



TOWN COUNCIL REGULAR MEETING AGENDA

Town Council Chambers
765 Lynn Street, Herndon, VA 20170

Tuesday, May 14, 2024 | 7:00 PM

1. Call to Order

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

3. Presentations/Reports/Comments

- a. Proclamation to Recognize May as Asian American, Native Hawaiian, and Pacific Islander Heritage Month
- b. Proclamation to Recognize Nepali American Heritage Day
- c. Town Manager Report
- d. Councilmember Comments

4. Comments from the Audience

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

5. Public Hearings

- a. Ordinance 24-O-10 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 24-G-25 to approve Special Exception SE #24-01 - Hunters Creek Bridge Floodplain Overlay

c. FY 2025 Proposed Budget

- i. Ordinance 24-O-11 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 24-O-12 to Levy Taxes on Real Estate and Manufactured Homes, and Other Subjects for the Fiscal Year 2025 Budget
- iii. Resolution 24-G-26 to adopt a Fiscal Planning Resolution for the Fiscal Year 2025 Budget for the Town of Herndon
- iv. Ordinance 24-O-13 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 24-O-14 to amend the Fiscal Year (FY) 2024 Adopted Budget for the General Fund and American Rescue Plan Act (ARPA) Fund

e. Ordinance 24-O-15 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

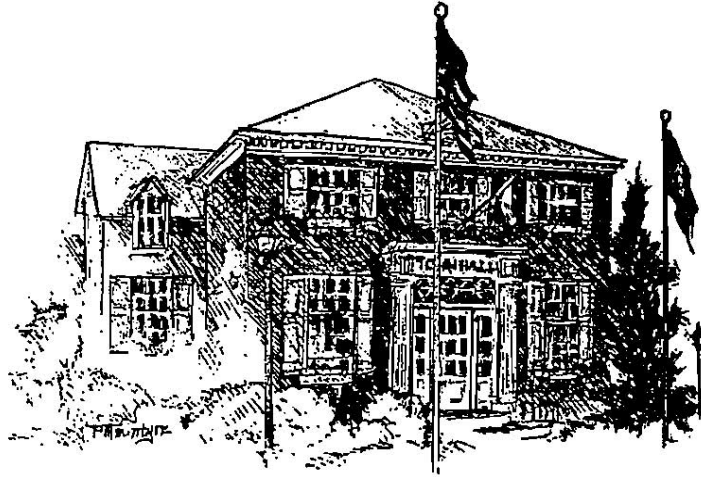
6. Consent

- a. Ordinance 24-O-16 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)
- b. Ordinance 24-O-17 to amend and reenact Chapter 54 (PERSONNEL), Article I (In General), Section 54-3 (Definitions)
- c. Resolution 24-G-27 to award Contract IFB #24-06, Production and Printing of the Annual Herndon Town Calendar
- d. Resolution 24-G-28 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

- e. Resolution 24-G-29 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.
- f. March 19, 2024 Town Council Work Session Minutes
- g. March 26, 2024 Town Council Meeting Minutes

7. Adjournment

Interpretación en Español está disponible en esta sesión.



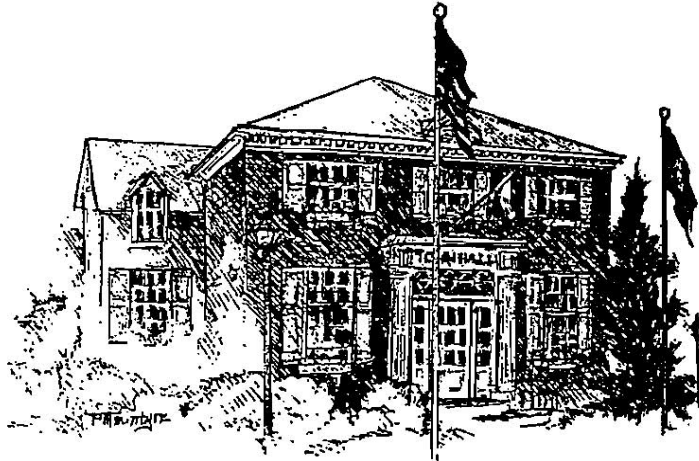
**TOWN OF HERNDON, VIRGINIA
PROCLAMATION
ASIAN AMERICAN, NATIVE HAWAIIAN, AND
PACIFIC ISLANDER HERITAGE MONTH
May 2024**

