



TOWN COUNCIL WORK SESSION AGENDA

Town Council Chambers
765 Lynn Street, Herndon, VA 20170

Tuesday, May 7, 2024 | 7:00 PM
Closed Meeting | 6:30 PM

1. Call to Order

2. Closed Meeting (6:30 PM)

- a. A closed meeting pursuant to the Code of Virginia Section 2.2-3711(A)(8), consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, relating to an intergovernmental matter.

3. Public Hearings (7:00 PM)

- a. Ordinance to amend Chapter 66 (STREETS, SIDEWALKS AND CERTAIN OTHER PUBLIC PLACES), Article VI. (Encroachments Over and Upon Public Rights-of-Way), Division 2 (Outdoor Seating Administrative Encroachments), Sec. 66-133 (Same - Requirements), to reduce the fees for use of public sidewalk, public right-of-way, or public shared parking from \$10.00 per square foot to no more than \$7.50 per square foot
- b. Resolution to approve Special Exception SE #24-01 - Hunters Creek Bridge Floodplain Overlay
- c. FY 2025 Proposed Budget
 - i. 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, 2024
 - ii. Ordinance to Levy Taxes on Real Estate and Manufactured Homes, and Other Subjects for the Fiscal Year 2025 Budget

- iii. Resolution to adopt a Fiscal Planning Resolution for the Fiscal Year 2025 Budget for the Town of Herndon
- iv. Ordinance to appropriate funds to implement the Fiscal Year 2025 Budget for the Town of Herndon, establishing the Pay Plan, and reserving on-going and Capital Funding for this Fiscal Year
- d. Ordinance to amend the Fiscal Year (FY) 2024 Adopted Budget for the General Fund and American Rescue Plan Act (ARPA) Fund
- e. Ordinance to amend Chapter 78 (ZONING), Article XV (Decision-Making Authorities, Application Review, and Permitting), Section 78-152.2(b)(3) (Fees for Development Applications) to adjust development fees for inflation to current rates

4. General

- a. Ordinance to amend Chapter 10 (BUILDINGS AND BUILDING REGULATIONS), Article III. (Permits and Inspections), Division 2 (Building Fees), Division 3 (Fire Protection Systems), Division 4 (Mechanical), Division 5 (Plumbing and Gasfitting), and Division 6 (Electrical) to clarify and adjust permit and inspection fees in various sections for inflation to current rates and to create Division 7 (Amusement Device)

5. Consent

- a. Ordinance to amend and reenact Chapter 54 (PERSONNEL), Article I (In General), Section 54-3 (Definitions)
- b. Resolution to Award Contract #24-06, Production and Printing of the Annual Herndon Town Calendar
- c. Resolution to authorize the vacation of a portion of a waterline easement on property at 255 Exchange Place, Herndon, Virginia, Tax Map No. 0164 10 0001C
- d. Resolution to approve a Temporary License Agreement between the Town and JOTT, INC., to use a designated public space in the alley adjacent to Jimmy's Old Town Tavern for outdoor seating during a two-day event.

6. Discussion

- a. Discussion of Town of Herndon, Dulles Chamber Event Partnership Modernization - Councilmember Scherff

7. Roundtable

8. Adjournment

Agenda Item: Ordinance to amend Chapter 66 (STREETS, SIDEWALKS AND CERTAIN OTHER PUBLIC PLACES), Article VI. (Encroachments Over and Upon Public Rights-of-Way), Division 2 (Outdoor Seating Administrative Encroachments), Sec. 66-133 (Same - Requirements), to reduce the fees for use of public sidewalk, public right-of-way, or public shared parking from \$10.00 per square foot to no more than \$7.50 per square foot

Meeting Date: May 7, 2024

Category: Public Hearings

Prepared by: Lauri Sigler, Deputy Town Attorney, David Stromberg, Zoning Administrator

Description:

After a discussion of outdoor seating at the April 2, 2024, work session, Town Council directed staff to bring forward a Town Code amendment to lower the fee for use of public sidewalk, public right-of-way, or public share parking for outdoor seating from \$10.00 per square foot per term to \$7.50 per square foot per term and conduct a public hearing thereon.

Background:

On April 26, 2022, the Town Council approved Ordinance 22-O-12 that amended Chapter 66 adding Division 2 (Outdoor Seating Administrative Encroachments), to permit seasonal outdoor seating on public property. The rate established for an eating establishment that wanted to use public property for outdoor seating is found in Section 66-133(b)(5) of the new ordinance and was set at ten dollars (\$10.00) per square foot per term. At the time this ordinance was adopted, only a few other localities had established an outdoor seating program and the three that were reviewed (Arlington, Alexandria and the District of Columbia), charged rates higher than \$10.00 per square foot for use of public property. While staff has received two applications for seasonal outdoor seating since the ordinance was adopted, no eating establishment has gone on to obtain final administrative approval of a permit.

- **The City of Alexandria** is the only other locality to allow private use of public parking spaces. This is allowed through their Parklet program. The right-of-way rental fees are \$21 per square foot in the King Street Retail Strategy Area and \$14 per square foot in any other areas where allowed.

- **The City of Fairfax** allows private use of public right-of-way for sidewalks only at \$10 per square foot.
- **The Town of Vienna and City of Falls Church** limit outdoor dining to private property.

The notice for public hearing will be duly advertised in the *Fairfax County Times Newspapers* in the May 10, 2024 edition.

Budget Impact:

Budgetary impacts will be dependent on the rate set and participation in the program.

Recommendation:

This item is a public hearing; staff is seeking direction.

Attachments:

1. Ordinance (Proposed)
2. Legal Ad
3. Current Chapter 66 Seasonal Outdoor Seating Facts

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

ORDINANCE

MAY 14, 2024

Ordinance- **Ordinance to amend Chapter 66 (STREETS, SIDEWALKS AND CERTAIN OTHER PUBLIC PLACES), Article VI. (Encroachments Over and Upon Public Rights-of-Way), Division 2 (Outdoor Seating Administrative Encroachments), Sec. 66-133 (Same – Requirements), to reduce the fees for use of public sidewalk, public right-of-way, or public shared parking from \$10.00 per square foot to no more than \$7.50 per square foot.**

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

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

**CHAPTER 66 (STREETS, SIDEWALKS AND CERTAIN
OTHER PUBLIC PLACES)**

Article VI. Encroachments Over and Upon Public Rights-of Ways

Division 2 (Outdoor Seating Administrative Encroachments),

Sec. 66-133 - Same – Requirements.

(b) Application requirements.

(5) Fees for use of public sidewalk, public right-of-way, or public share parking shall be ~~ten dollars~~ **seven dollars and fifty cents** (~~\$10.00~~ **\$7.50**) per square foot per term.

2. This ordinance shall be effective on and after the date of its adoption.

Town of Herndon, Virginia
Notice of Public Hearing

Notice is hereby given that the **Town Council** of the Town of Herndon, Virginia, will hold a public hearing on Tuesday, May 14, 2024, at 7:00 p.m. in the Herndon Council Chambers Building, located at 765 Lynn Street, Herndon on the following item:

Ordinance, to amend Chapter 66 (STREETS, SIDEWALKS AND CERTAIN OTHER PUBLIC PLACES), Article VI. (Encroachments Over and Upon Public Rights-of-Way), Division 2 (Outdoor Seating Administrative Encroachments), Sec. 66-133 (Same - Requirements), to reduce the fees for use of public sidewalk, public right-of-way, or public shared parking from \$10.00 per square foot to no more than \$7.50 per square foot.

The public is encouraged to participate in the town's public hearing process. Individuals having an interest in the above item are invited to attend the public hearing and state their opinions and may also submit comments to town.clerk@herndon-va.gov. Information on this item is available for review by the public on the town's website at www.herndon-va.gov.

The Town of Herndon supports the Americans with Disabilities Act by making reasonable accommodations for persons with disabilities, so that they may participate in services, programs, or activities, offered by the town. Please call (703) 435-6804 to arrange for any accommodation that may be necessary to allow for participation. Interpretación en Español está disponible en esta sesión.

Kirstyn Barr Jovanovich, Town Clerk

Note to Publisher:

Publish on May 10, 2024

Current Chapter 66 Seasonal Outdoor Seating Facts

Permits outdoor dining/seating on:

- Public Right of Way including Sidewalks
- On-street parking spaces
- Off-street public shared parking spaces
- Applications are administratively reviewed and approved pursuant to design standards, described as “Seasonal Outdoor Seating Requirement” in the proposed ordinance, and compliance with applicable laws
- Maximum permit term is from March 15-October 31 per calendar year

General Requirements for seasonal outdoor seating on public property:

- Must pay \$10.00 per square foot per term for use of public sidewalk, public right-of-way, or public shared parking
- Must pay \$100.00 application fee annually
- Must have liability insurance
 - Town to be listed as additional insured
- Must be current on taxes
- Only allowed downtown
 - PD-TD (Planned Development – Traditional Downtown), PD-D (Planned Development – Downtown), and CC (Central Commercial) zoning districts
- Public shared parking program
 - Only allowed on unallocated spaces in public parking lots
 - Currently 11 unallocated spaces
- Must be in an allowed location (See Map)
 - Lynn Street
 - Pine Street
 - Station Street
 - Center Street (700 block)
- Limited to two on-street spaces in front of the establishment
- At any one time, the total number of issued permits for right-of-way seating on public streets shall be limited to no more than twenty percent (20%) of the total parking spaces along a street block.

- Similar to permitted outdoor dining on private property seasonal outdoor seating on public property must also:
 - Must meet Americans with Disabilities Act (ADA) requirements
 - Must add parking if over 32 seats are added
 - Must comply with building code requirements
 - Restroom facilities must be able to accommodate additional patrons
 - Must comply with health department requirements (Fairfax County)
 - Must comply with Fire Marshal (Fairfax County)
 - Must comply with Virginia Alcohol & Beverage Control (ABC)



Agenda Item: Resolution to approve Special Exception SE #24-01 - Hunters Creek Bridge Floodplain Overlay

Meeting Date: May 7, 2024

Category: Public Hearings

Prepared by: David Stromberg, Zoning Administrator

Description:

The applicant is proposing to replace the existing 25-foot-long pedestrian bridge in Runnymede Park with a new 50-foot-long pedestrian bridge. The unnamed tributary flows into Sugarland Run and both are part of the FPO, Floodplain Overlay District. The zoning ordinance requires a special exception for any proposed activity in the FPO. The applicant has provided a floodplain study demonstrating that the new bridge foundation and stream restoration will result in either no change or reduced flood elevations.

Background:

The existing timber bridge was constructed in the 1970s and the foundation has been undermined due to erosion and scouring. The town's on-call engineering consultant determined the bridge to be structurally unsound, and it was closed to the public in October 2023. The public works project manager ins in the process of obtaining all required local, state, and federal permits.

The Planning Commission discussed this item at their April meetings and voted to recommend approval at the April 22, 2024 public hearing.

The notice for public hearing will be duly advertised in the *Fairfax County Times Newspapers* in the May 3, and May 10, 2024 editions.

Budget Impact:

None

Recommendation:

Recommend approval of Special Exception SE #24-01.

Attachments:

1. Staff Report
2. Resolution (Proposed)
3. Legal Ad (Town Council)
4. PC Resolution (Adopted)
5. Project Narrative
6. Hunters Creek No Rise Study (2/29/2024)
7. Proposed Site Plan
8. Proposed Bridge

STAFF REPORT

Agenda Item: Resolution to approve Special Exception SE #24-01 - Hunters Creek Bridge Floodplain Overlay

Meeting Date: May 7, 2024

Staff Contact: David Stromberg, AICP, Zoning Administrator

Summary Information:

Proposed Modification	Replacement of the Hunters Creek pedestrian bridge in the FPO, Floodplain Overlay District. Replacement of the bridge and minor stream restoration will not result in increases to the floodplain.
Address	Runnymede Park – 195 Herndon Parkway
Fairfax County Tax Map Number	0113 02 0004C
Applicant/Owners	Town of Herndon
Total Site Area	55.7 acres; disturbed area 0.88 acres
Property Use	Public Park
Zoning District	PD-R, Planned Development - Residential
Adjacent Zoning	North: R-15 East: FFX South: R-10, RM West: R-10, PD-R
Land Use Designation	Public Facilities
Flood Map Effective Date	September 17, 2010
Community Flood Number	510052
Flood Map Panel	51059C0130E

Location Map:



Background & Site Description:

The existing 25-foot-long pedestrian footbridge is located within Runnymede Park along the Hunters Creek Trail. The bridge crosses an unnamed tributary that flows into Sugarland Run. Neighborhood access points are from the Hunters Creek Clubhouse, Cavendish Street, and Old Hunt Way. The construction area will be limited to 0.88 acres. Runnymede Park is a total of 55.7 acres. The existing pedestrian bridge is a timber bridge that was constructed in the 1970s. The bridge was closed in October 2023 because inspection and analysis determined the bridge and foundation to be structurally unsound.

Planning Commission Review. The Planning Commission reviewed this application at its meetings in April and passed a resolution recommending approval. The commission did not have any specific questions or concerns regarding the impact to the FPO.

Case Details & Proposal:

The proposed replacement bridge will be constructed from fiberglass reinforced polymer and the foundation will be helical piles embedded into the bank. The new foundation will allow for a wider stream bed compared to the concrete abutment foundation on the current bridge. The project also includes stream/outfall restoration to restore the stream bed to a more natural condition and resist erosion.

The applicant has provided a flood study showing that the proposed improvements will not result in a rise or increase in flood elevations.

Staff Analysis:

Zoning Ordinance Compliance

Staff evaluated the criteria for review of special exceptions found in Zoning Ordinance Section 78-153.3(e)(1) and the additional criteria for development in a floodplain in Section 78-153.(e)(2) below:

Criteria from Section 78-153.3(e)(2)	Meets or Does Not Meet	Why the application meets or does not meet the criteria of Section 78-153.3(e)(2)
Shall not result in any increase in the established 100-year flood levels in the flood insurance study.	Meets	The submitted flood study indicates that the proposed improvements will not result in an increase in flood levels.
Shall not result in other unacceptable or prohibited increases in flood heights.	Meets	The submitted flood study indicates that the proposed improvements will not result in an increase in flood levels.
Shall not result in additional threats to public safety.	Meets	The proposed improvements are likely to slow the flow of water in the stream and the new bridge will replace a bridge that is structurally unsound and closed to the public for safety reasons.
Shall not result in extraordinary public expense.	Meets	The proposal is a cost-effective way to replace the pedestrian bridge and improve the stream bed. A delay may result in a loss of certain funding sources.

Criteria from Section 78-153.3(e)(2)	Meets or Does Not Meet	Why the application meets or does not meet the criteria of Section 78-153.3(e)(2)
Shall not result in creation of a nuisance.	Meets	The proposal will reestablish a pedestrian connection that has been closed since October 2023.
Shall not result in fraud or victimization of the public	Meets	The proposal will result in reestablishing a public amenity and improvements to the floodplain.
Shall not result in conflict with other town, state, or federal laws and regulations.	Meets	The project is in process for obtaining other local, state, and federal approvals. Approval of this special exception does not supersede any other required approvals.

Flood Regulations

The National Flood Insurance Program (NFIP) is managed by the Federal Emergency Management Agency (FEMA). A community must have a locally adopted floodplain ordinance that complies with the Code of Federal Regulations (44 CFR parts 60, 65, and 72) in order for any property located within that community to be eligible for flood insurance.

The HEC-RAS (Hydrologic Engineering Center River Analysis System) model in the floodplain study shows a reduction in flood heights in three cross-sections and no increase in flood heights in any of the other cross-sections.

The proposed work in the floodplain complies with NFIP regulations and Section 78-60.2, Floodplain Overlay district, of the zoning ordinance.

Town Council Alternatives:

The following alternatives are available to the Town Council for its decision on SE #24-01:

1. Approve SE #24-01
2. Deny SE #24-01
3. Continuance of the application to May 28, 2024.

Staff Recommendation:

Staff recommends that the Town Council approve Special Exception SE #24-01 in accordance with Alternative #1 for the following reasons:

- Approval will not result in an increase in flood heights or an increase in the floodplain.
- Approval will replace a pedestrian bridge that is currently closed to the public for being structurally unsound.

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

RESOLUTION

MAY 14, 2024

**Resolution- to approve Special Exception SE #24-01 – Hunters Creek Bridge
Floodplain Overlay**

The applicant, the Town of Herndon, has submitted a Special Exception, SE #24-01 to perform work within the FPO, Floodplain Overlay District, in order to replace the Hunters Creek pedestrian bridge and perform minor stream restoration.

The current pedestrian bridge has been deemed structurally unsound and the floodplain study shows that the new bridge foundation and stream restoration will result in no or lower flood elevations than what currently exists.

On April 22, 2024, the Planning Commission recommended that the special exception be approved based upon the finding that the proposed use meets the purpose and intent of the Zoning Ordinance.

The Town Council has reviewed this application and has held a public hearing in accordance with the provisions of §15.2-2204 of the State Code and recommended that the application be approved based upon the finding that the application meets the purpose and intent of the Zoning Ordinance, in particular Section 78-155.3(e)(2).

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

1. Special Exception SE #24-01 is approved and shall run with the land and not be voided or extinguished from a change in ownership of the property.

Town of Herndon, Virginia
Notice of Public Hearing

Notice is hereby given that the **Town Council** of the Town of Herndon, Virginia, will hold a public hearing on Tuesday, May 14, 2024, at 7:00 p.m. in the Herndon Council Chambers Building, located at 765 Lynn Street, Herndon on the following items:

Ordinance, to consider Zoning Ordinance Text Amendment – ZOTA #24-01, to amend Chapter 78 (ZONING), Article XV (Decision-making Authorities, Application Review, and Permitting), Section 78-152.2(b)(3) (Fees for Development Applications) to adjust development fees for inflation to current rates.

Resolution, to consider a Special Exception – SE #24-01, Hunters Creek Bridge Replacement, to replace the Hunters Creek pedestrian bridge in the FPO, Floodplain Overlay District. The site, Runnymede Park, is 55.7 acres and the proposed disturbed area is 0.88 acres. The proposal will demolish the existing bridge, install a replacement bridge, and perform minor stream restoration, which will be within the FPO. The property is located east of Herndon Parkway and extends to the eastern corporate limit of the town. The site is accessible at the terminus of Cavendish Street, Queens Row Street, and Old Hunt Way. The site is zoned PD-R, Planned Development Residential and is designated in the Comprehensive Plan as “Community Facilities.” Fairfax County Tax Map Number 0113 02 0004C. Applicant: Town of Herndon Department of Public Works. Owner: Town of Herndon.

The public is encouraged to participate in the town’s public hearing process. Individuals having an interest in the above items are invited to attend the public hearing and state their opinions and may also submit comments to town.clerk@herndon-va.gov. Information on this item is available for review by the public on the town’s website at www.herndon-va.gov.

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Kirstyn Barr Jovanovich, Town Clerk

Note to Publisher:

Publish on May 3 / May 10, 2024

**TOWN OF HERNDON, VIRGINIA
PLANNING COMMISSION**

RESOLUTION

APRIL 22, 2024

Resolution- to recommend approval of Special Exception SE #24-01 – Hunters Creek Bridge Floodplain Overlay

The applicant, the Town of Herndon, has submitted a Special Exception, SE #24-01 to perform work within the FPO, Floodplain Overlay District, in order to replace the Hunters Creek pedestrian bridge and perform minor stream restoration.

The current pedestrian bridge has been deemed structurally unsound and the floodplain study shows that the new bridge foundation and stream restoration will result in no or lower flood elevations than what currently exists.

The Planning Commission has reviewed this application and has held a public hearing in accordance with the provisions of §15.2-2204 of the State Code and recommended that the application be approved based upon the finding that the application meets the purpose and intent of the Zoning Ordinance, in particular Section 78-155.3(e)(2).

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

1. The Planning Commission recommends approval of Special Exception SE #24-01 that shall run with the land and not be voided or extinguished from a change in ownership of the property.

This is certified to be a true and accurate copy of resolution 24-PC-006 associated with SE #24-01, adopted at a legally convened meeting of the Town of Herndon Planning Commission on April 22, 2024.



Aaron Zoellick
Clerk of Boards and Commissions

Motion: McFarlane
Second: Vice Chair Burke
Re: SE #24-01
Action: Adopted

Votes

Ayes: Donahue, Elbarasse, McFarlane, Moses, Vice Chair Burke, Chair Romeo
Nays: None
Absent from Vote: Yohannes
Absent from Meeting: Yohannes

Stromberg, David

From: Shindledecker, Mike
Sent: Friday, March 22, 2024 3:05 PM
To: Stromberg, David
Subject: Hunters Creek Project Narrative

Project Description and Narrative

In the Summer of 2023, Town staff conducted a preliminary assessment of the pedestrian bridges within the Town's parks. This initial field investigation included the existing timber bridge within Runnymede Park, behind the Hunters Creek Pool & Racquet Club. This bridge and structure had originally been installed in the 1970's, concurrent with the development of the Hunters Creek subdevelopment. While the timber bridge has been maintained and repaired since installation, continued deterioration and stream erosion has occurred over the last 50 years.

Following an evaluation in coordination with the Town's on-call engineering consultant, it was determined that the bridge and foundation structurally unsound and in need of immediate repair or replacement. Furthermore, the Town's stormwater engineering consultant also indicated that the condition of both the bridge foundation and adjacent stream/storm outfall channel had been deteriorated as a result of the structure. The concrete abutments had, over time, constrained the flow of the water, leading to erosion, scour, and undermining of the foundation. Staff made the determination that the bridge be closed in October 2023 for the safety and welfare of the public.

In Fall of 2023, staff reviewed options to shore/stabilize or repair the bridge and found that a complete replacement of the aging structure was the most efficient and effective course of action. As such, a plan was developed that not only replaced the aging timber structure with a modern, more resilient reinforced fiberglass polymer bridge, but restore the stream to more natural condition to limit the impact of erosion on the bridge and foundation. In subsequent years, this will serve as the starting point for a more complete stream/outfall restoration upstream of the project bridge.

Town staff identified several existing contracts to leverage existing mechanisms for project delivery. This was done to expedite both the project development and delivery phases. Design of the replacement bridge and stream restoration is anticipated to conclude in early Spring 2024, concurrent with permitting and approvals. Current estimates place construction in Fall of 2024, with completion prior to the 2025 calendar year.

The design of the localized stream/outfall restoration will consist of installation of a reinforced stream bed mix, rock sill, cross vane, and step pool. These combined features will restore/raise the stream bed and control the locations of water level elevation change to hardened locations that will resist erosion. The design of the modified cross vane will also reduce erosion risk at the bridge foundation to aid in maintaining serviceable foundations in the future.

The design of the replacement bridge aligns the new bridge with the existing asphalt trail slightly to the west of the existing structure. The bridge will be lengthened from approximately 25 feet to a total of 50 feet to allow for a wider stream bed and shallower slopes to the stream embankment. The foundation design of the new bridge will be embedded within the bank as opposed to creating a vertical wall at the stream edge (helical piles). The bridge structure itself will be constructed from fiberglass reinforced polymer (FRP), similar to other new structures within the Fairfax County Parks Authority System. FRP provides superior durability over timber construction, at a lower cost, lighter weight, and faster construction/delivery time as compared to steel. The deck of the bridge will also be manufactured from FRP for superior lifespan compared to timber.

Mike Shindledecker
Transportation Engineer
Department of Public Works
703-435-6800 x2311
herndon-va.gov

Plotted By Kight, Casey Sheet Set-Hunters Creek TP Layout C-0.0 March 01, 2024 09:43:23am K:\NVA-SWMA\Town Of Herndon\110926004-1 - Hunters Creek Bridge CAD Flood C-0.0 COVER SHEET.dwg
This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

PERFORMANCE BOND ESTIMATE				
ITEM NO.	ITEM	QUANTITY	UNIT	UNIT PRICE COST
1	CLEARING & GRUBBING		ACRES	
2	EXCAVATION		CU. YDS.	
3	EMBANKMENT		CU. YDS.	
4	OVERLOT GRADING		LOTS	
5	CONCRETE PIPE		LIN. FT.	
6	CONCRETE PIPE		LIN. FT.	
7	CONCRETE PIPE		LIN. FT.	
8	CONCRETE PIPE		LIN. FT.	
9	CONCRETE PIPE		LIN. FT.	
10	CONCRETE PIPE		LIN. FT.	
11	PAVED DITCH		LIN. FT.	
12	RIP RAP		SQ. FT.	
13	CONCRETE ENDWALL		EACH	
14	CONCRETE ENDWALL		EACH	
15	CONCRETE ENDWALL		EACH	
16	CONCRETE END SECTION		EACH	
17	DRIVEWAY ENTRANCE		EACH	
18	SIDEWALK		LIN. FT.	
19	HEADER CURB		LIN. FT.	
20	CURB & GUTTER		LIN. FT.	
21	SURFACE TREATMENT		SQ. YDS.	
22	BITUMINOUS CONCRETE SURFACE		SQ. YDS.	
23	BASE COURSE		SQ. YDS.	
24	SUBBASE MATERIALS		SQ. YDS.	
25	STREET SIGNS		EACH	
26	STREET LIGHTS		EACH	
27	ROADSIDE DELINEATORS		EACH	
28	TRAFFIC BARRICADE		EACH	
29	PIPES OR MONUMENTS AS SHOWN ON PLAT		EACH	
30	WATER LINE		LIN. FT.	
31	FIRE HYDRANTS		EACH	
32	SANITARY SEWER		LIN. FT.	
33	AS-BUILT PLAN		LUMP SUM	
PLUS 10% ENGINEERING FEE & MISC.				
TOTAL				

CASH ESCROW BOND ESTIMATE				
ITEM NO.	ITEM	QUANTITY	UNIT	UNIT PRICE COST
1	EROSION/SEDIMENTATION CONTROL (SEE ZONING ORD. FOR APPROPRIATE FEE) \$10000			
2	TREE REPLACEMENT			
3	ARBORIST FEE			
4	DAMAGE TO EXISTING PUBLIC UTILITIES (TO BE COVERED BY THE TOWN OF HERNDON)			
5	LANDSCAPING		L.S.	
TOTAL:				

APPLICATION FEES	
(SEE SECTION 26-2 OF THE TOWN CODE FOR FEES)	
TYPE OF APPLICATION: MAJOR SITE PLAN	
CALCULATION OF FEE: \$_____	
ADMINISTRATION FEE PAID (Official Use Only):	DATE: _____ AMOUNT: _____

REVIEW AND INSPECTION FEE SCHEDULE				
(SEE SECTION 78-201.2 AND SECTION 26-335 OF THE TOWN CODE FOR FEES)				
ITEM	QUANTITY	UNIT	FEE PER UNIT	FEE
BITUMINOUS SURFACE		SQ. YDS.	.51	.51
CURB & GUTTER OR HEADER CURB		LIN. FT.	.92	.92
SIDEWALK		LIN. FT.	1.35	1.35
SANITARY SEWER		LIN. FT.	2.34	2.34
T.V. INSPECTION		LIN.	2.32	2.32
WATERLINE		IN. FT.	1.75	1.75
STORM DRAINAGE		LIN. FT.	4.39	4.39
SWMP STORMWATER MANAGEMENT FEE (see Town Code Section 26-335)		LUMP SUM		
BIORETENTION FACILITIES (RAIN GARDENS)		EACH	250.00	250.00
STORMWATER DETENTION/SWMP MEASURES (other than rain gardens)		EACH	1000.00	1000.00
OVERLOT GRADING AND SURFACE DRAINAGE PLAN (per division of lot or per disturbed acre, whichever is greater)		LOT/ACRE	200.00	200.00
STREETLIGHTS		PER LIGHT	50.00	50.00
MISCELLANY		ACRE	675.00(min.)	675.00(min.)
SCREENING		LIN. FT.	2.34	2.34
& LINEAR FEET OF STREET		LIN. FT.	1.20	1.20
ESTIMATE FEE - TOTAL				
MINIMUM FEE PAYMENT (50% OF ESTIMATED FEE) (RECEIPT # _____) DATE: _____				
AMOUNT OF FEE (COMPUTED BY TOWN) (RECEIPT # _____) DATE: _____				

