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**HERNDON TOWN COUNCIL
Tuesday
October 26, 2021**

The Town Council met in public session on Tuesday, October 26, 2021, at 7:00 p.m. in the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia. In attendance were: Mayor Sheila A. Olem; Vice Mayor Cesar del Aguila; and Councilmembers Naila Alam; Pradip Dhakal; Signe Friedrichs; Sean M. Regan; and Jasbinder Singh.

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Maggie DeBoard, Chief of Police; Robert Tang, Director of Finance; Page Kalapasev, Director of Information Technology; Scott Robinson, Director of Public Works; Elizabeth Gilleran, Director of Community Development; Anne Curtis, Chief Communications Officer; David Stromberg, Zoning Administrator; and Margie Tacci, Deputy Town Clerk.

PLEDGE & CALL TO ORDER

Mayor Olem led the Pledge of Allegiance and called the meeting to order at 7:00 p.m., all members present and with Mayor Olem presiding.

ANNOUNCEMENTS

Mayor Olem asked Council and those participating to observe meeting decorum and the town's meeting guidelines.

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APPROVAL OF MINUTES

Vote on July 6, 2021

Town Council Work Session Minutes

On motion of Councilmember Friedrichs, seconded by Councilmember Dhakal and carried by unanimous roll call vote, the minutes of the July 6, 2021 Town Council Work Session were approved. The vote was: Councilmembers Alam, Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye."

Vote on July 13, 2021

Town Council Public Hearing Minutes

On motion of Councilmember Dhakal, seconded by Councilmember Friedrichs and carried by unanimous roll call vote, the minutes of the July 13, 2021 Town Council Public Hearing were approved. The vote was: Councilmembers Alam, Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye."

Clarification

Before the vote, Councilmember Friedrichs noted that Councilmember Alam was absent from the July 6, 2021 and July 13, 2021 meetings and asked if Councilmember Alam should be voting on approval of the minutes.

Mayor Olem stated that Councilmember Friedrichs was correct and asked Ms. Yeatts if Council needed to revote on the first set of minutes.

Ms. Yeatts stated that if a Councilmember was absent, they could still vote on the minutes. She stated that it was within the discretion of the Councilmember and Chair.

ANNOUNCEMENTS

Herndon Police Promotion Ceremony

Mayor Olem congratulated all officers and professional staff who were recognized at the prior week's Herndon Police Department Promotions Ceremony. The ceremony reflected more than two years' worth of promotions with three civilian promotions and 18 officer promotions. Mayor Olem thanked Chief DeBoard and Mr. Ashton for their words at the ceremony.

Halloween

Halloween was Sunday, October 31, and Mayor Olem reminded everyone to wear reflective costumes, cross streets at crosswalks, trick-or-treat in the company of a trusted adult, and only visit homes of people they knew.

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Leaf Collection

Mayor Olem said the town's leaf collection was ongoing, and the pick-up schedule was listed on the town calendar and posted on the town's website.

Election Day

Mayor Olem reminded everyone that Tuesday, November 2, 2021 was Election Day, and the next Town Council meeting would be on Tuesday, November 9, 2021 in the Herndon Police Department Community Room.

Last Day of Farmer's Market

Thursday, November 4, 2021 was the last day of the Herndon Farmers' Market, and Mayor Olem encouraged everyone to visit the last few weeks.

Veterans Day

Mayor Olem reminded everyone that Thursday, November 11, 2021 was Veteran's Day, and the Veteran's Day Observance would be hosted by the American Legion Wayne M. Kidwell Post 184 at 11:00 a.m. on the Town Green. She clarified with Mr. Ashton that it was on the Town Green and invited everyone to attend.

3. COMMENTS FROM THE TOWN MANAGER

Mayor Olem recognized Town Manager, William H. Ashton II.

Mr. Ashton stated staff was working to reschedule the next Strategic Planning Meeting.

Mr. Ashton shared that he, Mayor Olem, and Dennis Holste attended a Fairfax County Board of Supervisors Meeting where the Fairfax County Economic Development Team presented the Downtown Redevelopment project. He indicated Fairfax County would offer \$5 million of project funding support for the effort. The presentation was drafted by Fairfax County Economic Development Team and included their analysis. It was well-received by the Board of Supervisors and they approved moving to the next step which was drafting by the attorneys.

4. COMMENTS FROM THE TOWN COUNCIL

Vice Mayor del Aguila: Said he would defer and ask questions after the rest of Council.

Councilmember Alam: No comments.

Councilmember Dhakal: No comments.

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Councilmember Friedrichs: Said she and Mayor Olem attended the Fairfax County Arts Awards at the new Tysons Corner Capital One Hall. Councilmember Friedrichs shared about a touching award received by Kelli Schollard-Sincock who started a prison arts program. Councilmember Friedrichs said she told impressive stories of people finding hope, new talent, and understanding they could provide things for society. One inmate was getting ready to graduate from college.

She also said Chairman McKay spoke about his daughter, a ballerina, and the effect of COVID on her life. Councilmember Friedrichs said she told her husband, a pianist, about the prison program. He shared that it had been a hard time for artists because they could not connect with other people. Given what she heard, Councilmember Friedrichs wanted to express thanks to two people who persevered during those times: Joanna Ormesher of Arts Herndon and Evan Hoffman of NextStop Theatre Company. She said they managed outdoor projects and some of the first events people could attend to enjoy themselves. Councilmember Friedrichs thanked them.

Councilmember Friedrichs thanked Cindy Roeder, Director of Parks and Recreation, and staff for work during the Herndon Homecoming Parade. She said Chief DeBoard and HPD provided safety, Cindy Roeder and Parks and Recreation provided joy, and Mr. Ashton made it look easy. At a time when they were struggling to maintain staffing levels, she thought staff was doing an amazing job.

Councilmember Regan: Commended staff and DPW for bulk trash pickup which he really appreciated. He also thanked DPW for their impressive response during the prior night's storm in difficult weather. Councilmember Regan said he was thankful and happy to live in the Town of Herndon.

Councilmember Singh: Councilmember Singh asked a question about the \$5 million mentioned by Mr. Ashton during Comments from the Town Manager. (Mr. Singh's exact question was inaudible due to his microphone being off.)

Mr. Ashton said there was a \$1.2 million dollar grant, and the \$5 million proposed was separate. He clarified the ROI model presented to the Fairfax County Board of Supervisors.

Vice Mayor del Aguila: Said there was a lot of discussion about the Comstock project and inquired about that with Mr. Ashton. Mr. Ashton said that day was a major milestone for the work of town and county Economic Development staff. Mr. Ashton said economics were a major issue with rising costs of materials, labor, and about every other commodity and the numbers were moved closer to reality. Mr. Ashton stated building permits were in to be looked at and released to Comstock by December 1st. Comstock was working with the town to run some things in advance—such as sewer lines being run during the Center Elden Street Project. He said Comstock was doing their internal work with general contractors to fine-tune cost proposals in preparation of issuing contracts. They were working with their lender at this stage and hopefully

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finalizing ArtSpace and parking relocation. Mr. Ashton indicated there were tasks being dealt with daily and, at a staff level, they were moving kinetically. Some work on the sewer line would begin in the coming weeks.

