



TOWN COUNCIL WORK SESSION AGENDA

Town Council Chambers
765 Lynn Street, Herndon, VA 20170
Wednesday, November 8, 2023 | 7:00 p.m.

1. Call to Order

2. Public Hearings

- a. Ordinance to amend the Fiscal Year (FY) 2024 Adopted Budget for the General Fund and the American Rescue Plan Act (ARPA) Fund

3. General

- a. Resolution to approve a contract modification for IFB Contract #B-23-01, Bready Park Tennis Court Renovation

4. Discussion

- a. Zoning Practice, Principles, and Impacts
- b. Proposed Revision to Ad Hoc Committees – Councilmember Scherff

5. Roundtable

6. Closed Meeting

- a. A closed meeting pursuant to the Code of Virginia Section 2.2-3711(A)(1) of the Code of Virginia for discussion of prospective candidates relative to appointments to boards and commissions
- b. A closed meeting as provided under: Section 2.2-3711(A)(7) of the Code of Virginia for consultation with legal counsel pertaining to actual and probable litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body

7. Adjournment



STAFF REPORT

Town Council
November 8, 2023

Title:

Ordinance to amend the Fiscal Year (FY) 2024 Adopted Budget for the General Fund and American Rescue Plan Act (ARPA) Fund.

Staff Contact:

Marjorie Sloan, Director of Finance
Telephone: (703) 435-6898
E-mail: Marjorie.Sloan@herndon-va.gov

Description:

The proposed FY 2024 budget amendment serves the following purposes:

1. To appropriate an additional \$96,000 in expenditures and funding in the General Fund for the grant-funded expenditures by Community Development (Fairfax Block Grant).

The Housing and Neighborhood Improvement Program has surpassed initial estimates on its ability to provide direct repairs to eligible town property owners (those with household incomes of less than 80 percent Area Median Income) through the CDBG (Community Development Block Grant) program. Examples of repairs already completed include replacing water-damaged drywall, plumbing repairs, window replacement, and replacing water damaged floors with no-threshold flooring. Upcoming repairs include the aforementioned, as well as hot water heater and other appliance replacement, roof replacement, and installation of insulation. The town is a subrecipient of CDBG funds from the Fairfax County Department of Housing and Community Development. The scope of work that will be completed with the additional funding has already been approved by Fairfax County. The town will be fully reimbursed by Fairfax County upon completion of the work by one of the pre-qualified contractors.

2. To appropriate expenditures and funding in the Herndon Police Department (HPD) for the \$135,000 grant awarded in May 2023. This grant is related to The American Rescue Plan Act (ARPA) and was awarded by the Virginia Department of Criminal Justice Services. Qualifying expenditures will be reimbursed.
3. To appropriate expenditures and funding in HPD for the \$17,767 for HPD Vehicle equipment replacement. Funding is provided by the insurance recovery on the equipment.
4. To appropriate project expenditures for the American Rescue Plan Act (ARPA) Fund. The request reflects updates to cost estimates for previously approved projects. It is now projected that the Water Pump Station and Vaults construction phase will fall outside the stipulated ARPA encumbrance deadline. Funds will now be directed to the Water Maintenance & Replacement projects.

Fund	Project	Change	Impact FY 24
ARPA	General Water Maintenance & Replacement	Increase	\$1,000,000
ARPA	Water Pump Station and Vaults	Decrease	(\$1,000,000)
	Total updates to project list, net		\$0

Fiscal Impact:

The fiscal impact in the General Fund totals \$248,767 and is offset by the Community Development revenue from the Fairfax County grant, the funding for the HPD ARPA related grant, and the insurance recovery money. The ARPA Fund requested change is budget neutral and requires no additional funding.

Staff Recommendation:

Recommend that the Mayor and Town Council adopt the proposed ordinance, as presented.