- ### NOTES
- THE METHODS AND MATERIALS USED IN THE CONSTRUCTION OF THE IMPROVEMENTS HEREIN SHALL CONFORM TO THE CURRENT TOWN OF HERNDON STANDARDS, SPECIFICATIONS, CURRENT FAIRFAX COUNTY DESIGN AND CONSTRUCTION STANDARDS, AND THE CURRENT VDOT ROAD AND BRIDGE SPECIFICATIONS. IN THE EVENT OF CONFLICT BETWEEN THE STANDARDS AND SPECIFICATIONS, PREVAILING GUIDELINES SHALL BE SELECTED BY THE TOWN OF HERNDON.
 - A PERMIT MUST BE OBTAINED FROM THE TOWN OF HERNDON BEFORE ANY CONSTRUCTION IS STARTED IN CONFORMITY WITH THESE PLANS.
 - A PERMIT MUST BE OBTAINED FROM THE OFFICE OF THE RESIDENT ENGINEER, VDOT, FAIRFAX, VIRGINIA, BEFORE ANY CONSTRUCTION IS STARTED ON ANY EXISTING STATE HIGHWAY.
 - THE DEVELOPER IS REQUIRED TO NOTIFY THE TOWN OF HERNDON, PRIOR TO THE BEGINNING OF CONSTRUCTION. THE DEVELOPER SHALL REQUIRE THAT ALL OF HIS CONTRACTORS SPECIFICALLY REQUEST INSPECTION AT LEAST TWENTY FOUR (24) HOURS BEFORE BEGINNING:
 - CLEARING AND GRUBBING
 - INSTALLATION OF SILTATION AND EROSION CONTROL MEASURES
 - EARTHWORK
 - INSTALLATION OF ANY UNDERGROUND UTILITY
 - INSTALLATION OF ANY FORMS
 - PLACING ANY CONCRETE
 - BEFORE PLACING SUBBASE, BASE, OR PAVING SURFACEFAILURE TO DO SO FOR ANY REASON SHALL CONSTITUTE REJECTION OF SAID WORK.
 - ALL EXISTING UNDERGROUND UTILITIES SHALL BE PHYSICALLY LOCATED BY THE DEVELOPER OR HIS ENGINEER PRIOR TO THE BEGINNING OF ANY CONSTRUCTION IN THE VICINITY OF THESE UTILITIES.
 - ALL UTILITIES INSTALLED AS A PART OF THIS DEVELOPMENT SHALL BE PLACED UNDERGROUND.
 - ALL UNDERGROUND UTILITIES WITHIN THE STREET RIGHT OF WAY AND ALL SERVICE CONNECTIONS SHALL BE INSTALLED TO THE REQUIRED DISTANCE BEYOND THE RIGHT OF WAY LINE PRIOR TO THE INSTALLATION OF ANY SUBBASE MATERIAL, CURB AND GUTTER, OR SIDEWALK.
 - ALL UTILITIES TO BE TAKEN OVER BY THE TOWN FOR MAINTENANCE PURPOSES, MUST BE INSPECTED, TESTED AND APPROVED BY THE TOWN BEFORE BEING ACCEPTED INTO THE TOWN'S SYSTEM.
 - CUT SHEETS SHALL BE SUBMITTED TO AND APPROVED BY THE TOWN OF HERNDON PRIOR TO THE START OF CONSTRUCTION OF ANY UNDERGROUND UTILITIES, STREETS, OR CURBS AND GUTTERS.
 - SANITARY SEWERS: ALL SANITARY SEWER MATERIALS AND METHODS OF CONSTRUCTION SHALL COMPLY WITH THE CURRENT TOWN OF HERNDON STANDARDS AND SPECIFICATIONS.
 - STORM SEWERS:
 - STORM SEWER AND CULVERT PIPE SHALL BE REINFORCED CONCRETE PIPE TO CONFORM TO THE CURRENT A.A.S.H.T.O. DESIGNATION M 170, UNLESS OTHERWISE DESIGNATED ON THE PLANS. CLASS II PIPE WILL BE PERMITTED BEYOND THE LIMITS OF THE STREET RIGHT OF WAY. CLASS III PIPE WILL BE REQUIRED WITHIN THE LIMITS OF THE RIGHT OF WAY.
 - UNDERDRAINS AND/OR CROSSEDRAINS SHALL BE INSTALLED BY THE DEVELOPER WHERE DEEMED NECESSARY BY THE TOWN OF HERNDON.
 - STREETS:
 - ALL BASE AND SUBBASE MATERIAL SHALL BE COMPACTED TO 95% OF THEORETICAL MAXIMUM DENSITY AS DETERMINED BY A.A.S.H.T.O. T-99 METHOD A, WITHIN PLUS OR MINUS 20% OF OPTIMUM MOISTURE FOR THE FULL WIDTH OF ANY DEDICATED RIGHT OF WAY AND ALL TOWNHOUSE STREETS, COMMERCIAL AND INDUSTRIAL PARKING LOTS, PRIVATE STREETS, PARKING BAYS, CURB AND GUTTER, AND SIDEWALKS ADJACENT TO STREETS AND PARKING LOTS (NOT INTENDED TO INCLUDE LEAD SIDEWALKS).
 - SOIL REPORTS AND SUBGRADE SPECIFICATIONS SHALL BE SUBMITTED TO THE TOWN OF HERNDON FOR APPROVAL PRIOR TO THE START OF CONSTRUCTION OF ANY SIDEWALKS, CURB AND GUTTER, STREETS OR PARKING AREAS.
 - IF ROADWAY DESIGN IS BASED ON A CBR OF 10, CBR TESTS OF SUBGRADE SOILS MUST BE CONDUCTED FOR ACTUAL DETERMINATION OF ROADWAY DESIGN. ROADWAY DESIGNS SHALL BE IN ACCORDANCE WITH THE CURRENT VDOT PAVEMENT DESIGN GUIDE FOR SUBDIVISION AND SECONDARY ROADS, AND SHALL BE SUBMITTED TO THE TOWN FOR REVIEW AND APPROVAL.
 - STANDARD STREET NAME SIGNS SHALL BE APPROVED BY FAIRFAX COUNTY SIGN SHOP AND SHALL BE INSTALLED AT EACH INTERSECTION BY THE DEVELOPER, AS WELL AS REQUIRED TRAFFIC CONTROL SIGNS IN THE DEVELOPMENT. SIGN FASTENERS SHALL BE 5/16" #18 STAINLESS STEEL HEX BOLTS AND NUTS USS-NO RIVETS PERMITTED.
 - WHERE INSTALLATION OF ROADWAY SIGN IS ANYTHING OTHER THAN IN SOIL AREA, A PVC SLEEVE SHALL BE INSTALLED. SLEEVE SHALL BE MINIMUM 18" DEEP. SIZE OF PVC SLEEVE SHALL BE APPROPRIATE TO SIZE OF POST BEING INSTALLED, AND SHALL ALLOW FOR WEDGING TO STABILIZE SIGN POST.
 - WHERE SIGN IS DESIGNED TO BE INSTALLED IN CONCRETE MEDIAN, A 12" X 12" AREA SHALL BE LEFT VOID OF CONCRETE. PVC SLEEVE SHALL BE INSTALLED AS INDICATED ABOVE.
 - SIGN MATERIAL SHALL BE MINIMUM HIGH INTENSITY SHEETING, AND NO ENGINEER GRADE MATERIAL SHALL BE ALLOWED.
 - A MINIMUM OF ONE DRIVEWAY ENTRANCE SHALL BE PROVIDED PER LOT. DRIVEWAY ENTRANCES SHALL BE INSTALLED IN CONFORMITY WITH THE STANDARDS. PIPESTEM LOT DRIVEWAYS ARE SUBJECT TO APPROVAL BY THE TOWN OF HERNDON.
 - SURFACED STREETS SHALL BE MAINTAINED IN A CLEAN CONDITION, MUD AND DUST FREE AT ALL TIMES, AND ADEQUATE MEANS SHALL BE PROVIDED TO CLEAN TRUCKS AND OTHER EQUIPMENT USING THE COMPLETED STREETS.
 - PRIOR TO COMMENCING NEW WORK, THE CONTRACTOR SHALL PROTECT FROM DAMAGE ALL EXISTING ADJACENT AREAS. A PRE-CONSTRUCTION SURVEY SHALL OCCUR WITH CONSTRUCTION AND INSPECTION STAFF TO DOCUMENT EXISTING CONDITIONS. IF TOWN'S EXISTING PUBLIC INFRASTRUCTURE IS DAMAGED DURING CONSTRUCTION, THE APPLICANT SHALL REPAIR THE SAME TO THE SATISFACTION OF THE TOWN.
 - ALL STREET CUT AND PATCH WORK LOCATED IN PUBLIC RIGHTS OF WAY SHALL BE PERFORMED IN ACCORDANCE WITH THE TOWN OF HERNDON STANDARDS AND SPECIFICATIONS. LIMITS OF ASPHALT OVERLAY TO BE DETERMINED BY TOWN INSPECTOR.
 - STREET LIGHTS SHALL BE INSTALLED ACCORDING TO TOWN OF HERNDON STANDARDS.
 - ALL WORK IN THE RIGHT-OF-WAY SHALL BE CONDUCTED BETWEEN 8AM AND 3PM, MONDAY THROUGH FRIDAY, EXCEPT HOLIDAYS.
 - DEVELOPER SHALL COMPLY WITH STREET CUT PERMIT REQUIREMENTS. COPY OF APPROVED STREET CUT PERMIT MUST BE KEPT ON SITE AT ALL TIMES.
 - DEVELOPER SHALL COORDINATE ALL TRAFFIC CONTROL ACTIVITIES WITH THE STREET CUT PERMIT INSPECTION SECTION (703-435-6860).
 - WATER DISTRIBUTION:
 - ALL WATER MAIN MATERIALS AND CONSTRUCTION SHALL COMPLY WITH THE REGULATIONS OF THE STANDARD SPECIFICATIONS AND PLANS OF THE TOWN OF HERNDON AND THE CURRENT WATERWORKS REGULATIONS OF THE VIRGINIA STATE BOARD OF HEALTH.
 - ALL WATER MAINS SHALL HAVE A MINIMUM COVER OF 4.0 FEET. WATER MAINS SHALL BE INSTALLED EIGHT (8) FEET NORTH OR EAST OF THE CENTERLINE OF THE STREET UNLESS OTHERWISE DESIGNATED ON THE PLANS.
 - WORKING PRESSURE SHALL BE >20.0 PSI.
 - LAND CONSERVATION NOTES:
 - MEASURES TO CONTROL EROSION AND SILTATION SHALL BE PROVIDED PURSUANT TO AND IN COMPLIANCE WITH CURRENT STATE AND LOCAL REGULATIONS. HOWEVER, THE APPROVAL OF THESE PLANS SHALL IN NO WAY RELIEVE THE DEVELOPER OR HIS AGENT OF ANY LEGAL RESPONSIBILITY WHICH MAY BE REQUIRED BY THE CODE OF VIRGINIA OR ANY ORDINANCE ENACTED BY THE TOWN OF HERNDON.
 - NO DISTURBED AREA WILL BE DENuded FOR MORE THAN 30 CALENDAR DAYS.
 - ALL EROSION AND SILTATION CONTROL MEASURES ARE TO BE PLACED PRIOR TO OR AS THE FIRST STEP IN CLEARING.
 - ALL STORM AND SANITARY SEWER TRENCHES NOT IN STREETS ARE TO BE MULCHED AND SEEDED WITHIN 7 DAYS AFTER BACKFILL. NO MORE THAN 500 FEET ARE TO BE OPEN AT ANY ONE TIME.
 - ELECTRIC POWER, TELEPHONE AND GAS SUPPLY TRENCHES ARE TO BE COMPACTED, SEEDED AND MULCHED, WITHIN 7 DAYS AFTER BACKFILL.
 - ALL TEMPORARY EARTH BERM DIVERSIONS AND SILT DAMS ARE TO BE MULCHED AND SEEDED FOR TEMPORARY VEGETATIVE COVER IMMEDIATELY AFTER GRADING. STRAW OR HAY MULCH IS REQUIRED. THE SAME APPLIES FOR ALL STOCKPILES.
 - DURING CONSTRUCTION, ALL STORM SEWER INLETS WILL BE PROTECTED BY SILT TRAPS, MAINTAINED AND MODIFIED AS REQUIRED BY CONSTRUCTION PROGRESS.
 - ALL DISTURBED AREAS NOT PAVED, SEEDED, OR BUILT UPON BY NOVEMBER 1, OR DISTURBED AFTER THAT DATE, IS TO BE SEEDED WITHIN 7 DAYS WITH OATS, ABRUZZI RYE, OR EQUIVALENT AND MULCHED WITH HAY OR STRAW AT THE RATE OF 2 TONS PER ACRE.
 - PRIOR TO BEGINNING OF ANY WORK ON THIS SITE, THE CONTRACTOR MUST READ AND ADHERE TO THE "VEGETATION PRESERVATION AND PLANTING" GUIDELINES OF FAIRFAX COUNTY PUBLIC FACILITIES MANUAL, AND SECTION 26, ARTICLE II OF THE TOWN CODE.
 - PRIOR TO ANY LAND DISTURBANCE OF THE SITE THAT IS GREATER THAN, OR EQUAL TO 2500 SQ FT, THE CONTRACTOR MUST SUBMIT GENERAL PERMIT REGISTRATION STATEMENT TO VIRGINIA DEQ AND PROVIDE A COPY TO THE TOWN.
 - IF REQUIRED BY LAW, THE OWNER/DEVELOPER SHALL PROVIDE STATEMENT CERTIFYING THAT ALL WETLANDS PERMITS WILL BE OBTAINED PRIOR TO COMMENCING LAND DISTURBING ACTIVITIES.
 - THESE PLANS AND SPECIFICATIONS ARE BASED ON THE MINIMUM REQUIREMENTS FOR _____ ZONING. THIS PLAN CONTAINS _____ DWELLING UNITS.
 - ALL ELEVATIONS MUST BE BASED ON THE U.S.G.S. & OR THE N.G.S. MEAN SEA LEVEL DATUM.
 - PRIOR TO ANY APPROVED CLEARING AND GRADING ON A SITE, TREE PROTECTION FENCE SHALL BE ERECTED IN ACCORDANCE WITH FENCE DETAIL ON THE APPROVED LANDSCAPE PLAN, AND BE INSPECTED AND APPROVED BY THE URBAN FORESTER.

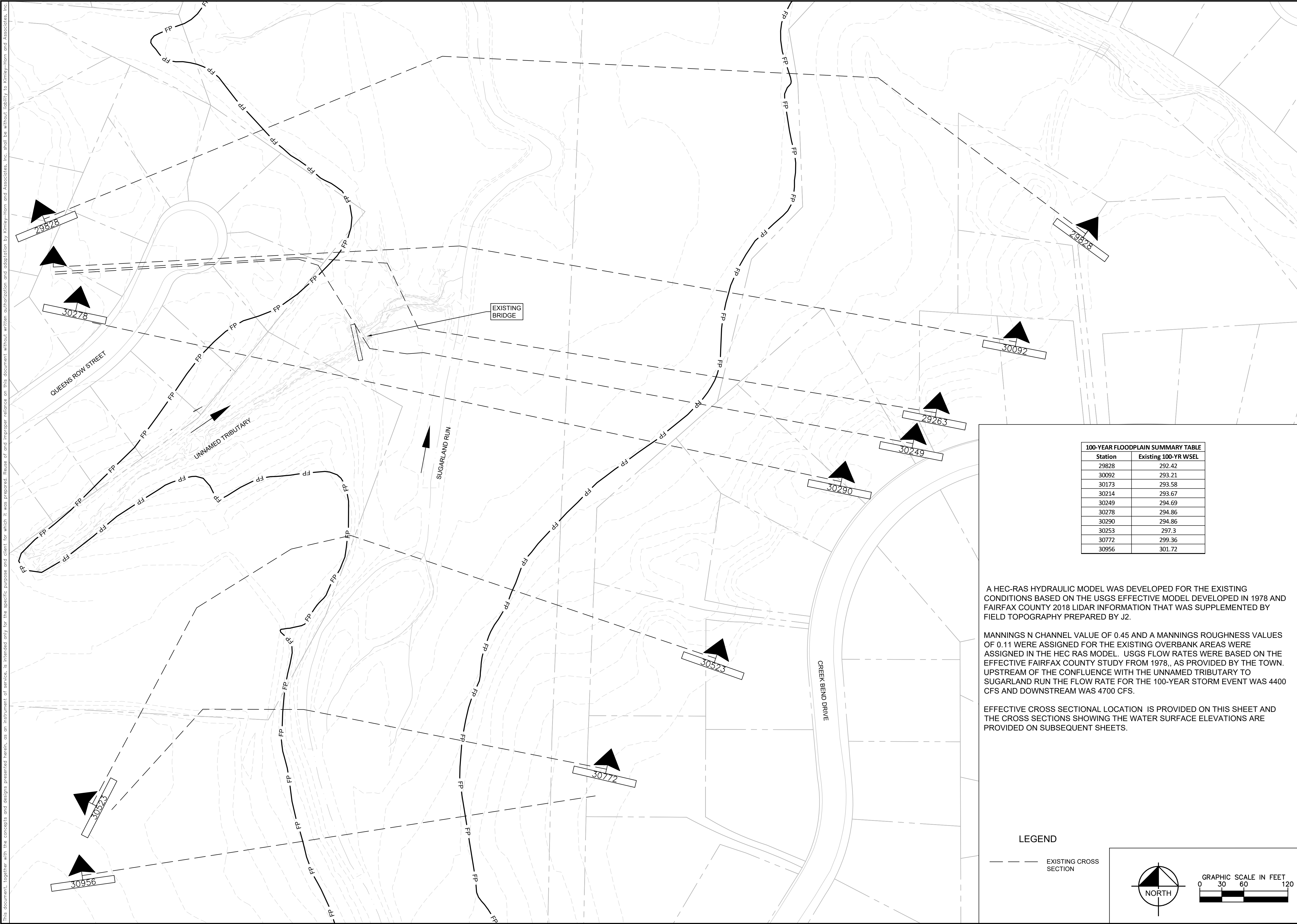
PROFESSIONAL SEAL AND SIGNATURE

INDEX	PAGE																		
<table><tr><th colspan="2">Sheet List Table</th></tr><tr><th>Sheet Number</th><th>Sheet Title</th></tr><tr><td>C-0.0</td><td>COVER SHEET</td></tr><tr><td>C-1.0</td><td>EXISTING FLOODPLAIN</td></tr><tr><td>C-1.1</td><td>EXISTING SECTIONS</td></tr><tr><td>C-1.2</td><td>EXISTING SECTIONS</td></tr><tr><td>C-2.0</td><td>PROPOSED FLOODPLAIN</td></tr><tr><td>C-2.1</td><td>PROPOSED SECTIONS</td></tr><tr><td>C-2.2</td><td>PROPOSED SECTIONS</td></tr></table>		Sheet List Table		Sheet Number	Sheet Title	C-0.0	COVER SHEET	C-1.0	EXISTING FLOODPLAIN	C-1.1	EXISTING SECTIONS	C-1.2	EXISTING SECTIONS	C-2.0	PROPOSED FLOODPLAIN	C-2.1	PROPOSED SECTIONS	C-2.2	PROPOSED SECTIONS
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EXISTING CONDITION SURVEY NOTES - HORIZONTAL DATUM: VIRGINIA NORTH STATE PLANE COORDINATE SYSTEM NAD 83 (2011) VERTICAL DATUM: NORTH AMERICAN VERTICAL DATUM NAVD 1988 - UTILITY INFORMATION, AS SHOWN ON THIS PLAN, IS TAKEN FROM THE RECORDS AND/OR FIELD SURVEY COMPLETED BY J2 ENGINEERS, INC. (J2) DATED OCTOBER 2023; AND CANNOT BE GUARANTEED. FOR EXACT LOCATIONS OF EXISTING UNDERGROUND UTILITIES, NOTIFY "MISS UTILITY" AT 1-800-552-7001, 72 HOURS BEFORE THE START OF ANY EXCAVATION OR CONSTRUCTION. - LOCATION AND DEPTH OF ALL EXISTING UNDERGROUND UTILITIES TO BE VERIFIED BY CONTRACTOR PRIOR TO CONSTRUCTION. CONTRACTOR/ENGINEER SHOULD DIG TEST PITS BY HAND AT ALL UTILITY CROSSINGS TO VERIFY EXACT LOCATION.																			
WAIVER REQUESTS (DESIGNATE WITHIN SECTION OF THE ZONING ORDINANCE, PUBLIC FACILITIES MANUAL OR SUBDIVISION ORDINANCE FROM WHICH A WAIVER IS REQUESTED. PLEASE NOTE THAT A LETTER OF JUSTIFICATION FOR EACH WAIVER MUST ACCOMPANY THE INITIAL PLAN SUBMISSION) FEE = \$1000 PER REQUEST WAIVER FROM SECTION: _____ OF _____ = \$200.00 WAIVER FROM SECTION: _____ OF _____ = \$200.00 NUMBER OF REQUESTS: _____ X \$200.00 = _____ DATE COLLECTED (Official Use Only): _____																			

VICINITY MAP SCALE: 1" = 200'								
LOCATION OF BENCHMARKS								
APPROVED FOR SITE CONSTRUCTION UNDER THIS PLAN. BUILDING PERMITS TO BE ISSUED SEPARATELY. <table><tr><td>DATE</td><td>FAIRFAX COUNTY FIRE MARSHAL</td></tr><tr><td>DATE</td><td>DIRECTOR OF PUBLIC WORKS</td></tr><tr><td>DATE</td><td>DIRECTOR OF COMMUNITY DEVELOPMENT</td></tr><tr><td>DATE</td><td>ZONING ADMINISTRATOR</td></tr></table>	DATE	FAIRFAX COUNTY FIRE MARSHAL	DATE	DIRECTOR OF PUBLIC WORKS	DATE	DIRECTOR OF COMMUNITY DEVELOPMENT	DATE	ZONING ADMINISTRATOR
DATE	FAIRFAX COUNTY FIRE MARSHAL							
DATE	DIRECTOR OF PUBLIC WORKS							
DATE	DIRECTOR OF COMMUNITY DEVELOPMENT							
DATE	ZONING ADMINISTRATOR							
SECTION 70-203.2(1): SUBDIVISION APPROVAL VOID IF FINAL SUBDIVISION PLAT IS NOT SUBMITTED WITHIN ONE YEAR OF APPROVAL OF A PRELIMINARY SUBDIVISION PLAN. SECTION 78-202.6(h): SITE PLAN AND SINGLE LOT DEVELOPMENT PLAN APPROVAL SHALL AUTOMATICALLY EXPIRE AT THE END OF A FIVE-YEAR PERIOD FOLLOWING THE DATE OF ITS APPROVAL BY THE ZONING ADMINISTRATOR FOR ANY PHASE OR PART OF AN APPROVED SITE PLAN FOR WHICH A BUILDING PERMIT HAS NOT BEEN APPROVED.								
BEFORE YOU DIG CALL "MISS UTILITY" 811 OR 1-800-552-7001 visit online at va811.com								

TOWN PLAN #: _____	
TOWN OF HERNDON, VIRGINIA COVER SHEET	
SUBDIVISION OR SITE PLAN NAME: HUNTERS CREEK BRIDGE FLOODPLAIN NO RISE STUDY	
OWNER, ADDRESS, INCLUDE ZIP CODE AND TELEPHONE NUMBER	TOWN OF HERNDON C/O RICHARD P. SMITH, P.E. 777 LYNN STREET, HERNDON, VA 20170
DEVELOPER, ADDRESS, INCLUDE ZIP CODE AND TELEPHONE NUMBER	TOWN OF HERNDON C/O RICHARD P. SMITH, P.E. 777 LYNN STREET, HERNDON, VA 20170
CERTIFIED ENGINEER, ARCHITECT OR SURVEYOR SUBMITTING PLAN, ADDRESS, INCLUDE ZIP CODE AND TELEPHONE NUMBER	CASEY KIGHT, P.L.A. KIMLEY-HORN AND ASSOCIATES, INC. 11400 COMMERCE PARK DRIVE, SUITE 400, RESTON, VA 20191
FAIRFAX COUNTY TAX MAP NUMBER	0113 02 0004C
TOTAL AREA	2,426,854 SF (55.7 AC)
PRESENT ZONING	R-15
REVISED: JULY 2014	PAGE 1 OF 20 PAGES

KIMLEY-HORN	
© 2010 KIMLEY-HORN AND ASSOCIATES, INC. 11400 COMMERCE PARK DRIVE, SUITE 400, RESTON, VA 20191 PHONE: 703-674-1300 FAX: 703-674-1350 WWW.KIMLEY-HORN.COM	
LICENSED PROFESSIONAL	CASEY KIGHT
KHA PROJECT 110926004	DATE JAN. 2024
SCALE AS SHOWN	DESIGNED BY CMK
DRAWN BY AJB	CHECKED BY CMK
DATE JAN. 2024	
COVER SHEET	
HUNTERS CREEK BRIDGE	
PREPARED FOR DEPARTMENT OF PUBLIC WORKS	
TOWN OF HERNDON	
SHEET NUMBER C-0.0	



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100-YEAR FLOODPLAIN SUMMARY TABLE	
Station	Existing 100-YR WSEL
29828	292.42
30092	293.21
30173	293.58
30214	293.67
30249	294.69
30278	294.86
30290	294.86
30253	297.3
30772	299.36
30956	301.72

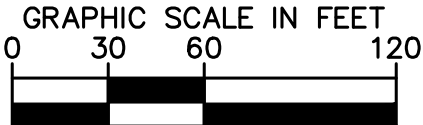
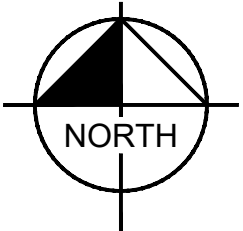
A HEC-RAS HYDRAULIC MODEL WAS DEVELOPED FOR THE EXISTING CONDITIONS BASED ON THE USGS EFFECTIVE MODEL DEVELOPED IN 1978 AND FAIRFAX COUNTY 2018 LIDAR INFORMATION THAT WAS SUPPLEMENTED BY FIELD TOPOGRAPHY PREPARED BY J2.

MANNINGS N CHANNEL VALUE OF 0.45 AND A MANNINGS ROUGHNESS VALUES OF 0.11 WERE ASSIGNED FOR THE EXISTING OVERBANK AREAS WERE ASSIGNED IN THE HEC RAS MODEL. USGS FLOW RATES WERE BASED ON THE EFFECTIVE FAIRFAX COUNTY STUDY FROM 1978., AS PROVIDED BY THE TOWN. UPSTREAM OF THE CONFLUENCE WITH THE UNNAMED TRIBUTARY TO SUGARLAND RUN THE FLOW RATE FOR THE 100-YEAR STORM EVENT WAS 4400 CFS AND DOWNSTREAM WAS 4700 CFS.

EFFECTIVE CROSS SECTIONAL LOCATION IS PROVIDED ON THIS SHEET AND THE CROSS SECTIONS SHOWING THE WATER SURFACE ELEVATIONS ARE PROVIDED ON SUBSEQUENT SHEETS.

