an update on the Multicultural Board item. He indicated he received information from one councilmember, and he was putting it on the next work session agenda for clarification of expectations. He stated it would be updated online prior to the next meeting. Mr. Ashton indicated the spreadsheet had not been updated but would be prior to the meeting. The Council Initiatives Spreadsheet is on file in the Town Clerk's office.

There were no additional Strategic Initiative updates at that time.

Questions from Council

Councilmember Dhakal asked Mr. Ashton to share any information he had, so they could see that before the work session. Mr. Ashton indicated he needed to review everything, and he had questions he was sending back to staff. He said staff needed the week to refine and create a standardized product for Council.

Vice Mayor del Aguila agreed with Councilmember Dhakal and indicated Mr. Ashton could send information and not hold it all. He asked Mr. Ashton to convey his thanks and gratitude to staff. Mr. Ashton indicated he would.

Councilmember Singh asked that Council get the basis for the estimates received. He also asked if they could submit questions to Mr. Ashton before the meeting, and Mr. Ashton confirmed.

Councilmember Friedrichs reserved her comments for later.

Mayor Olem stated Mr. Ashton would send them all the same information at the same time, and Mr. Ashton confirmed.

Further Comments from the Town Manager

Mr. Ashton reminded everyone that the new Director of Finance, Robert Tang, would start on April 30, 2021.

Mr. Ashton also stated several road projects were getting momentum. The Center Elden Street project bids came back under budget and would be on an agenda for award. The Elden Street streetscapes received authorization to advertise from VDOT, and the bid would go out that week. Additionally, the Monroe Elden Street project bid was out, and the award was anticipated for the second set of May meetings. The bus bays bids were also back under budget and out for approval. Work also continued on utility relocation

**April 27, 2021
(public hearing)**

on Van Buren, and current schedules had the town ready to go to bid early summer. The VDOT project on Spring street utility relocation continued, and the bid was expected to go out early in 2022.

Mr. Ashton summarized that there were many transportation projects going on—many of which were due, needed, and planned for.

5. COMMENTS FROM THE TOWN COUNCIL

Vice Mayor del Aguila: Reserved his comments.

Councilmember Dhakal: No comments.

Councilmember Friedrichs: Shared she attended the Chamber of Commerce meeting the past week. One of the speakers worked with Chief DeBoard and said, “She has worked with the General Assembly very closely, and Maggie DeBoard is thoughtful and very committed to social justice.” Councilmember Friedrichs wanted to share that about their wonderful police chief.

Councilmember Regan: Shared that he attended the Dark Horse Theatre performance of Twelfth Night. He provided information about the remaining performances and encouraged everyone to check it out.

Councilmember Singh: Provided personal comments about the situation in India. He said the people were on their minds, and he hoped their family members were safe and well. He provided comments about nations who were helping including Pakistan and stated many other nations helped too. Councilmember Singh said people were grateful for the help provided.

Mayor Olem: Mayor Olem said she was following those news reports Councilmember Singh mentioned, and they would be thinking of and praying for them as well.

Mayor Olem stated the Tree City celebration happened and Heaven and Earth Aikido and Meditation Center donated the Oshito Cherry Tree between the old Town Hall and the Depot. She also shared that flowers were donated by Girl Scout Troop 2421, and this was the 32nd year Herndon was named a Tree City. She mentioned John Dudzinsky, Community Forester, and Jim McGlone, Urban Forest Conservationist.

Mayor Olem stated she met K-9 Officer Bragg who is looking after staff at HPD.

She also provided comments about the Twelfth Night performance and said it was a well-attended and enjoyable event.

**April 27, 2021
(public hearing)**

COMMENTS & DISCLOSURES FOR THE RECORD

Mayor Olem asked the Chief 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 the Chief Deputy Town Clerk stated that comments were provided to Council and entered into the record Comments from the Audience for the proposed FY 2022 budget items; and for Ordinance 21-O-10, to amend Chapter 46 (OFFENSES) Firearms on Town-Owned Property.

Additionally, Ms. Kertz stated that:

- **Mayor Olem; Vice Mayor del Aguila; Councilmembers Dhakal and Friedrichs** each provided signed statements for the record that they are unpaid volunteers for various organizations in the community, some of which may receive funds or services from the town. Throughout the year, they may be invited to attend events hosted by these organizations as guests; and
- **Councilmember Singh** provided a signed statement for the record that throughout the year, he may be invited as a guest to attend events hosted by various organizations, some of which may receive funds or services from the town.

Each statement indicated the members are able to participate in the budget deliberations regarding non-profit organizations fairly, objectively, and in the public interest and all statements have been filed with the Town Clerk and Town Attorney.

6. COMMENTS FROM THE AUDIENCE

Mayor Olem asked Ms. Kertz if there were any registered speakers during Comments from the Audience, and Ms. Kertz stated there was one registered speaker, however, they were not on the Webex.

PUBLIC HEARINGS

Mayor Olem stated that there were six public hearings listed on the agenda. Before she called for the staff reports on these items, she recognized Lesa Yeatts, Town Attorney to outline the legal requirements on the first four public hearings.

Ms. Yeatts stated that the public hearing to amend the Water and Sewer rates would be a separate public hearing and action on the proposed ordinance will require a majority of the Town Council, which is four.

**April 27, 2021
(public hearing)**

The next three public hearings related to the proposed fiscal year 2022 budget and would proceed as follows at next week's public hearing:

- A separate public hearing would be held on the proposed ordinance to levy the taxes. Action requires a two-thirds vote of Council, which is five.

The next two public hearings would be held concurrently, with separate action taken on both items:

- The Fiscal Planning Resolution requires a majority of those present and voting, which is four (if all members of Council are present and voting); and
- The Appropriation Ordinance requires a majority of the Town Council, which is four.

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.

[The public hearing on this item was continued from April 13, 2021 and resumed on April 27, 2021.]

Certificates of Publication were filed from the Editor of the *Fairfax County Times Newspapers*, showing that notice of said public hearing item had been duly advertised in the Friday, April 2, 2021 and Friday, April 9, 2021 issues.

Mayor Olem resumed the first four public hearings ~ which were listed as items seven through 10 on that night's agenda and were continued from the April 13, 2021 meeting. She also opened the last two public hearings listed ~ items 11 and 12 ~ on that night's agenda.

Mayor Olem recognized Scott Robinson, Director of Public Works, who presented the staff report and PowerPoint dated April 13, 2021 which are on file in the Town Clerk's office.

Mr. Robinson outlined the proposed 1.5 percent increase to three charges for service: sanitary sewer service usage, water usage, and water peak usage, beginning July 2021.

He then provided background information about the Water & Sewer Fund. He clarified it was an Enterprise Fund and operations should be covered by the user fees. Mr. Robinson further explained that usage fees fund annual operating expenses and availability fees fund capital improvements and system expansion. The Water and Sewer

**April 27, 2021
(public hearing)**

Fund is not supplemented by the General Fund. Mr. Robinson then outlined Water & Sewer Fund revenues and expenses, operating costs versus revenue and net operating loss history since 2006, and showed they were projecting a net loss which would open due to increased gaps. The gap between operating costs and revenue was explained in further detail. Mr. Robinson then explained the Water & Sewer Cash balance over time.

Mr. Robinson stated the proposed ordinance changes and the fiscal impact of the increase.

The fiscal impact would generate \$97,000 in revenue and increase residents' water and sewer bills by around 1.5 percent. Herndon's proposed rate was still lower than surrounding jurisdictions.

He then outlined alternatives (no rate increase, 1.5 percent increase, or increase to eliminate loss of cash reserves) and respective impacts.

