



TOWN COUNCIL MEETING AGENDA

Town Council Chambers
765 Lynn Street, Herndon, VA 20170
Tuesday, January 24, 2023 | 7:00 p.m.

1. Call to Order

2. Pledge of Allegiance to the Flag of the United States of America

3. Presentations/Reports/Comments

- a. Town Manager Report
- b. Councilmember Comments

4. Comments from the Audience

Members of the public may, for one 3-minute period, provide public comments, requests, consent or general item comments, and comments on matters not included on the agenda.

5. General

- a. Resolution 23-G-14 to provide Town Council Guidance on the development of the Town Manager's proposed FY 2024 Budget

6. Consent

- a. December 13, 2022 Town Council Regular Meeting Minutes
- b. January 3, 2023 Organizational Meeting and Work Session Meeting Minutes
- c. Resolution 23-G-15 to approve a Temporary License Agreement to use a designated public space in the alley adjacent to Jimmy's Old Town Tavern for outdoor seating for an event

7. Adjournment

TOWN OF HERNDON, VIRGINIA

RESOLUTION

JANUARY 24, 2023

Resolution- to provide the Town Manager, Town Council Guidance on the development of the Town Manager's proposed FY 2024 Budget.

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

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

WHEREAS, the Town Council recognizes the FY 2024 budget priorities for funding must be set.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby directs the Town Manager to use the following guidance to prepare the FY 2024 budget:

Continue efforts to develop and maintain a strong fiscal position

- Prepare a balanced annual budget working at revenue levels yielded by current tax rates.
- Prepare a balanced annual budget that addresses the rising costs associated with maintaining competitive workforce, rising fuel costs, on-going funding for the town-wide service delivery and capital projects along with the additional revenue appropriations needed to meet them.

Develop a revenue plan to meet the various challenges associated with maintaining current levels of service

- Keep revenue rates at their current levels.
- Focus on finding external funding sources for capital expenditures whenever practicable.
- Continue executing the previously approved capital expenditure plan that utilizes American Rescue Plan Act (ARPA) funding prior to the sunset dates established by Federal law.

Continue to adequately invest in the town's capital assets

- Emphasize the funding of life cycle maintenance that provides a comprehensive assessment of the town's overall exposure along with the revenue stream needed to properly maintain town assets.
- Continue targeting American Rescue Plan Act (ARPA) funding toward capital needs.
- Continue to address the impacts of transportation projects.

- Advancing implementation of the town's downtown redevelopment plan.

Address problems with recruiting and retaining employees in a highly competitive labor market

- Continue emphasis on maintaining a competitive employment position in the local market, to include:
 - Appropriate market-based changes to the salary structure.
 - Continued emphasis on the pay-for-performance program.
 - Cost of living increases to address the effect of inflationary pressures on the town's workforce.
- Fund activities that will demonstrate a commitment to, and investment in, the town's employees, to include mental health and personal counselling support, educational reimbursement, supporting certification opportunities, and training.
- Addressing rising health care and pension costs.
- Continuing employee skills development and education, with an emphasis on leadership development and succession planning.

Renew Focus on Strategic Planning

- Initiate the multi-year effort required to update the Comprehensive Plan pursuant to Virginia Code requirements.
- Finalize and initiate implementation of the Transit Related Growth (TRG) Area Small Area Plan.
- Work with Council on Council-driven strategic concepts, to include developing a fiscal plan to pay to incorporate these ideas into town operations.

Develop a plan for adverse changes to the economic climate

- Create flexibility to react to potential negative effects to the economic climate while maintaining service levels.
- Continue forward looking budget preparation in anticipation of future impacts associated with the potential economic downturns, supply chain challenges, and downtown redevelopment project.

Propose Balanced Enterprise Fund Budgets That Limit the Use of Retained Earnings

Water and Sewer

- Develop a rate plan and propose appropriate rate increases that will balance revenues with cost increases related to higher commodity costs, inflationary pressures, and increased need to replace existing infrastructure.
- Proactively address increasing problems with the existing water and sewer infrastructure.

Golf Course

- Account for the various inflationary pressures affecting the Fund.
- Support the Master Plan project.

Chestnut Grove Cemetery

- Support the construction of additional acreage that will yield increased inventory.
- Account for the various inflationary pressures affecting the Fund.
- Use best practices to cover operational revenue shortfalls while the additional inventory is being brought online.