LEGEND

--- EXISTING CROSS SECTION



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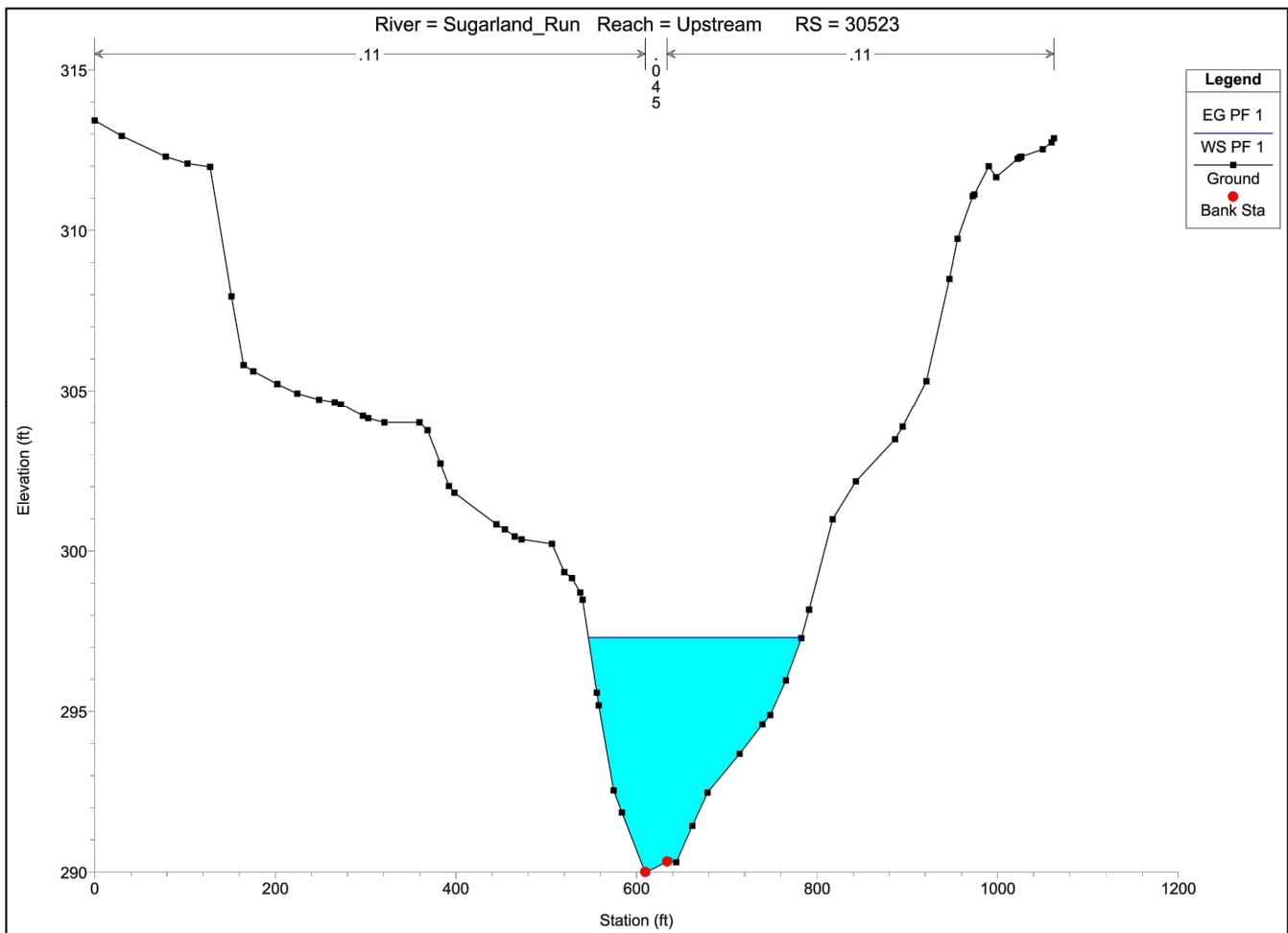
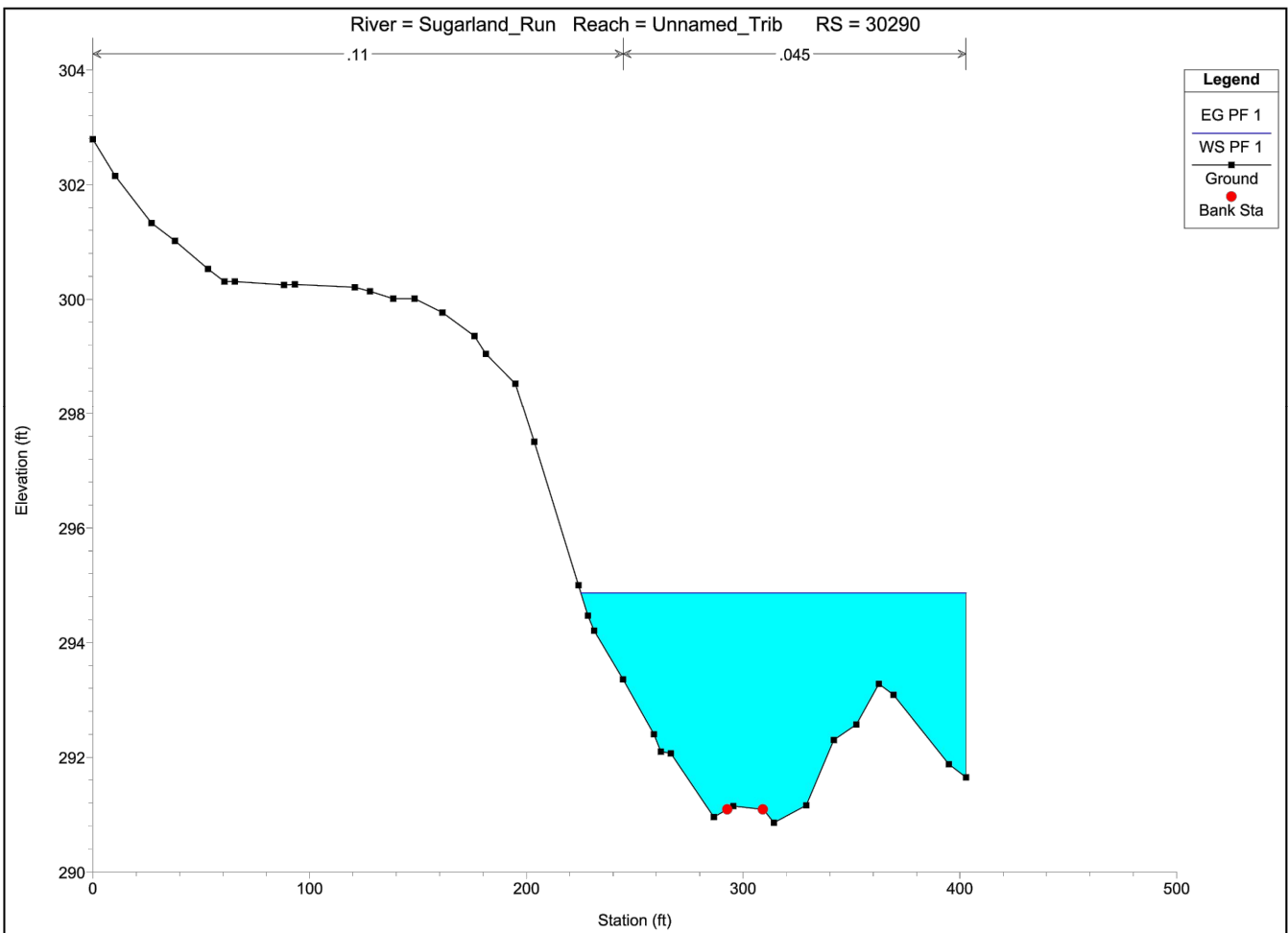
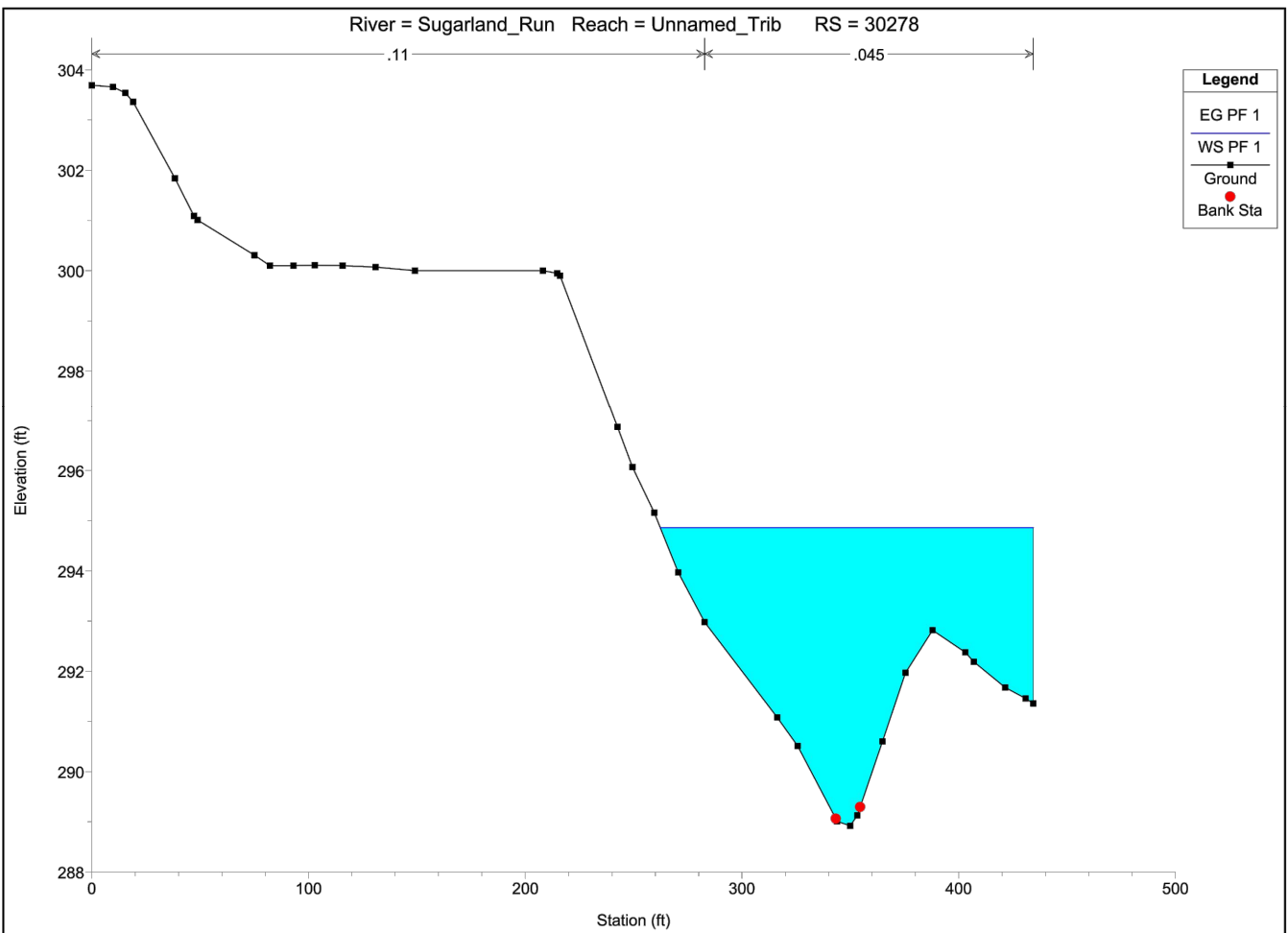
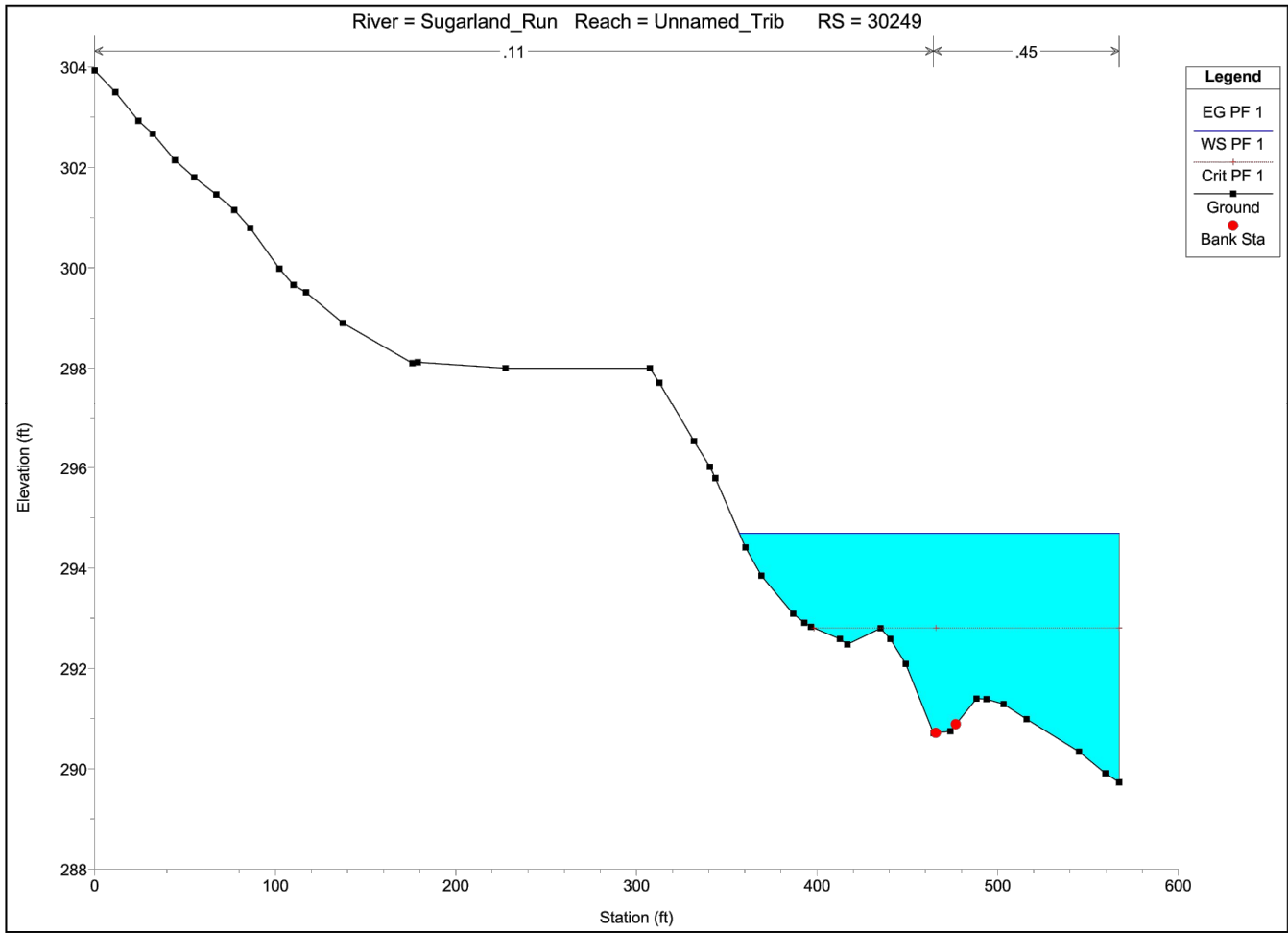
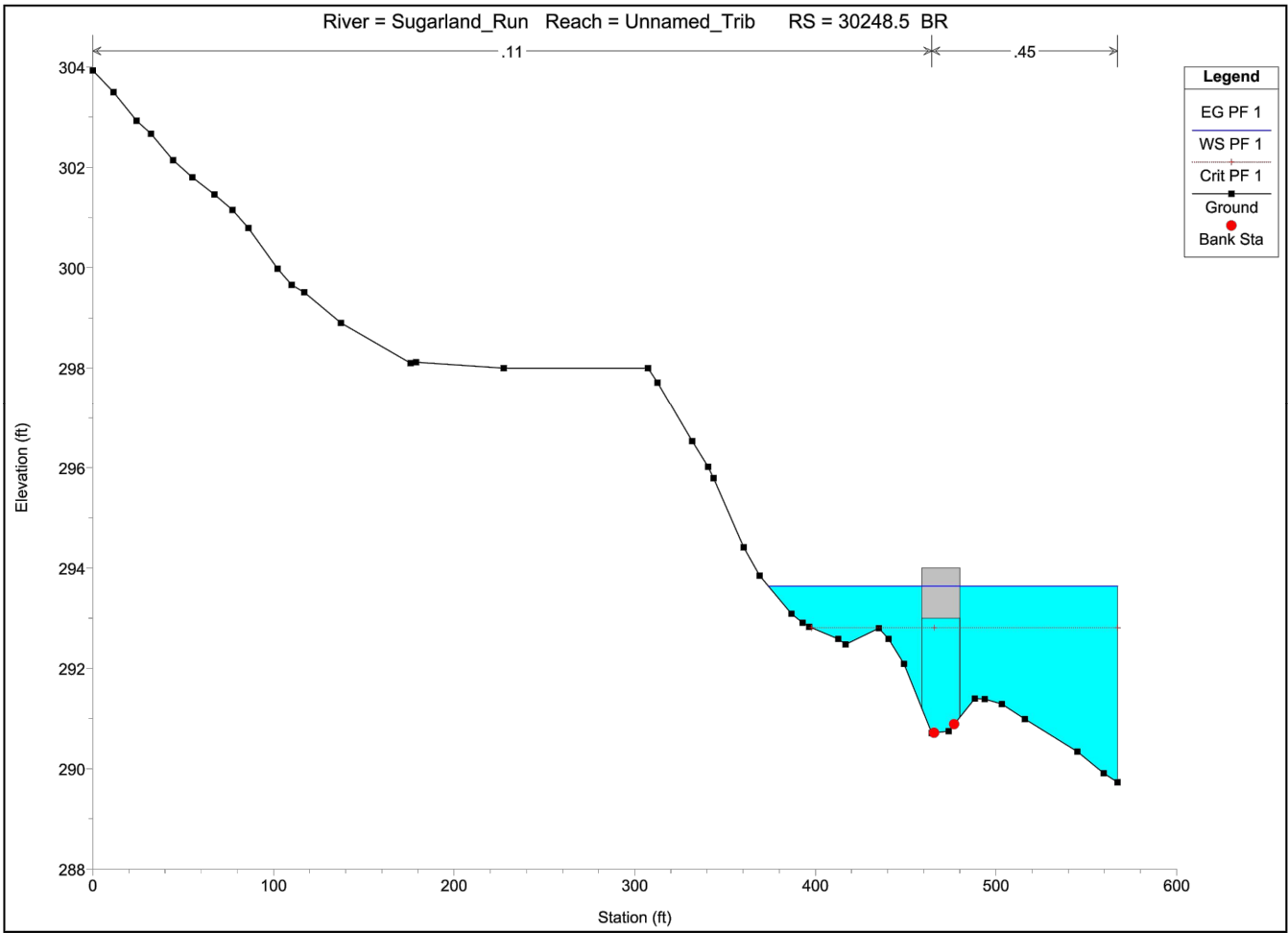
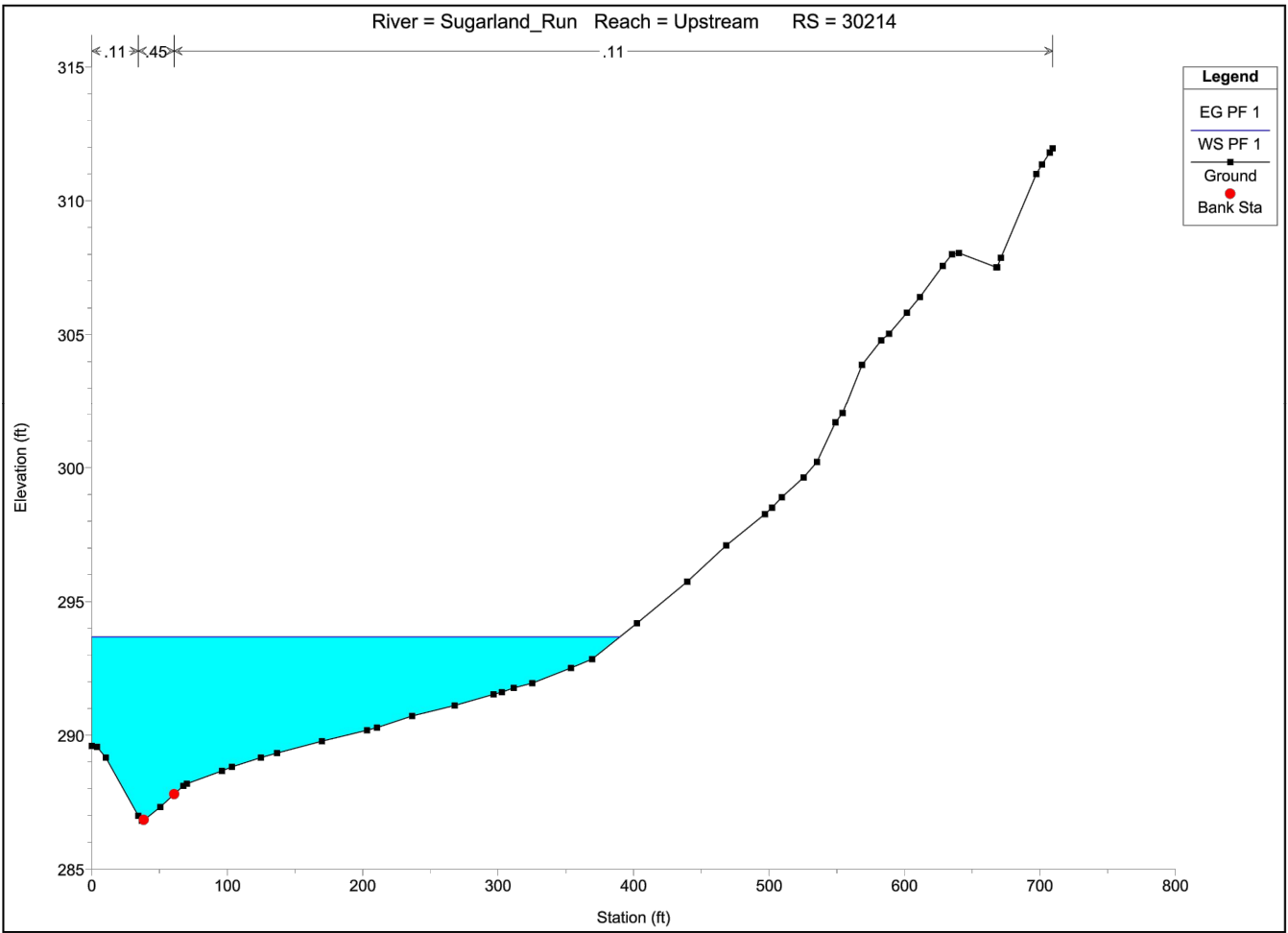
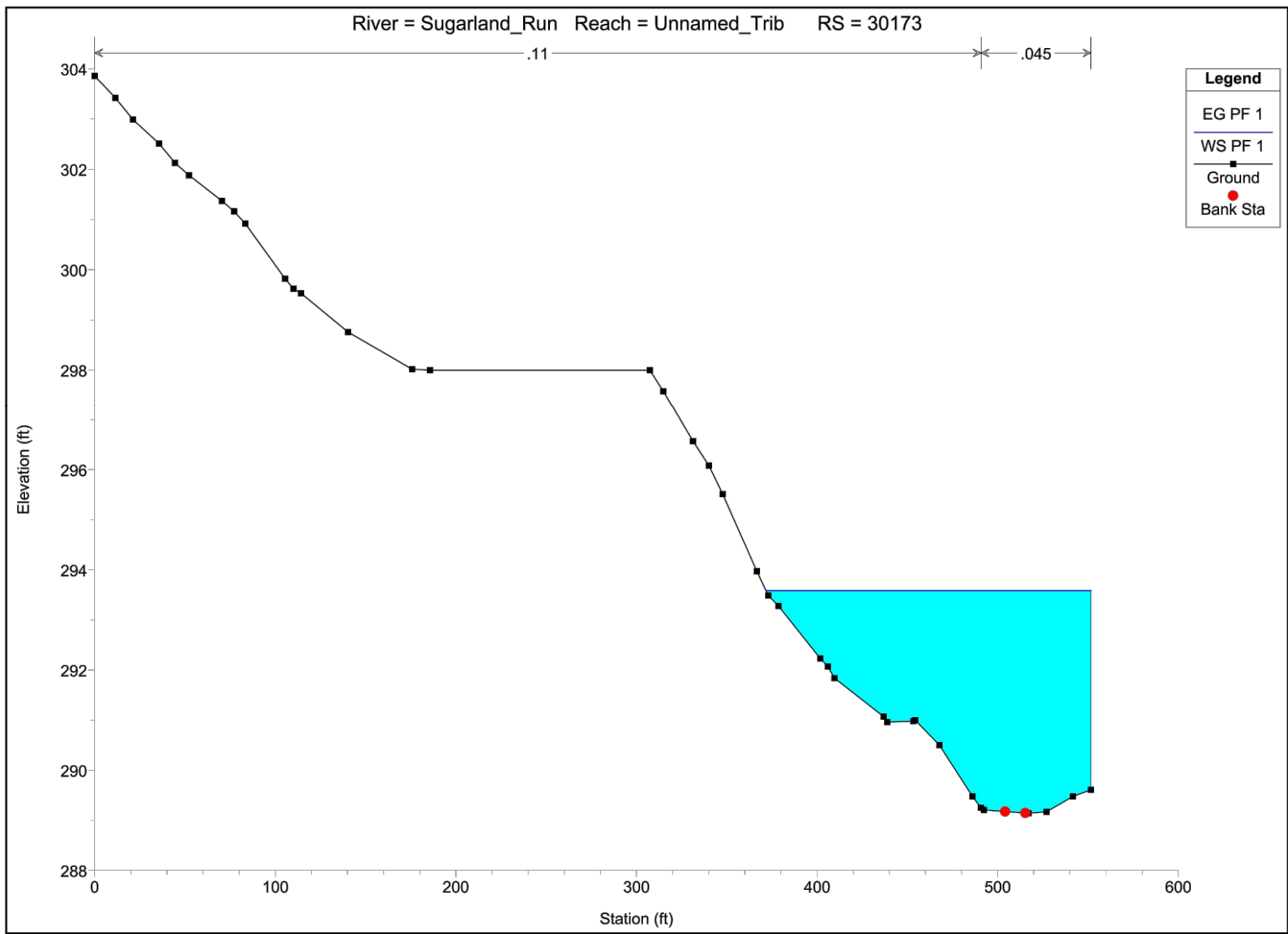
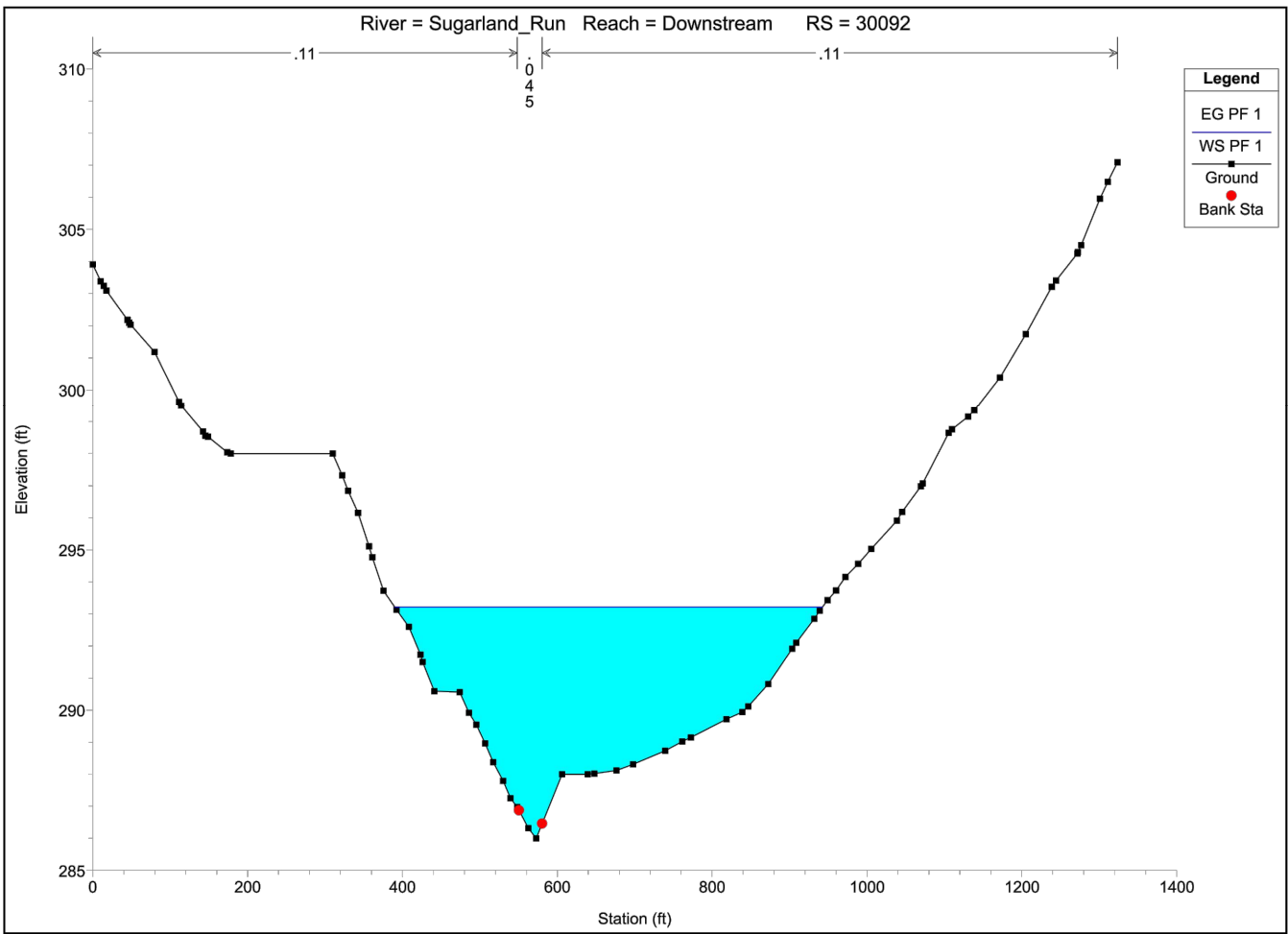
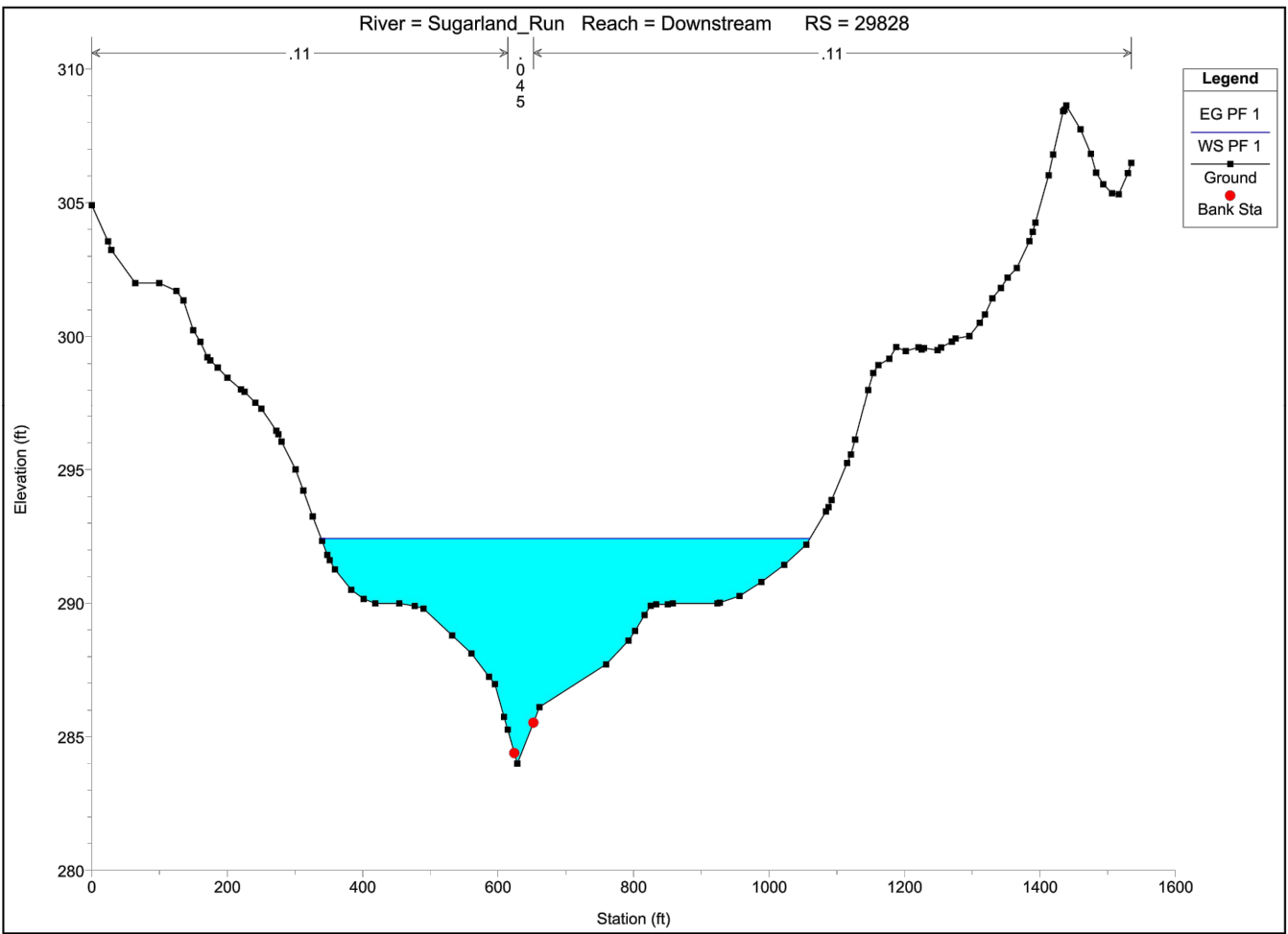
LICENSED PROFESSIONAL
KHA PROJECT
110926004
DATE
JAN. 2024
SCALE AS SHOWN
DESIGNED BY CMK
DRAWN BY AJB
CHECKED BY CMK
DATE JAN. 2024
CASEY KIGHT
VA LICENSE NUMBER
0406001348