Staff recommended an increase of 1.5 percent for water service and 1.5 percent for sewer service and updating the rate study early in FY 2022.

Discussion

Mayor Olem stated Councilmember Alam joined the Webex at 7:42 p.m.

There was a question and answer session between Councilmember Friedrichs and Mr. Robinson about the \$2.27 per quarter raise amount. Mr. Robinson clarified that the \$2.27 represented a family using 5,000 gallons per month. It was what a typical household might use. The 1.5 percent was based on CPI.

Councilmember Singh provided comments about depreciation. He said he did not have an objection to the 1.5 percent, but before the next study he thought Council should have a say. He opined the studies did not meet professional standards.

Mayor Olem reminded Council to keep their input to questions at that time.

Vice Mayor del Aguila said he was okay with 1.5 percent but asked for a projection of what it would take to get to the Davenport recommendation by the time of the Strategic Planning meeting. He also wanted to know what it would take to have cash reserves where they should be and maintain the AAA bond rating. Vice Mayor del Aguila asked if they could have that by the next week. Mr. Robinson stated he should be able to have something that projected out how to close that gap in a certain period of time.

**April 27, 2021
(public hearing)**

Ordinance 21-O-06

Mayor Olem confirmed with Ms. Kertz that there were no registered speakers for the item that evening.

Mayor Olem closed the public hearing and moved to Council level for discussion and action.

Councilmember Friedrichs moved to approve Ordinance 21-O-06, to amend Chapter 74, to increase the usage charges for sanitary sewer and water, effective for meter readings taken on or after July 1, 2021. Councilmember Regan seconded the motion.

Councilmember Friedrichs thanked staff and provided comments about getting back on track with the Davenport recommendation.

Councilmember Regan echoed Councilmember Friedrichs comments.

Councilmember Singh provided comments about complaints over rate increases in the past and looking at the rates.

Vice Mayor del Aguila thanked staff and said there were some gaps in information. He provided comments about using data to plan going forward and working to plan the least impact with charges. He indicated ideas were welcome, and he thought they should go through numbers the following week.

Mayor Olem commented on the value of water and its availability. She also provided comments about rate increases and the well-managed budget the town had to sustain their AAA budget rating.

Councilmember Singh provided comments about numbers he felt they should look at in the future as well as needs and capital expenditures. He provided further comments about depreciation and referenced a paper he wrote about sewer rates.

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

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.

**April 27, 2021
(public hearing)**

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.

**April 27, 2021
(public hearing)**

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; and**
10. **Resolution 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.**

FY 2022 Proposed Budget

[The public hearings on the proposed FY2022 annual budget were continued from April 13, 2021 and resumed on April 27, 2021.]

Certificates of Publication were filed from the Editor of the *Fairfax County Times Newspapers*, showing that notice of said public hearing item had been duly advertised in the Friday, April 2, 2021 and Friday, April 9, 2021 issues.

Mayor Olem recognized Town Manager, William H. Ashton II who presented the concurrent staff reports and PowerPoint dated April 27, 2021 which are on file in the Town Clerk's office. He submitted the proposed budget on Wednesday, March 31, 2021, pursuant to the state code.

Budget Presentation

Mr. Ashton provided concurrent staff reports. He provided an overview of the schedule by which the budget is created, the documents submitted by departments, and the detailed timeline of events leading up to the finalized budget being submitted for citizen input and Council approval. He indicated that Council provided high-level, executive guidance.

Mr. Ashton reviewed Town Council Budget Priorities & Guidance and specific ways the proposed budget addressed the guidance which included: providing a full budget with two levels of expenditure sequestration based on a range of revenue projections, establishing additional funding (approximately \$200,000) in contingency for Council priorities, continuing to fund core services and activities during uncertain times, continuing to demonstrate a commitment to and investment in town employees, continuing efforts to develop and maintain a strong fiscal position, exploring various funding strategies, such as use of the budget surpluses, reserve fund usage, or other revenue enhancements to sustain key resources through a short-term economic downturn, balancing water and sewer service revenue with operating costs; and addressing increasing problems with water and sewer.

**April 27, 2021
(public hearing)**

He also highlighted other critical drivers in the decision-making process including revenue not reaching pre-COVID-19 levels, recruiting issues linked to compensation levels, vehicle and equipment replacement, and critical capital projects.

Mr. Ashton stated the FY 2022 recommended budget total (approximately \$55.74 million) was around a nine percent decrease from the adopted FY 2021 budget. He provided an overview of all the funds' respective increases or decreases.

He then provided an overview of the overall budget and each of the funds' (General Fund, Water and Sewer, Cemetery, Golf Course, Downtown Parking, and Capital Projects) recommended budgets illustrating where changes came from in both expenditures and revenues for the various categories.

For the General Fund, Mr. Ashton highlighted decreases in Personnel Costs, Operations and Maintenance (O&M), and Capital Outlay. He specifically mentioned that Debt Service decreased 26 percent after previous Council refinanced the debt.

In terms of revenue, he highlighted decreases in most revenue categories. He also stated that residential property taxes increased substantially while commercial property taxes declined.

For expenditures, he reiterated personnel related costs, O&M costs, and capital replacement.

He reiterated the General Fund was at a nine percent decrease and indicated Council had seen all these numbers.

Mr. Ashton said they were requesting a \$55.7 million budget. He then reviewed the Council Actions for Consideration which were: Ordinance 21-O-07, Resolution 21-G-37 (Alternate A or Alternate B), and Ordinance 21-G-37.

He stated that Resolution 21-G-37 (Alternate B) would provide \$20,000 in support to Friday Night Live! (FNL).

Mr. Ashton concluded the budget presentation with gratitude and appreciative comments for Budget Managers, Maria Lee and Karen Gagliano; the Budget Team; the Management Team; and the Departmental Budget Contacts.

Budget Discussion

Councilmember Singh said he had two questions. It was his understanding that, for FNL, the Dulles Regional Chamber of Commerce was committed to giving the town up to \$10,000 and any cost over that the town paid. He asked if the extra money they

**April 27, 2021
(public hearing)**

would commit was what was in the budget. Mr. Ashton clarified this was \$20,000 above whatever amount they might work out with FNL.

Councilmember Singh also had questions on the Budget Overview slide. He asked about the funding for FY 2022. Mr. Ashton clarified that the operating costs were going to increase, and they were able to have a less aggressive capital fund. There were rising costs on the operational side. What they saw was driven off less capital than the prior year.

Councilmember Dhakal asked if there were any changes to the budget beyond Alternate B with support for FNL. Mr. Ashton confirmed there had been no other changes since the document was released at the end of March. Alternate B was the only thing that was changed. Mr. Ashton stated they had to be careful because they could not have a budget over the advertised amount of \$55.7 million. To address this, they moved things around in Non-Departmental and fixed what they maneuvered so the amount was still balanced at the advertised rate with Alternate B.

Responding to a question from Councilmember Friedrichs about Alternate B., Mr. Ashton clarified the Non-Departmental included an old benefit they gave to retirees to offset healthcare costs. What they were seeing was they stopped utilizing it in 2017. They were able to address the police one and end it. The civilian one was continuing to be used by those where already in it. They were aging out of it over time. He stated at age 65 the monthly town contribution amount drops from \$300 to \$50, and people were aging into the drop. Some people were also not submitting the paperwork to be compliant. He said they took money from there for FNL, and they would monitor. If they need to add money, he said he can maneuver up to \$100,000. Mr. Ashton indicated it would end up being a non-factor, and they did this to keep all departmental budgets in-tact.