Vice Mayor del Aguila said, "perception is reality." He asked if anything Mr. Ashton had seen or been updated on recently would cost the town additional funds. Mr. Ashton said no more than they currently committed.

Mayor Olem: Shared that week's Metro Monday was awesome and thanked Councilmember Regan and Councilmember Friedrichs for attending. She said there was an update on what was being done at the two metro sites in Reston and Herndon. Mayor Olem said they also updated those there on forthcoming Town of Herndon projects.

She shared that at the Board of Supervisors meeting that day, the arts were very much of interest to the county. She said the Capital One center was awesome, and the Board of Supervisors were interested in what the town was doing with community arts. Mayor Olem said she had an opportunity to speak with most supervisors before the meeting about the downtown projects. She mentioned that the town has donated land for the county to take care of projects in the past.

Mayor Olem agreed with Councilmember Regan's positive comments about bulk trash pickup, and said it was her favorite holiday. She said she tried to put things out in case they could be reused.

Mayor Olem stated VML took place October 3-5 and provided a handbook to Vice Mayor del Aguila and Councilmember Alam who did not attend.

COMMENTS & DISCLOSURES FOR THE RECORD

Mayor Olem asked the 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 Deputy Town Clerk stated comments were provided to council and entered into the record on: Item #6, Ordinance 21-O-22, to consider Zoning Ordinance Text Amendment ZOTA #21-03; Item #8, Resolution 21-G-81, establishing the town's 2022 Legislative Program; and Item #9, Resolution #21-G-82, to consider a proposed funding agreement related to the preparation of a Transit-Related Growth Small Area Plan.

The clerk did not receive disclosures from Council on any item listed on the agenda that evening.

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5. COMMENTS FROM THE AUDIENCE

Mayor Olem reminded everyone they could comment on any items that were not public hearings and stated they could comment on any public hearing items during the public hearings. Mayor Olem reviewed the process and guidelines for speaking and providing comments.

The following individual provided comments:

- Walt Shorter, 559 Early Fall Court, Herndon: Provided comments about Council concerns and safety in the town. Mr. Shorter also provided positive comments about DPW and other members of staff who had assisted him.

PUBLIC HEARINGS

6. Ordinance 21-O-22, to consider zoning ordinance text amendment, ZOTA #21-03, to amend Chapter 78 (ZONING), Article VII (Use Regulations), Article VIII (Accessory Uses), to revise or establish new limitations on size, bulk, and setbacks for accessory dwelling units; to eliminate the special exception requirement for accessory dwelling units in certain situations; and to eliminate the minimum age and physical, mental, or cognitive disability requirements for accessory dwelling units.

Certificates of Publication were filed from the Editor of the *Fairfax County Times Newspapers*, showing that notice of said public hearing item had been advertised in the Friday, October 8, 2021 and Friday, October 15, 2021 issues.

Mayor Olem recognized David Stromberg, Zoning Administrator to present the staff report. Ms. Yeatts presented the staff report and PowerPoint, dated October 26, 2021, which are on file in the Town Clerk's office.

Mr. Stromberg indicated Council approved Resolution 21-G-56 to initiate consideration of this Zoning Ordinance Text Amendment (ZOTA) on June 8, 2021. He reviewed the background of this resolution and said it was in response to the letter from the Planning Commission (PC) dated April 29, 2021 to Council regarding the PC's support to update the regulations for Accessory Dwelling Units (ADUs). The PC held six meetings between July and September, and now the amendment was back before Council for evaluation and vote.

Mr. Stromberg provided information about existing regulations and stated current zoning regulations for ADUs existed mostly unchanged since their adoption in 1983. ADUs were not a by-right use and required special exceptions. They must also comply with 12 additional criteria, which he listed. Mr. Stromberg outlined the original intent which was to enable elderly or disabled persons to gain income by renting to tenants and allow smaller, more affordable units for elderly or disabled tenants. He outlined the

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change in conditions and developing patterns that created a need to reexamine the current regulations. These included a significant change in Herndon's population since 1983 and development patterns consistent with emerging or accepted planning processes. He also listed nearby localities who had recently updated ADU requirements.

The proposed changes were outlined in detail by Mr. Stromberg. These included distinguishing between physical types of ADUs (internal, attached, and detached), changes to the special exception requirement, changes to the maximum size requirement, restrictions on location, setback requirements, occupancy requirements, and removal of physical improvements, changes to the maximum number of people, and changes to parking requirements.

Mr. Stromberg indicated the town expected to see two to three ADUs per year. He went over the impact of ZOTA #21-03 if it were approved.

The PC recommended approval of ZOTA #21-01, by a 6-1 vote on September 27, 2021, with one additional modification—that a 10-foot setback be required between a detached ADU and any other detached accessory structure. The dissenting commissioner stated her reason for voting “nay” on the motion was because she believed the modification was unnecessary and preferred to support the original motion which was to approve ZOTA #21-01, as originally presented that evening. Mr. Stromberg indicated the maximum height requirement change suggested by Councilmember Regan was logical and included in both.

Staff recommended Council approve ZOTA #21-03 in accordance with Attachment #1.

Councilmember Dhakal asked Mr. Stromberg to go back to slide three in the PowerPoint and asked if the yellow highlights remained. Mr. Stromberg confirmed. Councilmember Dhakal then confirmed with Mr. Stromberg that the age and disability requirement would be removed. Mr. Stromberg confirmed that should not be highlighted in the PowerPoint and Councilmember Dhakal was correct.

Councilmember Singh provided comments (intermittently inaudible due to his microphone being off) about a memo he wrote about special exceptions and the word “accessory.” He provided comments about use and problems he had with what was done.

Mayor Olem asked Councilmember Singh to speak close to the microphone.

Councilmember Singh continued comments (intermittently inaudible due to his microphone being off) about two families living there and his problems with changing characteristics of the entire zoning district. He was very concerned and disagreed that only a few people might build an ADU. He said there were many homes on large lots that could be built up. He thought this was concerning and this needed to be thought through. Councilmember Singh said he wanted to understand and commented on what he thought should be considered.

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Councilmember Singh then asked about a 2006 standard zoning ordinance. Responding to queries from Councilmember Singh, Mr. Stromberg said the state code had not needed to address ADUs specifically at the time Councilmember Singh referenced.