**HUNTERS CREEK
BRIDGE**
PREPARED FOR
DEPARTMENT OF PUBLIC
WORKS

VA
TOWN OF HERNDON

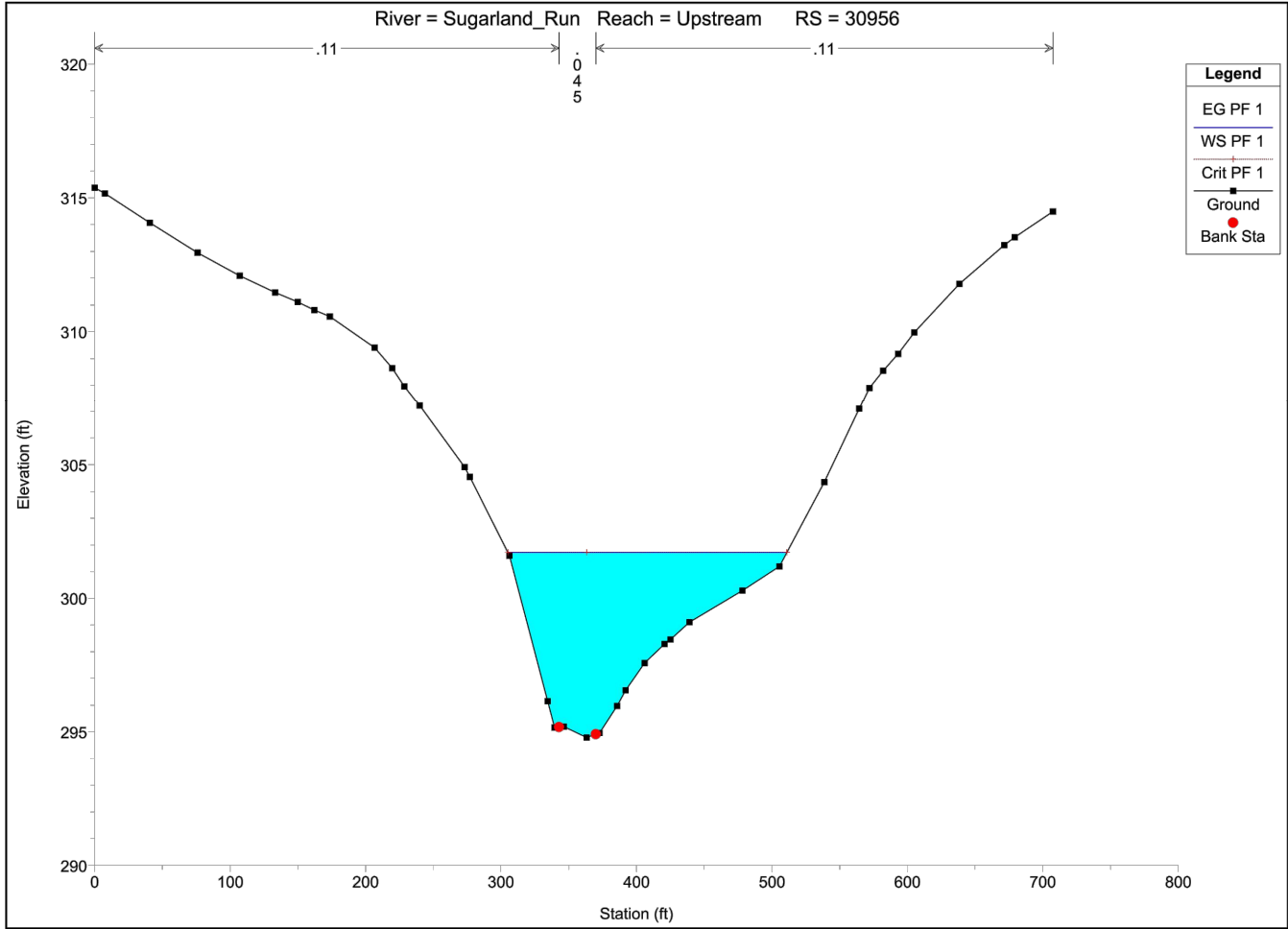
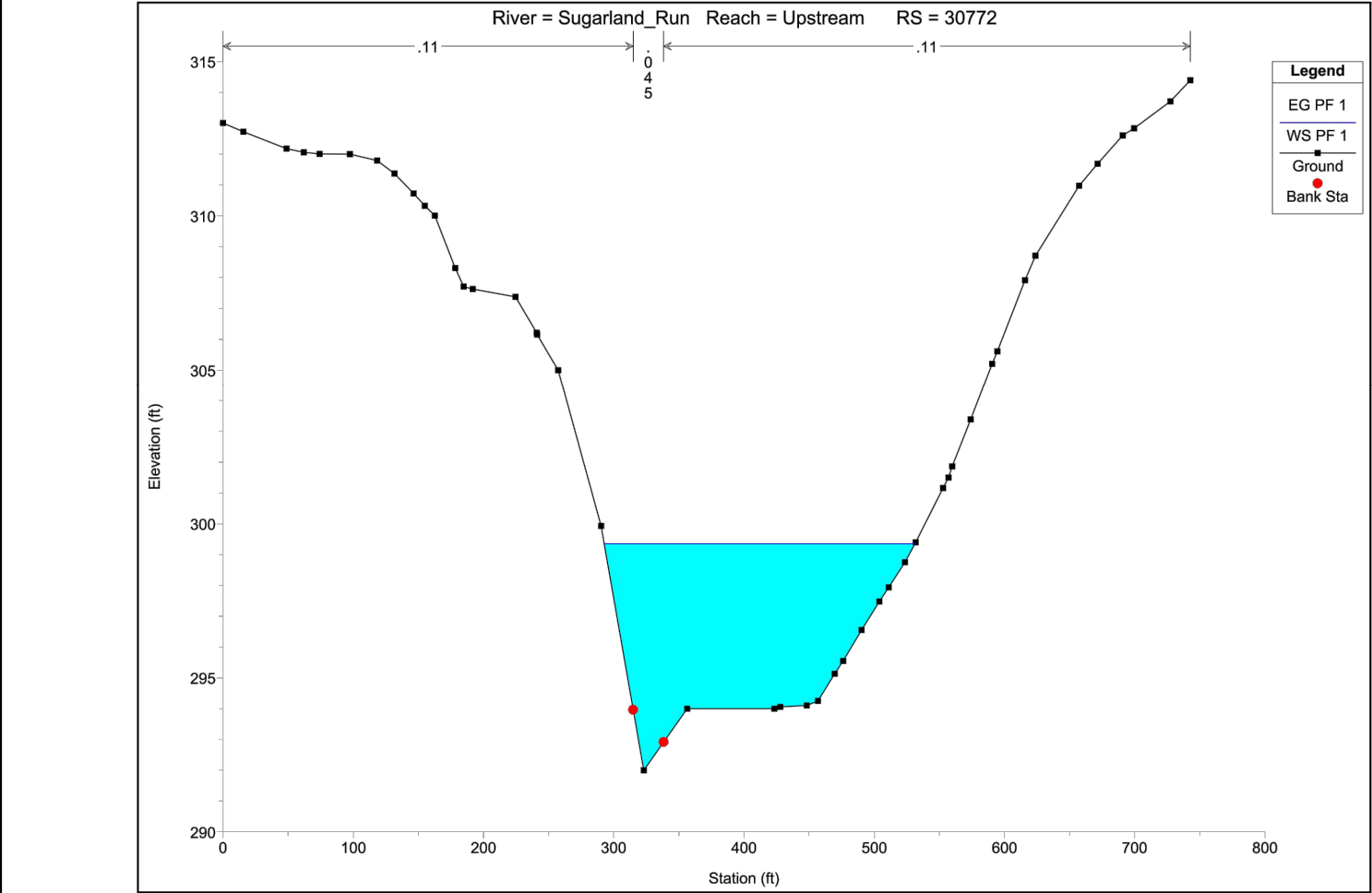
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DATE JAN. 2024		VA LICENSE NUMBER 0406001348		11400 COMMERCE PARK DR., SUITE 400, RESTON, VA 20191 PHONE: 703-674-1300 FAX: 703-674-1350 WWW.KIMLEY-HORN.COM	
SCALE AS SHOWN		DRAWN BY AJB		REVISIONS	
DESIGNED BY CMK		CHECKED BY CMK		DATE JAN. 2024	
HUNTERS CREEK BRIDGE		EXISTING SECTIONS		BY	
PREPARED FOR DEPARTMENT OF PUBLIC WORKS		TOWN OF HERNDON		DATE	
SHEET NUMBER C-1.1		VA		BY	

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HUNTERS CREEK
BRIDGE
PREPARED FOR
DEPARTMENT OF PUBLIC
WORKS
TOWN OF HERNDON VA

EXISTING
SECTIONS

KHA PROJECT
1109260004
DATE
JAN. 2024
SCALE AS SHOWN
DESIGNED BY CMK
DRAWN BY AJB
CHECKED BY CMK
DATE JAN. 2024

LICENSED PROFESSIONAL
CASEY KIGHT
VA LICENSE NUMBER
0406001348
DATE JAN. 2024

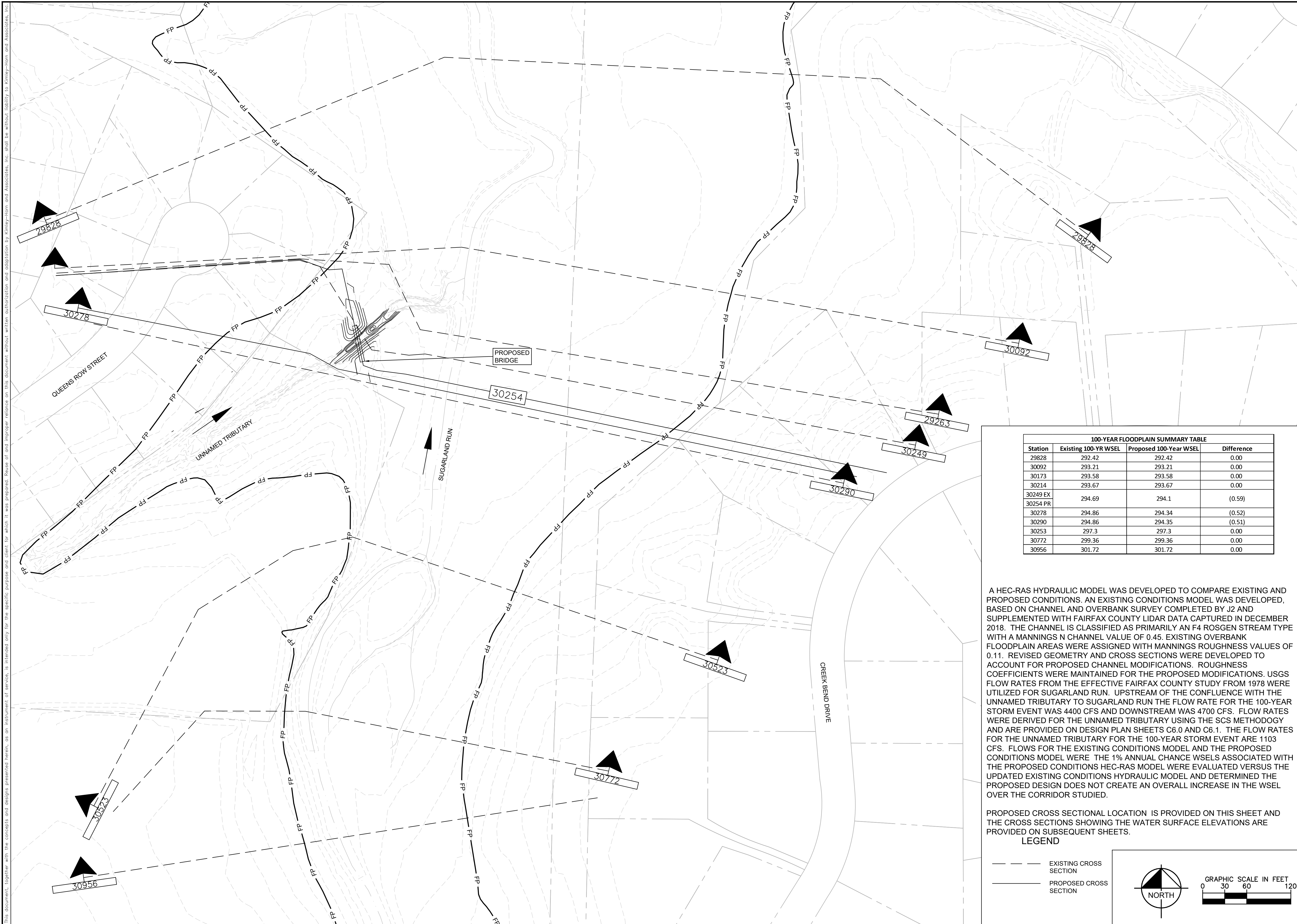
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No.	REVISIONS	DATE	BY

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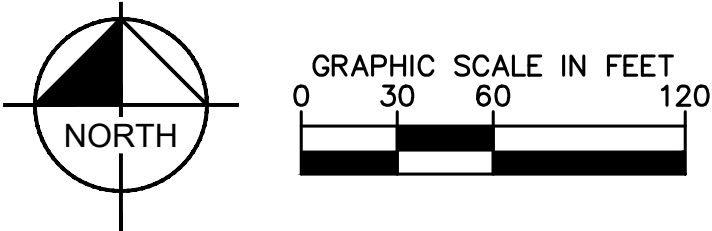
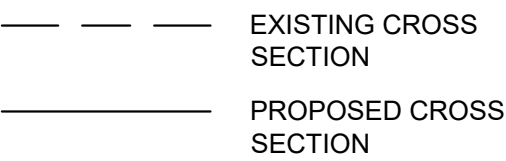


100-YEAR FLOODPLAIN SUMMARY TABLE			
Station	Existing 100-YR WSEL	Proposed 100-YR WSEL	Difference
29828	292.42	292.42	0.00
30092	293.21	293.21	0.00
30173	293.58	293.58	0.00
30214	293.67	293.67	0.00
30249 EX	294.69	294.1	(0.59)
30254 PR			
30278	294.86	294.34	(0.52)
30290	294.86	294.35	(0.51)
30253	297.3	297.3	0.00
30772	299.36	299.36	0.00
30956	301.72	301.72	0.00

HEC-RAS HYDRAULIC MODEL WAS DEVELOPED TO COMPARE EXISTING AND PROPOSED CONDITIONS. AN EXISTING CONDITIONS MODEL WAS DEVELOPED, BASED ON CHANNEL AND OVERBANK SURVEY COMPLETED BY J2 AND SUPPLEMENTED WITH FAIRFAX COUNTY LIDAR DATA CAPTURED IN DECEMBER 2018. THE CHANNEL IS CLASSIFIED AS PRIMARILY AN F4 ROSGEN STREAM TYPE WITH A MANNINGS N CHANNEL VALUE OF 0.45. EXISTING OVERBANK FLOODPLAIN AREAS WERE ASSIGNED WITH MANNINGS ROUGHNESS VALUES OF 0.11. REVISED GEOMETRY AND CROSS SECTIONS WERE DEVELOPED TO ACCOUNT FOR PROPOSED CHANNEL MODIFICATIONS. ROUGHNESS COEFFICIENTS WERE MAINTAINED FOR THE PROPOSED MODIFICATIONS. USGS FLOW RATES FROM THE EFFECTIVE FAIRFAX COUNTY STUDY FROM 1978 WERE UTILIZED FOR SUGARLAND RUN. UPSTREAM OF THE CONFLUENCE WITH THE UNNAMED TRIBUTARY TO SUGARLAND RUN THE FLOW RATE FOR THE 100-YEAR STORM EVENT WAS 4400 CFS AND DOWNSTREAM WAS 4700 CFS. FLOW RATES WERE DERIVED FOR THE UNNAMED TRIBUTARY USING THE SCS METHODOLOGY AND ARE PROVIDED ON DESIGN PLAN SHEETS C6.0 AND C6.1. THE FLOW RATES FOR THE UNNAMED TRIBUTARY FOR THE 100-YEAR STORM EVENT ARE 1103 CFS. FLOWS FOR THE EXISTING CONDITIONS MODEL AND THE PROPOSED CONDITIONS MODEL WERE THE 1% ANNUAL CHANCE WSELS ASSOCIATED WITH THE PROPOSED CONDITIONS HEC-RAS MODEL WERE EVALUATED VERSUS THE UPDATED EXISTING CONDITIONS HYDRAULIC MODEL AND DETERMINED THE PROPOSED DESIGN DOES NOT CREATE AN OVERALL INCREASE IN THE WSEL OVER THE CORRIDOR STUDIED.

PROPOSED CROSS SECTIONAL LOCATION IS PROVIDED ON THIS SHEET AND THE CROSS SECTIONS SHOWING THE WATER SURFACE ELEVATIONS ARE PROVIDED ON SUBSEQUENT SHEETS.

LEGEND



PROPOSED FLOODPLAIN

HUNTERS CREEK
BRIDGE
PREPARED FOR
DEPARTMENT OF PUBLIC
WORKS

SHEET NUMBER
C-2.0

Kimley»»Horn

11400 COMMERCE PARK DR., SUITE 400, RESTON, VA 20191
PHONE: 703-674-1300 FAX: 703-674-1350
WWW.KIMLEY-HORN.COM

KHA PROJECT

CASEY KIGHT

DESIGNED BY	CMK	VA LICENSE NUMBER	0406001348
DRAWN BY	AJR		

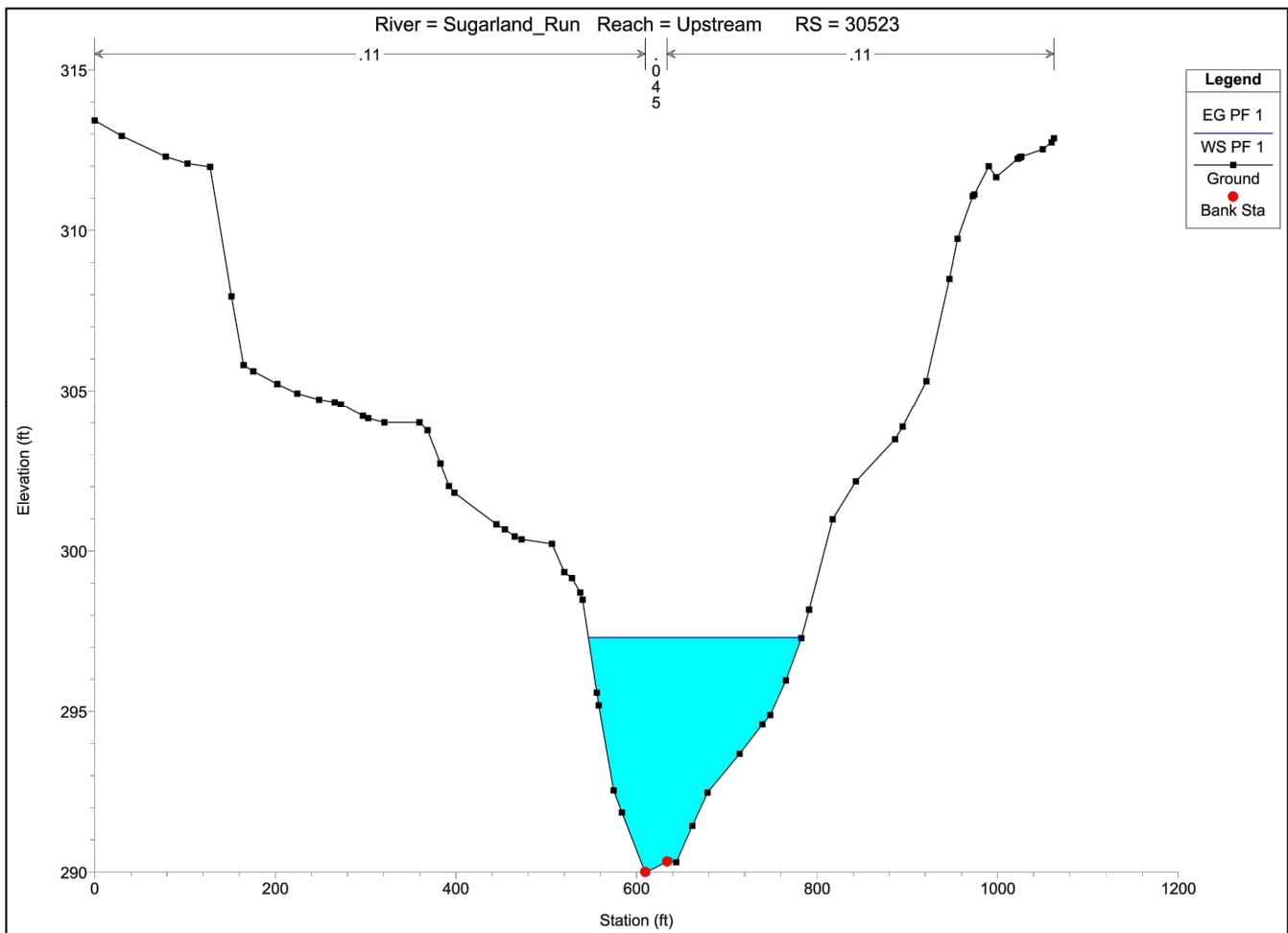
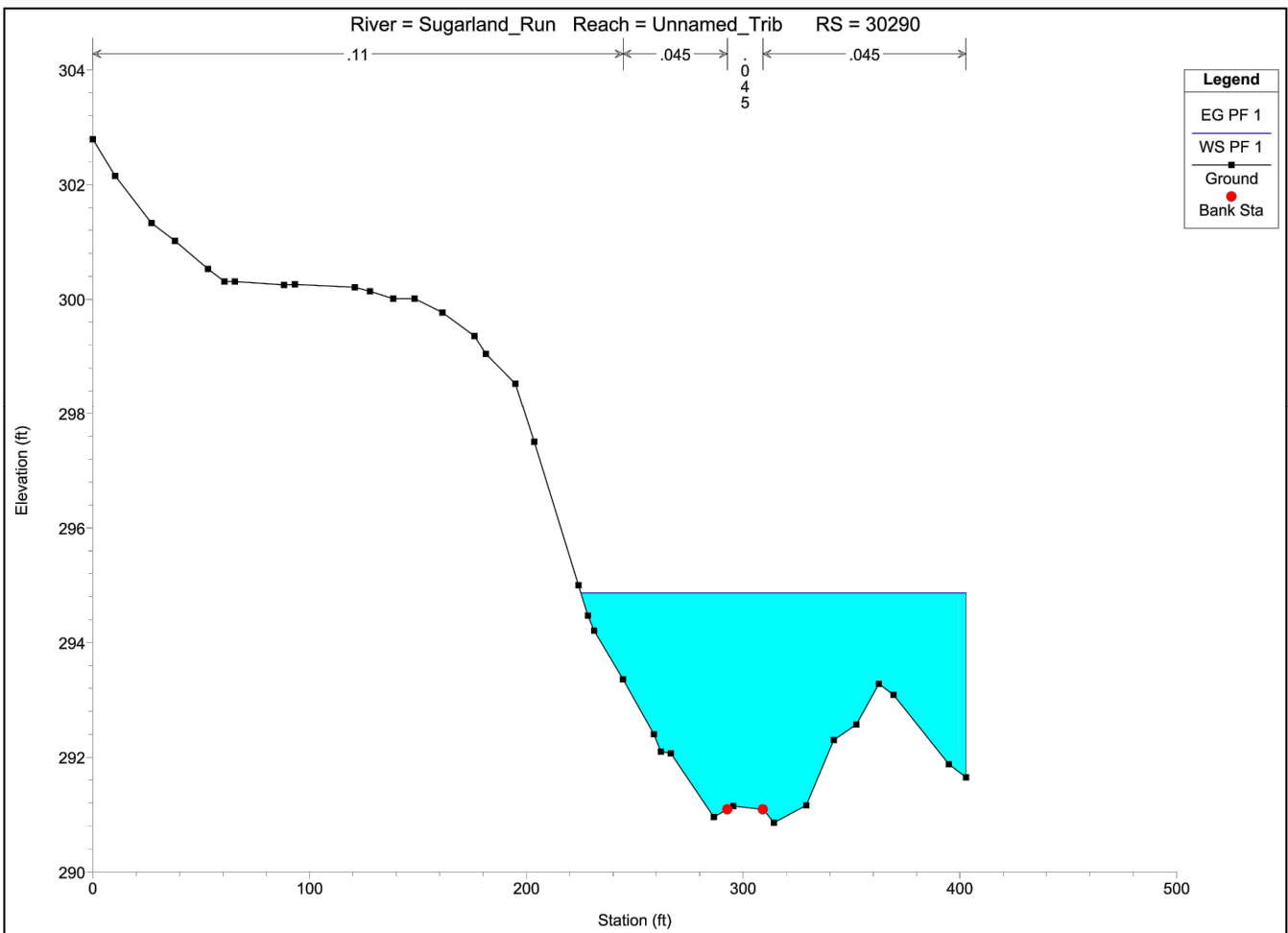
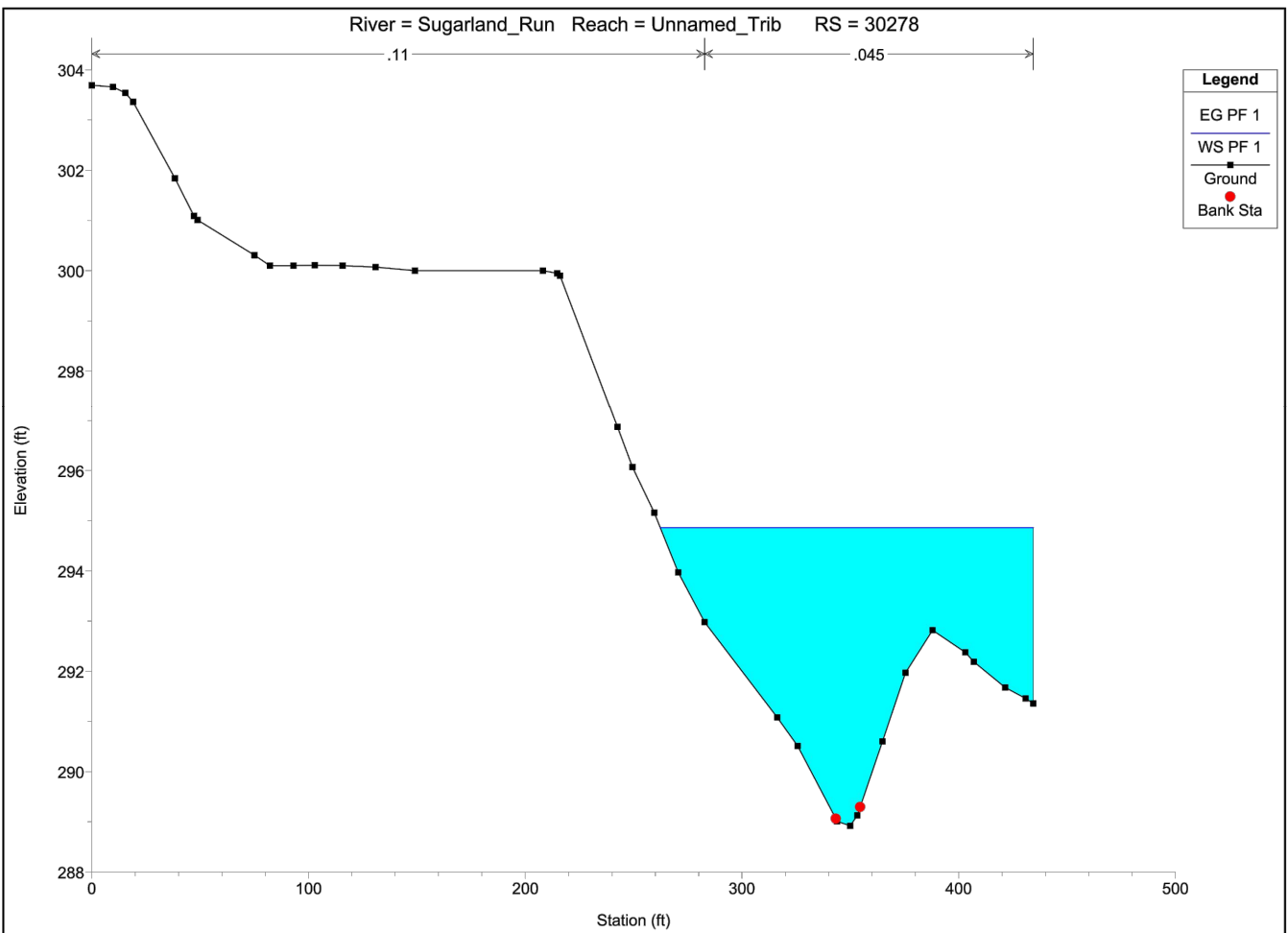
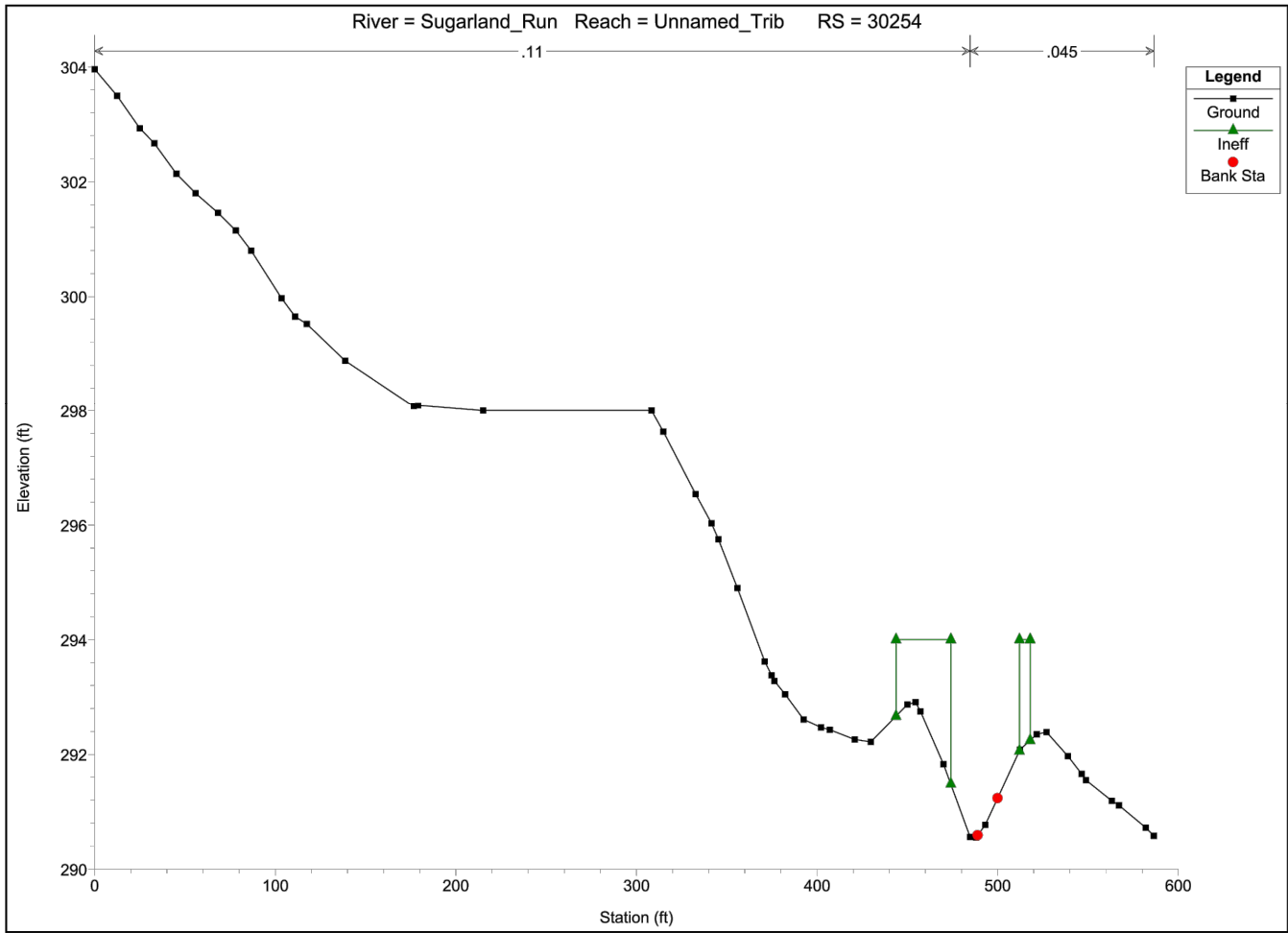
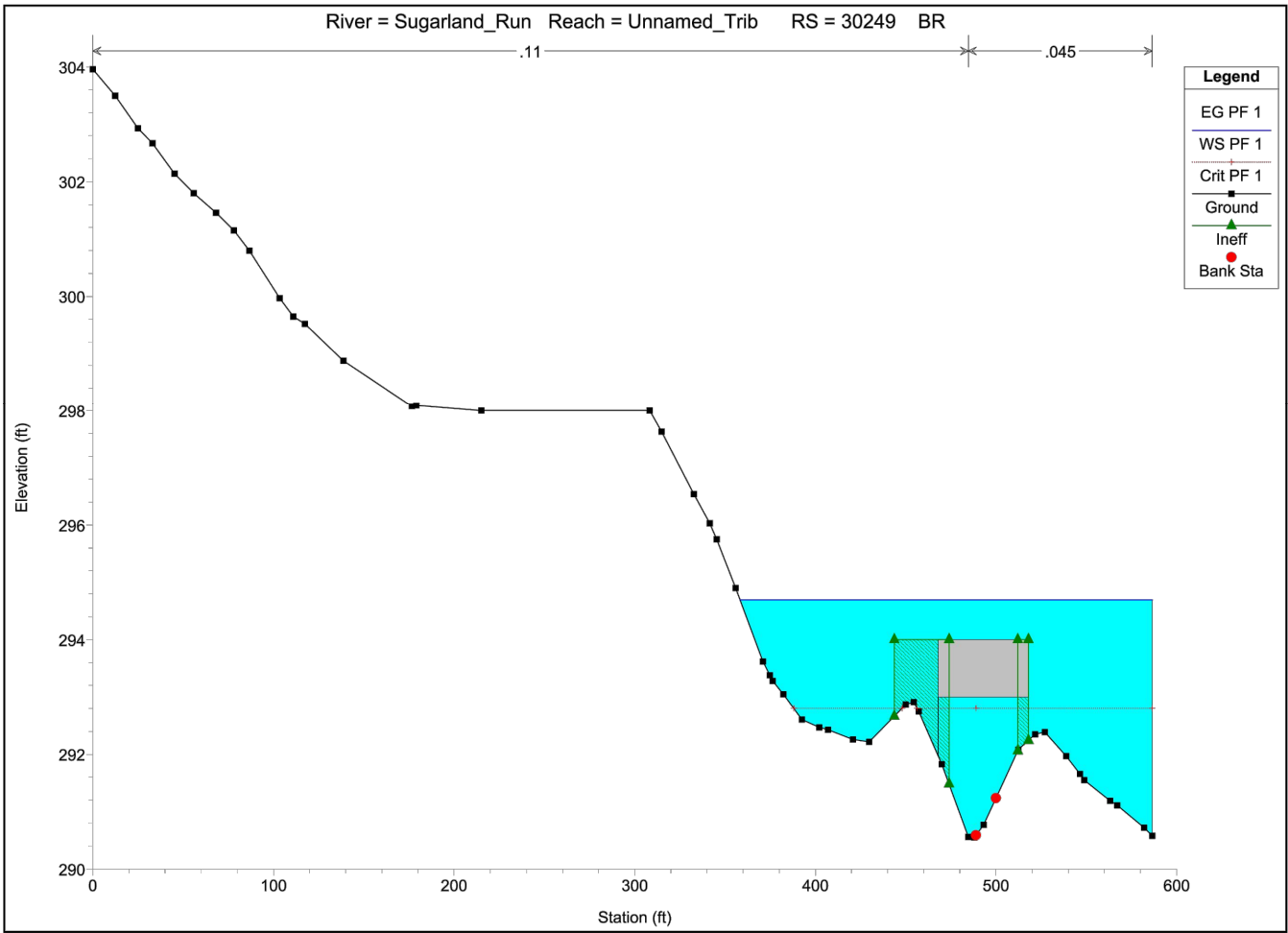
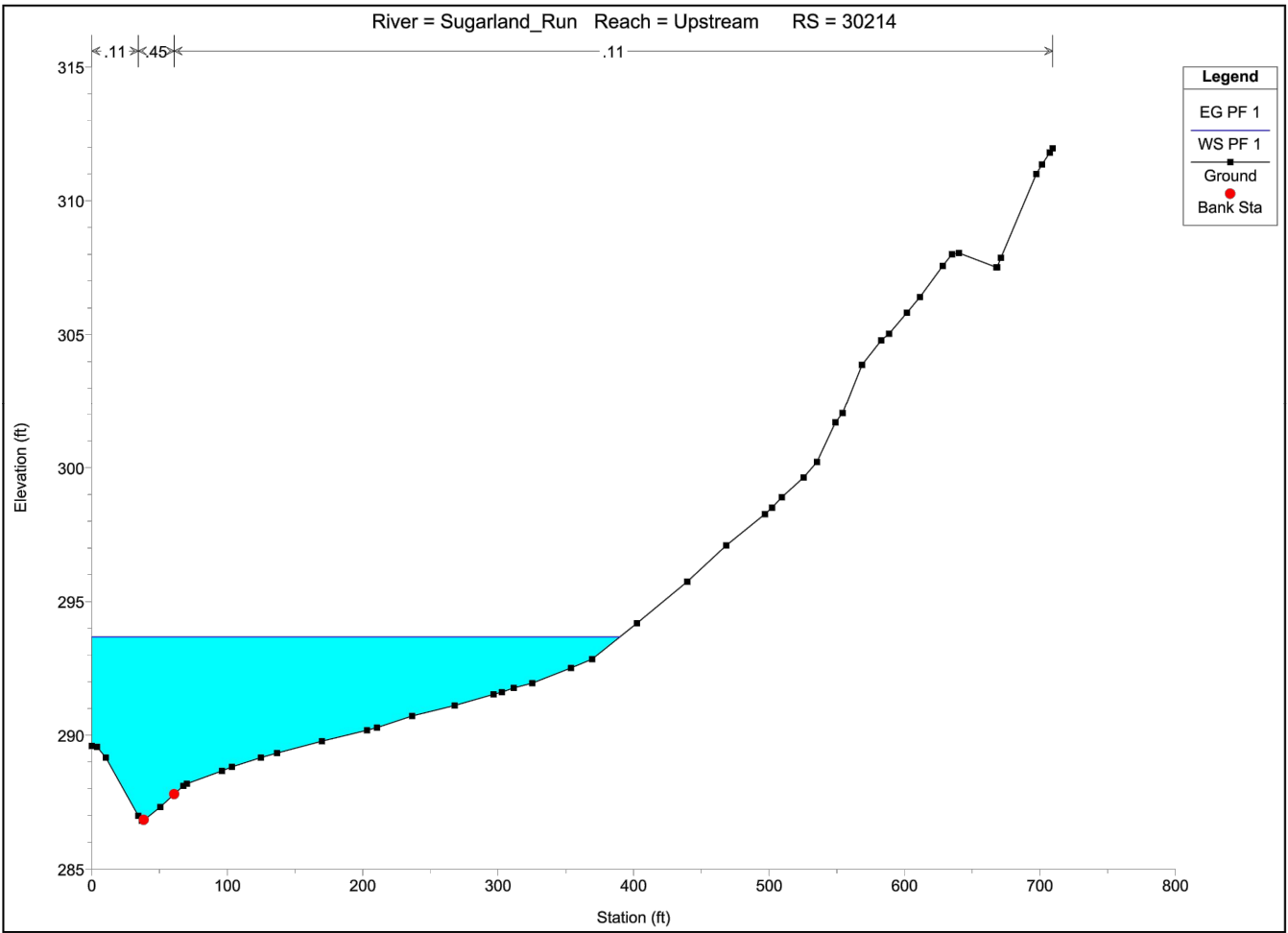
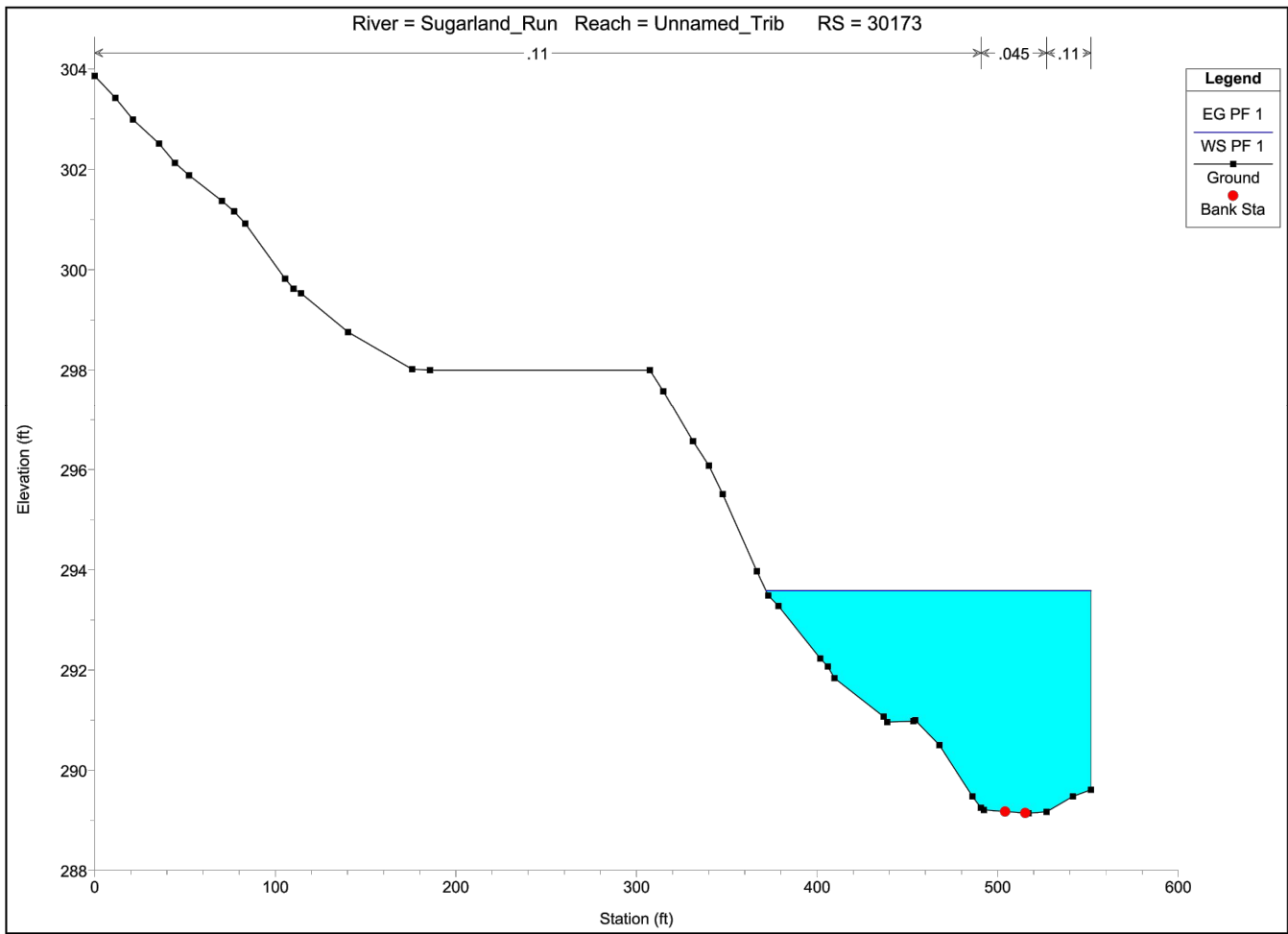
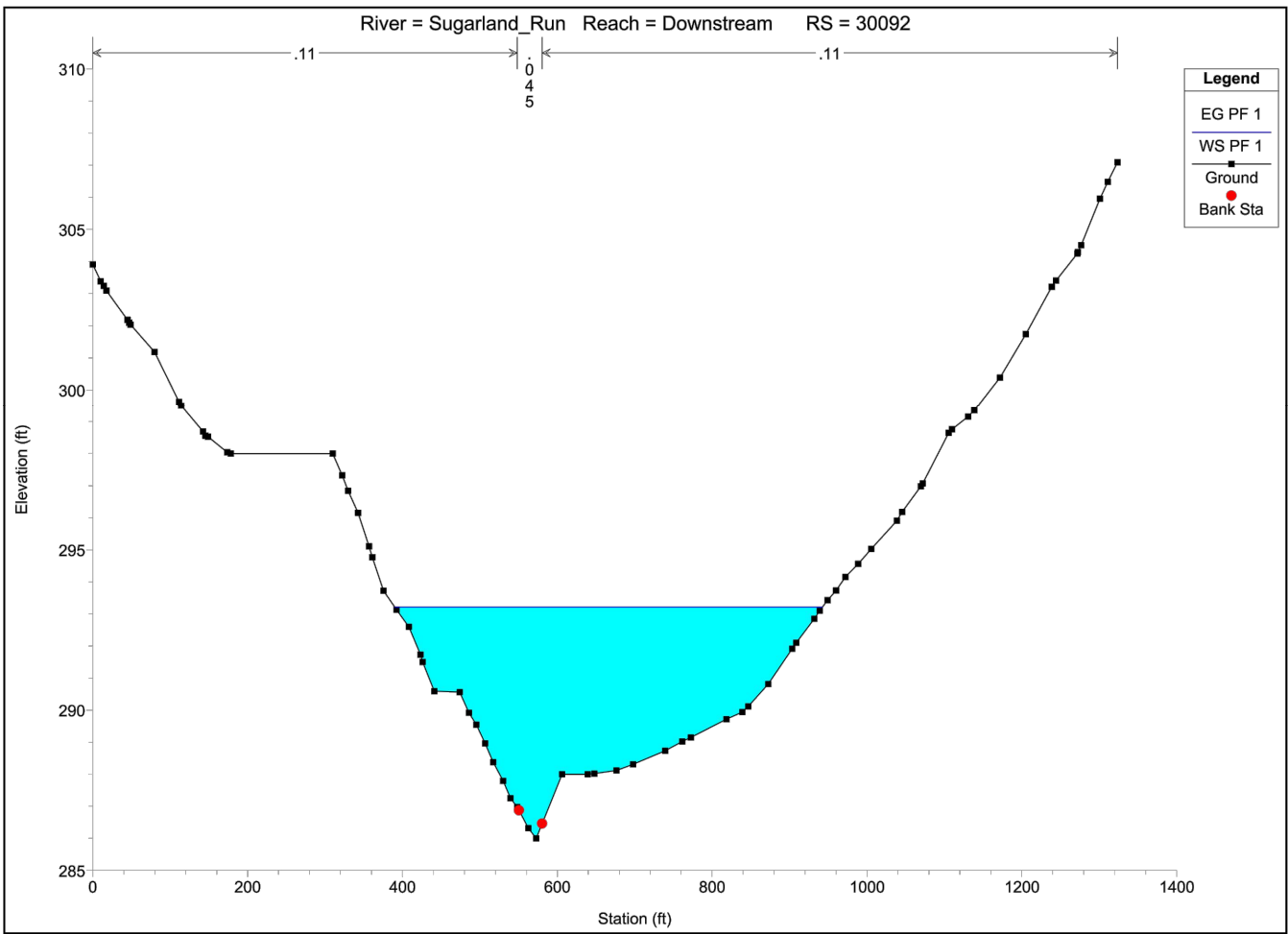
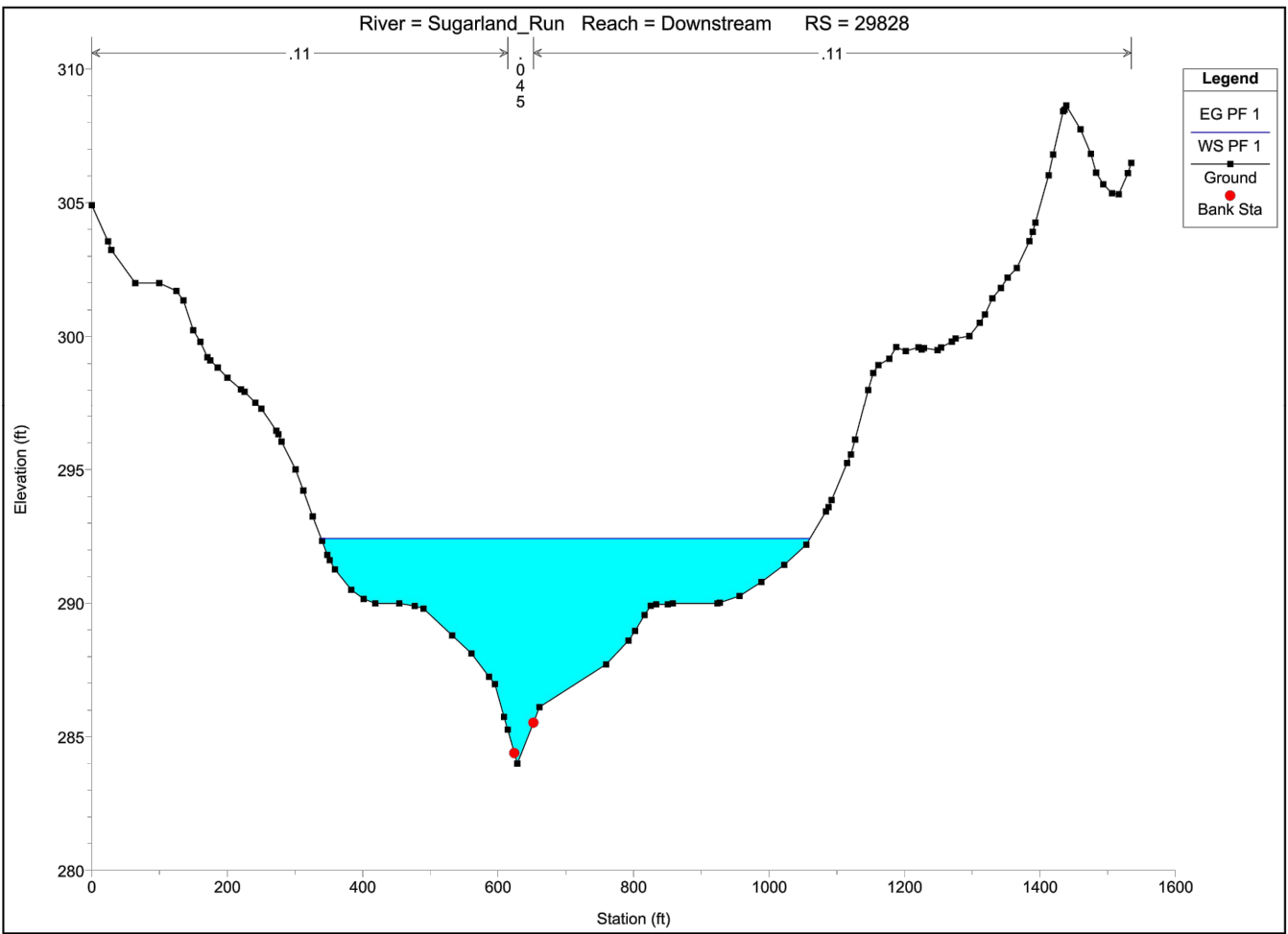
DATE _____