TOWN OF HERNDON, VIRGINIA

RESOLUTION

JANUARY 24, 2023

Resolution- to approve a temporary license agreement to use a designated public space in the alley adjacent to Jimmy's Old Town Tavern for outdoor seating for an event.

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

1. The Town Council approves a temporary license agreement dated January 24, 2023 between the Town of Herndon as licensor and JOTT, INC. d/b/a Jimmy's Old Town Tavern (Jimmy's) as licensee. The license allows Jimmy's to use designated public alley space adjacent to Jimmy's for outdoor seating during an event on February 12, 2023. The license agreement may contain other terms agreed to by the Mayor and is on file in the office of the Town Attorney.
2. The Mayor is authorized to sign and deliver this temporary license agreement on such a form approved by the Town Attorney and any other instrument necessary to evidence or effectuate this agreement.

TEMPORARY LICENSE AGREEMENT

This Agreement ("Agreement") is made this 24th day of January 2023 by and between JOTT, INC. d/b/a Jimmy's Old Town Tavern ("Jimmy's") and the TOWN OF HERNDON, VIRGINIA, ("Town").

WHEREAS Jimmy's represents that they have a Temporary Use Permit to conduct an event in the Town of Herndon on February 12, 2023 represented in "Exhibit A" attached hereto ("Permit") and that Jimmy's would like to use the Town's property behind Jimmy's Old Town Tavern Restaurant as shown on the Permit and known as the "Alley";

WHEREAS the Town desires to permit the use of the Alley by Jimmy's on the date as described in the Permit (on February 12, 2023 only).

Now therefore the parties agree as follows:

1. The Town hereby grants Jimmy's authorization to temporarily use the Alley for purposes described in the Permit
2. Jimmy's shall comply with the terms of the Permit, this License, and all applicable town, state and federal laws and regulations obtaining and maintaining at all times any other permit(s) required under applicable law for this use.
3. The parties expressly agree and contract that there shall be no fee for the use of the Town property on this occasion only.
4. The permission to use the property granted by this agreement is nonexclusive in nature, and the Town reserves the right to make concurrent use of the Property.
5. Jimmy's hereby assumes all risk of damage by reason of its occupation of the Alley caused by any defects therein or activity occurring thereon, whether caused by the negligence of the Town, its officers, agents, or employees, or otherwise, and Jimmy's hereby agrees to hold harmless and indemnify the Town, its officers, agents and employees, from and against any such liability for such damage or injury to the extent permitted under the laws of the Commonwealth of Virginia.
6. Jimmy's shall secure, provide and maintain insurance to protect the Town of such type and in such amount as is described below naming the Town as an additional insured. This Agreement shall not take effect until evidence of insurance is provided to the Town and the Town gives Jimmy's written confirmation that the type and amount of insurance is accepted.

Insurance limits shall not be less than the following amounts:

Liability - Coverage totaling \$5,000.000.00. All policies shall be endorsed to name the Town of Herndon as an additional insured

The insurance required hereunder shall be maintained in effect during the duration of this Agreement. Insurance Policy(s) shall contain a valid provision or endorsement that the policy may not be canceled, terminated, changed or modified without giving thirty (30) calendar days advance written notice thereof to the Town.

7. Termination: The Town may terminate this Agreement upon 24 hours notice to Jimmy's for cause.

8. This Agreement, having been executed in the Commonwealth of Virginia, the construction and performance thereof or any dispute shall be governed by the laws of Virginia. Venue shall be proper in the County of Fairfax, Virginia.

9. This Agreement contains the entire and only agreement between the parties, and it supersedes and merges all pre-existing agreements. Any representations, understandings, promises and any conditions not expressly incorporated herein shall not be binding upon either party or their respective successors in interest.

JOTT, INC.

d/b/a Jimmy's Old Town Tavern

By 
James C. Cirrito, President

ATTEST:

TOWN OF HERNDON, VIRGINIA

Town Clerk

By _____
Sheila A. Olem, Mayor

APPROVED AS TO FORM:

Lesa J. Yeatts
Town Attorney

July 2018

TUP 22-013

TOWN OF Herndon VIRGINIA

Department of Community Development

777 Lynn Street

Herndon, Virginia 20170-4602

APPLICATION FOR APPROVAL OF A TEMPORARY USE SITE PLAN AND ASSOCIATED ZONING INSPECTION PERMIT (TEMPORARY USE PERMIT)

(Not all temporary uses require a permit. See § 78-90.1 of the Herndon Town Code.)