Councilmember Singh asked how this was consistent with the Comprehensive Plan, and Mr. Stromberg clarified that the Comprehensive Plan laid out several goals for increased housing types and availability and specifically calls out ADUs to be included and permitted in appropriate places. Mr. Stromberg then made a distinction for earlier comments about a state bill that did not pass. He said this text amendment would not eliminate single-family housing. In those two cases, they were creating two family lots. This ordinance had far more restrictions on residents, size, location, and house requirements. He reviewed types of ADUs and the requirements and said this was not changing a single-family lot into a two-family lot.

Councilmember Singh provided further comments about families living there. He said he was most troubled by detached units and their placement on lots. Councilmember Singh said he was surprised someone on PC said a detached unit could be so close to the main building. He thought that was not acceptable.

There was a brief discussion between Councilmember Singh and Mr. Stromberg about subsidized housing. Mr. Stromberg confirmed there were no government programs to make ADUs subsidized and rent rates would be up to the owner and, most likely, market rate.

Councilmember Singh provided further comments about ADUs being built. (His comments were intermittently inaudible due to his microphone being off.)

Mayor Olem asked if Councilmember Singh had any more questions. Councilmember Singh said he would keep going.

Councilmember Singh asked about this change following best practices. Mr. Stromberg clarified best practices were what was common in the industry, and this was the trend they were all going toward. Mr. Stromberg said this was modeled after what other locations had been doing, and the current ordinance deviated from where trends were going.

Councilmember Singh asked if they were allowing two families to live in a single-family district. Mr. Stromberg said not based on documents and literature.

Ms. Yeatts informed Mayor Olem that Councilmember Singh's questioning had gone on for 11 minutes.

Mayor Olem indicated they would let other members of Council speak.

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Vice Mayor del Aguila said, for the record, that this idea came from the PC. Mr. Stromberg confirmed the main impetus was from the PC. Vice Mayor del Aguila indicated he wanted to clarify it was not something they requested. Mr. Stromberg said Council had mentioned staff looking into some of the issues during the applications for previous ADUs.

Vice Mayor del Aguila commented on the PC decision where they were all in favor and recommending and that staff approved recommendation. He said he heard Councilmember Singh's concerns and asked what the true negative impact or unintended consequences would be and if they would be looked at. Mr. Stromberg clarified that was part of the six-month process. They would see what would happen and its effect. He believed they had protections in place that would not cause dramatic changes to neighborhoods. Mr. Stromberg further stated that, even though they were relaxing requirements, many standards needed to be met and some were expensive.

Vice Mayor del Aguila inquired about the number of requests per year, and Mr. Stromberg said there were a few more recently. He clarified there were sometimes informal inquiries that decided not to move forward.

Councilmember Regan asked about sizes listed in two places and if they conflicted with one another or were independent. Mr. Stromberg clarified the numbers Councilmember Regan looked at were separate, and the more specific sections overruled.

Councilmember Regan asked about which version of setback requirements was which. Mr. Stromberg clarified that Attachment #2 was 10 feet from the principal structure. Attachment #1 did not have the additional 10-foot requirement.

Councilmember Friedrichs asked what would happen if everyone did this and if Herndon would look the same. Mr. Stromberg said it was the same as what people could do at that time which was cover 25 percent of their lot with structures.

Councilmember Friedrichs then inquired about enforcement and Mr. Stromberg clarified that those living in the ADU did not have to be family members. Responding to further inquiries from Councilmember Friedrichs about confirming the owner was living in the main structure, Mr. Stromberg said they could confirm with records. Councilmember Friedrichs said nobody went street by street to make sure owners were the ones living there. Mr. Stromberg said there was generally no rule that if someone owned a house they had to live there. It was this additional use that had that requirement.

Councilmember Friedrichs asked if there was any language that would direct people to check, and Mr. Stromberg said typically investigations and enforcement happened after a complaint.

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Councilmember Friedrichs asked about comparing with Arlington, and Responding to Councilmember Friedrichs, Mr. Stromberg confirmed the comparison with Arlington was proportional.

Councilmember Friedrichs said a resident asked them not to put the 10-foot requirement between ADUs and main buildings due to an unanticipated consequence. Mr. Stromberg opined that it could increase difficulty of installation due to odd-shaped lots and placement requirements. Councilmember Friedrichs provided follow-up questions about property lines. Mr. Stromberg clarified the ordinance at that time allowed structures on property within two feet of the lot line and if someone had an existing garage, at the time of adoption, it would be okay. If they would build a new building it would have to be 10 feet back. There was further discussion between Councilmember Friedrichs and Mr. Stromberg about garages and other existing structures.

Councilmember Alam had no questions.

Mayor Olem commented on numerous homes adding kitchens and making apartments and asked if this would make it easier to eliminate that. Mr. Stromberg said from an enforcement and safety side they were more concerned about internal ADUs and unsafe conditions. He said there was currently no option for anyone to come into compliance because they would automatically be denied due to the existing age and disability requirements. This would allow appropriate people to come in for safety and let them direct enforcement resources. Mayor Olem asked, if this passed, if it would make it easier to enforce. Mr. Stromberg said it would because they would know who had permits.

Mayor Olem asked about adding an additional structures and new stormwater regulations. Mr. Stromberg clarified that if they met a disturbance point, they would have to meet stormwater regulations.

Councilmember Singh indicated he had additional comments and questions.

Mayor Olem asked him to save his comments until after the public hearing.

Councilmember Singh asked to pick up where he left off.

Councilmember Singh asked if there was analysis done on stormwater. Mr. Stromberg said there was no potential change from what already existed in terms of the amount of structure and imperviousness on a lot.

Councilmember Singh provided comments about a personal experience and said they needed to think about all impacts.

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Responding to further questions from Councilmember Singh, Mr. Stromberg clarified someone could not have an interior and exterior ADU. There could only be one per lot. He also clarified three people could live in an ADU and that number included children.

Mayor Olem asked if there were any speakers for this item.

- Arthur Nachman, 866 Vine Street, Herndon: Provided comments against passage of the ZOTA and asked Council to deny it.

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

Main Motion (Subsequently Substituted)

Councilmember Regan moved to approve Ordinance 21-O-22 in accordance with:

Attachment #1: Draft ordinance presented to planning commission with Councilmember Regan's suggested wording regarding maximum height.

Councilmember Regan stated, for clarification, that Attachment #1 did not require the additional setback from other accessory structures.

Motion seconded by Vice Mayor del Aguila.

Councilmember Regan provided comments about this issue and his understanding of why they were allowing ADUs. He commented on intentions of ADUs and pointed out they would be correcting something flawed.

Vice Mayor del Aguila deferred commenting.

Councilmember Singh said to accomplish the goal of simplifying regulations he thought they could change a few existing requirements without increasing size and allowing non-family members to rent. He said that was not what Councilmember Regan proposed.

(During Councilmember Singh's comments the video was unavailable and some of his comments were not captured.) Councilmember Singh commented on land available. He said he was against everything except a simplification and it would change the zoning. Councilmember Singh thought they may want a formal opinion.