Attached Documents:

1. Ordinance - Budget Amendment FY 2024 Number 2, November 14, 2023
2. Attachment A, Budget Amendment FY 2024, Number 2

Staff:

Marjorie Sloan
Marjorie Sloan
Director of Finance

TOWN OF HERNDON, VIRGINIA

ORDINANCE

NOVEMBER 14, 2023

Ordinance - to amend the Fiscal Year (FY) 2024 Adopted Budget for the General Fund and American Rescue Plan Act (ARPA) Fund.

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

1. The financial adjustments to the FY 2024 Budget, as described in Attachment A, Budget Amendment FY 2024, Number 2 to this ordinance, are approved.
2. This ordinance shall be effective on and after the date of its adoption.

**TOWN OF HERNDON, VA
FY 2024**

BUDGET AMENDMENT NUMBER 2

The following appropriations and revenue sources are proposed for amendment:

GENERAL FUND			
Expenditure Appropriations	Amount	Revenue Budget	Amount
Increase Community Development expenditures	\$96,000	Increase State Grants and pass-through revenues	\$96,000
Increase Police Department expenditures	\$152,767	Increase State Grants and insurance recovery revenues	\$152,767
Total Expenditures Increase	\$248,767	Total Revenues Increase	\$248,767

ARPA FUND		
Project	Expenditure	Impact FY 2024
General Water Maintenance & Replacement	Increase	\$1,000,000
Water Pump Station and Vaults	Decrease	(\$1,000,000)
Total updates to project list, net		\$0

STAFF REPORT

Town Council
November 8, 2023

Title:

Resolution to approve a contract modification for IFB Contract #B-23-01, Bready Park Tennis Court Renovation.

Staff Contact:

John Irish, Deputy Director of Public Works
(Phone) 703-435-6853
(E-mail) john.irish@herndon-va.gov

Background:

Contract IFB #B-23-01, Bready Park Tennis Court Renovations was awarded to A.P. Construction, LLC in the amount of \$1,500,000.00 with a contingency in the amount of \$200,000.00 on February 14, 2023, as Resolution 23-G-18. Since its award, changes to the scope of work have been undertaken to include the addition of pickleball courts, fencing, removal of original tennis bubble lighting, upgraded generator, new tennis court wall panel and reinstallation of the existing bubble one more season in response to material delays which have increased the total cost to complete the project over the project's previously approved contingency. In accordance with section 12.1.3 of the General Terms and Conditions which requires Town Council approval for contract price increases above a certain threshold, staff is recommending Town Council approve an increase in the contingency amount by an additional \$300,000.00.

Fiscal Impact:

Funds to support this increase in the contingency amount are available from funds received through the American Rescue Plan (ARPA). Staff recommends Town Council authorize an increase of the contingency in the amount of \$300,000.00.

Staff Recommendation:

Staff recommends that the Mayor and Town Council approve the draft Resolution.

Attachment:

1. Draft Resolution

Staff:



John Irish, Deputy Director of Public Works

TOWN OF HERNDON, VIRGINIA

RESOLUTION

NOVEMBER 14, 2023

Resolution- to approve a contract modification for IFB Contract #B-23-01, Bready Park Tennis Court Renovation.

In accordance with Section 12.1.3 of the General Terms and Conditions for contract IFB #B-23-01, Bready Park Tennis Court Renovations, and in coordination with the award of contract to A.P. Construction, LLC through Resolution #23-G-18 on February 14, 2023, changes to the scope of work have been undertaken to include the addition of pickleball courts, fencing, removal of original tennis bubble lighting, upgraded generator, new tennis court wall panel and reinstallation of the existing bubble one more season in response to material delays which have increased the total cost to complete the project over the project's previously approved contingency.

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

1. An increase of the contingency in the amount of \$300,000 is approved.
2. The Town Manager is authorized to execute a contract modification or change orders up to the additional contingency amount of \$300,000.

Councilmember Scherff: Proposed Revision to Ad Hoc Committee

Related Town Code/Policy: This relates to Chapter 2, Article 2 of the Municipal Code; though no area of code specifically details how these committees are run.