Councilmember Regan asked if the revenue side of the budget included funds that were sequestered in past years. Mr. Ashton clarified that the \$1.7 million they would authorize had been appropriated and would be looked at. He said this was just an appropriation and authorization like a normal year. Responding to further queries, Mr. Ashton clarified it was a balanced budget at a nine percent decrease. Some reserves would fund capital, at that point. "ARPA" may change how they look at that. At that point they had a balanced budget with use of reserves and a nine percent decrease which could begin operating July 1, 2021.

Vice Mayor del Aguila referenced slides 10 and 11. He mentioned the ideas of creating a cohesive rate, deferment with the CIP, and the zero percent COLA. Vice Mayor del Aguila stated he supported it. He asked if Mr. Ashton could give them some of the things they need to fund in the out-years and those rates at the Strategic Initiatives meeting the next week. Mr. Ashton indicated the meeting agenda already had a lot on it. He stated they had been working for a while on revamping the CIP which was not tied back to the

**April 27, 2021
(public hearing)**

operational budget. Mr. Ashton indicated he wanted to get the new Director of Finance onboarded and there would be a new program manager for the CIP in the Department of Public Works. The Budget Manager would be involved so they could fully-fund items, and it would be a better planning document for Council and staff. Vice Mayor del Aguila thought residents would appreciate seeing that. He provided comments about not wanting Councils in the future to operate under such constraints. He wanted them to get those numbers for prioritizing short and long-term goals. Mr. Ashton stated there were initiatives in that document. They were taking a serious look at budgeting and fiscal software to tie budgeting and budget forecasting. Further, Mr. Ashton said one weakness of the GFOA rating every year was that they did not identify operational costs and incorporate into the budget well, and they wanted to fix that. He stated that Budget Manager, Karen Gagliano encouraged them to get the software.

Ordinance 21-O-07, to Levy Taxes

Mayor Olem confirmed with Ms. Kertz that there was one registered speaker for this item. Ms. Kertz stated there was one registered speaker, however, they were not available on the Webex.

Councilmember Friedrichs moved to approve Ordinance 21-O-07, as presented to fix 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 & 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 & 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 & 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; and

**April 27, 2021
(public hearing)**

- **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.

Councilmember Dhakal seconded the motion.

Councilmember Dhakal provided appreciative comments about the budget and input from staff, citizens, and Council. He indicated his support.

Councilmember Singh said that the crisis exposed weaknesses and where they could save money. He thought Mr. Ashton and the budget team's efforts should be commended.

Councilmember Alam supported keeping tax rates the same as 2020.

Vice Mayor del Aguila gave kudos to Mr. Ashton and staff. He was hopeful they were moving into being forward-looking and a "more strategic planning and thinking institution." He thought they should plan and provide for "economic hits" they would have, and change was not easy. He thought good things would start emerging.

Councilmember Friedrichs supported this. She thanked staff, especially the Budget Managers and Town Manager. She thought the strength of the town was the result of great planning from staff and previous councils.

Mayor Olem gave a shoutout to the Budget Managers, Budget Team, and Management Team for their work on the budget and taking them through the pandemic. She also mentioned the town's AAA rating.

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

Mayor Olem stated Councilmember Alam was leaving the meeting at 8:47 p.m.

Resolution 21-G-37, Fiscal Planning Resolution and Ordinance 21-O-08, Appropriation Ordinance

Mayor Olem stated the next two items were concurrent public hearings, and she asked Ms. Kertz if there were any registered speakers. Ms. Kertz confirmed there were eight registered speakers for these items. Mayor Olem outlined the process and recognized the speakers.

**April 27, 2021
(public hearing)**

The following individuals provided comments during the Webex supporting Friday Night Live:

- Stephen Herbert, 1292 Mason Mill Court, Herndon.
- Jasmine Faubert, P.O. Box 1771 Herndon.
- Mindy Thunman, 656 Spring Street, Herndon.
- Todd Stanley, 404 Pickett Lane, Herndon.
- Doug Downer, 11990 Market Street, #1713, Reston.
- Carter Keeton, 44254 Marchand Lane, Ashburn.

Resolution 21-G-37, Fiscal Planning

Councilmember Dhakal moved to **APPROVE** Resolution 21-G-37, **Alternate B**, which includes the **increase** for the expenditure appropriation for Friday Night Live (FNL) by \$20,000. Councilmember Friedrichs seconded the motion.

Councilmember Dhakal provided supportive comments about the budget and FNL. He provided additional comments about his support of FNL.

Clarification

Mayor Olem asked Councilmember Dhakal to clarify that the intent of his motion was to approve Resolution 21-G-37, **Alternate B**, which would:

- ❖ **INCREASE** the expenditure appropriation for Friday Night Live (FNL) by \$20,000; and
- ❖ **DECREASE** the appropriations for Retiree Health Benefits by \$20,000.

Councilmember Dhakal stated that was correct, and he apologized for leaving the “decrease” portion out of his original motion.

Mayor Olem thanked Councilmember Dhakal and asked the Town Clerk to reflect the clarification in the record.

Councilmember Friedrichs provided comments about attending FNL meetings when working for the Dulles Regional Chamber of Commerce and further positive comments about the event.

**April 27, 2021
(public hearing)**

Vice Mayor del Aguila provided positive comments about his support for FNL and their understanding of the investment. He indicated they were interested in broadening the event and seeing it grow and support diversity. He thought Council needed to commit their support rather than trying to find money to support it.

Councilmember Singh supported Councilmember Dhakal and Vice Mayor del Aguila's comments. He thought they needed to consider what was missing and what was best for the town. He referenced something he wrote about FNL and stated he was supportive.

Mayor Olem stated her support for FNL and provided comments about her experiences as an attendee and volunteer.

The question was called on the motion, which carried by a 6-0 roll call vote by electronic means. The vote was: Councilmembers Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye." Councilmember Alam was absent.

Ordinance 21-O-08, Appropriation Ordinance

Councilmember Friedrichs moved to approve 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, as presented. Vice Mayor del Aguila seconded the motion.

The question was called on the motion, which carried by a 6-0 roll call vote by electronic means. The vote was: Councilmembers Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye." Councilmember Alam was absent.

Ordinance 21-O-07, 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

**April 27, 2021
(public hearing)**

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.

Resolution 21-G-37, 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.

**April 27, 2021
(public hearing)**

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, amended as follows:

➤ **General Fund Non-departmental**

- **Increase** expenditure appropriation for Friday Night Live (FNL) by \$20,000
- **Decrease** appropriations for Retiree Health Benefits by \$20,000 such that revised total Retiree Health Benefits appropriations and In-Kind contributions, in General Fund, are as follows:

Organization	Non-Dept'l	In-Kind
General Fund	\$ (20,000)	
Friday Night Live		\$ 20,000
Total	\$ (20,000)	\$ 20,000

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.

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.

**April 27, 2021
(public hearing)**

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.

11. **Resolution 21-G-40, to consider a special exception amendment, SE #19-02, 525 Grove Street, Virginia Dominion Energy Substation, to amend the conditions associated with the construction of a new telecommunications facility that includes a monopole.**

Mayor Olem recognized the Director of Community Development, Elizabeth Gilleran, who presented a staff report and PowerPoint dated April 27, 2021, which are on file in the Town Clerk's office.

Ms. Gilleran stated this was an amendment to a condition of an already approved special exception to allow the construction of a telecommunications facility including a monopole. No changes to the project were proposed. The proposed amendment to condition H would increase the amount of time allowed before the special exception expires between its approval and the final building inspection.

Mr. Gilleran provided background information about the special exception, the previous extension of the special exception, and reviewed the proposed amendment. She clarified the site location, proposed facility, existing conditions, simulations of the site, along with the proposed staff conditions and recommendations.

The Planning Commission recommended approval, in accordance with the resolution.