Councilmember Dhakal said the motion on the table included the setbacks.

Councilmember Alam no comments.

Councilmember Friedrichs no comments.

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Mayor Olem indicated she had some concerns. (Mayor Olem's comments were not captured due to interruption of the video stream.)

Vice Mayor del Aguila commented. (Vice Mayor del Aguila's comments were not captured due to interruption of the video stream.)

Substitute Motion to Defer Action (Subsequently Approved)

Councilmember Singh stated that he would like to postpone the vote on this item until the next public session.

Clarification

Mayor Olem asked Councilmember Singh if he wanted a deferral of Ordinance 21-O-22.

Councilmember Singh answered in the affirmative to Mayor Olem's question. He said he would like Council to have more time to think about the issues involved.

Ms. Yeatts stated that the Council could defer the consideration of Ordinance 21-O-22; however, they had closed the public hearing. She further clarified that if the motion passed, consideration would be deferred, but the public hearing had been closed.

Mayor Olem asked Councilmember Singh to clarify that his motion was to defer Ordinance 21-O-22.

Councilmember Singh stated yes, his motion was to defer Ordinance 21-O-22 until the next public hearing, but he was not sure of that date.

Mayor Olem stated that the next public hearing was scheduled for the third week in November.

Ms. Yeatts clarified that the work session was on November 9, 2021 and the public hearing meeting was on November 16, 2021.

Councilmember Singh stated that his motion was to postpone and defer this issue until November 16, 2021.

Motion seconded by Councilmember Friedrichs.

Mayor Olem restated, for clarity, that Councilmember Singh's motion was to defer Ordinance 21-O-22 to the November 16, 2021 TCPH.

Councilmember Singh said it would give them more time.

Councilmember Friedrichs wanted more time for public comment.

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Discussion on the Process

Mayor Olem recognized Councilmember Regan, who had a procedural inquiry. He asked Ms. Yeatts how the process worked since there was already a motion on the table.

Ms. Yeatts stated that there needed to be a second to the substitute motion and if there was a second, then that became the new motion under consideration. If the substitute motion passed then it passed; if it failed, it was back to the original main motion.

Councilmember Regan asked Ms. Yeatts if that was by a majority vote.

Ms. Yeatts answered in the affirmative to Councilmember Regan. She again clarified that there was no second public hearing since the public hearing had been closed.

Following a question-and-answer period with Councilmember Regan, Ms. Yeatts stated that at the next public hearing, Council would consider the item for a vote; Council could ask for a staff presentation; and that there would not be a public hearing where citizens could speak.

Ms. Yeatts further clarified that citizens could speak during normal public comment [Comments from the Audience], but there would be no public hearing comment period specific to this item because the public hearing had been closed.

Responding to queries from Councilmember Singh, Ms. Yeatts emphasized that at the November 16th meeting, the public could speak about this item only during public comments [Comments from the Audience].

Councilmember Dhakal indicated support for Councilmember Regan's motion but also to allow for more public comment. He said he agreed with the PC and staff, but he did think two weeks would allow them to hear more from stakeholders in public comment, and he supported tabling.

Mayor Olem said they did get two emails.

Councilmember Regan reminded Council this had been through multiple PC meetings and it was evidence of a process. He commended the PC for asking them to look into this and said he was not concerned by lack of public input.

Councilmember Singh provided comments about Council's problems with special exceptions. He thought they should have talked about all aspects before the PC and that the PC should defer to them. He added that he thought it was a problem to talk about.

Ms. Yeatts said for those who were new, and the public, the consideration of this amendment was initiated by Council. She clarified it was a ZOTA initiated by

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Council 9 months ago. It went to the PC and directed them to consider it. The PC considered and responded, as is their duty, pursuant to state code. She reiterated the PC was following state code process.

Councilmember Singh disagreed and felt that changed it completely. He said it was a significant change.

Vote on the Substitute Motion to Defer Action (Approved)

Mayor Olem stated that Councilmember Singh had made a substitute motion, seconded by Councilmember Friedrichs, to "defer passing Attachment #1 until the November 16th public hearing." She asked the clerk to call the roll.

The question was called on the motion, which carried by 6-1 roll call vote. The vote was: Councilmembers Alam, Dhakal, Friedrichs, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye." Councilmember Regan voting "No."

Clarification

Following the vote on the substitute motion, Ms. Yeatts stated that the original main motion died.

Mayor Olem stated that the ordinance in its entirety has been deferred until November 16, 2021.

Point of Order

Councilmember Regan called for point of order. He asked, since the main motion died, what Council would start with on November 16th. He asked if they would call for a new motion.

Ms. Yeatts stated that the Council could consider both options at that point. She stated that the motion was not an amended motion, it was a substitute motion to defer consideration until November 16, 2021.

Councilmember Regan stated that he would further discuss this with Ms. Yeatts at another time.

CONSENT

7. **Resolution 21-G-80, to ratify a Second Extension of Lease pursuant to Ordinance 20-O-23 Continuity of Governmental Operations, as amended, between the Town and The Elden Street Players d/b/a NextStop Theatre Company;**

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8. **Resolution 21-G-81, establishing the Town of Herndon's 2022 Legislative Program to request that the 2022 Virginia General Assembly amend Title 37 of the Code of Virginia to provide more capacity to address the needs of those in emotional crisis and to prohibit the issuance of Temporary Detention Orders (TDO) when space is not available; and to advise on matters of legislative interest on which the Town takes a position; and**
9. **Resolution 21-G-82, to approve a Funding Agreement for Consulting Services, between the Town of Herndon and certain owners of property located in the Transit-Related Growth Area to provide funding for planning consultant services related to the preparation of a Transit-Related Growth Small Area Plan.**

On motion of Councilmember Friedrichs, seconded by Councilmember Regan, the Consent Agenda items were approved by unanimous roll call vote, without comment. The vote was: Councilmembers Alam Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye."

Resolution 21-G-80, to ratify a Second Extension of Lease pursuant to Ordinance 20-O-23 Continuity of Governmental Operations, as amended, between the Town and The Elden Street Players d/b/a NextStop Theatre Company.

WHEREAS, the parties entered into a Lease Agreement dated October 15, 2019 as extended by the Emergency Extension dated September 18, 2020 for 1,275 sq. ft of space rehearsal in the Town's building at 397 Herndon Parkway; and

WHEREAS, the Lease Agreement was set to expire on October 14, 2021; and

WHEREAS, Town and Lessee desired to extend the term of the Agreement to expire on June 30, 2022; and

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

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia hereby ratifies the Second Extension of Lease dated October 8, 2021 and signed by the Town Manager between the Town of Herndon and The Elden Street Players d/b/a NextStop Theatre Company for space in the Town's building at 397 Herndon Parkway in Herndon.