Submittal of this form with original signatures is required. PLEASE PRINT OR TYPE (Unless otherwise indicated.)

Name of Business or Organization:

Jimmy's Old Town Tavern

Street Address of the Subject Property
(including apt/suite #):

697 Spring St. Herndon VA

Please describe the requested activity, proposed
dates and daily hours of operation. Add more
sheets if necessary.OUTDOOR DINING - SUPER BOWL
Feb 12, 2023 12pm to 11PMLot Area (site area) Proposed for the Temporary
Use:

Alley behind Jimmy's

Are any site alterations or any alterations to the building's exterior or interior planned or underway in connection
with this use (or were any alterations done)? ☐ No ☐ Yes Please describe:Name of Contact for the Temporary Use
(Applicant):

Jimmy Cirrito

Address of Permanent Residence:

9254 Matthew Dr. Manassas PK VA

Jmccirrito@aol.com

703-470-4014

E-mail address

Telephone # for duration of temporary use

The undersigned hereby applies for a Temporary Use Permit under the provisions of § 78-90.3
and § 78-90.4 of the Herndon Town Code.

I hereby affirm and certify that:

- The information provided on this form is true and correct to the best of my knowledge.
- The requirements associated with this application under § 78-90.3 and § 78-90.4 of the Herndon Town Code have been read and are understood.
- The use and occupancy of buildings and/or the use of land noted above is in conformance with all provisions of the Town of Herndon, Virginia Zoning Ordinance regulations to the best of my knowledge.
- The site shall be returned within 48 hours to its condition prior to the establishment of the temporary use.

James C. Grant

Signature of Contact (Applicant)

12-12-2022

Date

**APPLICATION FOR APPROVAL OF A TEMPORARY USE SITE PLAN AND ASSOCIATED
ZONING INSPECTION PERMIT (TEMPORARY USE PERMIT) - continued**

Name and Title of Property Owner (Applicant):

JMK 12 LLC

Mailing Address:

(Jimmy Cirrito) 697 Springs St

Jimcirrito@aol.com

E-mail address

703-470-4014

Telephone

Herndon VA 20170

TO BE SUBMITTED WITH THIS APPLICATION

☒ A letter signed by the owner or owner's agent consenting to the application for the Temporary Use Permit;

☒ A Site Plan prepared in accordance with § 78-155.6(4) and showing the area of proposed activity with signage, display areas, illumination, vehicular entrances to the site (location, type and size), parking area associated with the temporary use (location, layout, and surface material);

☒ The detailed description of the proposed temporary activity requested above should include an analysis of any noise that may not comply with the noise provisions in the Herndon Town Code;

☒ Sample signage to be used;

N/A A statement from the landowner(s) authorizing an agent to act on their behalf (if applicable);

N/A If a pre-application conference took place, a statement indicating the date and time a pre-application conference was held with the Town, as well as a list of participants in the conference;

N/A A list of proposed vendors to include security firms, food trucks, portable toilet providers, or any other vendors that will be onsite during the event.

AUTHORIZATION STEP ONE: SITE IMPROVEMENTS ONLY (verification of Site Plan approval)

The applicant is authorized to proceed to **make the site improvements** for the purposes of conducting the temporary use described above.

Signature and Authorization of Zoning Administrator

AUTHORIZATION STEP TWO: AUTHORIZATION TO BEGIN OPERATION OF THE TEMPORARY USE (Temporary Use Permit/Zoning Inspection Permit)

The applicant has completed the site improvements and the applicant is authorized to **begin operation of the temporary use**.

This Permit is effective beginning 2/12/23 for 1 days.

[Signature]

Signature of Zoning Inspector

**APPLICATION FOR APPROVAL OF A TEMPORARY USE SITE PLAN AND ASSOCIATED
ZONING INSPECTION PERMIT (TEMPORARY USE PERMIT) - continued**

For Office Use Only:

STEP ONE (Site Plan)	Received by:	Fee paid for Temporary Use Site Plan* application:	Date:	Case No.:
	Use permitted by Town Code Section:			
	Tax Map Reference:		Zoning District:	
	Business and Occupational License #:		Status of Taxes: ☐ Paid ☐ Delinquent	
STEP TWO (ZIP)	Received by:	Fee paid for Zoning Inspection Permit/Temporary Use Permit:		Date:
<i>*Note: no application fee is required for uses of less than 90 consecutive days in duration.</i>				