REVISIONS

No.

DATE _____

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PROPOSED
SECTIONS

HUNTERS CREEK
BRIDGE
PREPARED FOR
DEPARTMENT OF PUBLIC
WORKS
TOWN OF HERNDON VA

SHEET NUMBER
C-2.1

KHA PROJECT
110926004
DATE
JAN. 2024
SCALE AS SHOWN
DESIGNED BY CMK
DRAWN BY AJB
CHECKED BY CMK
DATE JAN. 2024

LICENSED PROFESSIONAL

CASEY KIGHT

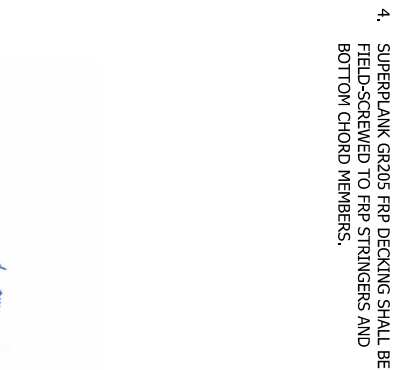
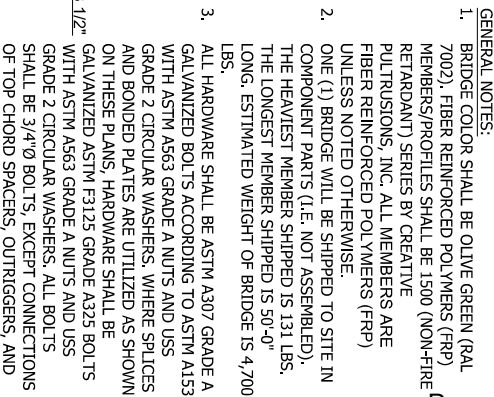
VA LICENSE NUMBER
0406001348

Kimley»Horn

11400 COMMERCE PARK DR., SUITE 400, RESTON, VA 20191
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WWW.KIMLEY-HORN.COM

No.	REVISIONS	DATE	BY





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	1	FINAL DESIGN	02/08/2024		CHECKED BY JPM	01/23/2024	SCALE 1"=16'		
						APPROVED BY WMS	DRAWINGS ARE FOR CONSTRUCTION PURPOSES ONLY		
					214 Industrial Lane Arlam Park, Pennsylvania 15521 www.creativepultrusions.com			SHEET 1 OF 3	

Agenda Item: 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, 2024

Meeting Date: May 7, 2024

Category: Public Hearings

Prepared by: Bill Ashton , Town Manager, Marjorie Sloan, Finance Director

Description:

Staff submits a proposed ordinance to implement Water-Sewer rates for fiscal year 2025.

Background:

As part of the Fiscal Year (FY) 2025 Budget process, the Water-Sewer Rates model was updated, resulting in proposed Water-Sewer rates for FY 2025. The FY 2025 proposed rates are increased from the current rates as follows:

Water Quarterly Service Charge	30%
Water volumetric rates, Base and Peak	17.5%
Sewer Quarterly Service Charge	25%
Sewer Volumetric rates	8%

With adoption of the new rates, the average household (based on a 12,000 gal/Qtr.) would be impacted \$86.24 annually.

The notices for public hearing were duly advertised in the *Fairfax County Times Newspapers* in the March 29, April 12, and May 3 editions, with courtesy copies published in the April 5, April 19, and May 10, 2024 editions.

Budget Impact:

The rate increases for FY 2025 are expected to result in incremental revenue of \$1.2M.

Recommendation:

Staff recommends adoption of the proposed ordinance.

Attachments:

1. Ordinance (Proposed)
2. Legal Ad

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

ORDINANCE

MAY 14, 2024

Ordinance- to amend Chapter 74 (UTILITIES), Article II (Sewers and Sewage Disposal), Division 5 (Sanitary Sewer System Rates & Charges), Section 74-262 (Schedule of Rates); and Article III (Water), Division 2 (Service), Subdivision II (In-Town Service Charges), Section 74-326 (Schedule of Charges), to increase the service and usage charges for sanitary sewer and water, effective for meter readings taken on or after July 1, 2024.

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

1. The following sections or provisions of the Herndon Town Code (2000), as amended, are repealed, replaced 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 ~~\$8.27~~ **\$8.93** 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

Meter Size (inches)	Charge
5/8	\$10.21 \$12.76
3/4	\$14.10 \$17.63
1	\$21.89 \$27.36
1 1/2	\$41.36 \$51.70
2	\$64.72 \$80.90
3	\$127.02 \$158.78
4	\$197.11 \$246.39
6	\$391.80 \$489.75

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 ~~\$3.47~~ **\$4.08** 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

Meter Size (inches)	Charge
5/8	\$12.57 \$16.34
3/4	\$18.85 \$24.51
1	\$31.40 \$40.82
1 1/2	\$62.82 \$81.67
2	\$100.50 \$130.65
3	\$201.02 \$261.33
4	\$314.10 \$408.33
6	\$628.19 \$816.65

- (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 ~~\$5.91~~ **\$6.94** per 1,000 gallons. This peak use period charge shall be applied in addition to the base water usage charge in subsection (a) above.

2. This ordinance shall be effective for all meter readings taken on or after July 1, 2024.

Town of Herndon, Virginia
Notice of Public Hearing

Notice is hereby given that the **Town Council** of the Town of Herndon, Virginia, will hold public hearings on Tuesday, April 23 and Tuesday, May 14, 2024, at 7:00 p.m. in the Herndon Council Chambers Building, located at 765 Lynn Street, Herndon on the following item:

Ordinance, to amend Chapter 74 (UTILITIES), Article II (Sewers & Sewage Disposal), Division 5 (Sanitary Sewer System Rates & Charges), Section 74-262 (Schedule of Rates); and Article III (Water), Division 2 (Service), Subdivision II (In-Town Service Charges), Section 74-326 (Schedule of Charges), to increase the service and usage charges for sanitary sewer and water, effective for meter readings taken on or after July 1, 2024.

The dollar amount of the proposed changes are as follows:

Sanitary Sewer Usage Charges:

The rate schedule for sanitary sewer service shall be determined on the basis of water consumed and shall be charged at the rate of ~~\$8.27~~ **\$8.93** per 1,000 gallons of water used, except as otherwise provided in this division.

Quarterly Sewer Charges:

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

<i>Quarterly Billing</i>	
<i>Meter Size (inches)</i>	<i>Charge</i>
5/8	\$10.21 \$12.76
3/4	\$14.10 \$17.63
1	\$21.89 \$27.36
1 1/2	\$41.36 \$51.70
2	\$64.72 \$80.90
3	\$127.02 \$158.78
4	\$197.11 \$246.39
6	\$391.80 \$489.75

Water Usage Charges:

The water usage charge shall be ~~\$3.47~~ **\$4.08** per 1,000 gallons, based on the consumption of water as measured by readings of the water meter serving the property.

Quarterly Water Charges:

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

<i>Quarterly Billing</i>	
<i>Meter Size (inches)</i>	<i>Charge</i>
5/8	\$12.57 \$16.34
3/4	\$18.85 \$24.51
1	\$31.40 \$40.82
1 1/2	\$62.82 \$81.67
2	\$100.50 \$130.65
3	\$201.02 \$261.33
4	\$314.10 \$408.33
6	\$628.19 \$816.65

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 ~~\$5.91~~ **\$6.94** per 1,000 gallons. This peak use period charge shall be applied in addition to the base water usage charge in subsection (a) above.

Sections 15.2-2122 and 15.2-2143, Code of Virginia (1950), as amended, grant to the Town the legal authority for enactment of such proposed levy, fee or increase.

The public is encouraged to participate in the town's public hearing process. Individuals having an interest in the above item are invited to attend the public hearing and state their opinions and may also submit comments to town.clerk@herndon-va.gov. Information on this item is available for review by the public on the town's website at www.herndon-va.gov.

The Town of Herndon supports the Americans with Disabilities Act by making reasonable accommodations for persons with disabilities, so that they may participate in services, programs, or activities, offered by the Town. Please call (703) 435-6804 to arrange for any accommodation that may be necessary to allow for participation. Interpretación en Español está disponible en esta sesión.

Kirstyn Barr Jovanovich, Town Clerk

Note to Publisher:

Publish on April 12/May 3, 2024

Courtesy copies published on April 19/May 10, 2024

Agenda Item: Ordinance to Levy Taxes on Real Estate and Manufactured Homes, and Other Subjects for the Fiscal Year 2025 Budget

Meeting Date: May 7, 2024

Category: Public Hearings

Prepared by: Bill Ashton , Town Manager, Marjorie Sloan, Finance Director

Description:

The proposed ordinance approves the levy of taxes for Fiscal Year (FY) 2025 related to real estate, manufactured homes and other subjects.

Background:

The proposed ordinance fixes and orders the tax levy for real estate and manufactured homes at \$0.2600 per \$100 of assessed value for FY 2025. The rate remains unchanged from FY 2024, and down \$0.0050 from FY 2023.

The notices for public hearing were duly advertised in the *Fairfax County Times Newspapers* in the March 29, April 12, and May 3 editions, with courtesy copies published in the April 5, April 19, and May 10, 2024 editions.

Budget Impact:

N/A

Recommendation:

Staff recommends approval of the proposed ordinance.

Attachments:

1. Ordinance (Proposed)
2. Legal Ad

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

ORDINANCE

MAY 14, 2024

**Ordinance- to Levy Taxes on Real Estate and Manufactured Homes, and Other
Subjects for the Fiscal Year 2025 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, 2024, and ending June 30, 2025, as follows:

1. Real Estate: **\$.2600** 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 Sections 58.1-3503 and 58.1-3510 of the Code of Virginia.
3. Vehicles Used as Manufactured Homes and Offices: **\$.2600** 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 by 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 2024.

Town of Herndon, Virginia Notice of Public Hearing

Notice is hereby given that the **Town Council** of the Town of Herndon, Virginia, will hold public hearings on Tuesday, April 23 and Tuesday, May 14, 2024, at 7:00 p.m. in the Herndon Council Chambers Building, located at 765 Lynn Street, Herndon on the following items:

Ordinance to Levy Taxes on Real Estate and Manufactured Homes, and Other Subjects for the Fiscal Year 2025 budget, to consider levying the Town of Herndon taxes for Fiscal Year 2025 as follows: Real Estate \$.2600 per \$100 of valuation; personal property \$.00 per \$100 of valuation; farm machinery, farm tools, and farm livestock \$.00 per \$100 of valuation; and to levy all other taxes and licenses previously enacted and imposed by the town at the same rate, except as provided by other ordinances adopted by the town council in this budget cycle, or to make such levies at such rate as the town council may determine at such hearing.

Resolution to adopt a Fiscal Planning Resolution for the Fiscal Year 2025 budget for the Town of Herndon, to consider the proposed total budget as submitted to the town council in the amount of \$74,632,184. The budget includes the Fiscal Year 2025 portion of the Capital Improvements Program (CIP). A brief synopsis of the budget follows:

General Fund	\$44,669,023
Water & Sewer Fund	\$21,680,183
Golf Course Fund	\$3,383,848
Chestnut Grove Cemetery Fund	\$1,050,306
Capital Projects Fund	\$2,500,000
Stormwater Management Fund	\$1,348,824

Ordinance to Appropriate Funds to Implement the Fiscal Year 2025 budget for the Town of Herndon, establishing the Pay Plan, and reserving on-going and capital funding for this fiscal year.

The public is encouraged to participate in the town's public hearing process. Individuals having an interest in the above items are invited to attend the public hearing and state their opinions and may also submit comments to town.clerk@herndon-va.gov. Information on this item is available for review by the public on the town's website at www.herndon-va.gov.

The Town of Herndon supports the Americans with Disabilities Act by making reasonable accommodations for persons with disabilities, so that they may participate in services, programs, or activities, offered by the Town. Please call (703) 435-6804 to arrange for any accommodation that may be necessary to allow for participation. Interpretación en Español está disponible en esta sesión.

Kirstyn Barr Jovanovich, Town Clerk

Note to Publisher:

Publish on April 12/May 3, 2024

Courtesy copies published on April 19/May 10, 2024

Agenda Item: Resolution to adopt a Fiscal Planning Resolution for the Fiscal Year 2025 Budget for the Town of Herndon

Meeting Date: May 7, 2024

Category: Public Hearings

Prepared by: Bill Ashton , Town Manager, Marjorie Sloan, Finance Director

Description:

This resolution is to adopt the proposed budget for fiscal planning purposes during the Fiscal Year (FY) 2025 for the Town of Herndon.

Background:

In accordance with the requirements outlined in the Code of Virginia § 15.2-2503, 15.2-2506, and 58.1-3321, the Town Manager has submitted the proposed budget for FY 2025 to the Town Council by April 1, and properly advertised the public hearings on the proposed budget.

The notices for public hearing were duly advertised in the *Fairfax County Times Newspapers* in the March 29, April 12, and May 3 editions, with courtesy copies published in the April 5, April 19, and May 10, 2024 editions.

Budget Impact:

N/A

Recommendation:

Staff recommends adoption of the resolution.

Attachments:

1. Resolution (Proposed)
2. Legal Ad

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

RESOLUTION

MAY 14, 2024

**Resolution- to adopt a Fiscal Planning Resolution for the Fiscal Year 2025
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 9, and May 14, 2024 public hearings on the proposed budget.

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

1. for the purposes of fiscal planning during the fiscal year 2025 for the Town of Herndon, Virginia, the budget prepared by the Town Manager, sent out in "Proposed FY 2025 Budget", on file in the office of the Town Manager, is adopted.

Town of Herndon, Virginia
Notice of Public Hearing

Notice is hereby given that the **Town Council** of the Town of Herndon, Virginia, will hold public hearings on Tuesday, April 23 and Tuesday, May 14, 2024, at 7:00 p.m. in the Herndon Council Chambers Building, located at 765 Lynn Street, Herndon on the following items:

Ordinance to Levy Taxes on Real Estate and Manufactured Homes, and Other Subjects for the Fiscal Year 2025 budget, to consider levying the Town of Herndon taxes for Fiscal Year 2025 as follows: Real Estate \$.2600 per \$100 of valuation; personal property \$.00 per \$100 of valuation; farm machinery, farm tools, and farm livestock \$.00 per \$100 of valuation; and to levy all other taxes and licenses previously enacted and imposed by the town at the same rate, except as provided by other ordinances adopted by the town council in this budget cycle, or to make such levies at such rate as the town council may determine at such hearing.