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[Note: Attached for reference is the Second Extension of Lease dated October 8, 2021 b/n the town and The Elden Street Players d/b/a Nextstop Theatre Company.]

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

Pursuant to the powers conferred upon the Town Manager by Ordinance 20-O-23, as amended, this Second Extension of Lease Agreement dated October 8, 2021 hereby extends the October 14, 2021 termination date of the existing Lease Agreement between the TOWN OF HERNDON, a municipal corporation (Landlord) and THE ELDEN STREET PLAYERS D/B/A NEXTSTOP THEATRE COMPANY (Tenant), dated October 15, 2019, as extended by the Extension of Lease dated September 18, 2020 (the Lease) for rehearsal space at 397 Herndon Parkway (the Premises), as set out in this Second Extension of Lease (the Extension).

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

1. The Lease is incorporated by reference.
2. The Lease shall terminate on June 30, 2022.
3. In all other respects, the Lease is confirmed.

TOWN OF HERNDON, VIRGINIA

**THE ELDEN STREET PLAYERS D/B/A
NEXTSTOP THEATRE COMPANY**

By: <u>William H. Ashton II</u>	By: <u>Melody Fetske</u>
Name: <u>William H. Ashton II</u>	Name: <u>MELODY FETSKE</u>
Title: <u>Town Manager</u>	Title: <u>PRESIDENT</u>

APPROVED AS TO FORM

By: Lesa J. Yeatts
 Name: Lesa J. Yeatts
 Title: Town Attorney

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Resolution 21-G-81, Establishing the Town of Herndon's 2022 Legislative Program to request that the 2022 Virginia General Assembly amend Title 37 of the Code of Virginia to provide more capacity to address the needs of those in emotional crisis and to prohibit the issuance of Temporary Detention Orders (TDO) when space is not available; and to advise on matters of legislative interest on which the Town takes a position.

Recitals

The Mayor and the Town Council of the Town of Herndon, Virginia, to render the Town government more responsive to the citizens, yearly advise the Town's representatives in the General Assembly of legislation which they wish to be advanced and legislative positions on important issues.

The Mayor and Town Council enjoy a favorable relationship with their representatives in the General Assembly and thank them for their interest and support.

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

1. Action Items

The Town Council respectfully requests the General Assembly to pass the following legislation:

Amendment of the Code of Virginia to request that the 2022 Virginia General Assembly amend Title 37 of the Code of Virginia to provide more capacity to address the needs of those in emotional crisis and to prohibit the issuance of Temporary Detention Orders (TDO) when space is not available

2. Informational Items

The Town generally supports the positions of the Virginia Municipal League (VML) relative to issues and legislation affecting local governments.

Additionally, the Town Council would be advising the 2022 General Assembly of the following positions without seeking any specific legislation:

Addressing Behavioral Health Services in Local and Regional Jails

New state regulations establishing behavioral health care will apply to every local and regional jail. The Town supports the state provision of adequate and

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necessary funding for such services through either enhanced jail per diem payments or other funding mechanisms to cover the additional costs to appropriately serve inmates with serious behavioral health needs.

Broadband

The Town supports affordable broadband or internet access for all Virginians. Localities understand the importance of robust broadband for economic development projects as well as in households. As the state and federal governments offer money to ensure all Virginians have broadband, they should also use their funding resources to make it affordable for all. This includes working with private broadband, internet, and wireless companies and potential new service providers, including electric cooperatives, to ensure access to robust service at an affordable cost.

Collective Bargaining

The Town shares concerns about the increase in the cost of government, bureaucracy in local government operations, and more adversarial employee relations and has opposed collective bargaining.

The Town does not support requiring localities to engage in collective bargaining.

Communications Sales and Use Tax

The Virginia Communications Sales and Use Tax was enacted to establish a statewide tax rate and to preempt local taxes on communications sales and services.

- The Town supports setting the tax rate at the same level as the state sales tax rate and broadening the coverage of the tax to include audio and video streaming services and prepaid calling cards.
- The Town opposes transfers of these revenues to the state general fund for purposes other than those currently stipulated in the Code of Virginia.

Economic Development

The Town supports local flexibility to promote economic development we emerge from the pandemic. A changed business landscape will necessitate a review of revenue sources to localities along with new ideas and actions that will broaden and diversify local revenue streams. Retention of current businesses is vital, and we support continued grant funding for current businesses that are both efficient and effective.

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Expand Local Authority to Self-Certify Tax Exempt Utility Capital Improvements

The Town supports an amendment to Code of Virginia § 58.1-3660 enabling political subdivisions to self-certify equipment, facilities, devices, or other property intended for their own use in conjunction with the operation of their water, wastewater, stormwater, or solid waste management facilities or systems.

Freedom of Information Act (FOIA)

The Virginia FOIA drives and impacts localities every single day. The Town supports thoughtfully conceived legislation. The Town supports:

- FOIA legislation review by the FOIA Council prior to enactment.
- Expanding electronic meetings outside of declared emergency periods with flexibility for localities to determine how to include public participation and public comment.
- Clear guidelines on fees for FOIA requests but does not support shifting the burden of FOIA costs to localities.

Funding of Community Services, Boards, and Behavioral Health Authorities

- The Town supports sufficient and sustained state funding and technical assistance for community services boards/behavioral health authorities to implement STEP-VA requirements and to support the planning and implementation of Marcus Alert protocols. This funding should not come at the expense of other community-based service initiatives and requirements; nor should the burden of funding these state initiatives be shifted to local governments.
- Federal ARPA funds and robust state revenues offer an opportunity for the state to make new investments in the community and in the state hospitals.
- Investments should go to both build the network of community-based services and to assist state hospitals with their vital mission.

Funding the Real Cost of Education

- Even though the Town does not have a school system, all of the Town's children attend Fairfax County schools located in the Town. The Town believes that a strong public school system is essential to economic development and prosperity.

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- The state must be a reliable funding partner in accordance with the Virginia Constitution and state statutes.
- The Standards of Quality should recognize the resources, including staff positions, required for a high-quality public education system.
- The Town opposes changes in methodology and changes in the division of financial responsibility that result in a shift of funding responsibility from the state to localities.
- The Town opposes policies that lower state contributions but do nothing to address the cost of meeting the requirements of the Standards of Accreditation and Standards of Learning.

Land Use Control

The Town believes that localities must maintain control of local land use decisions. Neither the state nor the federal government should usurp or preempt a locality's authority to make such decisions; nor should they impose requirements that weaken planning and land use functions. This includes all types of housing to include but not limited to short-term rentals. The Town supports local government authority to promote affordable and mixed income housing as well as the required infrastructure to facilitate in-fill development, redevelopment and mixing of uses. Any mandate from the state should include full funding for the locality.