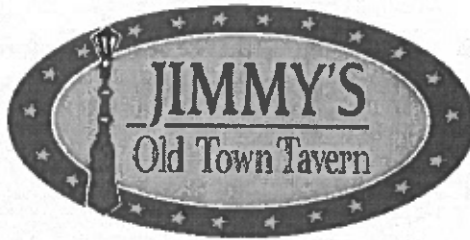
**Distribution
after
approval:**

Applicant

Community
Development

Fire
Department

Finance



December 12, 2022

David Stromberg

Zoning Department

Town of Herndon

**777 Lynn Street
Herndon VA 20170-0427**

Re: Temporary Use Permit for the Extension of Retail Sales, Sunday, February 12, 2023

Dear Mr. Stromberg,

This letter serves as a Request/Application for permission for Jimmy's Old Town Tavern, 697 Spring Street, to have the Town of Herndon issue a Temporary Use Permit for the Extension of Outdoor Retail Sales per The Town of Herndon Zoning Ordinance, Division 3. Temporary Uses; Sec.78-1392 Item (3) and Sec. 78-1395 Item (3) Outdoor Retail Sales Events & Sec. 78-1395 Item (4). Additional Permits for Temporary Use inclusive of Sunday, February 12, 2023 from 12PM to 11:00PM.

Enclosed please find the following:

- **Drawing of the proposed area**
- **Letters signed by the adjacent business allowing this event (The Upholstery Shop)**
- **Letter to the ABC Board of Virginia requesting an extension of license privileges.**

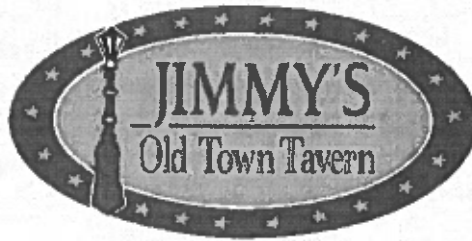
If you have any questions, please contact me at 703-470-4014.

Sincerely,

A handwritten signature in black ink that reads "James C. Cirrito". The signature is written in a cursive, flowing style.

**James C. Cirrito
Owner
Jimmy's Old Town Tavern**

**697 Spring Street ★ Herndon, VA 20710
Phone: 703.435.JIMS ★ Fax: 703.435.2182 ★ www.jimmystavern.com**



December 12, 2022

Special Agent, Kenneth Chang
Bureau of Law Enforcement
Commonwealth of Virginia
Department of Alcoholic Beverage Control
Alexandria Regional Office
6308 Grovedale Drive
Alexandria VA 22310

Re: Request for Extension of License Privileges for outdoor Event, Sunday, February 12, 2023.

Dear Special Agent Kenneth Chang:

This letter serves as a Request for Permission for JOTT, Inc., trading as Jimmy's Old Town Tavern, License 75822, to extend its license privileges to the alleyway, et al, shown on the enclosed sketch for the following date and time span:

Sunday, February 12, 2023, from 12:00PM to 11:00 PM

Enclosed please find the following:

- Drawing of the proposed area.
- Application to the Town of Herndon for this event.

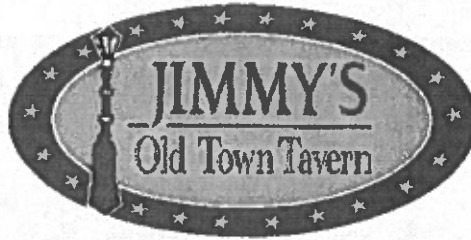
The license is obligated to ensure full compliance with the ABC laws and all other laws and regulations and is cognizant of criminal action that could be taken toward those involved and administrative action taken toward the license held by JOTT, Inc.

If you have any questions, please contact me at 703-470-4014.

Sincerely,

A handwritten signature in cursive script, appearing to read "James Cirrito".

James Cirrito
Owner
Jimmy's Old Town Tavern



January 5, 2023

Town of Herndon
Dept. of Community Development
777 Lynn Street
Herndon VA 20170

Re: Temporary Use Permit for the Extension of Retail Sales for Outdoor Event, February 12, 2023.