**April 27, 2021
(public hearing)**

Staff recommended approval in accordance with the draft resolution, as revised with the new time frame.

Mayor Olem indicated representative Tessia Knight was present. She recognized Ms. Knight.

- Tessia Knight, Network Building & Consulting, LLC, indicated she was available for any questions.

Councilmember Singh asked if Ms. Knight was the representative of the applicant. Mayor Olem confirmed. Councilmember Singh asked if there were better looking alternative designs. Ms. Knight indicated this location was chosen because it was an existing location, and this location was not viable for an alternative design.

Mayor Olem clarified with Councilmember Singh that was not part of what they were voting on, and Councilmember Singh stated he understood. He said they could require a new application, but that was not his intention. He felt Council should improve sites in the future.

Mayor Olem confirmed with Ms. Kertz that there were no registered speakers for the item that evening.

Mayor Olem closed the public hearing and moved to Council level for discussion and action.

Councilmember Regan moved to approve Resolution 21-G-40, in accordance with the conditions titled "SE#19-02 Approved Conditions with proposed amendment." Councilmember Friedrichs seconded the motion.

Councilmember Friedrichs provided comments about the item and Councilmember Singh's comments.

Councilmember Singh provided comments about special exceptions and why he would oppose the item.

Mayor Olem provided comments about the item and approval.

The question was called on the motion, which carried by a 5-1 roll call vote by electronic means. The vote was: Councilmembers Dhakal, Friedrichs, Regan, Vice Mayor del Aguila, and Mayor Olem voting "Aye." Councilmember Singh voting "No." Councilmember Alam was absent.

**April 27, 2021
(public hearing)**

Resolution 21-G-40, to consider a special exception amendment, SE #19-02, 525 Grove Street, Virginia Dominion Energy Substation, to amend the conditions associated with the construction of a new telecommunications facility that includes a monopole.

WHEREAS, Network Building & Consulting, LLC, the applicant, has submitted an Special Exception amendment application to alter the conditions of the approved Special Exception, SE#19-02, which allows a telecommunications facility on the parcel identified as Fairfax County Tax Map Reference Number 0162-02-0190E; and

WHEREAS, the proposed amendment changes Condition H to allow for a longer period of time prior to final building inspection in which the SE would remain active; and

WHEREAS, the Planning Commission has reviewed this application and has held a public hearing, in accordance with the provisions of §15.2-2204 of the State Code, on March 22, 2021; and

WHEREAS, following the public hearing, the Planning Commission has recommended that the application be approved with conditions based upon the finding that the proposed use meets the purpose and intent of the Zoning Ordinance, in particular Section 78-155.3; and

WHEREAS, the Town Council has reviewed this application and the Planning Commission recommendation and has held a public hearing, in accordance with the provisions of §15.2-2204 of the State Code, on April 27, 2021; and

WHEREAS, if granted, the uses permitted under the original Special Exception SE#19-02 approval and as amended, are pursuant to this resolution and associated conditions.

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

Approves the amendment to Special Exception SE#19-02, in accordance with the following conditions:

- A. **Substantial Conformity.** The site shall be developed and maintained in substantial conformance with the NB+C/Vertical Bridge plan exhibit, dated March 19, 2019, except where modified by these conditions and with the removal of the modification requests #2 and #3 listed on the cover sheet of the plan exhibit.

**April 27, 2021
(public hearing)**

- B. **Permitted Use.** The use shall be limited to one 125-foot telecommunications monopole and associated ground equipment and enclosure.
- C. **Site Plan Revision.** A site plan revision indicating all proposed modifications to the site shall be submitted to the Town of Herndon for administrative staff review.
- D. **Stormwater Management.** The proposed improvements shall not negatively impact the existing stormwater BMP. The applicant shall include an analysis with the site plan submission and, if required, associated site improvements demonstrating that the proposed project will not negatively impact the existing stormwater BMP.
- E. **Architectural Review Board (ARB).** An application for the proposed new construction, to include the required screening and access barriers, shall be submitted for review by the Architectural Review Board (ARB.) All permits and construction must comply with the ARB approval.
- F. **Access to the Site.** The telecommunications facility compound shall not be accessed from the existing trail near the western property boundary. A physical barrier shall be installed preventing any vehicular access from the private access road off-site. The design of the barrier shall be submitted to the ARB in accordance with Condition E. Access into the enclosure shall be limited to a single gate as shown in the referenced plan unless provided along the enclosure's eastern side adjacent to the substation.
- G. **Inspection.** The property owner and tenant shall allow Town officials to inspect the property during reasonable hours upon prior notice
- H. **Expiration.** This Special Exception shall run with the land except under the following condition(s):
 - i. A discontinuance of the use for which the special exception was granted for a continuous 12-month period.
 - ii. Failure to obtain a final building inspection for the monopole within five (5) years of approval of the special exception.

**April 27, 2021
(public hearing)**

- I. **Revocation.** Any violation of the aforementioned conditions or other sections of the Herndon Town Code shall be grounds for revoking the special exception pursuant to the manner described in Section 78-155.3(h) of the zoning ordinance.

12. Resolution 21-G-41, to consider a special exception, SE #21-01, 400 Herndon Parkway, Peppertree Montessori & Preschool, to permit a private school/daycare within an existing office building.

Mayor Olem recognized Director of Community Development, Elizabeth Gilleran, who presented the staff report and PowerPoint dated April 27, 2021, which is on file in the Town Clerk's office.

Ms. Gilleran provided a summary of the special exception. She provided information about Education Use in the Office and Light Industrial zoning district and Special Exceptions. She provided specific information about standards applicable to special exceptions and schools.

Ms. Gilleran then highlighted the location of the special exception on the Zoning Map and the 2030 Comprehensive Plan Map, presented the proposed floor plan, and shared the proposal for the site.

She outlined staff's analysis and the proposed conditions for approval.

The Planning Commission recommended approval with conditions at its March 22, 2021 public hearing.

Staff recommended approval with conditions in accordance with the draft resolution.

Councilmember Dhakal asked if anything changed since the work session, and Ms. Gilleran confirmed there were no changes.

Mayor Olem indicated applicants Gwendolyn Dozier and Liezel Dozier were present. She recognized the applicants to speak.

- Gwendolyn Dozier, Co-owner, Peppertree Montessori and Preschool, thanked staff and Council for their time.
- Liezal Dozier, Co-owner, Peppertree Montessori and Preschool, indicated they were available for any questions.

Councilmembers Friedrichs and Singh provided supportive comments.

Vice Mayor del Aguila provided appreciative comments.

**April 27, 2021
(public hearing)**

Mayor Olem welcomed them and provided appreciative comments.

Mayor Olem confirmed with Ms. Kertz that there were no registered speakers for the item that evening.

Mayor Olem closed the public hearing and moved to Council level for discussion and action.

Councilmember Singh moved to approve Resolution 21-G-41, in accordance with the draft conditions dated April 27, 2021. Vice Mayor del Aguila seconded the motion. Councilmember Singh provided comments.

The question was called on the motion, which carried by a 6-0 roll call vote by electronic means. The vote was: Councilmembers Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye." Councilmember Alam was absent.

Resolution 21-G-41, to consider a special exception, SE #21-01, 400 Herndon Parkway, Peppertree Montessori & Preschool, to permit a private school/daycare within an existing office building.