Current Committee Status:

There are currently two Ad Hoc Committees, Herndon Diversity Equity and Inclusion Committee (HDEIC) and Pedestrian and Bicycle Advisory Committee (PBAC). There are an additional two being discussed in Town Council work sessions, Small Business Economic Development Committee, which I requested in April and the Town has since surveyed and clarified; and a Youth Advisory Council that Council Member Hendricks is planning to revive.

Currently, the Ad Hoc Committees determine their own agenda.

Participants for each meeting include location staff-specific required staff (HPD, etc.) a staff member, council member stakeholder, and the committee members.

Current Annual Agenda:

We will establish a cadence that is focused on getting input from these community leaders when it is needed and the Town can use the information and act on their feedback.

Meetings will be changed to quarterly workshop-style meetings. In each of these sessions, the committee will be presented with a Town priority or challenge and then work on feedback from the point of view of their expertise. Some initial quarterly priorities could be:

- Comprehensive Plan/Budget Priorities
- Events and Branding Initiatives
- Opportunities for Advocacy
- Recommendations for Outreach into the Community

Individual Quarterly Meeting Agendas:

Meeting agenda can also include time for the committee members' feedback and general priorities. I would also recommend a celebratory meeting at the holidays, a proclamation, or another period as determined by the committees.

Administrative items needed to support this change are:

- Process determined and finalized by council and requested of staff
- Forms to support this
- A defined communication loop and plan for reporting; committee to council and council to committee
- Schedule for roll out

The impact goal is:

- **Responsive interaction** with the committee members, who have been chosen for their expertise. Realizing the best of what they contribute, when it is actionable, to the benefit of our community.
- **Reduction of staff time** needed to manage ad hoc committees.

TOWN OF HERNDON, VIRGINIA

RESOLUTION

NOVEMBER 25, 2008

Resolution— Adopting Guidelines to Establish Herndon Town Council Ad Hoc Advisory Committees.

WHEREAS, the citizen-elected government, in concert with the professional staff, is keenly aware of its responsibility to citizens and how its actions impact their daily lives; and

WHEREAS, ‘2027: A Vision for the Town of Herndon,’ adopted on February 27, 2007, encourages citizen involvement in an advisory role to the Council by increasing the opportunity for participation under ‘*Citizens Who Matter*’; and

WHEREAS, opportunities exist for our citizens to participate in Town government and Herndon’s many municipal and volunteer programs serve the full spectrum of the community.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby defines a process to facilitate the establishment of Town Council ad hoc advisory committees as outlined in attachment 1 titled ‘*Herndon Town Council Guidelines to Establish Ad Hoc Advisory Committees.*’

This is certified to be a true and accurate copy of Resolution 08-G-142 adopted at a legally convened meeting of the Town Council of the Town of Herndon on November 25, 2008.

Viki Wellershaus

Viki L. Wellershaus, Town Clerk

Attached are the ‘*Herndon Town Council Guidelines to Establish Ad Hoc Advisory Committees.*’

November 25, 2008
Herndon Town Council
Guidelines to Establish Ad Hoc Advisory Committees

- Members of the Town Council and key staff will advise the Town Clerk of interest in establishing an ad hoc advisory committee. The Town Clerk advises Council as a whole. The member of Council or key staff will then - as a 'roundtable' item or during 'comments' portion at meetings - ask for concurrence of Council to establish the ad hoc advisory committee.
- Following concurrence of Council, a draft resolution is prepared to authorize the creation of the advisory committee and define the mission, goals and composition for Council review and action. Talent bank applications are solicited through the Town's Web site, via news release, in the Town's monthly newsletter "Talk of the Town" and through other communications channels.
- Council reviews the talent bank applications and makes appointments to the committee. Appropriate staff is identified as 'ex-officio' members to provide primary and technical support.

TOWN OF HERNDON, VIRGINIA

RESOLUTION

OCTOBER 14, 2008

Resolution— Town of Herndon Pedestrian and Bicycle Advisory Committee (PBAC).

