



TOWN COUNCIL MEETING AGENDA

Town Council Chambers
765 Lynn Street, Herndon, VA 20170
Tuesday, April 25, 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. Proclamation in Recognition of Nepalese American Heritage Day
- b. Town Manager Report
- c. 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. Public Hearings

- a. Ordinance 23-O-09 to amend Chapter 74 (UTILITIES), Article II (Sewers and Sewage Disposal), Division 5 (Sanitary Sewer System Rates and 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 service and usage charges for sanitary sewer and water, effective for meter readings taken on or after July 1, 2023
- b. Ordinance 23-O-10 to Levy Taxes on Real Estate and Manufactured Homes, and Other Subjects for the Fiscal Year 2024 Budget
- c. Resolution 23-G-28 to adopt a Fiscal Planning Resolution for the Fiscal Year 2024 Budget for the Town of Herndon
- d. Ordinance 23-O-11 to Appropriate Funds to implement the Fiscal Year 2024 Budget for the Town of Herndon, establishing the Pay Plan, and reserving on-going and Capital Funding for this Fiscal Year

6. Consent

- a. Ordinance 23-O-12 to amend Chapter 2 (ADMINISTRATION), Article II (Boards, Commissions, Committees), Division 2 (Planning Commission), Section 2-38 (Compensation)
- b. Resolution 23-G-31 to increase the compensation for certain Boards and Commissions
- c. Resolution 23-G-32 to award and disburse funds to charitable or non-profit organizations for Fiscal Year 2023 for the Town of Herndon
- d. Resolution 23-G-33 to approve a Temporary License Agreement between the Town and Dulles Regional Chamber of Commerce for use of Town-owned property for portable toilets and an ice machine for Friday Night Live events
- e. Resolution 23-G-34 to appoint members to the Architectural Review/Historic District Review Boards
- f. April 4, 2023 Town Council Work Session Minutes

7. Adjournment



TOWN OF HERNDON, VIRGINIA
PROCLAMATION
NEPALESE AMERICAN HERITAGE DAY
APRIL 15, 2023

Nepalese American Heritage Day is on April 15, 2023, recognized during the week of Nepalese New Year. The United States recognized Nepal in 1947, and the two countries established diplomatic relations in 1948. The migration of Nepalese Americans to the United States began in the 20th century.

The Town of Herndon takes great pride to be the home of many Nepalese Americans, including Councilmember Pradip Dhakal, who is one of four Americans of Nepalese origin that have been elected to public office in the United States.

Our community recognizes and embraces the contributions of Americans of Nepalese origin, who through their hard work and engagement, dedication to family and strong sense of community, have helped to unite and sustain our nation, and break down barriers of discrimination, indifference, intolerance, working towards the inclusion of people from all backgrounds.

As an inclusive community, we celebrate the history, traditions and culture of Americans of Nepalese origin and applaud their commitment to leadership, dedication to knowledge and determination to succeed; and highlight their contributions across all aspects of our society, including the arts, science, industry, government, and commerce.

Therefore, the Mayor of the Town of Herndon, Virginia, hereby proclaims the 15th day of April, 2023 as **Nepalese American Heritage Day** in the Town of Herndon and encourages all residents to learn more about the history and culture of Nepal, and to celebrate the contributions that make the small town they call home ~ Herndon ~ a better place to live and work.

TOWN OF HERNDON, VIRGINIA

ORDINANCE

APRIL 25, 2023

Ordinance- to amend Chapter 74 (UTILITIES), Article II (Sewers and Sewage Disposal), Division 5 (Sanitary Sewer System Rates and 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 service and usage charges for sanitary sewer and water, effective for meter readings taken on or after July 1, 2023.

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, as amended, are amended and re-ordained as follows:

CHAPTER 74 (UTILITIES)

ARTICLE II. SEWERS AND SEWAGE DISPOSAL

DIVISION 5. - SANITARY SEWER SYSTEM RATES AND 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 ~~\$7.16~~ **\$8.27** per 1,000 gallons of water used, except as otherwise provided in this division.

- (f) A service charge per bill rendered shall be assessed for all metered water service as follows:

Quarterly Billing

<i>Meter Size (inches)</i>	<i>Charge</i>
5/8	\$ 7.40 \$ 10.21
3/4	10.21 14.10
1	15.85 21.89
1 1/2	29.96 41.36
2	46.89 64.72
3	92.02 127.02
4	142.79 197.11
6	283.83 391.80

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 ~~\$3.31~~ **\$3.47** per 1,000 gallons, based on the consumption of water as measured by readings of the water meter serving the property.
- (b) A service charge per bill rendered shall be assessed for all metered water service as follows:

Quarterly Billing

<i>Meter Size (inches)</i>	<i>Charge</i>
5/8	\$ 12.57 \$10.54
3/4	18.85 15.80
1	31.40 26.33
1 1/2	62.82 52.68
2	100.50 84.27
3	201.02 168.55
4	314.10 263.36
6	628.19 526.73

- (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 ~~\$5.64~~ **\$5.91** per 1,000 gallons. This peak use period charge shall be applied in addition to the base water usage charge in subsection (a) above.
- (1) Average consumption of the preceding two winter quarter billing periods is defined as the average of any consumption for the quarterly billing periods reflected in bills issued during the months of December through May.
- (2) Peak use period consumption is defined as any consumption for a quarterly billing period reflected in bills issued during the months of June through November.