WHEREAS, the applicant, Gwendolyn Dozier, has submitted a request for a special exception to permit a private school/daycare within an existing office building located at 400 Herndon Parkway and further identified as Fairfax County Tax Map # 0171-06-F3; and

WHEREAS, the Planning Commission has reviewed this application and has held a public hearing in accordance with the provisions of §15.2-2204 of the State Code; and

WHEREAS, following the public hearing, the Planning Commission has recommended that the application be approved with conditions based upon the finding that the proposed use meets the purpose and intent of the Zoning Ordinance, in particular, Sections 78-71.2 and 78-155.3; and

WHEREAS, the Town Council has reviewed this application and the Planning Commission recommendation and has held a public hearing in accordance with the provisions of §15.2-2204 of the State Code; and

WHEREAS, if granted, the uses permitted under the special exception are pursuant to this resolution and associated conditions; and

WHEREAS, if granted, special exceptions may be amended pursuant to Section 78-155.3(j) of the Town of Herndon Zoning Ordinance; and

**April 27, 2021
(public hearing)**

WHEREAS, if granted, special exceptions may be revoked pursuant to Section 78-155.3(h) of the Town of Herndon Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Herndon, Virginia, hereby:

Approves Special Exception Application SE #21-01, in accordance with the conditions set forth below to achieve compliance with the standards found in Section 78-155.3:

1. **Substantial Conformity.** The development and maintenance of the special exception use for a Montessori school and daycare pursuant to Section 78-71.2 of the Herndon Zoning Ordinance (the "Zoning Ordinance") shall be in substantial conformance with the SE #21-01 application materials submitted January 22, 2021 and concept plan dated March 5, 2021 (the "Concept Plan"). Approval of this application on the parcel identified as Fairfax County Tax Map Number 0171-06-F3, known as 400 Herndon Parkway, Herndon, Virginia (the "Property"), shall not relieve the applicant or the owners of the Property, or their successors or parties developing, establishing, or operating the approved special exception, from the obligation to comply with and conform to any other Zoning Ordinance, codified ordinance, or regulatory requirement.
2. **Child & Pick-Up & Drop-Off.** Child pick-up and drop-off shall occur in the 10 marked parking spaces located in front of the entrance to the Montessori & preschool, as shown on the special exception plan dated March 5, 2021.
3. **Number of Permitted Children.** The number of children present on site shall not exceed 50 at any one time.
4. **Outdoor Recreation Area.** An outdoor, fenced playground area, no less than 1,000 square feet, shall be constructed in the approximate location as shown on the Concept Plan, prior to the issuance of a business license or final certificate of occupancy. When playing outside, all children shall be within the fenced recreation area. There shall be a minimum of two staff members supervising the children while in the outdoor recreation area. If the number of staff required by the Virginia Department of Social Services is greater than two, then that shall be the minimum number of staff required.

**April 27, 2021
(public hearing)**

5. Number of Permitted Children in Outdoor Recreation Area. The maximum number of children permitted in the outdoor recreation area at any one time shall comply with Section 78-71.2(d)(2)(b) of the zoning ordinance, which requires 100 square feet for per child.
6. Zoning Inspection Permit and Inspections. A Zoning Inspection Permit is required prior to issuance of the business license. Following the business license, the use shall be inspected by zoning and building officials during reasonable hours and upon reasonable prior notice.

GENERAL

13. Ordinance 21-O-11 – to release from sequester and make available for expenditure \$1,473,625 appropriated for expenditure but sequestered during the Fiscal Year 2020-2021 by Ordinance #20-O-29, adopted by the Town Council on May 26, 2020.

Mayor Olem recognized the Town Manager, William H. Ashton II who presented a staff report and PowerPoint dated April 27, 2021, which are on file in the Town Clerk's office.

Mr. Ashton provided an overview of the conditions when the FY 2021 amended Budget was adopted and appropriated at \$61,060,754. The amount sequestered in the General Fund was \$5.5 million.

They took an unprecedented step of sequestering money from the budget due to the situation with the COVID-19 pandemic and not knowing how revenues would be affected. The authorization to release sequestered funds could come only when that was supported by revenues and approved by Council.

Mr. Ashton stated that revenue projections were outperforming budget estimates by around \$2 million. On the expenditure side, spending discipline was yielding additional surplus. The projected Operations and Maintenance expenditures were over by approximately \$220,000, but the personnel area was seeing a savings of about \$1.5 million. There was very little capital in the FY 2021 authorized budget.

Mr. Ashton provided a revenue update and highlighted certain categories. He drew attention to Transient Occupancy Tax, Meals Tax, and Business, Professional and Occupational Licenses (BPOL) which were all performing above projections. The categories which came in below projections were recreation programs, admission fees, and fines paid to the Fairfax County Court. He stated for the record that tickets were not a large part of the budget.

**April 27, 2021
(public hearing)**

Consideration factors for releasing funds from sequestration included: the persistence of the pandemic, preparation for future fiscal stress, being included in the FY 2021 Budget Appropriation (but not authorized), and how they could realistically be encumbered by mid-June 2021.

Staff was requesting the Council to authorize \$1,473,625 to be released from sequestration which would fall over multiple categories of itemized requests in Operational Adjustments, Capital Replacement, Capital Improvement, and Non-Departmental.

Councilmember Singh asked Mr. Ashton to return to the revenue update page and the net gain versus sequestration amount. He inquired about this number. Mr. Ashton stated that, pursuant to town fiscal policies, the remaining amount would roll into fund balance.

Vice Mayor del Aguila provided questions about the BPOL amount, and Mr. Ashton gave credit to Revenue Supervisor, Jodi Florentine who would be analyzing that data. He stated the \$500,000 was revenue excess and the \$1.5 million in personnel would flow in with other surplus that came in.

Councilmember Friedrichs moved to approve Ordinance 21-O-11, which releases from sequester and makes available for expenditure funds appropriated but sequestered during Fiscal Year 2020-2021, for allocation in accordance to Attachment 1 of the Ordinance. The motion was seconded by Vice Mayor del Aguila.

The question was called on the motion, which carried by a 6-0 roll call vote by electronic means. The vote was: Councilmembers Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye." Councilmember Alam was absent.

Ordinance 21-O-11, to release from sequester and make available for expenditure \$1,473,625 appropriated for expenditure but sequestered during the Fiscal Year 2020-2021 by Ordinance #20-O-29, adopted by the Town Council on May 26, 2020.

WHEREAS, there is appropriated for expenditure during the Fiscal Year 2020-2021 \$61,060,754, as set out in "Proposed FY 2021 Budget" dated April 1, 2020, on file in the office of the Town Manager, amended on May 1, 2020 as set out in the Fiscal Planning Resolution and detailed in Attachment 1 to that ordinance, and was adopted by Town Council on May 26, 2020; and

WHEREAS, the Town Council authorized for expenditure during the Fiscal Year 2020-2021 \$49,513,057, based on the "Proposed FY 2021 Budget" dated April 1, 2020, on file in the office of the Town Manager, amended on

**April 27, 2021
(public hearing)**

May 1, 2020 as set out in the Fiscal Planning Resolution, initial FY 2021 revenue estimates presented to the Town Council on May 5 and May 12, 2020, and detailed in Attachment 1 of that Ordinance.

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Herndon, Virginia, that the authorization for expenditure in FY 2020-2021 is increased by \$1,473,625 to be allocated according to Attachment 1 of this Ordinance.

[Note: Attached for reference is Attachment 1, titled "FY 2020-2021 Appropriation Ordinance Attachment 1."]