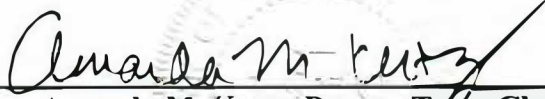
WHEREAS, on September 9, 2008, the Herndon Town Council established a Pedestrian and Bicycle Advisory Committee (PBAC) to provide advice to the Town Council on matters relating to pedestrian and bicycle matters through the promotion of safe walking and bicycling as a viable means of transportation and physical activity.

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

- Creates the Town of Herndon Pedestrian and Bicycle Advisory Committee (PBAC) as outlined in attachment 1;
- Requests the Town Clerk to contact the chairs of the Architectural Review/Heritage Preservation Review Boards and the Planning Commission for recommendations of a member to represent those bodies on PBAC; and
- Requests the Town Clerk to solicit talent bank applications from individuals interested in serving on PBAC through the Town's website and in the "Talk of the Town."

This is certified to be a true and accurate copy of Resolution 08-G-127 adopted at a legally convened meeting of the Town Council of the Town of Herndon on October 14, 2008.




Amanda M. Kertz, Deputy Town Clerk

Attached is a statement of the mission, objectives, purpose and composition.

08-G-127

October 14, 2008

**Town of Herndon
Pedestrian and Bicycle Advisory Committee (PBAC)**

Mission - To improve the quality of life in the Town of Herndon through the promotion of safe walking and bicycling as a viable means of transportation and physical activity, and provide advice to the appropriate bodies (Town Council, Planning Commission and/or the Town's Transportation Engineering Improvement Committee - TEIC) on matters relating to bicycle and pedestrian issues, to provide health, recreation and transportation benefits for all Town citizens.

Objectives - To facilitate alternative transportation modes within the Town and provide safe streets that are friendly to pedestrians and bicyclists;

To support the integration of pedestrian and bicycle facilities with the street and transit network through the Trail and Sidewalk Program and other components of the Town's Capital Improvement Program involving transportation improvements; and

To support pedestrian and bicycle initiatives and strategies in accordance with the Town's 2030 Comprehensive Plan and the Town's visioning document titled *2027: A Vision for the Town of Herndon*.

Purpose -

- Review pedestrian and bicycle issues, to include matters affecting pedestrian and bicycle transportation and their relationship to parks, schools, transit stops and other major town facilities and, through coordination with Town staff, make recommendations to the appropriate bodies ~ Town Council, Planning Commission and/or the Town's TEIC;
- Perform studies and projects as requested by Town Council on pedestrian and bicycle matters;
- Facilitate citizen participation in the Town's consideration of matters involving pedestrian and bicycle questions;
- Integrate walking and bicycling into the Town's policies and practices;
- Seek funding via the Town Council for pedestrian and bicycle programs and facilities and advocate for the needs of Town pedestrians and bicyclists to applicable county, region, state and Federal departments and agencies;
- Study changes on applicable regulations, laws and best practices concerning pedestrian and bicycle issues;
- Promote safety programs and provide incentives for increasing walking and bicycling and promote physical and mental health benefits of walking and bicycling; and

- Promote intergovernmental and public/private cooperation and coordination on pedestrian and bicycle matters.

Composition -

- 1 Town Council representative, who shall be chair
- 1 Planning Commission representative
- 1 Architectural Review Board/Heritage Preservation Review Board representative
- 6 Citizens
- 1 Department of Community Development staff, who serves as the primary staff
- 1 Department of Parks and Recreation staff, who serves as an "ex-officio" member and support staff
- 1 Department of Public Works staff, who serves as an "ex-officio" member and support staff
- 1 Herndon Police Department staff, who serves as an "ex-officio" member and support staff

TOWN OF HERNDON, VIRGINIA

RESOLUTION

JULY 13, 2010

Resolution, Review and Appointment of Members to Serve on Town Council Advisory Committees for the 2010-2012 Term.