Resolution to adopt a Fiscal Planning Resolution for the Fiscal Year 2025 budget for the Town of Herndon, to consider the proposed total budget as submitted to the town council in the amount of \$74,632,184. The budget includes the Fiscal Year 2025 portion of the Capital Improvements Program (CIP). A brief synopsis of the budget follows:

General Fund	\$44,669,023
Water & Sewer Fund	\$21,680,183
Golf Course Fund	\$3,383,848
Chestnut Grove Cemetery Fund	\$1,050,306
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Ordinance to Appropriate Funds to Implement the Fiscal Year 2025 budget for the Town of Herndon, establishing the Pay Plan, and reserving on-going and capital funding for this fiscal year.

The public is encouraged to participate in the town's public hearing process. Individuals having an interest in the above items are invited to attend the public hearing and state their opinions and may also submit comments to town.clerk@herndon-va.gov. Information on this item is available for review by the public on the town's website at www.herndon-va.gov.

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Kirstyn Barr Jovanovich, Town Clerk

Note to Publisher:

Publish on April 12/May 3, 2024

Courtesy copies published on April 19/May 10, 2024

Agenda Item: Ordinance to appropriate funds to implement the Fiscal Year 2025 Budget for the Town of Herndon, establishing the Pay Plan, and reserving on-going and Capital Funding for this Fiscal Year

Meeting Date: May 7, 2024

Category: Public Hearings

Prepared by: Bill Ashton , Town Manager, Marjorie Sloan, Finance Director

Description:

The ordinance is to appropriate funds to implement the Fiscal Year (FY) 2025 budget.

Background:

All town expenditures are subject to the appropriation of funds by the Town Council. The town must adopt a structurally balanced annual budget by July 1 of each fiscal year. A structurally balanced budget is defined as one in which total recurring revenues and other financing sources are equal to total anticipated recurring expenditures. The proposed Budget for FY 2025 was submitted by the Town Manager, advertised as required, published on the website, and public hearings were conducted.

The notices for public hearing were duly advertised in the *Fairfax County Times Newspapers* in the March 29, April 12, and May 3 editions, with courtesy copies published in the April 5, April 19, and May 10, 2024 editions.

Budget Impact:

N/A

Recommendation:

Staff recommends adoption of the ordinance.

Attachments:

1. Ordinance (Proposed)
2. Legal Ad

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

ORDINANCE

MAY 14, 2024

Ordinance- **to appropriate funds to implement the Fiscal Year 2025 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 2025 such sums as appear in the Fiscal Planning Budget for the Fiscal Year 2025 as set out in "Proposed Fiscal Year 2025 Annual Budget" dated April 1, 2024, 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 2025 proposed schedule of salaries, set out in the Fiscal Planning Budget, are adopted effective July 1, 2024.
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 2025 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 2024 funding for capital and on-going projects, for which funds were previously appropriated. The Town Manager as of July 1, 2024, shall take the appropriate accounting steps to reserve and encumber these funds as of that date for Fiscal Year 2025 and to report to the Mayor and Town Council in this regard.

Town of Herndon, Virginia Notice of Public Hearing

Notice is hereby given that the **Town Council** of the Town of Herndon, Virginia, will hold public hearings on Tuesday, April 23 and Tuesday, May 14, 2024, at 7:00 p.m. in the Herndon Council Chambers Building, located at 765 Lynn Street, Herndon on the following items:

Ordinance to Levy Taxes on Real Estate and Manufactured Homes, and Other Subjects for the Fiscal Year 2025 budget, to consider levying the Town of Herndon taxes for Fiscal Year 2025 as follows: Real Estate \$.2600 per \$100 of valuation; personal property \$.00 per \$100 of valuation; farm machinery, farm tools, and farm livestock \$.00 per \$100 of valuation; and to levy all other taxes and licenses previously enacted and imposed by the town at the same rate, except as provided by other ordinances adopted by the town council in this budget cycle, or to make such levies at such rate as the town council may determine at such hearing.

Resolution to adopt a Fiscal Planning Resolution for the Fiscal Year 2025 budget for the Town of Herndon, to consider the proposed total budget as submitted to the town council in the amount of \$74,632,184. The budget includes the Fiscal Year 2025 portion of the Capital Improvements Program (CIP). A brief synopsis of the budget follows:

General Fund	\$44,669,023
Water & Sewer Fund	\$21,680,183
Golf Course Fund	\$3,383,848
Chestnut Grove Cemetery Fund	\$1,050,306
Capital Projects Fund	\$2,500,000
Stormwater Management Fund	\$1,348,824

Ordinance to Appropriate Funds to Implement the Fiscal Year 2025 budget for the Town of Herndon, establishing the Pay Plan, and reserving on-going and capital funding for this fiscal year.

The public is encouraged to participate in the town's public hearing process. Individuals having an interest in the above items are invited to attend the public hearing and state their opinions and may also submit comments to town.clerk@herndon-va.gov. Information on this item is available for review by the public on the town's website at www.herndon-va.gov.

The Town of Herndon supports the Americans with Disabilities Act by making reasonable accommodations for persons with disabilities, so that they may participate in services, programs, or activities, offered by the Town. Please call (703) 435-6804 to arrange for any accommodation that may be necessary to allow for participation. Interpretación en Español está disponible en esta sesión.

Kirstyn Barr Jovanovich, Town Clerk

Note to Publisher:

Publish on April 12/May 3, 2024

Courtesy copies published on April 19/May 10, 2024

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

Meeting Date: May 7, 2024

Category: Public Hearings

Prepared by: Marjorie Sloan, Finance Director

Description:

This is an ordinance to amend the Fiscal Year (FY) 2024 Adopted Budget for the General Fund and the American Rescue Plan (ARPA) Fund.

Background:

The proposed FY 2024 budget amendment is as follows:

1. To appropriate \$700,000 in the General Fund for additional personnel costs. Total FY 2024 personnel costs are expected to exceed budget. This projected variance results primarily from the impact of successful hiring and retaining of town staff for the Herndon Police Department (HPD). Year-to-date actuals reflect a fully staffed police force, the impact of market rate adjustments and pay-for-performance increases, combined with the associated benefits costs. The FY 2024 forecast reflects the full year impact under these updated conditions, versus assumptions made for the FY 2024 Budget. The total request is net of an identified favorable budget variance related to the Herndon Festival costs (\$300,000).
2. To appropriate \$130,000 in the General Fund for incurred and expected outside counsel fees. These fees relate to the General District Court prosecutions contract, Downtown redevelopment, the Historic District Review Board (HDRB) appeal, tax assessment litigation and other ongoing cases.
3. To appropriate \$36,361 in the General Fund for HPD vehicles/equipment. This appropriation allows insurance proceeds received to be used to replace damaged vehicles/equipment.
4. To appropriate \$15,000 in the General Fund to the HPD for the purchase and installation of facility equipment and repairs. HPD intends to use existing Federal and State Seized Asset Forfeiture funds. A total of \$312,690 is available for use for qualified purchases.
5. For the American Rescue Plan Act (ARPA) Fund, approval is requested to add a project for the Hunters Creek Pedestrian Bridge Replacement. Funding for this new project is provided by adjustments to existing approved ARPA projects.

Attachment A specifies the adjustments and reclasses bringing the project list aligned to current forecast.

The notice for public hearing will be duly advertised in the *Fairfax County Times Newspapers* in the May 10, 2024 edition.

Budget Impact:

The fiscal impact in the General Fund for the \$830,000 expenditure appropriations for personnel costs, and legal fees would be funded via favorable incremental Business, Professional and Occupational Licenses taxes. The HPD requests will be funded via the current available balance of seized asset funds and insurance proceeds received. Appropriations in the ARPA fund are capped at the Federal ARPA funding total received of \$25.5M. The request reflects a reclass between projects and is cost-neutral for the fund.

Recommendation:

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

Attachments:

1. Ordinance (Proposed)
2. Budget Amendment (Attachment)
3. Legal Ad

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

ORDINANCE

May 14, 2024

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

In adopting this ordinance, the Town Council has considered the Town Manager's recommended budget modifications as described in Attachment A, FY 2024 Budget Amendment Number 4.

THEREFORE, 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, FY 2024 Budget Amendment Number 4 to this ordinance, are approved.
2. This ordinance shall be effective on and after the date of its adoption.

TOWN OF HERNDON, VIRGINIA
FY 2024
BUDGET AMENDMENT NUMBER 4

The following appropriations and funding sources are proposed for amendment:

GENERAL FUND

Expenditure Appropriations	Amount	Revenue Budget	Amount
Increase Personnel Costs	\$700,000	Favorable FY 2024 BPOL and other local taxes	\$700,000
Increase Outside Council Fees	130,000	Favorable FY 2024 BPOL and other local taxes	130,000
Increase Police Department expenditures	15,000	Federal & State Seized Assets revenues	15,000
Increase Police Department expenditures	36,361	Insurance proceeds received	36,361
Total Expenditures Increase	\$881,361	Total Revenues Increase	\$881,361

AMERICAN RESCUE PLAN ACT (ARPA)

Expenditure Appropriations	Amount	Revenue Budget	Amount
Chestnut Grove Cemetery	(\$552,482)	ARPA	\$0
Vehicle Replacement	(15,384)		
Sewer Utility Master Plan	(49,752)		
Water-Facility Security/Improv	(249,750)		
Special Police Equipment	(9,881)		
Police Records Mgt System	(1,829)		
HCC Backlog	350,000		
Town Hall Square/Depot	13,813		
General Water Maint/Replac	5,208		
Hunters Creek Bridge Repl (New)	510,057		
Total Expenditures Increase	\$ 0	Total Revenues Increase	\$0

**Town of Herndon, Virginia
Notice of Public Hearing**

Notice is hereby given that the **Town Council** of the Town of Herndon, Virginia, will hold a public hearing on Tuesday, May 14, 2024, at 7:00 p.m. in the Herndon Council Chambers Building, located at 765 Lynn Street, Herndon on the following item:

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

GENERAL FUND

Expenditure Appropriations	Amount	Revenue Budget	Amount
Increase Personnel Costs	\$700,000	Favorable FY24 BPOL and other local taxes	\$700,000
Increase Outside Council Fees	130,000	Favorable FY24 BPOL and other local taxes	130,000
Increase Police Department expenditures	15,000	Federal & State Seized Assets revenues	15,000
Increase Police Department expenditures	36,361	Insurance proceeds received	36,361
Total Expenditures Increase	\$881,361	Total Revenues Increase	\$881,361

AMERICAN RESCUE PLAN ACT (ARPA)

Expenditure Appropriations	Amount	Revenue Budget	Amount
Chestnut Grove Cemetery	(\$552,482)	ARPA	\$0
Vehicle Replacement	(15,384)		
Sewer Utility Master Plan	(49,752)		
Water-Facility Security/Improv	(249,750)		
Special Police Equipment	(9,881)		
Police Records Mgt System	(1,829)		
HCC Backlog	350,000		
Town Hall Square/Depot	13,813		
General Water Maint/Replac	5,208		
Hunters Creek Bridge Repl (<i>New</i>)	510,057		
Total Expenditures Increase	\$ 0	Total Revenues Increase	\$0

The public is encouraged to participate in the town's public hearing process. Individuals having an interest in the above item are invited to attend the public hearing and state their opinions and may also submit comments to town.clerk@herndon-va.gov. Information on this item is available for review by the public on the town's website at www.herndon-va.gov.

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Kirstyn Barr Jovanovich, Town Clerk

Note to Publisher:

Publish on May 10, 2024

Agenda Item: Ordinance to amend Chapter 78 (ZONING), Article XV (Decision-Making Authorities, Application Review, and Permitting), Section 78-152.2(b)(3) (Fees for Development Applications) to adjust development fees for inflation to current rates

Meeting Date: May 7, 2024

Category: Public Hearings

Prepared by: David Stromberg, Zoning Administrator

Description:

The proposed text amendment will adjust development application fees for inflation, rounded to the nearest dollar. Development application fees are specified in Article XV of the zoning ordinance in Table 78-152.2(b)(3). This table includes land use applications (rezoning and special exception), design review applications (Architectural Review Board and Historic District Review Board), Board of Zoning Appeals applications (variance and appeals), site plan and subdivision review applications (including bonding), and miscellaneous administrative zoning reviews.

Applications that are limited by the Code of Virginia or regulated by other sections of the town code have not been adjusted. The application fee for a residential Certificate of Appropriateness for alterations, additions, or accessory structures has been reduced to \$0 instead of increasing the \$1 fee to \$1.52.

Background:

Development application fees were last adjusted with ZOTA #06-01. A comprehensive evaluation of application fees is currently underway. This analysis will identify how much staff time is required to review the various types of applications and will compare the town's fee structure to those of similar localities. The comprehensive study is expected to be completed at the beginning of 2025 so that any recommended changes can move through the ZOTA process and be incorporated into the FY 2026 budget.

This current ZOTA was initiated for consideration by the Town Council at the Tuesday, March 26, 2024 regular meeting. The Planning Commission discussed this item at its April meetings and recommended approval at their meeting on April 22, 2024.

The notice for public hearing will be duly advertised in the *Fairfax County Times Newspapers* in the May 3, and May 10, 2024 editions.

Budget Impact:

The amendment will result in increased development application fee revenue of approximately 52 percent. Based on FY 2023 data, revenue would increase by approximately \$85,000.

Recommendation:

Recommend adoption of the Ordinance as presented to approve Zoning Ordinance Text Amendment ZOTA #24-01.

Attachments:

1. Ordinance (Proposed)
2. Legal Ad

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

ORDINANCE

MAY 14, 2024

Ordinance- **to amend Chapter 78 (ZONING), Article XV (Decision-Making Authorities, Application Review, and Permitting), Section 78-152.2(b)(3) (Fees for Development Applications) to adjust development fees for inflation to current rates.**

Development fees were last analyzed and updated in 2006. The current adjustment will retain the same formula and will adjust 2006 dollar amounts to 2024 dollar amounts.

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

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

CHAPTER 78 (ZONING)

Article XV. - Decision-Making Authorities, Application Review, and Permitting

Sec. 78-152.2. - Application submission, requirements and acceptance.

TABLE 78-152.2(b)(3): FEES FOR DEVELOPMENT APPLICATIONS	
TYPE OF FEE	AMOUNT
ARCHITECTURAL REVIEW BOARD	
New Construction	\$150.00 \$228
Alterations, Additions	\$150.00 \$228
Accessory Structures	\$150.00 \$228
Wall Signs, Window Signs, Freestanding Signs, Master Sign Plans	\$75.00 \$114
Amendments to Approved Applications	\$75.00 \$114

HISTORIC DISTRICT REVIEW BOARD	
COA for New Construction	\$150.00 \$228
COA for Alterations, Additions	\$150.00 \$228
COA for Accessory Structures	\$150.00 \$228
Wall Signs, Window Signs, Freestanding Signs, Master Sign Plans	\$75.00 \$114
Amendments to Approved Applications	\$75.00 \$114
COA for Alterations, Additions, Accessory Structures for Residential Use	\$1.00 \$0
BOARD OF ZONING APPEALS	
Single Variance	\$100.00 \$152
Additional Variances	\$25.00ea \$38 ea
Zoning Administrator Decision Appeal	\$100.00 \$152
BONDING FEES	
Performance Bond	\$250.00 \$388
Letter of Credit	\$250.00 \$388
Conservation Cash Escrow Agreement	\$250.00 \$388
Time Extension Request of Performance Bond Contract	\$400.00 \$607
Amount Reduction Request of Performance Bond, Letter of Credit or Cash Account	\$600.00 \$910
Replacement request of Performance Bond, Letter of Credit, Cash Account	\$250.00 \$388
Performance Bond, Letter of Credit or Cash Account Contract	\$250.00 \$388
Waiver Request of Maintenance Bond	\$75.00 \$114

COMPREHENSIVE PLANNING	
Comprehensive Plan Amendment	\$1,000.00 \$1,516
REZONING	
Zoning Map Amendment Application flat fee	\$5,000.00 \$7,578
Zoning Map Amendment Application, per quarter acre	\$250.00 \$388
Request to Extend Approval flat fee	\$2,500.00 \$3,789
Request to Extend Approval, per quarter acre	\$250.00 \$388
Proffer Condition Amendment	\$300.00 \$455
Request for Modification	\$300.00ea \$455
Request to Waive re-application time limit	\$100.00 \$152
ACCESSORY DEVELOPMENT REVIEWS	
Traffic Impact Study, PLUS, one half of consultant review fees, if required	\$500.00 \$758
Minor Water Quality Impact Assessment	\$50.00 \$76
Major Water Quality Impact Assessment	\$500.00 \$758
Exception Request to Provisions of Chesapeake Bay Preservation Overlay District Ordinance	\$100.00 \$152
Waiver Request to Provisions of Chesapeake Bay Preservation Overlay District Ordinance	\$100.00 \$152
Site Specific Delineation in Resource Protection Area, Areas less than 5,000 SF	\$50.00 \$76
Site Specific Delineation in Resource Protection Area, Areas more than 5,000 SF	\$500.00 \$758
Flood Plain Study, PLUS, one half of consultant review fees, if required	\$1,000.00 \$1,516
SPECIAL EXCEPTIONS	
For Residential Uses	\$300.00 \$455

For Education, Government, Institutional, and Community Service Uses	\$300.00 \$455
For All Other Nonresidential Uses with no site alterations or building additions	\$300.00 \$455
For All Other Nonresidential Uses with site alterations or building additions	\$1,500.00 \$2,274
Request to extend time period of approval	\$300.00 \$455
Request to Waive re-application time limit	\$100.00 \$152
SITE PLANS	
Major Site Plan application first submission	\$2,000.00 \$3,032
Major Site Plan application first submission, per quarter acre	\$250.00 \$388
Minor Site Plan, per sheet	\$200.00 \$304
Resubmissions, per sheet	\$200.00 \$304
Revisions, per sheet changed	\$200.00 \$304
Request to extend time period of approval	\$200.00 \$304
Waiver request, per section of the zoning and subdivision ordinance or PFM	\$200.00 \$304
CONSTRUCTION: bituminous surface, per square yard	\$.51 \$0.77
CONSTRUCTION: curb and gutter, per linear foot	\$.92 \$1.39
CONSTRUCTION: header curb, per linear foot	\$.92 \$1.39
CONSTRUCTION: sanitary sewer, per linear foot	\$2.34 \$3.55
CONSTRUCTION: screening, per linear foot	\$2.34 \$3.55
CONSTRUCTION: sidewalk, per linear foot	\$1.35 \$2.05
CONSTRUCTION: storm drainage, per linear foot	\$4.39 \$3.55

CONSTRUCTION: TV inspection of pipe, per linear foot	\$2.32 \$3.52
CONSTRUCTION: rain gardens, per facility	\$250.00 \$388
CONSTRUCTION: overlot grading and surface drainage, per land division or disturbed acre, whichever has a higher total	\$200.00 \$304
CONSTRUCTION: stormwater detention facilities, BMP measures, other than rain gardens, per facility/measure	\$1,000.00 \$1,516
CONSTRUCTION: street lights, per light	\$50.00 \$76
CONSTRUCTION: inspection following a violation	\$160.00 \$243
As-built site plan, per sheet	\$50.00 \$76
SINGLE LOT DEVELOPMENT PLANS	
Initial submission	\$750.00 \$1,137
Second submission	\$0.00
Third and subsequent submissions	\$100.00 \$152
BUILDING LOCATION SURVEYS	
Building Location Survey	\$25.00 \$38
TEMPORARY USE SITE PLAN	
Uses less than 90 consecutive days	\$0.00
Uses more than 90 consecutive days	\$75.00 \$114
Resubmissions	\$75.00 \$114
Waiver request, per section of the zoning ordinance or PFM	\$75.00 \$114
Temporary health care structure application	\$100.00 \$152
PRELIMINARY SUBDIVISION PLANS	
Application: 1 to 5 lots	\$750.00 \$1,137
Application: 6 to 10 lots	\$1,000.00 \$1,516

Application: more than 10 lots	\$1,500.00 \$2,274
Application (regardless of number of lots), per lot	\$30.00 \$46
Resubmission, per sheet changed	\$200.00 \$304
Revision to an approved plan	\$200.00 \$304
Request to extend time period of approval	\$200.00 \$304
Waiver request, per section of the zoning and subdivision ordinance or PFM	\$200.00 \$304
SUBDIVISION SITE PLAN	
Initial Submission, first submission	\$1,000.00 \$1,516
Initial Submission, first submission, per quarter acre	\$250.00 \$388
Resubmission, per sheet changed	\$200.00 \$304
Revision, per sheet changed	\$200.00 \$304
CONSTRUCTION: curb and gutter, per linear foot	\$.92 \$1.39
CONSTRUCTION: street, per linear foot	\$1.20 \$1.82
CONSTRUCTION: sidewalk, per linear foot	\$1.35 \$2.05
CONSTRUCTION: sanitary sewer, per linear foot	\$2.34 \$3.55
CONSTRUCTION: storm drainage, per linear foot	\$4.39 \$6.65
CONSTRUCTION: TV inspection of pipe, per linear foot	\$2.32 \$3.55
CONSTRUCTION: waterline, per linear foot	\$1.75 \$2.65
CONSTRUCTION: rain gardens, per facility	\$250.00 \$388
CONSTRUCTION: overlot grading and surface drainage, per land division or disturbed acre, whichever has a higher total	\$200.00 \$304

CONSTRUCTION: stormwater detention facilities, BMP measures, other than rain gardens, per facility/measure	\$1,000.00 \$1,516
CONSTRUCTION: street lights, per light	\$50.00 \$76
CONSTRUCTION: inspection following a violation	\$160.00 \$243
Sketch Plan	\$0.00
Rough Grading Plan	\$0.00
Waiver request, per section of the zoning and subdivision ordinance or PFM	\$200.00 \$304
PLATS	
Final Subdivision Plat and Deed, flat fee	\$300.00 \$455
Final Submission Plat and Deed, per lot	\$30.00 \$46
Request to extend time period of approval, per plat	\$200.00 \$304
Correction to recorded plat, per plat	\$200.00 \$304
Plat/Deed of Condominium	\$300.00 \$455
Plat/Deed of Condominium, per lot	\$30.00 \$46
Plat/Deed of ROW Vacation, per plat	\$150.00 \$228
Plat/Deed of Lot Line Adjustment, per plat	\$250.00 \$388
Plat/Deed of Consolidation, per plat	\$250.00 \$388
Plat/Deed resubmissions, per document changed	\$100.00 \$152
ZONING AND SUBDIVISION ORDINANCE TEXT AMENDMENTS	
Change in permitted uses, density, open space, parking, landscaping	\$1,000.00 \$1,516
Other than changes listed above; amendment involving changes to more than 100 words, changes to more than one section of the ordinances, or when number of words changed is unknown	\$500.00 \$758

Other than changes listed above; amendment involving less than 100 words in one ordinance section	\$250.00 \$388
MISCELLANEOUS ADMINISTRATIVE REVIEWS	
Administrative Adjustment, per building affected	\$50.00 \$76
Administrative Review Eligible Projects (AREPs)	\$500.00
Zoning Verification Letter: SFD properties	\$50.00 \$76
Zoning Verification Letter: non-SFD properties	\$300.00 \$455
Zoning Inspection Permit, per inspection	\$25.00 \$38
Request to Receive Notice of Development and Zoning applications, by mail, per year	\$25.00 \$38
Request to Receive Notice of Development and Zoning applications, by e-mail, per year	\$10.00 \$16
Request for early site occupation prior to completion of improvements in accordance with section 78-120.1 and 78-120.2 application flat fee	\$50.00 \$76
Request for early site occupation prior to completion of improvements in accordance with section 78-120.1 and 78-120.2, per inspection	\$50.00 \$76
Mobile Food Unit Preparer, Full Service Zoning Permit	\$100.00 \$129
Short-term Rental Permit	\$200.00

2. This ordinance shall be effective July 1, 2024.

Town of Herndon, Virginia
Notice of Public Hearing

Notice is hereby given that the **Town Council** of the Town of Herndon, Virginia, will hold a public hearing on Tuesday, May 14, 2024, at 7:00 p.m. in the Herndon Council Chambers Building, located at 765 Lynn Street, Herndon on the following items:

Ordinance, to consider Zoning Ordinance Text Amendment – ZOTA #24-01, to amend Chapter 78 (ZONING), Article XV (Decision-making Authorities, Application Review, and Permitting), Section 78-152.2(b)(3) (Fees for Development Applications) to adjust development fees for inflation to current rates.

Resolution, to consider a Special Exception – SE #24-01, Hunters Creek Bridge Replacement, to replace the Hunters Creek pedestrian bridge in the FPO, Floodplain Overlay District. The site, Runnymede Park, is 55.7 acres and the proposed disturbed area is 0.88 acres. The proposal will demolish the existing bridge, install a replacement bridge, and perform minor stream restoration, which will be within the FPO. The property is located east of Herndon Parkway and extends to the eastern corporate limit of the town. The site is accessible at the terminus of Cavendish Street, Queens Row Street, and Old Hunt Way. The site is zoned PD-R, Planned Development Residential and is designated in the Comprehensive Plan as “Community Facilities.” Fairfax County Tax Map Number 0113 02 0004C. Applicant: Town of Herndon Department of Public Works. Owner: Town of Herndon.

The public is encouraged to participate in the town’s public hearing process. Individuals having an interest in the above items are invited to attend the public hearing and state their opinions and may also submit comments to town.clerk@herndon-va.gov. Information on this item is available for review by the public on the town’s website at www.herndon-va.gov.

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Kirstyn Barr Jovanovich, Town Clerk

Note to Publisher:

Publish on May 3 / May 10, 2024

Agenda Item: Ordinance to amend Chapter 10 (BUILDINGS AND BUILDING REGULATIONS), Article III. (Permits and Inspections), Division 2 (Building Fees), Division 3 (Fire Protection Systems), Division 4 (Mechanical), Division 5 (Plumbing and Gasfitting), and Division 6 (Electrical) to clarify and adjust permit and inspection fees in various sections for inflation to current rates and to create Division 7 (Amusement Device)

Meeting Date: May 7, 2024

Category: General

Prepared by: John Irish, Deputy Director of Public Works

Description:

The proposed amendment will adjust Building Permit Fees for inflation. The State Code of Virginia § 36-105 and the Virginia Statewide Building Code Section 107.1 authorizes a local governing body to levy fees to defray the cost of code enforcement of the Virginia Uniform Statewide Building Code.

Background:

Fees for building permits are specified in Article III, Division 2 of the Town Code and require Town Council action to be adjusted. Building Permit fees were last adjusted in May 2015. All permit fees have been adjusted except for other fees regulated by other parts of the Town Code or State Code. An evaluation was done to compare the town's fees to neighboring municipalities. The current fee schedule results in town fees that are generally below the area's average.

Budget Impact:

This amendment will result in increased Building Permit Fee revenue of approximately 50 percent.

Recommendation:

Recommend approval of the Ordinance as presented.

Attachments:

1. Ordinance (Proposed)

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

ORDINANCE

MAY 14, 2024

Ordinance- to amend Chapter 10 (BUILDINGS AND BUILDING REGULATIONS), Article III. (Permits and Inspections), Division 2 (Building Fees), Division 3 (Fire Protection Systems), Division 4 (Mechanical), Division 5 (Plumbing and Gasfitting), and Division 6 (Electrical) to clarify and adjust permit and inspection fees in various sections for inflation to current rates and to create Division 7 (Amusement Device).

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

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

CHAPTER 10 (BUILDINGS AND BUILDING FEES)

Article III. Permits and Inspections.

Division 2. – Building Fees

Sec. 10-62. – Special inspections.

A fee shall be paid for each inspection involving an application for change in use or change in occupant or other special request which requires inspection by each or any of the building, electrical, plumbing and mechanical inspection branches and the fire marshal. If all disciplines are involved in inspections, the fee shall be ~~\$340.00~~ **\$510.00**. Should the inspections not involve all disciplines, a fee of ~~\$85.00~~ **\$128.00** shall be paid for each discipline taking part in the inspection. These fees are not credited toward the cost of the permits. If the inspection is canceled in advance by the applicant, and not conducted, the fee is refundable upon application in writing to the building official within three months of the date of payment.

Sec. 10-63. – Permit required; minimum fee.

All permits necessary under the provisions of the Virginia Uniform Statewide Building Code and the town property maintenance code shall be procured and paid for before initiation of work. The minimum fee for any permit shall be ~~\$85.00~~ **\$128.00** with the exception of decks and additions less than 1,158 square feet. The minimum fee for decks and small additions less than 1,158 square feet shall be ~~\$125.00~~ **\$187.50**. All fees for permits issued on a minimum basis shall be paid in full at time of permit application.

Sec. 10-64. - New building, addition or enlargement.

The fee for the construction of a new building, addition or enlargement shall be based on the area (as determined by the exterior dimensions) of all floors, including basements or cellars, and horizontally projected roof areas as follows: for types of construction as defined in the Virginia Uniform Statewide Building Code.

Type of Construction	Fee (Per Square Foot in Dollars)
Type I(A) and I(B)	0.3910 0.587
Type II(A), IV, and III(A)	0.3144 0.472
Type II(B), III(B), and V(A)	0.1683 0.253
Type V(B)	0.1188 0.178

Sec. 10-66. - Demolition.

The fee for a demolition permit shall be calculated at a rate of ~~2.42~~ **3.6** percent of the estimated cost, with a minimum fee of ~~\$85.00~~ **\$128.00**. A bond in the amount of ~~\$1,000.00~~ **\$1500.00** shall be posted which shall be returned to the permit holder upon satisfactory completion of the work, leaving the premises free from all unsafe and hazardous conditions.

Sec. 10-69. - Permit application; processing and plan examination.

To allow for permit application processing and plan examination if a building permit is not issued, the following fees shall be paid at the time of application for a permit. **At the discretion of the building official, plans may be sent to an outside agency for plan review. In such cases the applicant shall pay the full cost of the outside agency review minus the fee below.**

- (1) For a single-family residence, ~~\$135.00~~ **\$203.00**.
- (2) For each type of house to be built in a cluster, complex or subdivision plan, ~~\$135.00~~ **\$203.00**.
- (3) For all commercial work, apartment buildings, garden apartments, and high-rise residential buildings, ~~\$300.00~~ **\$450.00**.
- (4) For plan revisions to approved plans, ~~\$40.00~~ **\$60.00** per sheet.

Sec. 10-71. - Removal and relocation.

The fee for the permit for the removal of a building or structure from one lot to another or to a new location in the town shall be calculated at the rate of ~~2.42~~ **3.6** percent of the cost of moving, plus the cost of the new foundations and all work necessary to place the building or structure in its completed condition in the new location.

Sec. 10-72. - Repairs and alterations.

The fee for repairs and alterations of any building or structure (other than residential which is calculated at the rate of ~~2.42~~ **3.6** percent of the estimated cost of the work) where there is no addition or enlargement shall be calculated at the rate of ~~1.76~~ **2.6** percent of the estimated cost of the work.

Sec. 10-74. - Special team instruction.

Special team instruction fees for the building portion only shall be ~~\$85.00~~ **\$127.50**.

Sec. 10-75. - Structure.

The fee for the erection or installation of structures other than buildings shall be calculated at the rate of ~~2.42~~ **3.6** percent of the actual cost of the work.

Sec. 10-76. - Swimming pools.

The minimum fee for swimming pool inspection shall be ~~\$85.00~~ **\$128.00**. The maximum fee shall be ~~\$230.00~~ **\$345.00** for private pools.