Asian American, Native Hawaiian, and Pacific Islander Heritage Month celebrates the history, traditions, and culture of Asians, Native Hawaiians, and Pacific Islanders in the United States, and honors the millions of Americans who trace their ancestry to Asia, Hawaii, and the Pacific Islands ~ representing more than 30 nations.

Designated by the United States Congress as a weeklong celebration in 1977, Congress passed a law in 1992 permanently designating the month of May each year as “Asian Pacific American Heritage Month.” May was named for this observation to commemorate the immigration of the first Japanese to the United States on May 7, 1843, and to mark the completion of the transcontinental railroad on May 10, 1869, as the majority of those who laid the tracks were Chinese immigrants.

Therefore, the Mayor of the Town of Herndon, together with the Herndon Town Council, hereby proclaims the month of May 2024 as **Asian American, Native Hawaiian, and Pacific Islander Heritage Month**, together with this year’s theme “Advancing Leaders Through Innovation,” which highlights the significant contributions of these Americans across all aspects of our society; and honors their lasting impact on our Nation through innovation, ingenuity, and creativity, while navigating significant cultural and systemic barriers.

Further, the Mayor of the Town of Herndon, together with the Herndon Town Council, hereby celebrates the heritage of Asian American, Native Hawaiian, and Pacific Islanders; and encourages the celebration of this month with appropriate programs and activities honoring these diverse cultures.



**TOWN OF HERNDON, VIRGINIA
PROCLAMATION
NEPALI AMERICAN HERITAGE DAY
MAY 28, 2024**

Nepali American Heritage Day is celebrated on May 28, 2024, or Jestha 15, 2065 on the Nepali calendar, to commemorate the date on which the modern government of Nepal began. Also known as “Republic Day,” it marks the day when the newly-elected Constituent Assembly convened and declared Nepal a federal democratic republic.

The migration of Nepali Americans to the United States began in the 20th century, and beginning in the 1990s, people began emigrating from Nepal in large numbers to the United States, which is now home to about 200,000 Nepali Americans. The Town of Herndon takes great pride to be the home of many Nepali Americans, where we celebrate the history, traditions, and culture of Americans of Nepali origin.

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

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

Therefore, the Mayor of the Town of Herndon, together with the Herndon Town Council, hereby proclaims May 28, 2024, as **Nepali American Heritage Day** in the Town of Herndon; encourages all residents to learn more about the history and culture of Nepal; and to celebrate the contributions that make the small town they call home ~ Herndon ~ a better place to live and work.

Agenda Item: Ordinance 24-O-10 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 14, 2024

Category: Public Hearings

Prepared by: Bill Ashton , Town Manager, 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 shared 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.

During the May 7, 2024 work session, Town Council reviewed the proposed ordinance and after discussion, directed Town staff to develop a pilot program that would decrease the cost per square foot and increase the number of public shared parking that could be used for outdoor seating for a defined period of time this year. Staff is working on developing the pilot program as directed and will be bringing this to Council for consideration and action.

Since this public hearing has been duly advertised, Town Council should hold the public hearing as scheduled to receive public comment on the proposed ordinance. However, staff is recommending that the Town Council take no action on this ordinance at this time as staff develops the pilot program to be brought back to Town Council for consideration and action.

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 has been 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:

Recommend holding the public hearing as advertised, and taking no action on the Ordinance at this time.

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 24-G-25 to approve Special Exception SE #24-01 - Hunters Creek Bridge Floodplain Overlay

Meeting Date: May 14, 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 has been 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 14, 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.

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 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	PAVEMENT		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: _____	
APPROPRIATE 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./acre)	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
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

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 = \$200.00 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): _____

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.