WHEREAS, the Herndon Town Council, as part of organizational housekeeping matters at the onset of each term, reviews Council advisory committees to re-establish and make appointments or disband existing advisory committees; and

WHEREAS, throughout the term, the Council may change representation and/or create additional advisory committees.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, following a review of the advisory committees, hereby:

Pedestrian and Bicycle Advisory Committee:

- Re-establishes the Pedestrian and Bicycle Advisory Committee;
- Appoints Councilmember Sheila A. Olem, who will serve as Chair;
- Appoints Commissioner C. Melissa Jonas, who will serve as the Planning Commission representative; and
- Requests staff to contact current members to see if they desire reappointment and to bring forward recommendations for future appointment by Council, which may expand the composition to seven citizens.

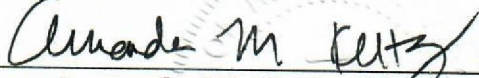
Downtown Master Plan Steering Committee:

- Requests staff to coordinate a Council presentation for the Downtown Master Plan Steering Committee to express appreciation for the committee's hard work and efforts, resulting in the completion of their task.

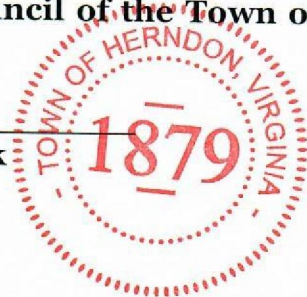
Trolley Bus – Study Advisory Committee:

- Requests staff to coordinate a Council presentation for the Trolley Bus – Study Advisory Committee to express appreciation for the committee's hard work and efforts, resulting in the completion of their task.

This is certified to be a true and accurate copy of Resolution 10-G-96 adopted at a legally convened meeting of the Town Council of the Town of Herndon on July 13, 2010.



Amanda M. Kertz, Deputy Town Clerk



TOWN OF HERNDON, VIRGINIA

RESOLUTION

FEBRUARY 28, 2012

Resolution- Appointment of Member to Serve on Town Council's Pedestrian and Bicycle Advisory Committee.

WHEREAS, the Town Council's Pedestrian and Bicycle Advisory Committee provides advice to the Town Council on safety and transportation issues related to walking and bicycling in Herndon, and works to promote the health and recreational benefits of walking and cycling; and

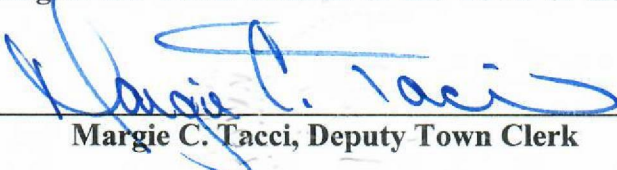
WHEREAS, on July 13, 2010, by Resolution 10-G-96, the Herndon Town Council re-established the committee and expanded the committee's composition to seven citizen members; and

WHEREAS, the Chair of PBAC recommends that the committee's composition be expanded to eight citizen representatives.

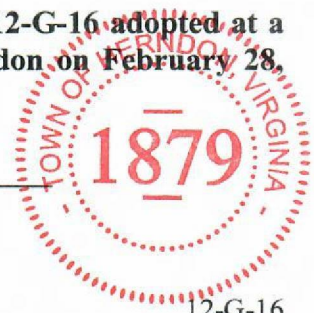
NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby:

- **Expands the composition of the Town Council's Pedestrian and Bicycle Advisory Committee to eight citizen representatives; and**
- Appoints Matthew Dykstra as a citizen representative to the Town Council's Pedestrian and Bicycle Advisory Committee through June 30, 2012, effective February 28, 2012.

This is certified to be a true and accurate copy of Resolution 12-G-16 adopted at a legally convened meeting of the Town Council of the Town of Herndon on February 28, 2012.



Margie C. Tacci, Deputy Town Clerk



12-G-16

TOWN OF HERNDON, VIRGINIA

RESOLUTION

FEBRUARY 22, 2022

Resolution- to establish the Town of Herndon Diversity, Equity, and Inclusion Committee.