Local Option Income Tax

The Town believes that to broaden local tax bases, the General Assembly should authorize, at local option, a "piggy-back" income tax to be imposed at the local level for both general and special purposes. Such authority could help take the pressure off real estate taxes and help keep people in their homes as property values rise.

School Modernization and One Percent Local Option Sales Tax

The Town supports the statewide authority for local governments to impose a one percent sales tax to help raise funds for school construction and renovation. For those already imposing an approved one percent sales tax for local or regional special funding needs, an additional one percent for school infrastructure funding should be authorized for school construction and renovation purposes.

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Sovereign Immunity

The Town agrees that expanding liability and eroding immunities at the state level across the nation have had a chilling effect on the actions of local government officials contributing to local government insurance problems, creating immense financial risks (particularly for legal costs), and posing a substantial obstacle to the provision of needed public services.

The Virginia General Assembly should strengthen and must maintain the principles of sovereign immunity for local governments and their officials.

State Assistance to Local Police Departments (HB 599)

Almost 70 percent of Virginians live in communities served by police departments. The state created a program of financial assistance to local police departments (HB 599) when it imposed an annexation moratorium on cities more than 30 years ago. It has increasingly de-emphasized this funding obligation as a priority but has never compromised on the annexation moratorium. The Town supports VML's call for the state to honor its commitment to local governments and public safety by funding the program as stipulated in the Code of Virginia or lift the moratorium on annexation.

Statewide Authority to Enter Into a Clean Energy Contract

The Town supports legislation that allows any locality to enter into a Clean Energy Contract also known as a Virtual Power Purchase Agreement (VPPA).

Taxing, Licensing, and Regulating Internet-Based Businesses and Services

State actions to regulate private enterprises employing a business model that emphasizes the use of the internet to either provide retail, facilities, or ride-sharing services must acknowledge local government interests and include local governments in the decision-making.

As general principles, the Town believes state and local policies should 1) encourage a level playing field for competing services in the market place; 2) not provide a tax preference or tax policy advantage for one group at the expense of another group in the competitive field; 3) seek to preserve state and local revenue; 4) ensure safety, reliability, and access for consumers, providers, and the public; and 5) protect local government's ability to regulate businesses whether they are traditional, electronic, internet-based, virtual, or otherwise.

The Town also believes that the state should not prohibit the sharing of financial information between the Commonwealth and appropriate local authorities that is normally treated as a part of the public domain. The Town further believes that

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the state should not prohibit a locality from exercising its authority to enter into voluntary collection agreements provided that such agreements include provisions to protect the public's interest.

Utilities

Many local governments own and operate utilities that provide services that may include but are not limited to water, sewer, electric and natural gas. These utility services are funded by localities both outright and as enterprise funds and usually have bonding authority and financial restrictions on their operations. Moratoriums on service cut-offs without proof of COVID-related hardship result in lost revenues that cannot be recovered from citizens who were fully able to pay for the service. Customers' bills become a significant financial hardship for them because they assumed the state was going to cover the expense during the moratorium.

The Town supports localities' right to manage the operation of utilities without state interference.

Resolution 21-G-82, to approve a Funding Agreement for Consulting Services, between the Town of Herndon and certain owners of property located in the Transit-Related Growth Area to provide funding for planning consultant services related to the preparation of a Transit-Related Growth Small Area Plan.

WHEREAS, the Metrorail Station Urban Development Area of the Town of Herndon ("Town") Comprehensive Plan calls for the creation of a Small Area Plan for the area known as the Transit-Related Growth Area ("TRG"); and

WHEREAS, the TRG Small Area Plan will encapsulate the Town's vision for future development and provide more detail based upon site specific opportunities and constraints that will enable property owners to move forward with redevelopment of their property in a way that is compatible with the Town's vision; and

WHEREAS, the creation of a TRG Small Area Plan requires complex analysis for which the Town will need to solicit requests for proposals through its regular procurement process for an outside planning consultant with the expertise to conduct a study and prepare a plan; and

WHEREAS, several different property owners of land located in the TRG ("TRG Owners") approached the Town with a proposal to pay the costs for the Town to hire an outside planning consultant for the preparation of a

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TRG Small Area Plan where the planning consultant shall at all times be under the under the exclusive supervision and control of the Town; and

WHEREAS, the TRG Owners and the Town desire to enter into an Agreement for Consulting Services that will allow the development and preparation of a TRG Small Area Plan to move forward.

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

1. ratifies and approves the Agreement for Consulting Services, including the Exhibits thereto;
2. authorizes the Mayor to sign on behalf of the Town the Agreement for Consulting Services substantially in the form and with the material terms of that considered by the Town Council on October 26, 2021; and
3. authorizes the Mayor to agree to changes to the Agreement for Consulting Services, including adjustment of the target dates, that do not change the Town's financial obligations, provided that the Town Attorney concurs with such changes.

[Note: Attached for reference, is the Funding Agreement for Consulting Services b/n the town; MBC Property Owners LLC; Herndon Van Buren LLC; and the Herndon Hotel Ownership LLC.]

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FUNDING AGREEMENT FOR CONSULTING SERVICES

THIS FUNDING AGREEMENT FOR CONSULTANT SERVICES is entered into this _____ day of _____, 2021 (the "Agreement") by and between MBC PROPERTY OWNERS LLC, a _____ limited liability company, HERNDON VAN BUREN LLC, a Delaware limited liability company, HERNDON HOTEL OWNERSHIP LLC, a Delaware limited liability company (Collectively "Owners") and the TOWN OF HERNDON, VIRGINIA, a Virginia municipal corporation ("Town").

WHEREAS, the Owners are owners of certain properties listed on Exhibit "A", attached hereto, (the "TRG Owners") and located in the area generally known as the Transit-Related Growth Area ("TRG") as shown on Exhibit "B", attached hereto, have agreed to work with one another and the Town to provide funding for the necessary consultant services related to the preparation of the TRG Small Area Plan. The TRG Owners enter into this Agreement for the sole purpose of providing funding for the Town for this purpose. The TRG Owners have entered into a separate agreement to allocate cost sharing between the various property owners and will be sharing costs equally; and

WHEREAS, by an initial letter dated May 5, 2021, to the Mayor and Town Council, and through further detailed discussions, the TRG Owners offered to commit significant resources to fund and initiate the TRG planning effort including consultant services; and

WHEREAS, the Town and the TRG Owners share the mutual goal of creating a vision for the TRG Small Area Plan with the necessary infrastructure, uses and density that are consistent with similarly situated Metro station areas, as well as context sensitive and exemplary urban design; and

THEREFORE, in consideration of all the declarations and terms contained herein, the parties hereto agree as follows:

ARTICLE I

SCOPE OF SERVICES

A. The TRG Owners shall provide funding for the Town to engage certain consultants to process, prepare and draft the TRG Small Area Plan. The going-in

Attachment
22-G-82

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mutual goal of the Town and the TRG Owners is to identify necessary infrastructure capacity and to create a plan for uses and density that are consistent with similarly situated Metro station areas as well as context sensitive and exemplary urban design. It is acknowledged by both parties that the TRG Small Area Plan is subject to the findings of the consultant studies including constraints and opportunities and also is subject to public input and requires ultimate approval by Town Council.