2. This ordinance shall be effective for all meter readings taken on or after July 1, 2023.

TOWN OF HERNDON, VIRGINIA

ORDINANCE

APRIL 25, 2023

Ordinance- to Levy Taxes on Real Estate and Manufactured Homes, and Other Subjects for the Fiscal Year 2024 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, 2023 and ending June 30, 2024, as follows:

1. Real Estate: **\$.2650** on each \$100.00 of the valuation of real estate and improvements to the Town.
2. Personal Property and Merchants' Capital: **\$.00** 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.
3. Vehicles Used as Manufactured Homes and Offices: **\$.2650** 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.
4. Farm Machinery, Farm Tools, and Farm Livestock: **\$.00** 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.
5. Machinery and Tools: **\$.00** on each \$100.00 of the valuation of machinery and tools classified by Section 58.1-3507 of the Code of Virginia.
6. Other Classifications of Tangible Personal Property: **\$.00** 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.
7. 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 2023.

TOWN OF HERNDON, VIRGINIA

RESOLUTION

APRIL 25, 2023

Resolution- to adopt a Fiscal Planning Resolution for the Fiscal Year 2024 Budget for the Town of Herndon.

Pursuant to the requirements outlined by Code of Virginia § 15.2-2503, 15.2-2506, and 58.1-3321, the Town Manager of the Town of Herndon, Virginia has submitted to the Town Council of the Town of Herndon, a proposed budget by April 1, and the Town properly advertised the April 11, and April 25, 2023 public hearings on the proposed budget.

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

1. The Town Council adopts for the purposes of fiscal planning during the fiscal year 2024 for the Town of Herndon, Virginia, the budget prepared by the Town Manager, sent out in “Proposed FY 2024 Budget” dated April 1, 2023, on file in the office of the Town Manager.

TOWN OF HERNDON, VIRGINIA

ORDINANCE

APRIL 25, 2023

Ordinance- to Appropriate Funds to implement the Fiscal Year 2024 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 2024 such sums as appear in the Fiscal Planning Budget for the Fiscal Year 2024 as set out in "Proposed Fiscal Year 2024 Annual Budget" dated April 1, 2023, on file in the office of the Town Manager, and as may be subsequently modified by the Town Council.
2. No money shall be withdrawn from the treasury of the town and no obligation for expenditure of money can be incurred, except in accordance with the Fiscal Planning Budget, or with supplemental appropriations as may be made by the Town Council.
3. The town advertised the public hearing at least once in The Fairfax County Times newspaper and held a public hearing on the proposed budget at least seven days prior to approval of the proposed budget.
4. The Fiscal Year 2024 proposed schedule of salaries, set out in the Fiscal Planning Budget, are adopted effective July 1, 2023.
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 2024 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 2023 funding for capital and on-going projects, for which funds were previously appropriated. The Town Manager as of July 1, 2023, shall take the appropriate accounting steps to reserve and encumber these funds as of that date for Fiscal Year 2024 and to report to the Mayor and Town Council in this regard.

TOWN OF HERNDON, VIRGINIA

ORDINANCE

April 25, 2023

Ordinance – to amend Chapter 2 (Administration), Article II (Boards, Commissions, Committees), Division 2 (Planning Commission), Section 2-38 (Compensation).

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

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

Chapter 2 - Administration

ARTICLE II. - BOARDS, COMMISSIONS, COMMITTEES

DIVISION 2. - PLANNING COMMISSION

Sec. 2-38. - Compensation.

All members of the planning commission shall receive ~~the sum of \$175.00 per month~~ **as compensation such amounts as may be or have been determined by resolution of the town council** and shall be reimbursed for actual expenses incurred.

2. This ordinance shall be effective on and after July 1, 2023.

TOWN OF HERNDON, VIRGINIA

RESOLUTION

APRIL 25, 2023

Resolution- to increase the compensation for certain Boards and Commissions.

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

1. The compensation for the members of the Architectural Review Board and Historic District Review Board increases to \$3,000 per year, effective July 1, 2023, with no dual compensation for dual membership.
2. The compensation for the members of the Planning Commission increases to \$3,000 per year, effective July 1, 2023.
3. The compensation for the members of the Board of Zoning Appeals increases to \$900 per year, effective July 1, 2023.

TOWN OF HERNDON, VIRGINIA

RESOLUTION

April 25, 2023

Resolution- to award and disburse funds to charitable or non-profit organizations for Fiscal Year 2023 for the Town of Herndon.

Pursuant to the Code of Virginia, localities may appropriate funds to any charitable or non-profit organization if the organization provides services to residents of the locality and if such organizations are not controlled in whole or in part by any church or sectarian society. Under resolution 20-G-09, amended eligibility guidelines are established for charitable or non-profit organizations.