Dear TOH:

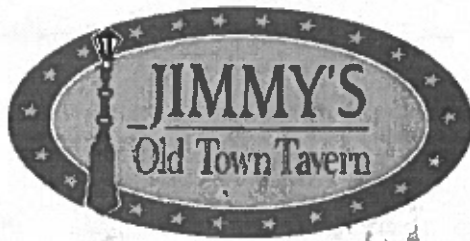
Relative to your request, I hereby give my permission for my business neighbor, Jimmy's Old Town Tavern, to provide an outdoor event on February 12, 2023 from 12PM to 11PM. The location shall be in the parking area behind and adjoining our businesses. The purpose of this event is to provide and sell food and beverages as an extension of the existing retail business known as Jimmy's Old Town Tavern.

Sincerely,

A handwritten signature in black ink, appearing to read "Khurram Afzal", is written over a horizontal line.

Khurram Afzal, Owner
Fairprice Groceries
681 Spring Street
Herndon, VA 20170

Date: 01-05-23



December 13, 2022

Town of Herndon
Dept. of Community Development
777 Lynn Street
Herndon VA 20170

Re: Temporary Use Permit for the Extension of Retail Sales for Outdoor Event, February 12, 2023.

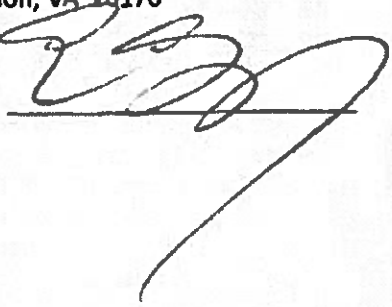
Dear TOH:

Relative to your request, I hereby give my permission for my business neighbor, Jimmy's Old Town Tavern, to provide an outdoor event on February 12, 2023 from 12PM to 11PM. The location shall be in the alleyway behind and adjoining our businesses. The purpose of this event is to provide and sell food and beverages as an extension of the existing retail business known as Jimmy's Old Town Tavern.

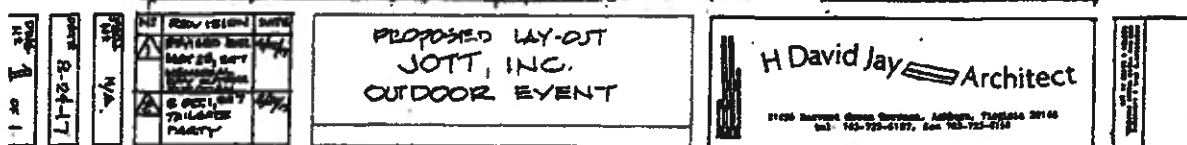
Sincerely,

Eddie Colon, Owner
The Upholstery Shop
757 Elden Street
Herndon, VA 20170

Date: _____

A large, stylized handwritten signature in black ink is written over the line for the date.

• **Label** as appropriate, noting the percentage difference in weight and/or amount, owner's name, date, place, exact size of in area (1-1/2" x 2-1/2")
 • **Number** to account for the piece's size & shape. No label!





January 7, 2023

Judy Fry
Town Manager's Office
Town of Herndon
777 Lynn Street
Herndon VA 20170

Re: Request for Noise Permit for Outdoor Event, Sunday, February 12, 2023

Dear Ms. Fry:

This letter serves as an Application/Request for a Noise Permit for Jimmy's Old Town Tavern, 697 Spring Street, to be issued in conjunction with a Temporary Use Permit for an Outdoor Event to begin at 12:00 PM and ending at 11:00 PM on Sunday, February 12, 2023. In accordance with the Town's noise ordinance, music/tv sound will be allowed to be played from 12:00 PM to 10:00 PM outside in the rear alley/former Robert's Carpet parking on this date.

If you have any questions, please contact me at 703-470-4014

Sincerely,

A handwritten signature in black ink, appearing to read "James C. Cirrito", is written over a light blue horizontal line.

James C. Cirrito
Owner
Jimmy's Old Town Tavern

January 9, 2023

Jimmy's Old Town Tavern
697 Spring Street
Herndon, VA 20170

Dear Mr. Cirrito,

This is in response to your request for a noise permit for your outdoor event on Sunday, February 12, 2023, to be held between the hours of 12 PM and 11 PM. Since you will be using amplified sound, you are required to have a noise permit. Please keep in mind that the noise permit only allows amplified sound between 7 AM and 10 PM.

I am approving the noise permit and this letter will serve as such. By copy of this letter to the Herndon Police, I am advising them of your event since they enforce the noise ordinance.

Best wishes for a successful event.

Sincerely,



Bill Ashton
Town Manager

c. Maggie A. DeBoard, Chief of Police