B. The TRG Small Area Plan encompasses the shared vision of the Town together with the TRG Owners that envisions the TRG as a new vibrant multimodal mixed-use center. It is a plan that will foster and guide redevelopment, and enhance the vitality and vibrancy of the transit area to become a place for people to work, live and enjoy. The site, which surrounds the Herndon Transit-Oriented Core (the "HTOC") area on the east and north sides, will expand transit-oriented redevelopment adjacent to the Herndon Metro Station while protecting and transitioning to the adjacent existing residential neighborhoods. The TRG will establish its own unique sense of place along the Silver Line and incorporate a menu of design techniques that will enhance the sense of place and community for which the Town of Herndon is known.

It will be a transit-village, not apart from but within the Town of Herndon, a place where anyone can feel at ease, welcomed and part of the whole. A place which addresses the needs of its businesses, and daytime and nighttime residents through a symbiotic mix of uses, its encouragement for active modes of transportation and transit, foresight to accommodate new ways of doing business, and post-COVID trends in living, shopping and working. It is a plan that will speak to the future and provide guidance for the realization of an inclusive, active neighborhood. The TRG Small Area Plan will address future land use, density, transportation and connectivity, use mix, open spaces, economic, social and environmental sustainability and equity, building character, and implementation, and is intended to guide public and private investment. It will re-evaluate former findings and build upon updated analysis.

C. The Town will use the funding provided by the TRG Owners for the purpose of engaging a general planning consultant and subconsultants to include the cost of the transportation study which may be performed by the general planning consultant or a subconsultant. The TRG Small Area Plan will be a general framework plan, including but not limited to, infrastructure improvements, street

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framework and hierarchy, block sizes, land use, open space, building height, density, parking recommendations, retail strategy and general design guidelines. The consultant will perform the following tasks (the “Services”):

General Planning: The Town will engage a consultant, through its standard procurement procedures, to analyze the background of the area, site constraints, utilities, the integration of existing uses in the area, as appropriate and other relevant data relating to the fundamental planning of the TRG Small Area Plan (the “General Planning Consultant”). The General Planning Consultant will engage all of the subconsultants necessary to perform the tasks listed below (the sub-consultants and the General Planning Consultant collectively referred to herein as “General Consultants”).

Civic Engagement: The General Consultants will develop a civic engagement strategy in order to engage the communities both within the TRG Small Area Plan and in its surrounding neighborhoods. The General Consultants will manage outreach efforts, mailings, and other civic engagement tools. The General Consultants also will be responsible for organizing meetings and facilitating interaction with the community.

Infrastructure Analysis: The General Consultants will evaluate the infrastructure demands of the TRG Small Area Plan, including stormwater, sewer, water, roadway and public transportation.

Transportation Study: The General Consultants will perform a transportation study of the TRG Small Area Plan that will include an analysis of the transportation capacity for both roads, bicycles, pedestrians and public transportation utilization within and surrounding the TRG Small Area Plan boundaries. The analysis will be used to ensure potential appropriate use mix and density, in conjunction with other infrastructure and physical constraints.

ARTICLE II

TIMING AND ASSOCIATED DEADLINES

A. The Town shall establish a TRG Advisory Committee by December 1, 2021. It is currently intended that this group will have seven (7) seats, two (2) of which will be representatives of the TRG Owners. The other seats will be appointed by the Herndon

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Town Manager and allocated as follows: two (2) Town of Herndon Planning Commission member; one (1) Town of Herndon staff members; and two (2) Town of Herndon residents. The TRG Owners are free to provide input through the planning process.

B. Based on the October 12, 2021 issuance of the Request for Proposals ("RFP"), the Town shall select the General Planning Consultant no later than January 31, 2022.

C. The Town shall require the General Consultants to meet the following target dates for processing the TRG Small Area Plan:

Four (4) months from award of RFP: *Phase 1: Information Gathering*, is complete. The General Consultants will gather background information through meetings with staff and the Advisory Committee and engage in background document research along with Stakeholder Engagement/Listening through public outreach..

Nine (9) months from award of RFP: *Phase 2: Exploration and Analysis*, is complete. The General Consultants shall have set the parameters for the future development of the TRG with the finalization of goals built upon the findings from Phase 1.

Fourteen (14) months from award of RFP: *Phase 3: Visioning*, is complete. The General Consultants shall have completed development of three conceptual urban framework plans (The Visioning Report), each with a rough diagram and narrative, to demonstrate potential development concepts. Eighteen (18) months from award of RFP: *Phase 4: Final Report/Plan Document*. Final draft of TRG Small Area Plan that encapsulates the process, existing conditions, vision, goals, findings, challenges and constraints and their proposed solutions for the TRG will be docketed and presented to the Planning Commission for review and recommendation followed by consideration by the Town Council..

D. These deadlines may be amended, accelerated or extended by mutual consent of the Town and TRG Owners.

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**ARTICLE III
COMPENSATION**

A. The TRG Owners shall provide funding to the Town for all General Consultants in an amount not to exceed \$500,000.00 (hereafter, the "Monetary Payment"). The TRG Owners will pay the Town in advance for the consultants' services based upon the consultants' budget, so that no fees are incurred by the Town, subject to Section C below.

B. The Monetary Payment shall be payable in four equal installments of \$125,000 (each, an "Installment") directly to the Town to fund the Services. One Installment for each Phase shall be due on or before Phase set forth in Article II.C. The payment of each Installment shall be contingent, at the discretion of the TRG Owners, on the Town and consultants having met the performance goals of each Phase outlined in Article II above. The Town will pay the General Consultant upon completion of their services as agreed upon in their signed contract and scope of services with the Town.

C. In the event that the invoice totals for Services rendered during any quarter are more than the Installment for that quarter, then such expenses in excess of Services rendered may be applied by the Town to a subsequent Installment payment. In the event that the invoice totals for Services rendered during any quarter are less than the Installment for that quarter, the Town may use the remaining funds during any subsequent quarter, provided that any funds remaining after the completion of the Services contemplated herein are refunded to the TRG Owners. The TRG Owners shall have the option, but not the obligation to commit additional funds to complete the defined consultant services. Absent such election the the TRG Owners, the Town shall be solely responsible for any Service costs that exceed the Monetary Payment.

D. The General Consultants shall at all times be under the exclusive supervision and control of the Town. Nothing in this Agreement shall be construed to prevent the TRG Owners, individually or collectively, from participating in the planning process and presenting their views and opinions to the consultants and Town Staff and Town Council.