**April 27, 2021
(public hearing)**

FY 2020-2021 Appropriation Ordinance Attachment 1

GENERAL FUND					
Department	Category	FY 2021 Adopted Budget	FY 2021 Sequestered Amounts	FY 2021 Authorization Original	FY 2021 Authorization Additional
	Personnel Services	459,174	37,462	421,712	-
	Operations and Maintenance	98,150	37,850	60,300	-
Legislative - Town Clerk Total		557,324	75,312	482,012	-
	Personnel Services	383,997	1,059	382,938	-
	Operations and Maintenance	71,400	38,275	33,125	-
Administration-Comm & Econ Dev Total		455,397	39,334	416,063	-
	Personnel Services	385,941	-	385,941	-
	Operations and Maintenance	40,550	20,100	20,450	-
Administration - Town Manager Total		426,491	20,100	406,391	-
	Personnel Services	448,900	-	448,900	-
	Operations and Maintenance	148,147	89,172	58,975	10,000
Administration - HR Total		597,047	89,172	507,875	10,000
	Personnel Services	756,533	23,145	733,388	-
	Operations and Maintenance	944,986	258,900	686,086	-
	Capital Outlay	50,500	36,000	14,500	32,000
Administration-Info Technology Total		1,752,019	318,045	1,433,974	32,000
	Personnel Services	680,595	969	679,626	-
	Operations and Maintenance	134,450	46,750	87,700	-
Parks & Recreation - Administration Total		815,045	47,719	767,326	-
	Personnel Services	747,104	177,771	569,333	-
	Operations and Maintenance	726,925	594,075	132,850	-
Parks & Recreation - Rec Programs Total		1,474,029	771,846	702,183	-
	Personnel Services	1,014,049	156,314	857,735	-
	Operations and Maintenance	209,175	101,625	107,550	45,500
Parks & Recreation - CC Operations Total		1,223,224	257,939	965,285	45,500
	Personnel Services	771,410	241,439	529,951	-
	Operations and Maintenance	164,230	50,850	113,380	7,000
Parks & Recreation - Aquatics Total		935,640	292,309	643,331	7,000
	Personnel Services	110,452	43,491	66,961	-
	Operations and Maintenance	92,150	37,375	54,775	20,225
Parks & Recreation - Parks Op & Dev Total		202,602	80,866	121,736	20,225
	Personnel Services	374,528	-	374,528	-
	Operations and Maintenance	105,615	46,904	58,711	-
Finance - Administration Total		480,143	46,904	433,239	-
	Personnel Services	566,389	1,615	564,774	-
	Operations and Maintenance	31,135	8,927	22,208	-
Finance - Accounting Total		597,524	10,542	586,982	-
	Personnel Services	289,515	5,921	283,594	-
	Operations and Maintenance	33,845	3,365	30,480	-
Finance - Revenue Total		323,360	9,286	314,074	-
	Personnel Services	122,823	-	122,823	-
	Operations and Maintenance	2,605	1,532	1,073	-
Finance - Procurement Total		125,428	1,532	123,896	-

**April 27, 2021
(public hearing)**

FY 2020-2021 Appropriation Ordinance Attachment 1

GENERAL FUND					
Department	Category	FY 2021 Adopted Budget	FY 2021 Sequestered Amounts	FY 2021 Authorization Original	FY 2021 Authorization Additional
	Personnel Services	1,879,453	431	1,879,022	-
	Operations and Maintenance	119,550	49,775	69,775	-
	Community Planning Total	1,999,003	50,206	1,948,797	-
	Personnel Services	198,431	4,228	194,203	-
	Operations and Maintenance	4,900	1,200	3,700	-
	Community Inspections Total	203,331	5,428	197,903	-
	Personnel Services	5,186,357	-	5,186,357	-
	Operations and Maintenance	191,500	1,500	190,000	-
	Capital Outlay	249,700	198,400	51,300	142,000
	Police - Field Operations Total	5,627,557	199,900	5,427,657	142,000
	Personnel Services	4,009,899	10,765	3,999,134	-
	Operations and Maintenance	646,850	13,500	633,350	-
	Police - Support Services Total	4,656,749	24,265	4,632,484	-
	Personnel Services	830,026	7,751	822,275	-
	Operations and Maintenance	26,689	7,740	18,949	-
	Public Works - Administration Total	856,715	15,491	841,224	-
	Personnel Services	658,928	-	658,928	-
	Operations and Maintenance	189,100	79,850	109,250	-
	Public Works - Engineering Total	848,028	79,850	768,178	-
	Personnel Services	245,701	108	245,593	-
	Operations and Maintenance	400,100	97,725	302,375	-
	Public Works - Program Mgmt Total	645,801	97,833	547,968	-
	Personnel Services	521,727	-	521,727	-
	Operations and Maintenance	106,571	8,575	97,996	-
	Public Works - Bldg Inspection Total	628,298	8,575	619,723	-
	Personnel Services	513,548	8,074	505,474	-
	Operations and Maintenance	914,900	103,275	811,625	41,900
	Public Works - Bldg Maintenance Total	1,428,448	111,349	1,317,099	41,900
	Personnel Services	792,528	10,765	781,763	-
	Operations and Maintenance	303,900	73,600	230,300	-
	Public Works - Grounds Maintenance Total	1,096,428	84,365	1,012,063	-
	Personnel Services	750,231	13,994	736,237	-
	Operations and Maintenance	1,074,250	400,150	674,100	-
	Public Works - Street Maintenance Total	1,824,481	414,144	1,410,337	-
	Personnel Services	1,095,932	10,765	1,085,167	-
	Operations and Maintenance	856,900	164,800	692,100	20,000
	Public Works - Refuse Total	1,952,832	175,565	1,777,267	20,000
	Personnel Services	812,458	5,382	807,076	-
	Operations and Maintenance	416,750	100,575	316,175	75,000
	Capital Outlay	969,504	719,504	250,000	300,000
	Public Works - Gen Svcs Total	2,198,712	825,461	1,873,251	375,000
	Personnel Services	255,447	3,229	252,218	-
	Operations and Maintenance	120,500	1,300	119,200	-
	Capital Outlay	20,000	20,000	-	-
	Public Works - Traffic Total	395,947	24,529	371,418	-

**April 27, 2021
(public hearing)**

FY 2020-2021 Appropriation Ordinance Attachment 1

GENERAL FUND					
Department	Category	FY 2021 Adopted Budget	FY 2021 Sequestered Amounts	FY 2021 Authorization Original	FY 2021 Authorization Additional
	Personnel Services	311,632	1,076	310,556	-
	Operations and Maintenance	10,200	925	9,275	-
	Capital Outlay	4,000	4,000	-	-
Public works - ROW Inspect Total		325,832	6,001	319,831	-
	Personnel Services	686,743	10,334	676,409	-
	Operations and Maintenance	160,050	54,294	105,756	-
Town Attorney Total		846,793	64,628	782,165	-
Interfund Transfers		977,000	977,000	-	200,000
Non-Departmental		578,651	276,199	302,452	180,000
Debt Service		1,750,121	-	1,750,121	-
TOTAL General Fund		33,306,000	5,501,695	33,304,305	1,073,425

**April 27, 2021
(public hearing)**

FY 2020-2021 Appropriation Ordinance Attachment 1

Water & Sewer Fund					
Department	Category	FY 2021 Adopted Budget	FY 2021 Sequestered Amounts	FY 2021 Authorization Original	FY 2021 Authorization Additional
	Personnel Services	203,968	-	203,968	-
	Operations and Maintenance	78,400	-	78,400	-
W&S Customer Service Total		282,368	-	282,368	-
	Personnel Services	538,646	-	538,646	-
	Operations and Maintenance	3,143,100	-	3,143,100	-
	Capital Outlay	3,041,200	2,100,000	941,200	-
Sewer Service Total		6,722,946	2,100,000	4,622,946	-
	Personnel Services	433,933	-	433,933	-
	Operations and Maintenance	1,853,300	-	1,853,300	-
	Capital Outlay	2,844,200	2,090,000	754,200	-
Water Service Total		5,131,433	2,090,000	3,041,433	-
	Non-Departmental	570,244	-	570,244	-
	Debt Service	361,888	-	361,888	-
TOTAL Water & Sewer Fund		13,068,879	4,190,000	8,878,879	-