Sec. 10-77. - Tenant layouts.

Except for those tenant layouts shown on the originally approved plans for a building, separate building permits shall be required for each tenant layout, at a fee of ~~3.22~~ **4.83** percent of the estimated cost of the work with a minimum construction cost of \$15,000.00 used to determine the permit fee. If the permittee is able to prove through verifiable cost data that the cost of construction is less than \$15,000.00, the permit fee will be prorated accordingly. In no case shall the permit fee be less than the minimum fee.

Sec. 10-79. - Violation reinspection fee.

The violation reinspection fee shall be ~~\$72.00~~ **\$108.00**.

Sec. 10-80. - Fee for an inspection after regular working hours.

The fee for an inspection after regular working hours must be paid prior to inspection. A rate of ~~\$100.00~~ **\$150.00** per hour, with a minimum of four hours, shall be paid.

Sec. 10-84. - Nonpermitted work.

The fee for non-permitted work requiring an inspection prior to permit issuance shall be ~~\$72.00~~ **\$108.00**. Before a final inspection is released, the appropriate fee shall be paid for all work performed which is not authorized on the original permit.

Division 3. – Fire Protection Systems

Sec. 10-122. - Minimum fee.

The minimum fee is ~~\$85.00~~ **\$128.00** which shall apply to any permit for which the fee charged would otherwise be less than ~~\$85.00~~ **\$128.00**. The fees for installation of mechanical equipment shall be as follows:

- (1) Boilers:
 - a. Hot water heating to 200,000 Btu per hour~~\$99.00~~ **\$149.00**
 - b. For each additional 100,000 Btu per hour or fraction thereof~~15.84~~ **\$24.00**
 - c. Hot water supply to 500,000 Btu per hour~~99.00~~ **\$149.00**
 - d. For each additional 500,000 Btu per hour or fraction thereof~~15.84~~ **\$24.00**
 - e. Low pressure steam to 100 pounds steam per hour~~99.00~~ **\$149.00**
 - f. For each additional 100 pounds steam per hour~~15.84~~ **\$24.00**
 - g. Miniature~~446.52~~ **\$220.00**
 - h. Power~~446.52~~ **\$220.00**
Plus ~~\$1.1715~~ **\$2.00** per boiler hp
- (2) Dumbwaiter, power-driven~~55.44~~ **\$84.00**
- (3) Dumbwaiter, hand-operated~~30.36~~ **\$46.00**
- (4) Elevators/escalators:
 - a. Plan review fee~~99.00~~ **\$149.00**
 - b. Permit fee~~534.60~~ **\$802.00**
- (5) Furnaces:
 - a. Central heating up to 200,000 Btu input~~39.60~~ **\$60.00**
 - b. Each additional 100,000 Btu or fraction thereof~~9.90~~ **\$15.00**
 - c. Duct up to 200,000 Btu input~~23.76~~ **\$36.00**
 - d. Each additional 100,000 Btu or fraction thereof~~9.90~~ **\$15.00**
 - e. Other furnace up to 100,000 Btu input~~39.60~~ **\$60.00**
 - f. Each additional 100,000 Btu or fraction thereof~~5.94~~ **\$9.00**
 - g. Heat pump up to five tons~~51.48~~ **\$77.00**
 - h. Each additional ton or fraction thereof~~1.98~~ **\$3.00**
 - i. Auxiliary heat up to 100,000 Btu~~39.60~~ **\$60.00**
 - j. Each additional 100,000 Btu or fraction thereof~~5.94~~ **\$9.00**
 - k. Incremental heating and air conditioning units~~9.90~~ **\$15.00**

- (6) Incinerator: Per 100 pounds per hour burning rate or fraction thereof
.....~~51.48~~ **\$77.00**
- (7) Manlift~~59.40~~ **\$89.00**
- (8) Oil burner: Conversion to or replacement of oil burner:
 - a. Light oils—No. 1, 2, or 4~~51.48~~ **\$77.00**
 - b. Heavy oils—No. 5 or 6~~61.38~~ **\$92.00**
- (9) Porch lift (for disabled)~~59.40~~ **\$89.00**
- (10) Private residence elevators and inclined lifts~~59.40~~ **\$89.00**
- (11) Refrigeration:
 - a. Refrigeration and refrigeration cycle of air conditioning system up to five tons~~51.48~~ **\$77.00**
 - b. Each additional refrigeration ton or fraction thereof~~1.98~~ **\$3.00**
- (12) Solar heating: No fee will be charged for permits to install solar energy, although a permit is required for such installations.
- (13) Space heater:
 - a. Up to 500,000 Btu input~~23.76~~ **\$36.00**
 - b. Each additional 100,000 Btu input or fraction thereof~~5.94~~ **\$9.00**
- (14) Special team inspection, mechanical portion only~~85.00~~ **\$128.00**
- (15) Tanks:
 - a. Aboveground or underground tanks for hazardous or nonhazardous liquids..... ~~79.20~~ **\$119.00**
 - b. For each additional 100,000 Btu input or fraction thereof~~5.94~~ **\$9.00**
- (16) Unfired pressure vessel~~104.94~~ **\$158.00**
- (17) Unit heater:
 - a. Up to 500,000 Btu input~~23.76~~ **\$36.00**
 - b. For each additional 100,000 Btu input or fraction thereof~~5.94~~ **\$9.00**

Sec. 10-123. - Mechanical equipment other than residential use groups R3 and R4.

The permit fee for installation, repair or replacement of all mechanical equipment other than residential use groups R3 and R4 shall be calculated at the rate of ~~3.19~~ **4.8** percent of the contract value less the value of the listed equipment. This fee is in addition to the listed equipment fees as shown in this section. The minimum fee shall be ~~\$85.00~~ **\$128.00**.

Division 5. – Plumbing and Gasfitting

Sec. 10-147. - Fees.

- a. *Minimum fees.* The minimum fee is ~~\$85.00~~ **\$128.00** and shall apply to any permit for which the fee charged would otherwise be less than ~~\$85.00~~ **\$128.00**.....
- b. *Enumeration.* The fees for installation of plumbing and gasfitting fixture, appliances and appurtenances shall be as follows:
 - (1) New building, existing unplumbed building, additional remodeling or changes in existing systems~~\$39.60~~ **\$60.00**

- (2) And an additional ~~\$5.94~~ **\$9.00** for each fixture, each appliance, each appurtenance, including sill cock, and for each area, floor and roof drain.
- (3) Adding or replacing fixtures without changes in existing system~~39.60~~ **\$59.00**
- (4) And an additional ~~\$4.95~~ **\$7.00** for each fixture.
- (5) Water heater replacement, gas or electric~~39.60~~ **\$59.00**
- (6) Sewer new, replacement or repair~~39.60~~ **\$59.00**
- (7) Sewage ejector and sump pump, commercial~~53.46~~ **\$80.00**
- (8) Sewer, ejector and sump pump, domestic~~39.60~~ **\$59.00**
- (9) Special team inspection, plumbing/gas portion only~~85.00~~ **\$128.00**
- (10) Water service, new, replacement or repair~~39.60~~ **\$59.00**
- (11) Sprinkler systems for fire suppression. Sprinkler systems for fire suppression fees shall be calculated at the rate of ~~1.32~~ **1.98** percent of the cost of the work, including equipment, labor and materials.
- (12) Fee for an inspection after regular working hours. The fee for an inspection after regular working hours must be paid prior to the inspection. Per hour rate (with a minimum of four hours)~~100.00~~ **\$150.00**

Sec. 10-149. - Nonpermitted work.

The fee for non-permitted work requiring an inspection prior to permit issuance shall be ~~\$72.00~~ **\$108.00**. Before a final inspection is released, the appropriate fee shall be paid for all work performed which is not authorized in the original permit.

Sec. 10-151. - Defect reinspection fee.

Should additional inspections be necessary due to the failure of the person installing such work to install the same in accordance with the provisions of applicable codes, the permittee shall pay an additional fee of ~~\$72.00~~ **\$108.00** for each additional inspection, after a defect notice has been issued.

Division 6. – Electrical

Sec. 10-172. - Fees.

- (a) *Minimum fee.* The minimum fee shall be ~~\$85.00~~ **\$128.00**. This fee includes not more than two inspections. Fees for additional inspections, payable in advance, shall be ~~\$38.50~~ **\$58.00**. The minimum fee shall apply to any permit for which the fee charged would otherwise be less than ~~\$85.00~~ **\$128.00**.
- (b) *Enumeration.* The fees for electrical work shall be as follows:

- (1) Appliances (including window air conditioners, except central heat and air conditioning):
 First~~\$11.88~~ **\$18.00**
 Each additional~~5.94~~ **\$9.00**
- (2) Circuits (new, extensions and feeders are counted as circuits), each~~1.98~~ **\$3.00**
- (3) Decorative lighting (temporary)—For holiday, tent sales, circuses and outdoor displays108.90 **\$163.00**
- (4) Dental chairs11.88 **\$18.00**
- (5) Electrical heat (space and central, including commercial cooking units, heat pumps and water heaters):
 0 through 4 kw~~17.82~~ **\$27.00**
 Each additional unit in this range~~7.92~~ **\$12.00**
 Over 4 through 6 kw19.80 **\$30.00**
 Each additional unit in this range~~11.88~~ **\$18.00**
 Over 6 through 8 kw~~25.74~~ **\$39.00**
 Each additional unit in this range~~17.82~~ **\$27.00**
 Over 8 through 10 kw~~35.64~~ **\$53.00**
 Each additional unit in this range~~25.74~~ **\$39.00**
 Over 10 through 14 kw~~41.58~~ **\$62.00**
 Each additional unit in this range~~31.68~~ **\$48.00**
 Over 14 through 20 kw~~43.56~~ **\$65.00**
 Each additional unit in this range~~31.68~~ **\$48.00**
 Over 20 through 25 kw~~47.52~~ **\$71.00**
 Each additional unit in this range~~35.64~~ **\$54.00**
 Over 25 kw~~49.50~~ **\$74.00**
 Each additional unit in this range~~41.58~~ **\$62.00**
 Control wiring only for heating or air conditioning: Circuit fees apply, plus ~~\$3.96~~ **\$5.94** for each control device.
- (6) Fan coil units~~5.94~~ **\$9.00**
- (7) Fire alarm systems:
 Striking stations~~5.94~~ **\$9.00**
 Smoke detectors~~5.94~~ **\$9.00**
- (8) *Fixtures*:
 First 10 or fraction thereof~~11.88~~ **\$18.00**
 Each additional 10 or fraction thereof~~7.92~~ **\$12.00**
 Where no fixtures are installed, receptacles will be charged as fixtures.
- (9) Gasoline pumps, submerged. The fee shall be the same as for motors.
- (10) Gasoline island pumps or dispensers:
 First~~11.88~~ **\$18.00**
 Each additional~~5.94~~ **\$9.00**
- (11) *Generators*:

- 0 through 5 kw~~25.74~~ **\$39.00**
Over 5 through 25 kw~~31.68~~ **\$48.00**
Over 25 through 35 kw~~43.56~~ **\$65.00**
Over 35 through 50 kw~~53.46~~ **\$80.00**
Over 50 kw~~83.16~~ **\$125.00**
- (12) *Heating and air conditioning.* Residential central heat (except electric) or air conditioning:
First~~13.86~~ **\$21.00**
Each additional~~5.94~~ **\$9.00**
- (13) Heat pumps. Fees for air conditioning plus heat kw apply.
- (14) Marquee incandescent lighting:
First 50 sockets~~25.74~~ **\$39.00**
Each additional socket~~1.98~~ **\$3.00**
- (15) *Motors* (including commercial heating, cooling and ventilating equipment; on package equipment, each motor will be charged for separately):
Under 1/8 hp, charged as fixtures
1/8 hp and over through 1 hp, first~~17.82~~ **\$27.00**
Each additional motor~~5.94~~ **\$9.00**
Over 1 hp through 5 hp, first~~19.80~~ **\$30.00**
Each additional motor~~5.94~~ **\$9.00**
Over 5 hp through 10 hp, first~~25.74~~ **\$39.00**
Each additional motor~~11.88~~ **\$18.00**
Over 10 hp through 20 hp, first~~31.68~~ **\$48.00**
Each additional motor~~17.82~~ **\$27.00**
Over 20 hp through 30 hp, first~~37.62~~ **\$56.00**
Each additional motor~~19.80~~ **\$30.00**
Over 30 hp through 40 hp, first~~49.50~~ **\$74.00**
Each additional motor~~31.68~~ **\$48.00**
Over 40 hp through 50 hp, first~~59.40~~ **\$89.00**
Each additional motor~~55.44~~ **\$83.00**
Over 50 hp, first~~71.28~~ **\$107.00**
Each additional motor~~55.44~~ **\$83.00**
- (16) *Parking lot lighting:*
First pole~~11.88~~ **\$18.00**
Each additional~~5.94~~ **\$9.00**
- (17) *Service entrance* (new, replacement, metered for separate occupancies):
0 through 800 amp~~55.44~~ **\$83.00**
Over 800 amp~~79.20~~ **\$119.00**
- (18) *Temporary service structures for construction or temporary or permanent service:*
0 through 400 amp~~55.44~~ **\$83.00**
Over 400 through 800 amp~~65.34~~ **\$98.00**

Over 800 amp~~79.20~~ **\$119.00**

Subpanels~~55.44~~ **\$83.00**

Circuits, fixtures, receptacles and equipment are to be charged for under the circuit fixture and motor schedule.

Note: Temporary service permits expire 90 days after connection. They may be renewed by repayment of basic fees. If the permit is not renewed, temporary service shall be disconnected by the utility company upon notification by the building official.

(19) *Signs:*

Fluorescent, each sign:

1 through 4 tubes~~17.82~~ **\$27.00**

Each additional 4 tubes or fraction thereof~~11.88~~ **\$18.00**

Incandescent, each sign~~17.82~~ **\$27.00**

Neon, each sign:

First transformer~~17.82~~ **\$27.00**

Each additional transformer~~5.94~~ **\$9.00**

(20) Special/team inspection, electrical portion only~~85.00~~ **\$128.00**

(21) Swimming pools, annual:

Up through 2 inspections~~85.00~~ **\$128.00**

Each additional inspection~~38.50~~ **\$58.00**

Fee must be paid before inspections.

(22) *Temporary wiring:*

Tree sales, produce stands, fireworks stands, and the like:

Up through 2 circuits~~79.20~~ **\$119.00**

Over 2 circuits, circuit fee applies carnivals, fairs, and the like
.....~~192.06~~ **\$288.00**

(23) *Transformers:*

0 through 10 kilovolt amps (kva) per transformer~~17.82~~ **\$27.00**

Each additional transformer within this range~~11.88~~ **\$18.00**

Over 10 through 50 kva, per transformer~~19.80~~ **\$30.00**

Each additional transformer within this range~~17.82~~ **\$27.00**

Over 50 through 75 kva, per transformer~~31.68~~ **\$48.00**

Each additional transformer within this range~~25.74~~ **\$39.00**

Over 75 through 200 kva, per transformer~~49.50~~ **\$74.00**

Each additional transformer within this range~~37.62~~ **\$56.00**

Over 200 kva, per transformer~~73.26~~ **\$110.00**

Each additional transformer within this range~~55.44~~ **\$83.00**

(24) Unit heaters~~5.94~~ **\$9.00**

(25) Welders~~11.88~~ **\$18.00**

(26) X-ray machines~~11.88~~ **\$18.00**

(27) Violation inspection fee (working without a permit)~~72.00~~ **\$108.00**

(28) Fee for an inspection after regular working hours. The fee for an inspection after regular working hours must be paid prior to the

inspection. The cost is per hour with a minimum of four hours
.....~~100.00~~ **\$150.00**

Sec. 10-173. - Defect reinspection fees.

If additional inspections are necessary due to the failure of the person installing such work to install the same in accordance with the provisions of applicable codes, the permittee shall pay an additional fee of ~~\$72.00~~ **\$108.00** for each additional inspection, after a defect notice has been issued.

Sec. 10-175. - Nonpermitted work performed.

The fee for non-permitted work requiring an inspection prior to permit issuance shall be ~~\$72.00~~ **\$108.00**. Before a final inspection is released, the appropriate fee shall be paid for all work performed which is not authorized in the original permit.

Division 7. – Amusement Device

Sec. 10-183 - Fees.

The fees charged for amusement device permits should be as permitted in the current Virginia Amusement Device Regulations 13VAC5-31-75.

2. This ordinance shall be effective July 1, 2024.

Agenda Item: Ordinance to amend and reenact Chapter 54 (PERSONNEL), Article I (In General), Section 54-3 (Definitions)

Meeting Date: May 7, 2024

Category: Consent

Prepared by: Tanya Kendrick, Human Resources Director

Description:

This amendment makes concise improvements to the definitions section of Chapter 54 of the Town Code. A few definitions have evolved over time in terms of language and applicable benefits. Historical language is consolidated and brought to current practical application for use in compliance with current laws.

Background:

N/A

Budget Impact:

N/A

Recommendation:

Recommend approval of the proposed Ordinance as presented.

Attachments:

1. Ordinance (Proposed)

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

ORDINANCE

MAY 14, 2024

Ordinance- **to amend and reenact Chapter 54 (PERSONNEL), Article I (In General), Section 54-3 (Definitions)**

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

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

CHAPTER 54 (PERSONNEL)

Article 1. In General

Sec. 54-3 - Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Anniversary date means the current beginning date of employment as a regular status employee. This date shall be used for leave accrual or employment verifications. For the purpose of performance evaluation or merit salary adjustment, the anniversary date shall mean the first day of the month in which such current beginning date of employment takes place.

Break in service means any separation from the town service, whether by resignation, removal, layoff, dismissal, disability or retirement, when the employee is subsequently reemployed. An authorized leave without pay will not constitute a break in service.

***Classified employee* means any employee of the town, other than a temporary or part-time flexible employee, who holds a position in the employment service of the town, the base salary of which is regulated by a pay classification plan adopted by the town council.**

Continuous service means employment without a break in service.

Demotion and reduction in rank mean assignment of an employee from one position to another which has a lower maximum rate of pay.

Department heads means the director of community development, director of public works, director of parks and recreation, director of finance, director of information technology, director of golf, director of human resources, and chief of police.

Disability means a disabling condition, partial or complete, temporary or permanent, which prevents, hinders or adversely affects an individual's performance of his normal routine of work. A formal determination of disability may be based on the disability policy then in place.

Dismissal means separation from town employment for cause.

Exempt means designation of employment status in accordance with provisions of the Fair Labor Standards Act (FLSA). FLSA provides an exemption from both minimum wage and overtime pay for employees employed as bona fide executive, administrative, professional and outside sales employees

~~*Full-time employee* means a non-sworn employee who is assigned regular working hours of 40 hours per work period or a sworn police officer scheduled to work 80 hours in a 14-day work period.~~

Grievance means, generally, a complaint or dispute of an employee, real or not, relating to his employment that is grievable under the rules and regulations of this chapter.

Job sharing arrangement means a work arrangement in which the town manager approves the sharing by two regular part-time employees of one regular full-time position.

Nonexempt means designation of employment status in accordance with provisions of the Fair Labor Standards Act.

~~*Part-time employee* means an individual who is assigned regular working hours of a minimum of 20 hours but less than 40 hours per workweek.~~

Part time flexible employee means an employee who is unclassified, has a variable work schedule, and may have a restricted work schedule, as mandated by the town via administrative regulations. These positions receive no benefits.

Pay grade means a level in the pay **classification** schedule with a common pay range for all classes assigned thereto.

Probationary period means a period of 12 months from the date of **hire** ~~appointment~~, during which an employee hired to fill a regular status position is employed on a trial basis ~~prior to approval of regular status~~. For newly hired police officers the probationary period shall be 12 months from the date of taking the oath

of office as a police officer with the town. The probationary period for a regular status employee who has been promoted, demoted, or transferred will be 12 months from the date of reassignment.

Probationary period—Disciplinary means a period of probation of 12 months from the date of imposition by the town manager on recommendation of a department head, for any infractions for which discipline may be warranted. A disciplinary probation shall constitute a renewed probationary period for the employee. Such disciplinary action is grievable.

Probationary period—Performance means a period of probation of 12 months from the date of the performance review during which an employee who received an annual performance evaluation resulting in an unsatisfactory performance rating must meet the performance standard. A performance probation shall constitute discipline and involve a renewed probationary period for the employee. The imposition of such probationary period is grievable, but not the content of the evaluation.

Promotion means assignment of an employee from one position to another which has a higher maximum rate of pay.

Reclassification means reassignment of a position from one pay grade, class or title to another pay grade, class or title in the classified service of the town to more accurately reflect the duties and responsibilities involved.

~~*Regular appointment* means appointment to a position in the town service after satisfactory completion of the probationary period as provided in this section.~~

~~*Regular employee* means any non-probationary employee of the town who is other than a temporary or part-time flexible employee, and may be part-time or full-time.~~

Regular Status Full-time employee means a non-sworn employee who is assigned regular working hours of 40 hours per work period or a sworn police officer scheduled to work 80 hours in a 14-day work period.

*Regular **Status** part-time employee* means an employee who is assigned regular working hours of a minimum of 25 hours but less than 40 hours per workweek. These positions have some prorated benefits.

2. This ordinance shall be effective on and after the date of its adoption.

Agenda Item: Resolution to Award Contract #24-06, Production and Printing of the Annual Herndon Town Calendar

Meeting Date: May 7, 2024

Category: Consent

Prepared by: Anne Papa, Chief Communications Officer

Description:

This is a request to award a contract for IFB #24-06, production and printing of the annual Herndon Town Calendar.

Background:

The Town of Herndon's annual calendar, printed and distributed free of charge each December to all residences and businesses located in the town, includes information on town services, events and other initiatives. The current contract with the company that produced and printed the calendar has expired. Accordingly, the town issued an Invitation for Bid (IFB) #24-06 to solicit bids for calendar production and printing. The town received five bids by the deadline of April 25, 2024, two of which were responsive and responsible. Worth Higgins & Associates of Richmond, VA, submitted the lowest responsive and responsible bid.

Budget Impact:

The town will pay Worth Higgins & Associates a total of \$14,300 for production and printing of the 2025 Herndon Town Calendar. The contract includes the option of four one-year renewals, for a total potential fiscal impact of \$71,500.

Recommendation:

Staff recommends award of the contract to produce and print the Herndon Town Calendar to Worth Higgins & Associates.

Attachments:

1. Resolution (Proposed)

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

RESOLUTION

MAY 14, 2024

Resolution- to award Contract #24-06, Production and Printing of Annual Town Calendar.

The Herndon Town Calendar is printed and distributed free of charge to all residents and businesses annually. The current contract for printing and production of the calendar has expired. Accordingly, the town issued an Invitation for Bid (IFB) #24-06 to solicit bids for producing and printing the calendar. Five bids were received by the deadline of April 25, 2024, two of which were responsive and responsible. Worth Higgins & Associates of Richmond, VA, submitted the lowest responsive and responsible bid. The cost to produce and print the 2025 Herndon Town Calendar is \$14,300. The contract includes the option of four one-year renewals, for a total potential fiscal impact of \$71,500.

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

1. Contract IFB #24-06 to Worth Higgins & Associates is awarded.

Agenda Item: Resolution to authorize the vacation of a portion of a waterline easement on property at 255 Exchange Place, Herndon, Virginia, Tax Map No. 0164 10 0001C

Meeting Date: May 7, 2024

Category: Consent

Prepared by: Lauri Sigler, Deputy Town Attorney

Description:

This Resolution approves application PLT24-01 for a plat and deed of vacation of a portion of a waterline easement previously conveyed to the Town, on property located at 255 Exchange Place, known as Fairfax County Tax Map No. 0164 10 0001C.

Background:

Virginia Code §15.2-2270.1. allows for any public interest in an “easement for a public utility granted to a locality as a condition of the approval of a site plan” to be vacated by deed, provided the governing body consents to the vacation.

Pool 5 Industrial VA, LLC, as the current owner of the property located at 255 Exchange Place, known as Fairfax County Tax Map No. 0164 10 0001C, recently submitted a Minor Site Plan (MNP23-01) for property alterations including the construction of a fence, removal of a fire hydrant and the vacation of a portion of a waterline easement previously granted to the Town which are no longer needed. Plan MNP23-01 has been reviewed by the Fairfax County Fire Marshall and all required Town departments and is in approvable form. The original waterline on the property was required pursuant to Site Plan 83-46, and said easement was created in the Deed of Waterline Easement Agreement dated May 25, 1984, and recorded in the Fairfax County land records in Deed Book 5954, Page 1906.

The property owner has submitted application PLT24-01 that includes a plat and deed of waterline vacation that must be approved before MNP23-01 can receive final approval. The plat and deed for the vacation of a portion of a waterline easement previously conveyed to the Town, are included in Attachment 2. PLT24-01 has been approved by all required Town departments and approved as to form by the Town Attorney.

Chapter 70 (SUBDIVISIONS OF LAND), Article I (Subdivisions Generally), Table 70-102(b): Subdivision Review Procedures, of the Herndon Town Code, designates the Town Council with the authority to approve a plat for vacation of an easement.

Budget Impact:

None

Recommendation:

Staff recommends the Mayor and Town Council adopt the proposed Resolution approving application PLT24-01 for the vacation of a portion of a waterline easement on property at 255 Exchange Place, Herndon, Virginia, Tax Map No. 0164 10 0001C and authorize the Mayor to sign the deed of vacation and associated plat.

Attachments:

1. Resolution (Proposed)
2. Deed and Plat

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

RESOLUTION

MAY 14, 2024

Resolution- to authorize the vacation of a portion of a waterline easement on property located at 255 Exchange Place, Herndon, Virginia, Tax Map No. 0164 10 0001C.

Pool 5 Industrial VA, LLC, as owner of the property located at 255 Exchange Place, known as Fairfax County Tax Map No. 0164 10 0001C, submitted a Minor Site Plan (MNP23-01) for property alterations including the construction of a fence, removal of a fire hydrant and the vacation of a portion of a waterline easement previously granted to the Town, which said plan has been reviewed by the Fairfax County Fire Marshall, town staff and the Town Attorney and is approvable form subject to the approval of application PLT24-01.

The original waterline on the property was required pursuant to Site Plan 83-46, and an easement was conveyed to the Town in the Deed of Waterline Easement Agreement dated May 25, 1984, recorded in the Fairfax County land records in Deed Book 5954, Page 1906.

Application PLT24-01 consists of a plat and deed of waterline vacation pursuant to MNP23-01, which plat and deed will vacate a portion of a waterline previously conveyed to the Town that is no longer needed on the property.

Virginia Code §15.2-2270.1. allows for any public interest in an “easement for a public utility granted to a locality as a condition of the approval of a site plan” to be vacated by deed, provided the governing body consents to the vacation.

Chapter 70 (SUBDIVISIONS OF LAND), Article I (Subdivisions Generally), Table 70-102(b): Subdivision Review Procedures, of the Herndon Town Code, designates the Town Council with the authority to approve plats for vacation of an easement.

Town staff and the Town Attorney have reviewed application PLT24-01, for a plat and deed of vacation of a portion of a waterline easement and have found it to be in approvable form.

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

1. Application PLT24-01, for a plat and deed of vacation of a portion of a waterline easement on property located at 255 Exchange Place, known as Fairfax County Tax Map No. 0164 10 0001C is approved.
2. The Mayor is authorized to sign and deliver the plat and deed associated with application PLT24-01 and any other instrument necessary to evidence or effectuate this application.

DEED OF VACATION

THIS Deed of Vacation ("Deed") made this ____ day of _____, 2024, by and between the **TOWN OF HERNDON, VIRGINIA**, a municipal corporation, Grantor (also called the "Town"); and **POOL 5 INDUSTRIAL VA LLC**, a Delaware limited liability company, Grantee (also called "Owner").

WITNESSETH

WHEREAS, Owner is the owner of a certain property located in the Town of Herndon, Virginia, known as Parcel 1-C, Parkway Trade Center (the "Property"), having acquired the Property by virtue of a deed recorded in Deed Book 27470 at page 158, among the land records of Fairfax County, Virginia (the "Land Records"); and

WHEREAS, by Deed of Waterline Easement and Agreement dated May 25, 1984, and recorded in Deed Book 5954 at page 1906, among the Land Records, the Town obtained a 10-foot waterline easement (the "Existing Waterline Easement") over a portion of the Property; and

WHEREAS, it is the desire and intent of the Owner, with the consent of the Town, to vacate a portion of the Existing Waterline Easement, as shown on a plat entitled "Plat Showing Waterline Easement Vacation on the Property of Pool 5 Industrial VA LLC Ultra Company Carrier Enterprises Relocation," dated February 20, 2024 and prepared by Adtek, attached hereto and incorporated herein ("Plat").

VACATION OF WATERLINE EASEMENT

NOW THEREFORE, in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Owner, with the consent of the Town, does hereby vacate that portion of the Existing Waterline Easement created in Deed Book 5954 at page 1906 among the Land Records, as more particularly shown and depicted on the Plat as "Abandoned Portion of Ex 10' Waterline Easement (Deed Book 5954, Page 1906) (Hereby Vacated)."

MISCELLANEOUS

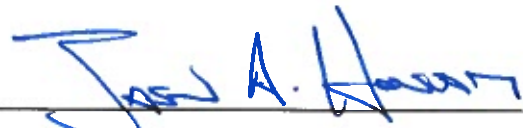
This Deed is made in accordance with the statutes made and provided in such cases; with the approval of the proper authorities of the Town of Herndon, Virginia, as shown by the signatures affixed to this Deed and the Plat and is with the free consent and in accordance with the desire of Owner, owner and proprietor of the land depicted on the Plat.

The undersigned warrant that this Deed is made and executed pursuant to authority properly granted by governing and organizational documents of the Owner and other parties hereto.

[SIGNATURES APPEAR ON THE FOLLOWING PAGES]

WITNESS the following signatures and seals:

POOL 5 INDUSTRIAL VA LLC, a Delaware
limited liability company

By: 

Name: Jason A. Honesty

Title: Vice President

COMMONWEALTH OF PENNSYLVANIA:

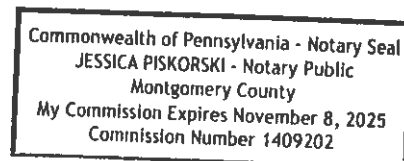
COUNTY OF DELAWARE:

The foregoing instrument was acknowledged before me this 30th day of April, 2024, by JASON A. HONESTY, VICE PRESIDENT of POOL 5 INDUSTRIAL VA LLC.


Notary Public

My Commission Expires: 11/8/2025

Notary Registration #: 1409202



The vacation of a portion of a waterline easement is hereby consented to by the Town of Herndon in accordance with Code of Virginia §15.2-2270 and Town of Herndon Resolution No. _____.