E. In the event that the review and processing of the TRG Plan is for any reason terminated prior to Eighteen (18) months from award of the RFP, the

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monetary payments paid to Town as of the date of such termination shall be used to pay for Services already rendered and any remaining funds shall be returned to the TRG Owners in proportion to their respective contribution.

F. The TRG Owners have no obligation for any payment or funding beyond the Monetary Payment. In the event that the TRG Small Area Plan has not been completed by Eighteen (18) months from award of the RFP, or if the schedule outlined in Article II is not met, TRG Owners shall have the option to withhold future disbursements or any remaining Installments of the Monetary Payments.

G. The Town and the TRG Owners may mutually agree to use a portion of the agreed to funding under this Agreement to pursue Federal, State or other third-party grant funding to assist in the Town's preparation of the TRG Small Area Plan.

ARTICLE IV

MISCELLANEOUS TERMS

A. This Agreement, or any provision hereof, may not be modified unless agreed to in writing by the TRG Owners and the Town.

B. This Agreement shall run with the land of the TRG Owners as depicted on Exhibit "A" and shall be binding on, and inure to the benefit of the parties hereto, their successors, heirs and personal representatives, and permitted assigns. This Agreement may not be assigned to any party without the express written consent of the other party.

C. This document may be executed in counterparts, which taken together, shall constitute one and the same instrument.

D. This Agreement shall run for the duration of the TRG planning process provided that the TEG Owners may terminate this Agreement if the tasks identified in Article II are not completed within 18 months from the award of the RFP.

F. Nothing in this Agreement shall be construed to bind the Town to approve the TRG Small Area Plan or any subsequent development projects.

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G. The parties hereto acknowledge and agree that this Agreement does not create a partnership between the TRG Owners and the Town and that no party shall have any obligation to the other beyond the terms and conditions of this Agreement.

H. Time is of the essence with respect to all aspects of the Agreement.

[Signatures appear on following pages.]

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IN WITNESS WHEREOF, the Parties have executed this Agreement under seal as of the Effective Date.

TRG OWNERS

SHORENSTEIN

MBC Property Owners LLC, a _____

By: _____ [SEAL]
Name: _____
Title: _____

ROONEY

Herndon Van Buren LLC, a Delaware limited liability company

By: _____ [SEAL]
Name: _____
Title: _____

WIDEWATERS

Herndon Hotel Ownership LLC, a Delaware limited liability company

By: _____ [SEAL]
Name: _____
Title: _____

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Executed and approved on behalf of the Town of Herndon, Virginia, by:

ATTEST:

TOWN OF HERNDON, VIRGINIA

Town Clerk

By _____
Sheila A. Olem
Mayor

Date: _____

APPROVED AS TO FORM:

Lesa J. Yeatts
Town Attorney

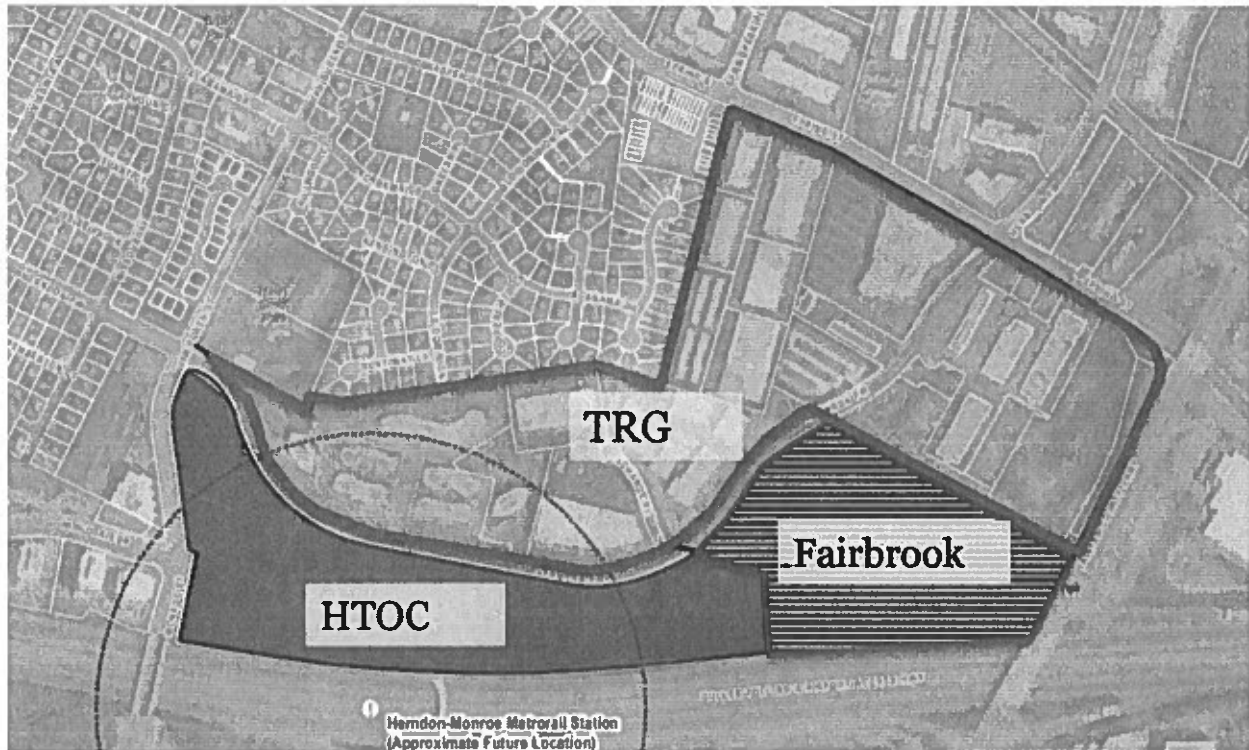
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EXHIBIT "A"

Tax Map #	TRG Owner
0164 10 0001A5	MBC Property Owners LLC
0164 10 0001A6	MBC Property Owners LLC
0164 02 0015	Herndon Hotel Ownership LLC
0164 10 0001B	Herndon Van Buren LLC

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Exhibit “B” Herndon Transit-Related Growth Area (TRG)



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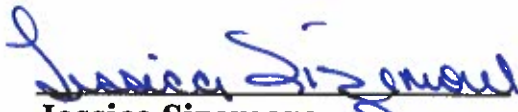
ADJOURNMENT

Councilmember Dhakal moved to adjourn the meeting of the October 26, 2021 public hearing at 8:53 p.m., and Councilmember Friedrichs seconded the motion. The question was called on the motion which carried by unanimous roll call vote. The vote was: Councilmembers Alam, Dhakal, Friedrichs, Regan, Singh, Vice Mayor del Aguila, and Mayor Olem voting "Aye."



Sheila A. Olem
Mayor





Jessica Sizemore
Legislative Assistant

Minutes approved by Town Council: February 22, 2022.

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NOTE:

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