The Town of Herndon recognizes the important contribution non-profit organizations make to the overall quality of life in the Town of Herndon. For the Fiscal Year 2023 program, fifteen (15) applications were received.

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

1. The Town Council adopts a donation total of \$80,000, to be disbursed per the table below:

GL Account	Organization	Amount
420571	Green Lizard Foundation	\$1,000.00
420571	Next Stop Theatre	\$29,000.00
420571	Arts Herndon	\$50,000.00
	TOTAL	\$80,000.00

TOWN OF HERNDON, VIRGINIA

RESOLUTION

APRIL 25, 2023

Resolution – to approve a Temporary License Agreement between the Town and Dulles Regional Chamber of Commerce for use of Town-owned property for portable toilets and an ice machine for Friday Night Live events.

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

1. The Town Council approves a temporary license agreement dated April 25, 2023, between the Town of Herndon (“Town”) as licensor and Dulles Regional Chamber of Commerce (“Chamber”) as licensee. The license allows the Chamber to use designated town-owned property in the Herndon Municipal Center parking lot for placement of portable toilets and designated town-owned property in the Herndon Municipal Center parking garage for placement of an ice cooler machine for Friday Night Live events on May 5, 12, 19, 26, June 9, 16, 23, 30, July 7, 14, 21, 28, August 4, 11, 18, 25 of 2023.
2. The Mayor is authorized to sign and deliver this license agreement and any other instrument to evidence or support the license agreement.

TEMPORARY LICENSE AGREEMENT

This Agreement ("Agreement") is made this 25th day of April 2023 by and between DULLES REGIONAL CHAMBER OF COMMERCE, a Virginia corporation ("Chamber") and the TOWN OF HERNDON, VIRGINIA, a municipal corporation ("Town").

WHEREAS Chamber represents that they have a Special Event Contract to conduct Friday Night Live events in the Town of Herndon on May 5, 12, 19, 26, June 9, 16, 23, 30, July 7, 14, 21, 28, August 4, 11, 18, 25 of 2023 and that Chamber desires to use the Town's property for placement of portable toilets and an ice cooler machine;

WHEREAS the Town desires to permit the use of the Town's property for placement of portable toilets and an ice cooler machine on these dates.

Now therefore, the parties agree as follows:

1. The Town hereby grants Chamber authorization to temporarily use Town-owned property for placement of portable toilets in a place designated by the Town in the Herndon Municipal Center parking lot and an ice cooler machine in a location designated by the Town in the Herndon Municipal Center parking garage.
2. Chamber shall comply with the terms of the 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 for this purpose on these dates.
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. Chamber hereby assumes all risk of damage by reason of its occupation of the Town's property caused by any defects therein or activity occurring thereon, and Chamber 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. Chamber 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 Chamber written confirmation that the type and amount of insurance is accepted.

Insurance limits shall not be less than the following amounts:

Commercial General Liability – Combined single limit of at least \$1,000,000 per occurrence and \$2,000,000 general aggregate. Policy shall be endorsed to name the Town 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. Ice cooler machine hasp/lock shall be maintained in good condition so that the doors are properly secured when cooler is not supervised.

8. Portable Toilets shall be secured to Town property in such a manner as to maximize their safe use while also trying to minimize risk of tip over. In the case of a tip over, the Chamber will make every reasonable effort to ensure the portable toilet is replaced and clean-up of spills occurs in a timely manner. The Chamber shall make every reasonable effort to ensure that portable toilets are serviced in a timely manner.

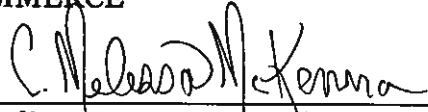
9. Termination: The Town may terminate this Agreement upon 24 hours' notice to Chamber for cause.

10. 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.

11. 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.

DULLES REGIONAL CHAMBER OF
COMMERCE

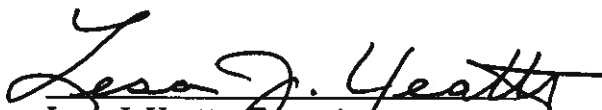
ATTEST:

By 
C. Melissa McKenna, President and CEO

Town Clerk

APPROVED AS TO FORM:

TOWN OF HERNDON, VIRGINIA


Lesa J. Yeatts, Town Attorney

Sheila A. Olem, Mayor

TOWN OF HERNDON, VIRGINIA

RESOLUTION

APRIL 25, 2023

Resolution- to appoint members to the Architectural Review/Historic District Review Boards.

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

1. The Town Council reappoints **Melody Fetske** to the Architectural Review/Historic District Review Boards for a three-year term [resident] effective July 1, 2023.

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

2. The Town Council expresses its appreciation to Matthew Ossolinski for his service on the Architectural Review/Historic District Review Boards, and who will resign from the Boards effective May 31, 2023; and
3. The Town Council appoints **Amy Oleinick** as the 'Architect' member to the Architectural Review/Historic District Review Boards to fill the unexpired term of Mr. Ossolinski effective June 1, 2023 through February 28, 2024.