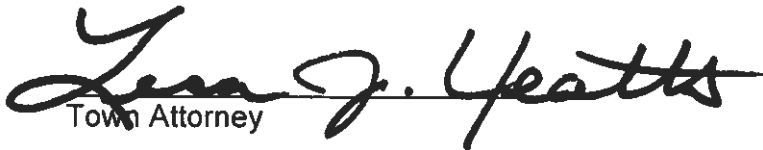
TOWN OF HERNDON, VIRGINIA

Sheila A. Olem
Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:


Town Attorney

APPROVED:


Richard P. Smith, P.E.
Senior Civil Engineer

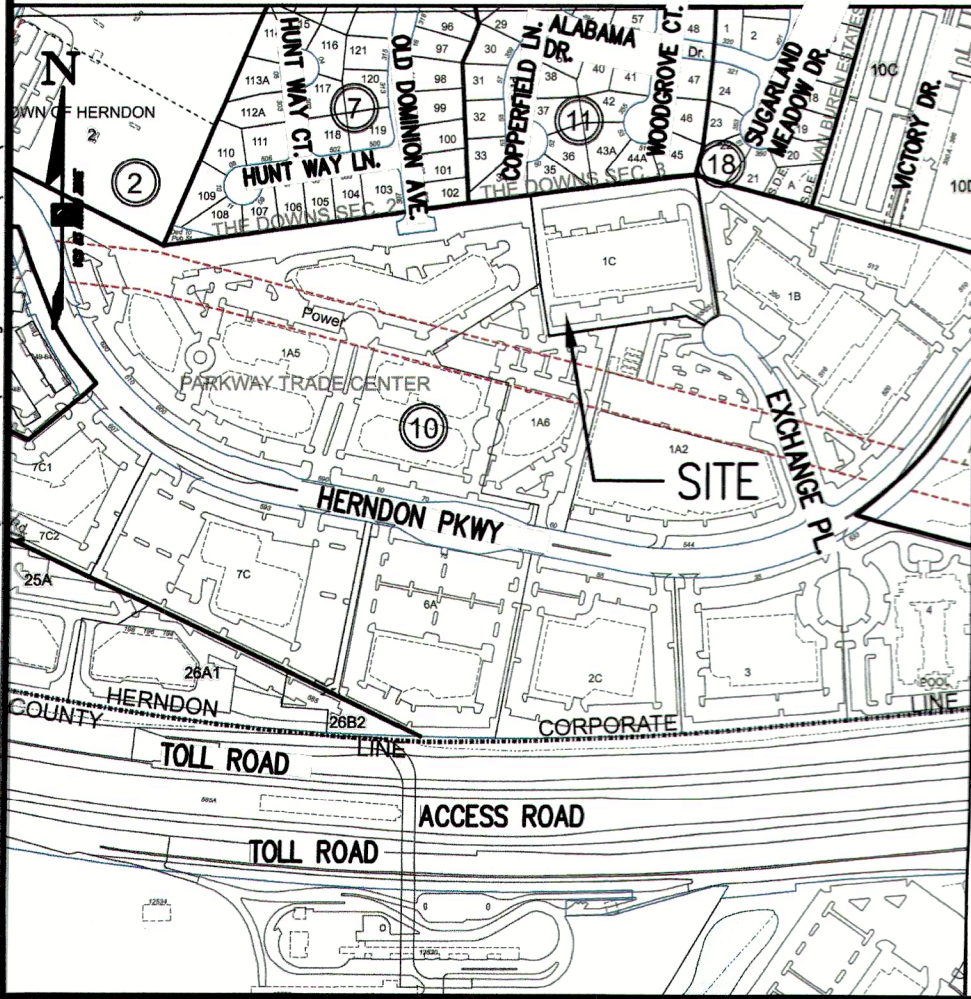
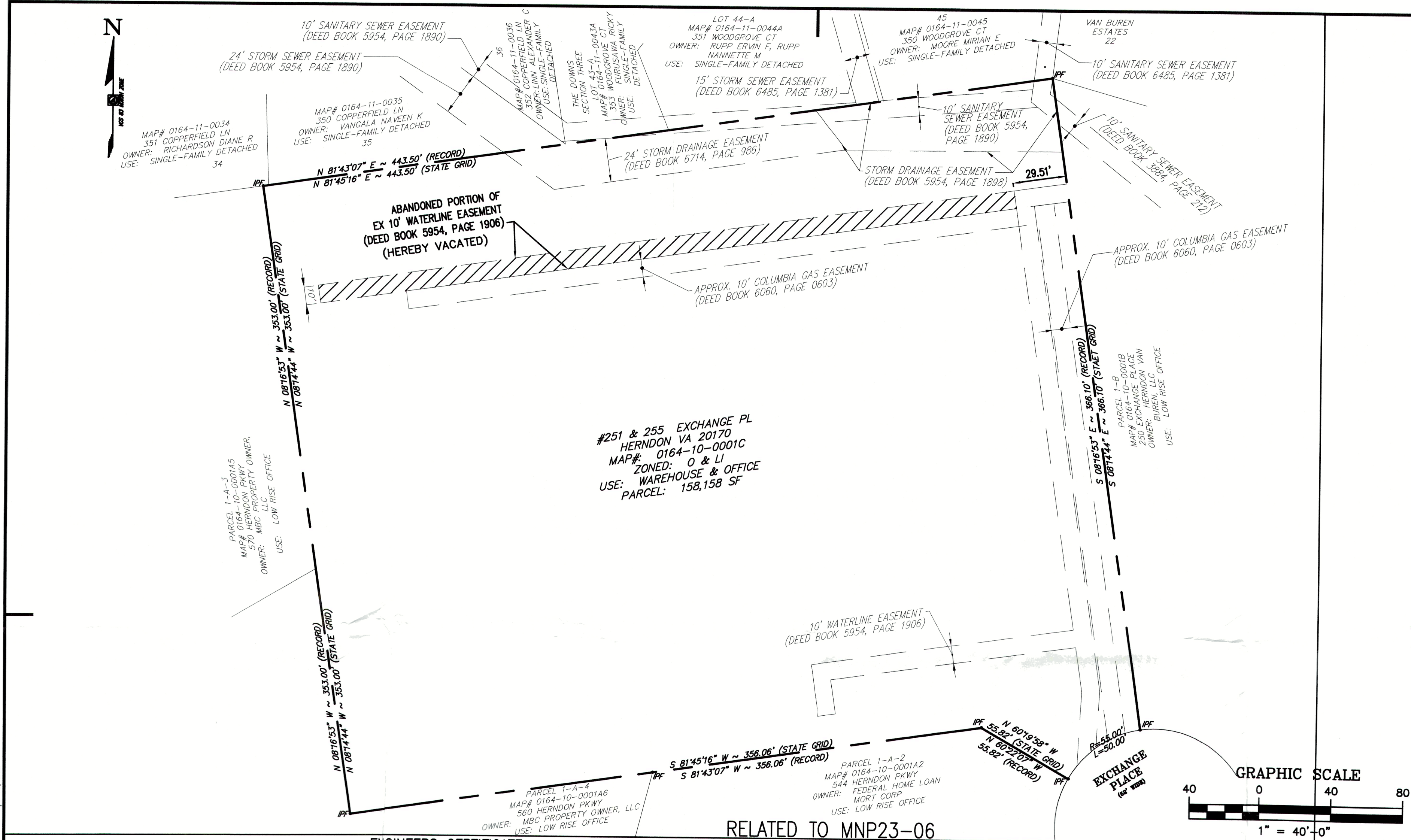
COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX:

The foregoing instrument was acknowledged before me this ____ day of _____, 2024 by Sheila A. Olem, Mayor of the Town of Herndon, a Virginia municipal corporation, on behalf of the corporation.

Notary Public

My Commission Expires: _____

Notary Registration No.: _____



ENGINEERS CERTIFICATE

I, ASHLEY BEESAM, A DULY LICENSED ENGINEER IN THE COMMONWEALTH OF VIRGINIA, DO HEREBY CERTIFY THAT THE LAND SHOWN HEREON IS NOW IN THE NAME(S) OF **POOL 5 INDUSTRIAL VA LLC.** AS RECORDED IN DEED BOOK 27470 PAGE 158 AMONG THE LAND RECORDS OF THE TOWN OF HERNDON, FAIRFAX COUNTY, VIRGINIA. GIVEN UNDER MY HAND THIS 8 DAY OF April 2024.

ASHLEY BEESAM, P.E.

NOTES:

1. NO TITLE REPORT FURNISHED. ALL PREVIOUSLY RECORDED RIGHTS-OF-WAY, EASEMENTS OR OTHER INTERESTS OF THE TOWN REMAIN IN FULL FORCE AND EFFECT UNLESS OTHERWISE SPECIFICALLY SHOWN ON THIS PLAT.
2. BOUNDARY BY APEX SURVEYS, LLP DATED 07/02/2023.
3. TAX MAP # 0164-10-0001C
4. SITE AREA = 3.63 AC
5. ZONE: O & LI (OFFICE & LIGHT INDUSTRIAL DISTRICT)
6. OWNER: POOL 5 INDUSTRIAL VA LLC
7. THERE ARE NO KNOWN PROBLEM SOILS ASSOCIATED WITH THIS SITE.
8. THERE ARE NO KNOWN GRAVES ONSITE.
9. HORIZONTAL DATUM IS VA STATE GRID.
10. THERE ARE NO KNOWN AREAS OF CONTAMINATION OR ANY OTHER ENVIRONMENTAL CONDITIONS ON THIS PROPERTY.

VICINITY MAP
SCALE: 1"=500'

RELATED TO MNP23-06

OWNER'S CERTIFICATION AND CONSENT

THE PLATING AND VACATION OF THE EASEMENT ON THE LAND SHOWN HEREON IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNER.

Jason A. Beesam Vice President 4-12-24
NAME TITLE OF SIGNATORY DATE

COMMONWEALTH OF PENNSYLVANIA:
COUNTY OF DELAWARE:

The foregoing instrument was acknowledged before me this 12th day of APRIL, 2024, by JASON A. HONESTY, VICE PRESIDENT of POOL 5 INDUSTRIAL VA LLC.

Commonwealth of Pennsylvania - Notary Seal
JESSICA PISKORSKI - Notary Public
Montgomery County
My Commission Expires November 8, 2025
Commission Number 1409202

Notary Public

My Commission Expires: November 8, 2025
Notary Registration #: 1409202

DATE APPROVED

MAYOR

TOWN CLERK

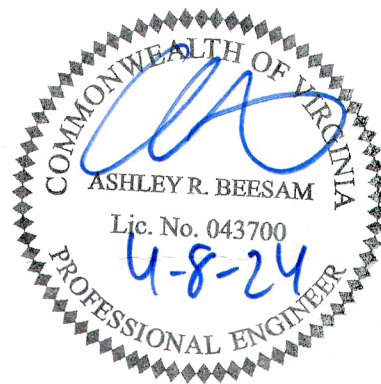
WETLANDS STATEMENT

ALL WETLANDS PERMITS (IF ANY) REQUIRED BY LAW WILL BE OBTAINED PRIOR TO COMMENCING LAND DISTURBING ACTIVITIES.

ASHLEY BEESAM, P.E.

PLAT SHOWING WATERLINE EASEMENT VACATION ON THE
PROPERTY OF
POOL 5 INDUSTRIAL VA LLC
ULTRA COMPANY CARRIER
ENTERPRISES RELOCATION
DRANESVILLE DISTRICT
HERNDON, VIRGINIA

SCALE: 1"=40'
DRAWN BY: EC
CHECKED BY: AB
DATE: 04/08/2024
PROJECT NUMBER: 23010043
SHEET 1 OF 1
DRAWING NUMBER: 1



THIS DRAWING SHALL BE USED FOR THE PROJECT INDICATED IN THE TITLE BLOCK ONLY AND ONLY IF IT IS STAMPED WITH AN ORIGINAL BLACK STAMP AND SIGNED IN BLUE.

ADTEK

CIVIL STRUCTURAL SPECIALTY ENGINEERING

9990 Fairfax Boulevard, Suite 300

Fairfax, Virginia 22030

Phone: 703-691-4040 Fax: 703-691-4056

www.ADTEKengineers.com

NO. DATE DESCRIPTION ISSUE

Agenda Item: Resolution to approve a Temporary License Agreement between the Town and JOTT, INC., to use a designated public space in the alley adjacent to Jimmy's Old Town Tavern for outdoor seating during a two-day event.

Meeting Date: May 7, 2024

Category: Consent

Prepared by: Lesa Yeatts, Town Attorney, David Stromberg, Zoning Administrator

Description:

This Resolution approves a Temporary License Agreement, which grants permission to the applicant, Jimmy's Old Town Tavern, to use the town alley located between 689 and 681 Spring Street for outdoor seating from 8:00 a.m. to 11:00 p.m. during a two-day event on May 24, 2024, and May 25, 2024.

The applicant has been approved for Temporary Use Permit by the Zoning Administrator pursuant to Section 78-90.2 of the Town of Herndon Zoning Ordinance. This resolution authorizes the Mayor to sign the necessary license agreement to permit Jimmy's Old Town Tavern to utilize the town's property for this 2-day event.

Background:

N/A

Budget Impact:

None

Recommendation:

Staff recommends the Mayor and Town Council adopt the proposed Resolution approving the Temporary License Agreement.

Attachments:

1. Resolution (Proposed)
2. License Agreement
3. Temporary Use Permit

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

RESOLUTION

MAY 14, 2024

Resolution- **to approve a Temporary License Agreement between the Town and JOTT, INC., to use a designated public space in the alley adjacent to Jimmy's Old Town Tavern for outdoor seating during a two-day event.**

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

1. The temporary license agreement dated May 14, 2024, between the Town of Herndon and JOTT, INC., d/b/a Jimmy's Old Town Tavern (Jimmy's) is approved. The license allows Jimmy's to use designated public alley space adjacent to Jimmy's for outdoor seating during a two-day event on May 25, 2024, and May 26, 2024. The license agreement may contain other terms agreed to by the mayor and is on file in the office of the Town Attorney.
2. The mayor is authorized to sign and deliver this temporary license agreement and any other instrument necessary to evidence or effectuate this agreement.

TEMPORARY LICENSE AGREEMENT

This Agreement ("Agreement") is made this 14th day of May 2024 by and between JOTT, INC. d/b/a Jimmy's Old Town Tavern ("Jimmy's") and the TOWN OF HERNDON, VIRGINIA, ("Town").

WHEREAS Jimmy's represents that they have a Temporary Use Permit to conduct an event in the Town of Herndon on May 25, 2024 and May 26, 2024, represented in "Exhibit A" attached hereto ("Permit") and that Jimmy's would like to use the Town's property behind Jimmy's Old Town Tavern Restaurant as shown on the Permit and known as the "Alley";

WHEREAS the Town desires to permit the use of the Alley by Jimmy's on the dates as described in the Permit (on May 25, 2024, and May 26, 2024, only).

Now therefore the parties agree as follows:

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

Insurance limits shall not be less than the following amounts:

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

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

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

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

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

JOTT, INC.

d/b/a Jimmy's Old Town Tavern

By James C. Cirrito
James C. Cirrito, President

TOWN OF HERNDON, VIRGINIA

By _____
Sheila A. Olem, Mayor

APPROVED AS TO FORM:

Lesa J. Yeatts
Lesa J. Yeatts, Town Attorney

July 2018



Department of Community Development
777 Lynn Street
Herndon, Virginia 20170-4602

RECEIVED ON

MAR 07 2024

DEPARTMENT OF
COMMUNITY DEVELOPMENT

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

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

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

Name of Business or Organization:

Jimmy's Old Town Tavern

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

697 Spring St. Herndon VA 20170

Please describe the requested activity, proposed
dates and daily hours of operation. Add more
sheets if necessary.

Outdoor Dining May 25 & 26, 2024 8am - 11pm

Lot Area (site area) Proposed for the Temporary
Use:

Alley behind Jimmy's Tavern
Alley behind Jimmy's Tavern Robert's Carpet Lot

Are any site alterations or any alterations to the building's exterior or interior planned or underway in connection
with this use (or were any alterations done)? ☒ No ☐ Yes Please describe :

Name of Contact for the Temporary Use
(Applicant):

Jimmy Cirrito

Address of Permanent Residence:

9254 Matthew Dr. Manassas Park, VA 20111

Jimcirrito@aol.com

703-470-4014

E-mail address

Telephone # for duration of temporary use

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

I hereby affirm and certify that:

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

James C. Cirrito

Signature of Contact (Applicant)

3-7-2024

Date

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

Name and Title of Property Owner (Applicant): Jimmy Cirrito JMK 12 LLC
Mailing Address: same

E-mail address Telephone

TO BE SUBMITTED WITH THIS APPLICATION

- ☒ A letter signed by the owner or owner's agent consenting to the application for the Temporary Use Permit;
- ☒ A Site Plan prepared in accordance with § 78-155.6(4) and showing the area of proposed activity with signage, display areas, illumination, vehicular entrances to the site (location, type and size), parking area associated with the temporary use (location, layout, and surface material);
- ☒ The detailed description of the proposed temporary activity requested above should include an analysis of any noise that may not comply with the noise provisions in the Herndon Town Code;
- ☒ Sample signage to be used;
- ☐ N/A A statement from the landowner(s) authorizing an agent to act on their behalf (if applicable);
- ☐ N/A If a pre-application conference took place, a statement indicating the date and time a pre-application conference was held with the Town, as well as a list of participants in the conference;
- ☐ N/A A list of proposed vendors to include security firms, food trucks, portable toilet providers, or any other vendors that will be onsite during the event.

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

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



3/21/2024

Approved with 1 condition. Must obtain building permit for tent.

Signature and Authorization of Zoning Administrator

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

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

This Permit is effective beginning _____ for _____ days.

Signature of Zoning Inspector

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

For Office Use Only:

STEP ONE (Site Plan)	Received by: <i>FR</i>	Fee paid for Temporary Use Site Plan* application:	Date: <i>3/7/24</i>	Case No.: <i>TUP #24-002</i>
	Use permitted by Town Code Section:			
	Tax Map Reference: <i>0162 02 0086A</i>		Zoning District: <i>CC</i>	
	Business and Occupational License #:		Status of Taxes: ☐ Paid ☐ Delinquent	
STEP TWO (ZIP)	Received by:	Fee paid for Zoning Inspection Permit/Temporary Use Permit:		Date:
*Note: no application fee is required for uses of less than 90 consecutive days in duration.				

**Distribution
after
approval:**

Applicant

Community
Development

Fire
Department

Finance



RECEIVED ON

MAR 07 2024

DEPARTMENT OF
COMMUNITY DEVELOPMENT

March 7, 2024

David Stromberg
Zoning Department
Town of Herndon

777 Lynn Street
Herndon VA 20170-0427

Re: Temporary Use Permit for the Extension of Retail Sales, Saturday & Sunday, May 25 & 26, 2024.

Dear Mr. Stromberg,

This letter serves as a Request/Application for permission for Jimmy's Old Town Tavern, 697 Spring Street, to have the Town of Herndon issue a Temporary Use Permit for the Extension of Outdoor Retail Sales per The Town of Herndon Zoning Ordinance, Division 3. Temporary Uses; Sec.78-1392 Item (3) and Sec. 78-1395 Item (3) Outdoor Retail Sales Events & Sec. 78-1395 Item (4). Additional Permits for Temporary Use inclusive of Saturday & Sunday, May 25 & 26, 2024 from 8AM to 11:00PM each day.

Enclosed please find the following:

- Drawing of the proposed area
- Letter to the ABC Board of Virginia requesting an extension of license privileges.

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

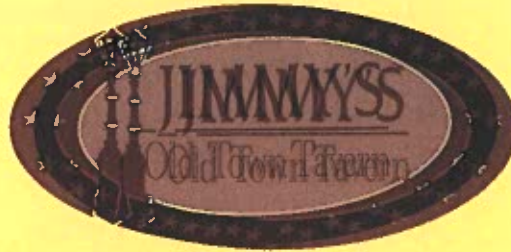
Sincerely,

James C. Cirrito
Owner
Jimmy's Old Town Tavern

RECEIVED ON

MAR 07 2024

DEPARTMENT OF
COMMUNITY DEVELOPMENT



Copy

March 7, 2024

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

Re: Request for Extension of License Privileges for outdoor Event, Saturday & Sunday, May 25 & 26, 2024.

Dear Special Agent Kenneth Chang:

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

Saturday & Sunday, May 25 & 26, 2024, from 8AM to 11:00 PM each day.

Enclosed please find the following:

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

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

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

Sincerely,

James Cirrito
Owner
Jimmy's Old Town Tavern



RECEIVED ON

MAR 07 2024

DEPARTMENT OF
COMMUNITY DEVELOPMENT

March 6, 2024

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

Re: Temporary Use Permit for the Extension of Retail Sales for Outdoor Event, May 25 & 26, 2024.

Dear TOH:

Relative to your request, I hereby give my permission for my business neighbor, Jimmy's Old Town Tavern, to provide an outdoor event on February, May 25 & 26, 2024. The location shall be in the parking area behind and adjoining our businesses. The purpose of this event is to provide and sell food and beverages as an extension of the existing retail business known as Jimmy's Old Town Tavern.

Sincerely,

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

Date: 03-06-2024



QUOTE: #75662
Page 1 of 1

8600 Phoenix Dr Manassas, VA 20110

Web: www.sammysrental.com ~ Email: info@sammysrental.com

Tel: (703) 361-6216 Fax: (571) 208-0557

BILLING INFORMATION:		DELIVERY ADDRESS:	
JIMMY		JIMMYS OLD TOWN TAVERN	
JIMMYS OLD TOWN TAVERN		JIMMY	
		697 SPRING ST	
		HERNDON VA 20170	VA
	VA		
TEL: (703) 470-4014	FAX:		

PO #: DELIVERY DATE: FRI 05/24/2024
TERMS: PICKUP DATE: MON 05/27/2024

ITEM	QTY	ITEM DESCRIPTION	PRICE	AMOUNT
TENT50100	1	50'X100' WHITE TOP FRAME TENT	2,839.00	2,839.00
WATEB	28	WATER BARREL	7.00	196.00
SAFETYPACK	1	SAFETY PACKAGE (- EXIT SING - NO SMOKING SIGN - FIRE EXTIN	60.00	60.00
DELFEE	1	DELIVERY FEE	30.00	30.00
PICKFEE	1	PICK UP FEE	30.00	30.00

-TENT SET UP ON ASPHALT ANCHORED W/ WATER BARRELS
-MUST HAVE ACCESS TO WATER ON SITE FOR BARRELS.
-TENT WITHOUT SIDEWALLS,LIGHTS
FLOORING OR DRAPING.

THIS IS A RENTAL QUOTE USED FOR PRICING ONLY AND DOES NOT MEAN A RESERVATION HAS BEEN PLACED. IF YOU ARE INTERESTED IN RESERVING THE ABOVE EQUIPMENT PLEASE CONTACT US AND WE WILL SEND THE PAPERWORK NECESSARY TO MAKE A RESERVATION.

SUB TOTAL: 3,155.00
SALES TAX: 185.70
TOTAL: 3,340.70

MAP #: 0162 02 0086A

JMK 12 LLC

695 SPRING ST

Owner

Name	JMK 12 LLC,
Mailing Address	697 SPRING ST HERNDON VA 20170
Book	27812
Page	1619

Parcel

Property Location	695 SPRING ST HERNDON VA 20170 5125
Map #	0162 02 0086A
Tax District	HT000
District Name	DRANESVILLE TOWN OF HERNDON TRANSPORT
Land Use Code	Specialty Center
Land Area (acreage)	
Land Area (SQFT)	6,583
Zoning Description	CC(Central Comm District)
Utilities	WATER CONNECTED SEWER CONNECTED GAS NOT AVAILABLE
County Inventory of Historic Sites	YES
County Historic Overlay District	NO For further information about the Fairfax County Historic Overlay Districts, CLICK HERE For properties within the towns of Herndon, Vienna or Clifton please contact the town to determine if the property is within a town historic district.
Street/Road	PAVED
Site Description	COMMERCIAL RANK #1

Legal Description

Legal Description	SPRING STREET ELDEN SPRING STS LT 86A
-------------------	--

Last Refresh

Date	
Data last refreshed:	08/Mar/2024 DB:PORA34CUR

General Information

MAP #: 0162 02 0086A

JMK 12 LLC

695 SPRING ST

Summary of 2023 Taxes

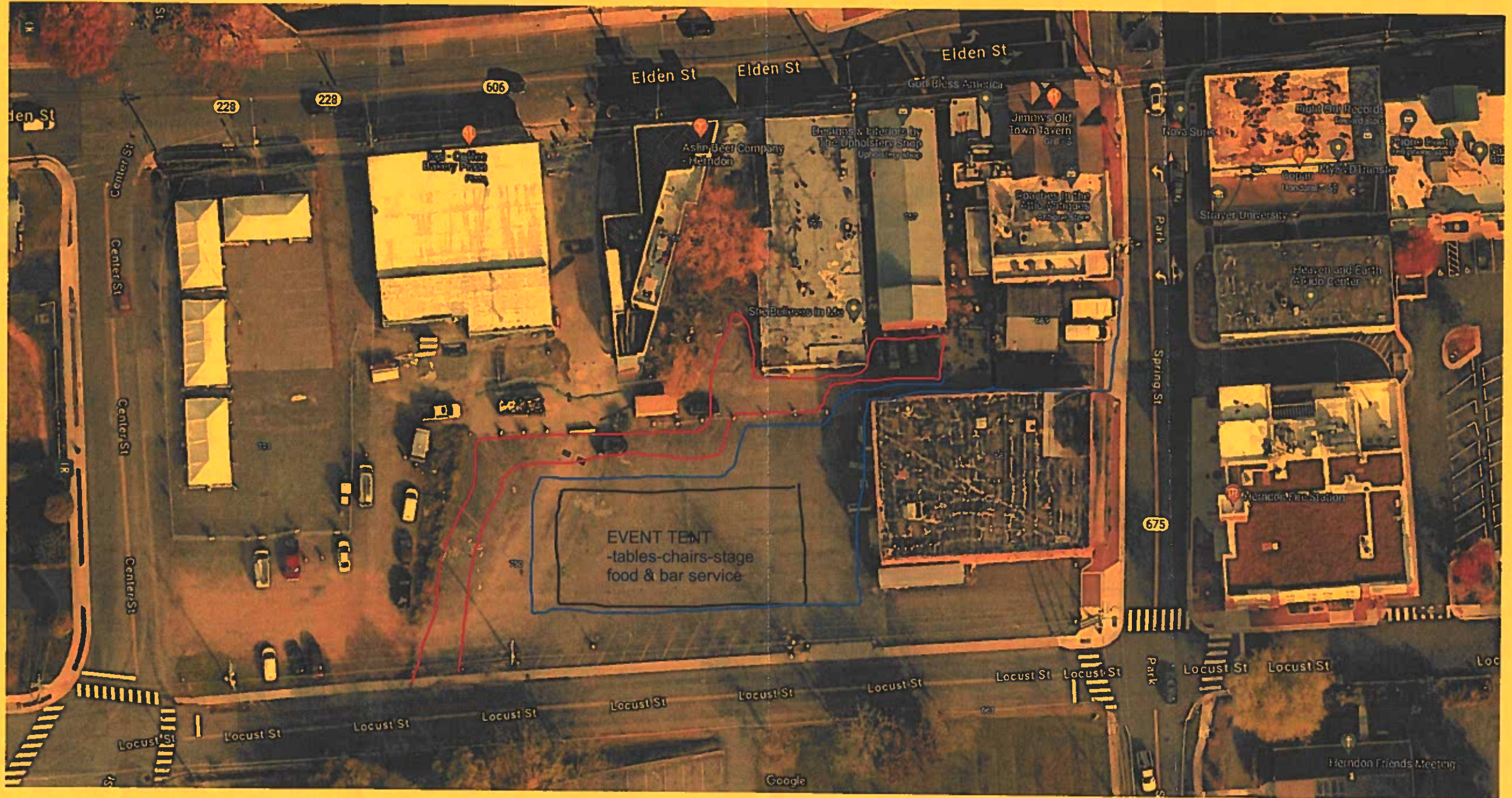
Year	General Fund Net Taxes	Special Tax District	Service Charges	Interest	Penalty	Other Charges	Amount Paid	Balance Due
2023 1ST HALF DUE	\$7,896.27	\$3,017.89	\$0.00	\$0.00	\$0.00	\$0.00	-\$10,914.16	\$0.00
2023 2ND HALF DUE	\$7,896.26	\$3,017.88	\$0.00	\$0.00	\$0.00	\$0.00	-\$10,914.14	\$0.00
Total:	\$15,792.53	\$6,035.77	\$0.00	\$0.00	\$0.00	\$0.00	-\$21,828.30	\$0.00

Prepays and Refunds

Prepays	\$0.00
Pending Refunds	\$0.00
GRAND TOTAL	\$0.00

Source: Fairfax County Department
of Tax Administration, Real Estate Division.

Jimmy's Old Town Tavern proposed event area



Inside red lines denote vehicle access to rear of neighboring businesses.

Inside blue lines denote Jimmy's event area.



March 7, 2024

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

Re: Request for Noise Permit for Outdoor Event, Saturday & Sunday, May 25 & 26, 2024.

Dear Ms. Fry:

This letter serves as an Application/Request for a Noise Permit for Jimmy's Old Town Tavern, 697 Spring Street, to be issued in conjunction with a Temporary Use Permit for an Outdoor Event to begin at 8AM and ending at 11:00 PM on both Saturday & Sunday, May 25 & 26, 2024. In accordance with the Town's noise ordinance, music/tv sound will be allowed to be played from 8:00 AM to 10:00 PM outside in the rear alley and in the lot behind the former Robert's Carpet building.

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

Sincerely,

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

James C. Cirrito
Owner
Jimmy's Old Town Tavern

March 21, 2024

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

Dear Mr. Cirrito,

This is in response to your request for a noise permit for your event on Saturday and Sunday, May 25 & 26, 2024 from 8 AM to 11 PM, to be held at Jimmy's Old Town Tavern, 697 Spring Street, Herndon, VA 20170. Since you will be using amplified sound, you are required to follow the town code regarding noise.

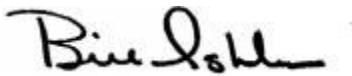
Sections of the Town Code pertaining to noise can be reviewed here:

https://library.municode.com/va/herndon/codes/code_of_ordinances?nodeId=PTIIC_OOR_CH26EN_ARTVINO. Please keep in mind that the noise permit only allows amplified sound between 7 AM and 10 PM.

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

Best wishes for a successful event.

Sincerely,



Bill Ashton
Town Manager

c. Maggie A. DeBoard, Chief of Police

Agenda Item: Discussion of Town of Herndon, Dulles Chamber Event Partnership Modernization - Councilmember Scherff

Meeting Date: May 7, 2024

Category: Discussion

Prepared by: Councilmember Scherff

Description:

This item is a continuation of the discussions from the April 2, 2024 and April 16 work sessions.

For consideration as provided by Councilmember Scherff:

1. Staff Event Support - Staff
2. Goal of modernization - Donielle Scherff
 - Interorganizational agreement
 - Cadence of communication
 - Working towards equity, either in concert or in parallel.

The goal of this item is to brief the Council on Councilmembers Scherff and del Aguila's meeting with the Chamber of Commerce regarding our Friday Night Live (FNL) partnership and beyond; and maintain open transparent communication with the public on this issue so there is no misunderstanding of our intent. After this session, we will be inviting the Chamber of Commerce to a subsequent work session to be in conversation, publicly with the entire council.

Background:

N/A

Budget Impact:

N/A

Recommendation:

N/A

Attachments:

None