Cemetery Fund					
Department	Category	FY 2021 Adopted Budget	FY 2021 Sequestered Amounts	FY 2021 Authorization Original	FY 2021 Authorization Additional
	Personnel Services	396,834	-	396,834	-
	Operations and Maintenance	181,350	-	181,350	-
	Capital Outlay	137,568	-	137,568	-
	Interfund Transfers	45,490	-	45,490	-
	Non-Departmental	23,550	-	23,550	-
	Debt Service	182,800	-	182,800	-
TOTAL Cemetery Fund		967,592	-	967,592	-

Golf Course Fund					
Department	Category	FY 2021 Adopted Budget	FY 2021 Sequestered Amounts	FY 2021 Authorization Original	FY 2021 Authorization Additional
	Personnel Services	504,875	-	504,875	-
	Operations and Maintenance	239,000	-	239,000	-
Golf Course - Maintenance Total		743,875	-	743,875	-
	Personnel Services	458,608	-	458,608	-
	Operations and Maintenance	113,300	-	113,300	-
Golf Course - Administration Total		571,908	-	571,908	-
	Non-Departmental	60,800	-	60,800	-
	Debt Service	130,700	-	130,700	-
TOTAL Course Fund Total		1,507,283	-	1,507,283	-

**April 27, 2021
(public hearing)**

FY 2020-2021 Appropriation Ordinance Attachment 1

Downtown Parking Fund					
Department	Category	FY 2021 Adopted Budget	FY 2021 Sequestered Amounts	FY 2021 Authorization Original	FY 2021 Authorization Additional
	Operations and Maintenance	15,000	-	15,000	-
	Capital Outlay	1,100,000	-	1,100,000	-
	Debt Service	200,000	-	200,000	-
TOTAL Downtown Parking Fund		1,315,000	-	1,315,000	-

Capital Projects Fund					
Department	Category	FY 2021 Adopted Budget	FY 2021 Sequestered Amounts	FY 2021 Authorization Original	FY 2021 Authorization Additional
	Transportation, Capital	2,240,000	-	2,240,000	-
	General Government, Capital	1,856,000	1,856,000	-	400,000
	Stormwater Management, Capital	1,300,000	-	1,300,000	-
TOTAL Capital Projects Fund		5,396,000	1,856,000	3,540,000	400,000

GRAND TOTAL		61,060,754	11,547,697	49,513,059	1,473,625
--------------------	--	-------------------	-------------------	-------------------	------------------

April 27, 2021
(public hearing)

CONSENT AGENDA

14. **Resolution 21-G-42, to approve an amended funding agreement to supersede and replace that previously approved funding agreement between Board of Supervisors of Fairfax County and the Town of Herndon dated September 25, 2018, in order to receive additional funds to complete the design and implement the Sugarland Run (South) Stream Restoration Project.**

On motion of Vice Mayor del Aguila, seconded by Councilmember Regan, the Consent agenda item was approved by 6-0 roll call vote by electronic means, without comment. The vote was: Councilmembers Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye." Councilmember Alam was absent.

Resolution 21-G-42, to approve an amended funding agreement to supersede and replace that previously approved funding agreement between Board of Supervisors of Fairfax County and the Town of Herndon dated September 25, 2018, in order to receive additional funds to complete the design and implement the Sugarland Run (South) Stream Restoration Project.

WHEREAS, the Town requested funds from Fairfax County to design and implement the Sugarland Run (South) Stream Restoration Project (the "Project"), which will be located within the boundaries of the Town and will restore a portion of the body of water known as Sugarland Run South; and

WHEREAS, the Project is within the Chesapeake Bay, Potomac River, and Sugarland Run watersheds; and

WHEREAS, the Town is part of the County's Stormwater Service District and the County, Town, and the Town of Vienna have entered into an agreement to share funds and responsibility to maintain, operate, and improve stormwater systems to meet the Chesapeake Bay Total Maximum Daily Load ("TMDL") and other water quality goals; and

WHEREAS, under the Cooperative Agreement, annually, the County pays the Town a percentage of the Stormwater Service District Fees that are collected from residents of the Town; and

WHEREAS, the Town and County agree that under the Cooperative Agreement, these funds can be used for the Project because the Project meets the water quality objectives of each locality and their respective Chesapeake Bay TMDL obligations; and

**April 27, 2021
(public hearing)**

- WHEREAS,** pursuant to Resolution 18-G-47 adopted August 14, 2018, the Town Council approved a funding agreement with the Board of Supervisor of Fairfax County, Virginia whereby the County agreed to distribute two hundred thousand dollars (\$200,000) to the Town for the design of the Project that was entered into on September 25, 2018 (the "2018 Agreement"); and
- WHEREAS,** at the time the 2018 Agreement was executed, the cost to design and implement the Project was estimated to be one million, two hundred thousand dollars (\$1,200,000); and
- WHEREAS,** the total design cost, based on negotiated proposals, will exceed the previous estimate and will cost four hundred one thousand eight hundred dollars (\$401,800); and
- WHEREAS,** the County intends to grant to the Town additional funds in the amount of two hundred one thousand eight hundred dollars (\$201,800) in Fiscal Year 2021 for the completion of the design of the Project; and
- WHEREAS,** the Project is now estimated to cost a total of one million, four hundred one thousand eight hundred dollars (\$1,401,800), including the increased estimated design cost; and
- WHEREAS,** the County and Town intend for this Amended Agreement to supersede and replace the 2018 Agreement; and
- WHEREAS,** the County intends to fund the design and construction of the Project from the Stormwater Budget; and
- WHEREAS,** the Town intends to dedicate Town staff expertise and time for the purpose of supporting, developing, and implementing the Project.

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Herndon, Virginia, that the Mayor of the Town of Herndon, Virginia is authorized to sign and deliver an amended funding agreement on such form approved by the Town Attorney and any other instrument necessary to evidence or effectuate this agreement.

[Note: Attached for reference is the Sugarland Run (South) Stream Restoration Amended Funding Agreement b/n the Board of Supervisors of Fairfax County and the town.]

**April 27, 2021
(public hearing)**

**SUGARLAND RUN (SOUTH) SU9207-A
STREAM RESTORATION AMENDED FUNDING AGREEMENT**

This Agreement ("Agreement") made and entered into this _____ day of _____, 2021, by and between the **BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA** (the "County"), a body politic, and the **TOWN OF HERNDON** (the "Town") (collectively, the "Parties").