WHEREAS, on July 6, 2021, the Herndon Town Council directed the formation of a Diversity, Equity, and Inclusion Committee, to promote and enhance the Town of Herndon's diverse community; and

WHEREAS, the committee's purpose is to listen, discuss, and respond to community concerns about diversity, equity and inclusion in the town, and use the information gathered from these discussions to make recommendations to the Town Council that enhance the delivery of services to the minority resident and business communities and to recommend policies and activities that help foster diversity and inclusion within the community at-large; and

WHEREAS, the committee will consist of 11 members from diverse backgrounds and professions, who represent the wide range of the Herndon community: seven members, shall live in the Town of Herndon; two members representing Town businesses who shall own or manage a business in the town and have expertise in the business sector; one non-resident member; and one Councilmember, who shall serve as chair; and

WHEREAS, members will serve two-year terms to coincide with election terms, with the first term extended to end with the subsequent Council's term through December 31, 2024; and

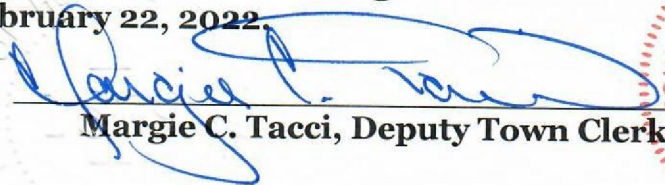
WHEREAS, the committee shall hold meetings as requested by the Chair, legally convened by the Town Clerk to meet town and state law requirements and will operate similar to other existing advisory committees.

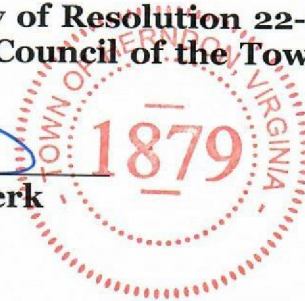
NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby:

- Creates the Town of Herndon Diversity, Equity, and Inclusion Committee as outlined in attachment 1;
- Requests the Chief Communications Officer to issue appropriate media releases regarding the creation of the committee to solicit interest from individuals interested in serving on the Herndon Diversity, Equity, and Inclusion Committee; and

- Requests the Town Clerk to bring forward applications received for Council consideration.

This is certified to be a true and accurate copy of Resolution 22-G-17 adopted at a legally convened meeting of the Town Council of the Town of Herndon on February 22, 2022.


Margie C. Tacci, Deputy Town Clerk



Attached for reference is Attachment 1, titled "Town of Herndon Diversity, Equity, and Inclusion Committee," dated February 22, 2022.

FEBRUARY 22, 2022

**Town of Herndon
Diversity, Equity, and Inclusion Committee**

Mission:

To promote, engage and enhance the Town of Herndon's diverse community and to connect the community in a partnership that celebrates equity and inclusion.

Purpose:

Listen to and discuss community concerns, and use the information gathered from these discussions to make recommendations to the Town Council that enhance the delivery of services to the minority resident and business communities. Recommend policies and activities that help foster diversity and inclusion within the community at-large.

Objective:

To engage the community by listening and discussing to understand the breadth and depth of issues related to inclusion and equity, and to suggest actionable steps to the Town Council so that under-represented members of our community are seen, heard, and included. The committee's recommendations may include improvements to town services, practices that enhance diversity, and inclusive cultural programming and events.

Member Composition:

1. Members shall be appointed by the Town Council from diverse backgrounds and professions representing the wide range of the Herndon community.
2. Shall consist of 11 members:
 - Seven town residents;
 - Two members representing town businesses, who own or manage a business in the town and have expertise in the business sector;
 - One non-resident member; and
 - One Councilmember who shall serve as chair.
3. Members will serve two-year terms to coincide with election terms, with the first term extended to end with the subsequent Council's term through December 31, 2024.
4. The committee will operate similar to other existing Town Council advisory committees.
5. The committee shall hold meetings as requested by the Chair, legally convened by the Town Clerk to meet Town and state law requirements.

Attachment
22-G-17