WITNESSETH:

WHEREAS, the County and Town previously entered an agreement on September 25, 2018 (the "2018 Agreement") to fund the Sugarland Run (South) Stream Restoration Project (the "Project"), which will be located within the boundaries of the Town and will restore a portion of the body of water known as Sugarland Run South; and

WHEREAS, at the time the 2018 Agreement was executed, the cost to design and implement the Project was estimated to be one million, two hundred thousand dollars (\$1,200,000); and

WHEREAS, under the terms of the 2018 Agreement, the County distributed two hundred thousand dollars (\$200,000) for the design of the Project; and

WHEREAS, the total design cost, based on negotiated proposals, will exceed the previous estimate and will cost four hundred one thousand eight hundred dollars (\$401,800); and

WHEREAS, the Project is now estimated to cost one million, four hundred one thousand eight hundred dollars (\$1,401,800) (the "Total Project Cost"), including the increased estimated design cost; and

WHEREAS, the location of the Project is between Longitude 38.959829N and Latitude 77.370957W and 38.962110N and 77.369328W is more specifically shown on the Fairfax County Real Property Identification Map as Tax Map No. 17-1((6)) parcel J4; and

WHEREAS, the Project is within the Chesapeake Bay, Potomac River, and Sugarland Run watersheds; and

WHEREAS, the Town is part of the County's Stormwater Service District and the County, Town, and the Town of Vienna have entered into an agreement known as the

**April 27, 2021
(public hearing)**

"Cooperative Agreement Between the Fairfax County Board of Supervisors, the Town of Vienna, and Town of Herndon to Share Certain Stormwater Service District Fees and Responsibility for Related Projects" (the "Cooperative Agreement") to share funds and responsibility to maintain, operate, and improve stormwater systems to meet the Chesapeake Bay Total Maximum Daily Load ("TMDL") and other water quality goals. Cooperative Agreement is attached hereto as Attachment 1 and is incorporated herein by reference; and

WHEREAS, under the Cooperative Agreement, annually, the County pays the Town a percentage of the Stormwater Service District Fees that are collected from residents of the Town (the "Paid Herndon Revenues"); and

WHEREAS, the Town and County agree that under the Cooperative Agreement, Stormwater Service District funds can be used for the Project because the Project meets the water quality objectives of each locality and their respective Chesapeake Bay TMDL obligations; and

WHEREAS, the County and Town intend for this Amended Agreement to supersede and replace the 2018 Agreement; and

WHEREAS, that County intends to fund the design and construction of the Project from the Stormwater Budget; and

WHEREAS, the Town intends to dedicate Town staff expertise and time for the purpose of supporting, developing, and implementing the Project.

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated herein as if restated as binding provisions of this agreement, the mutual promises contained herein, and other good and valuable consideration, the receipt and sufficiency of all of which are hereby acknowledged, the parties hereto further agree as follows:

1. This Amended Agreement supersedes and replaces the 2018 Agreement for the project.
2. The County has distributed two hundred thousand dollars (\$200,000) to the Town under the terms of the 2018 Agreement and that amount is deducted from the Total Project Cost.

**April 27, 2021
(public hearing)**

3. Upon execution of this Agreement, the County must grant to the Town funds in the amount of two hundred one thousand eight hundred dollars (\$201,800) (the "Design Funds") in Fiscal Year 2021 for the design of the Project, to be paid with monies from the County's Stream and Water Quality Improvement Project (fund I/O 2G25-029-001) of the Stormwater Budget (fund 400-C40100, Stormwater Services). The Design Funds plus the amount granted to the Town under the 2018 agreement (\$200,000) equals four hundred one thousand eight hundred dollars (\$401,800) (the "Total Design Funds").

4. Upon completion of the design of the Project, the County must grant to the Town an additional one million dollars (\$1,000,000) for the construction of the Project, as designed (the "Construction Funds"), except that if those funds are unavailable in the Stormwater Budget at the time of completion, they will be paid at such time as they become available. The Total Design Funds plus the Construction Funds are hereinafter referred to as the "County Contribution". Completion of the design of the Project occurs when the Town informs the County that all construction docs are complete and all permits for the construction have been obtained.

5. The County Contribution must not be charged against the PAID HERNDON REVENUES as set forth in the Cooperative Agreement, but rather, are a separate grant to the Town from the County.

6. The Town must dedicate Town staff expertise and time for the purpose of supporting, developing, and implementing the Project.

7. The Town must expend the County Contribution for the purpose of supporting the design and construction of the Project.

8. The County Contribution must be used and expended solely for the purpose of design and constructing the Project and not for the cost of any feasibility study or acquisition of any lands or easements necessary for the completion of the Project.

9. The Town must acquire, at its sole expense, any and all land or easements, or other interests in real property, if any, that are necessary to complete the Project.

10. The Town, at its sole expense, must administer the design and construction contracts, obtain approval of all plans, and obtain all permits necessary for the completion of the Project.

**April 27, 2021
(public hearing)**

11. The Town must notify the County if the Town, at any time, modifies the scope of the Project, which is generally described herein above. If the scope of the Project's design, in the sole judgment of the County, significantly deviates from the design scope described in the Plan, the Town must, within 30 days after notification by the County of such deviation, reimburse to the County the amount of the Total Contribution.

12. The Town must provide to the County a copy of the final site plan for the Project.

13. The Town must retain all invoices and all records of payments for all services rendered for the design, construction, and any related expenses for completion of the Project, and copies of any such invoices and records of payments must be provided to the County upon request within three business days after such a request.

14. If at any time the Town abandons or otherwise ceases the Project for any reason, the Town must immediately return any amount of the County Contribution not expended in accordance with this agreement and all invoices and records of payments. "Abandon," as used herein, includes, but is not limited to, the failure to initiate or the termination of the design or construction before the Project's completion.

15. The County, in its sole discretion, may agree to pay cost overruns that exceed the Total Project Cost, including construction costs that exceed the current estimate, change orders and/or related costs that arise during construction of the Project, but only to the extent that funds are available in the County's Stream and Water Quality Improvement Project (fund I/O 2G25-029-001) of the Stormwater Budget (fund 400-C40100, Stormwater Services) and are not more than 10% of the estimated Project Cost of \$1,401,800.

16. The Town must complete the Project not later than four years after this agreement is executed.

17. The Project must be subject to the Cooperative Agreement, and, as such, the total pollutant load reduction credits for the Project will be apportioned among the parties as established pursuant to the terms of the Cooperative Agreement or any amendments or attachments thereto.

**April 27, 2021
(public hearing)**

18. This agreement can only be modified in writing and signed by both parties.

[Signatures appear on following page]

April 27, 2021
(public hearing)

APPROVED AS TO FORM

By: Les J. Yeatts
Les J. Yeatts, Town Attorney
Town of Herndon, Virginia
Date: 4-15-2021

TOWN OF HERNDON, Virginia

By: Sheila A. Olem
Sheila A. Olem
Mayor



STATE OF VIRGINIA :
COUNTY OF FAIRFAX : to-wit

The foregoing Agreement was acknowledged before me by Mayor Sheila A. Olem of the Town of Herndon, this 27th day of April, 2021, on behalf of the Town of Herndon.

Margaret C. Tacci
Notary Public

My commission expires: 8-31-2024
Notary Registration Number: 295189



**April 27, 2021
(public hearing)**

**BOARD OF SUPERVISORS OF
FAIRFAX COUNTY, VIRGINIA**

By: _____
Bryan J. Hill, County Executive
Fairfax County, Virginia

STATE OF VIRGINIA :
: to-wit
COUNTY OF FAIRFAX :

The foregoing Agreement was acknowledged before me by Bryan J. Hill, County Executive of Fairfax County, Virginia, on behalf of the Board of Supervisors of Fairfax County, Virginia this _____ day of _____ 2021.

Notary Public

My commission expires: _____

Notary Registration Number: _____

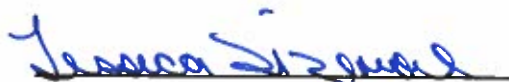
**April 27, 2021
(public hearing)**

15. ADJOURNMENT

Councilmember Dhakal moved to adjourn the meeting of the April 27, 2021 public hearing, and Vice Mayor del Aguila seconded the motion. The question was called on the motion which carried by a 6-0 roll call vote by electronic means, and the meeting of the April 27, 2021 public hearing adjourned at 10:27 p.m. The vote was: Councilmembers Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye." Councilmember Alam was absent.



**Sheila A. Olem
Mayor**



**Jessica Sizemore
Legislative Assistant**

Minutes approved by Town Council: July 13, 2021.

**April 27, 2021
(public hearing)**

NOTE:

This page was intentionally left blank