VICINITY MAP

SCALE: 1" = 200'

LOCATION OF BENCHMARKS

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 #: _____

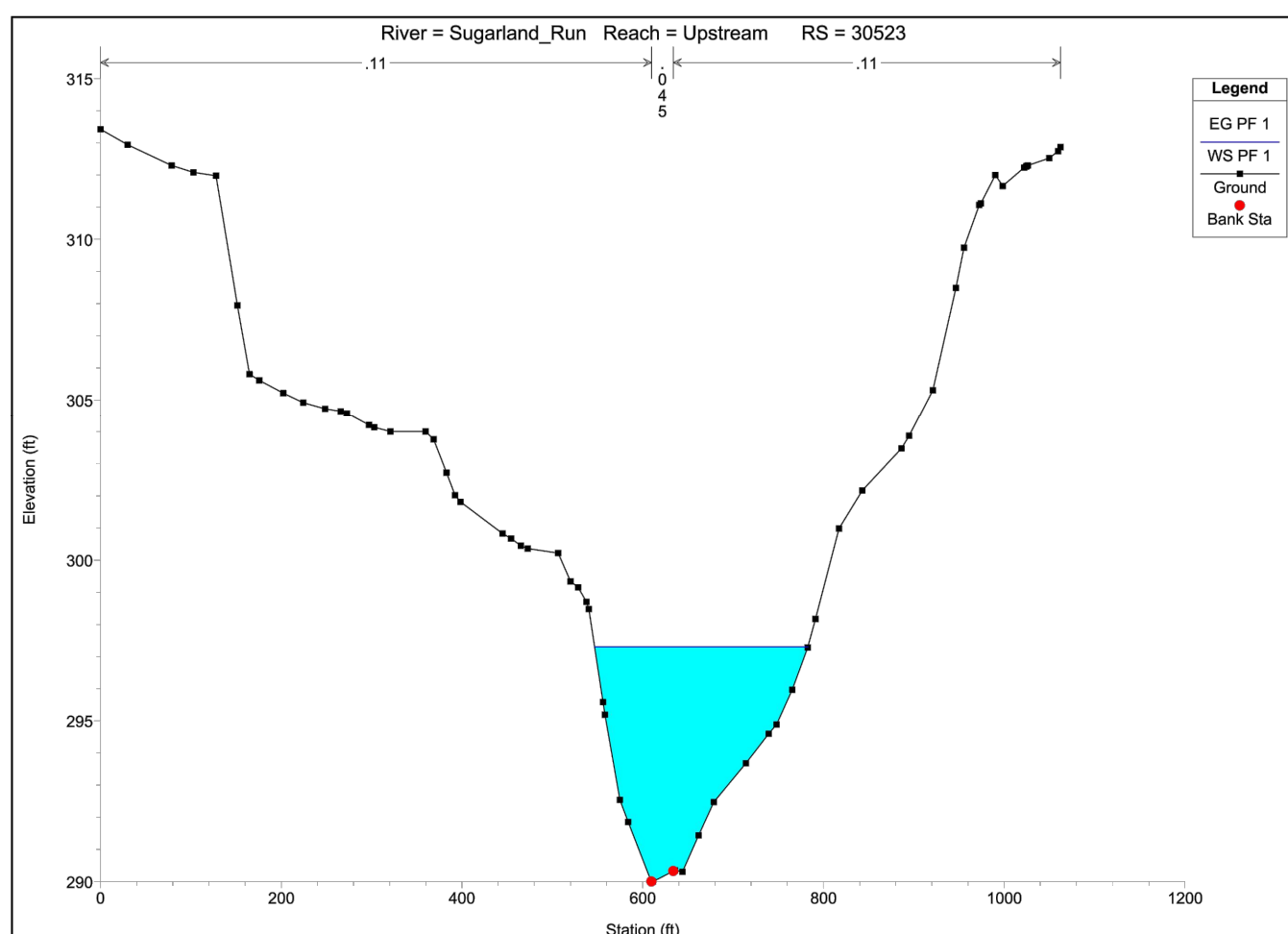
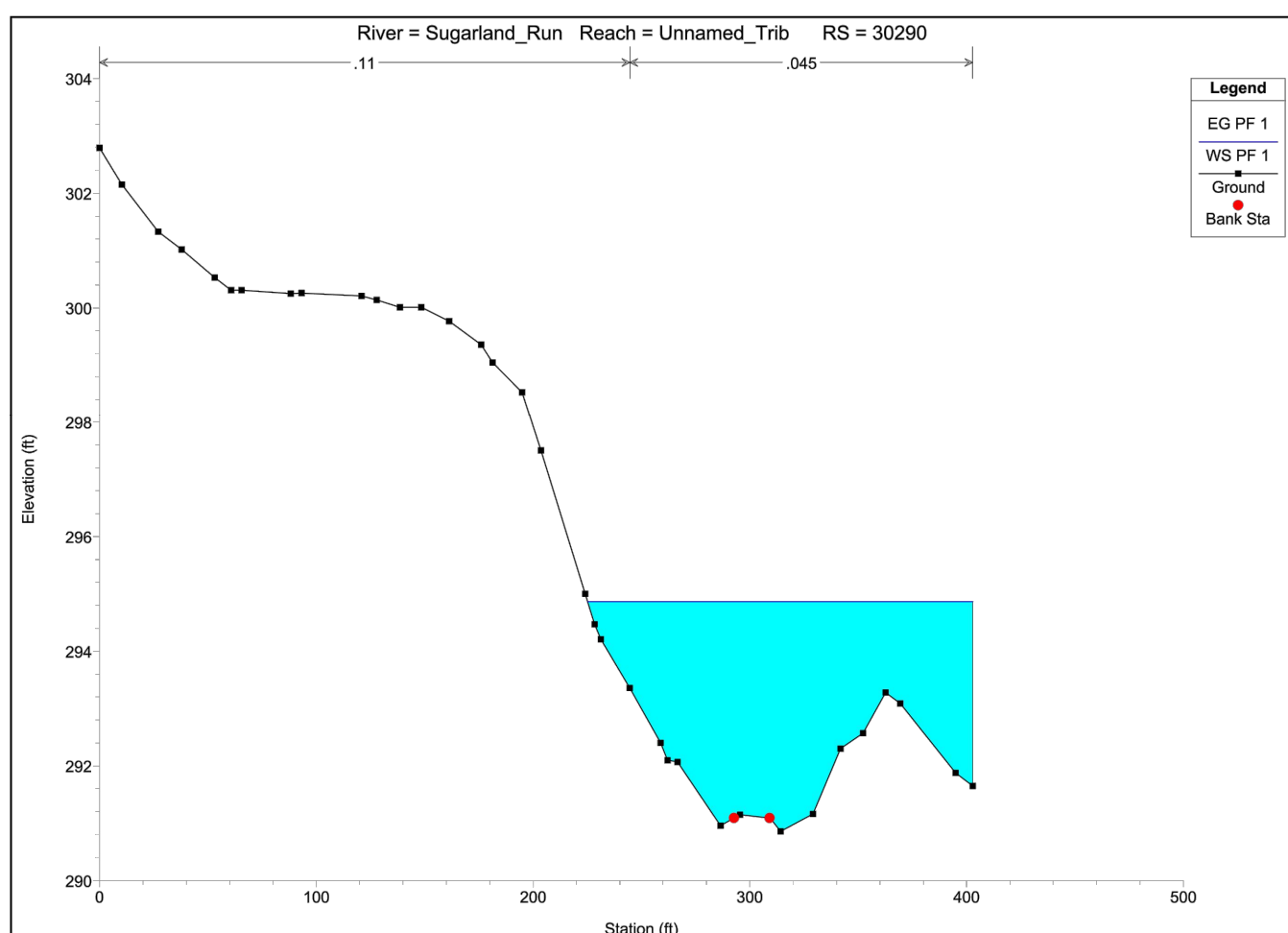
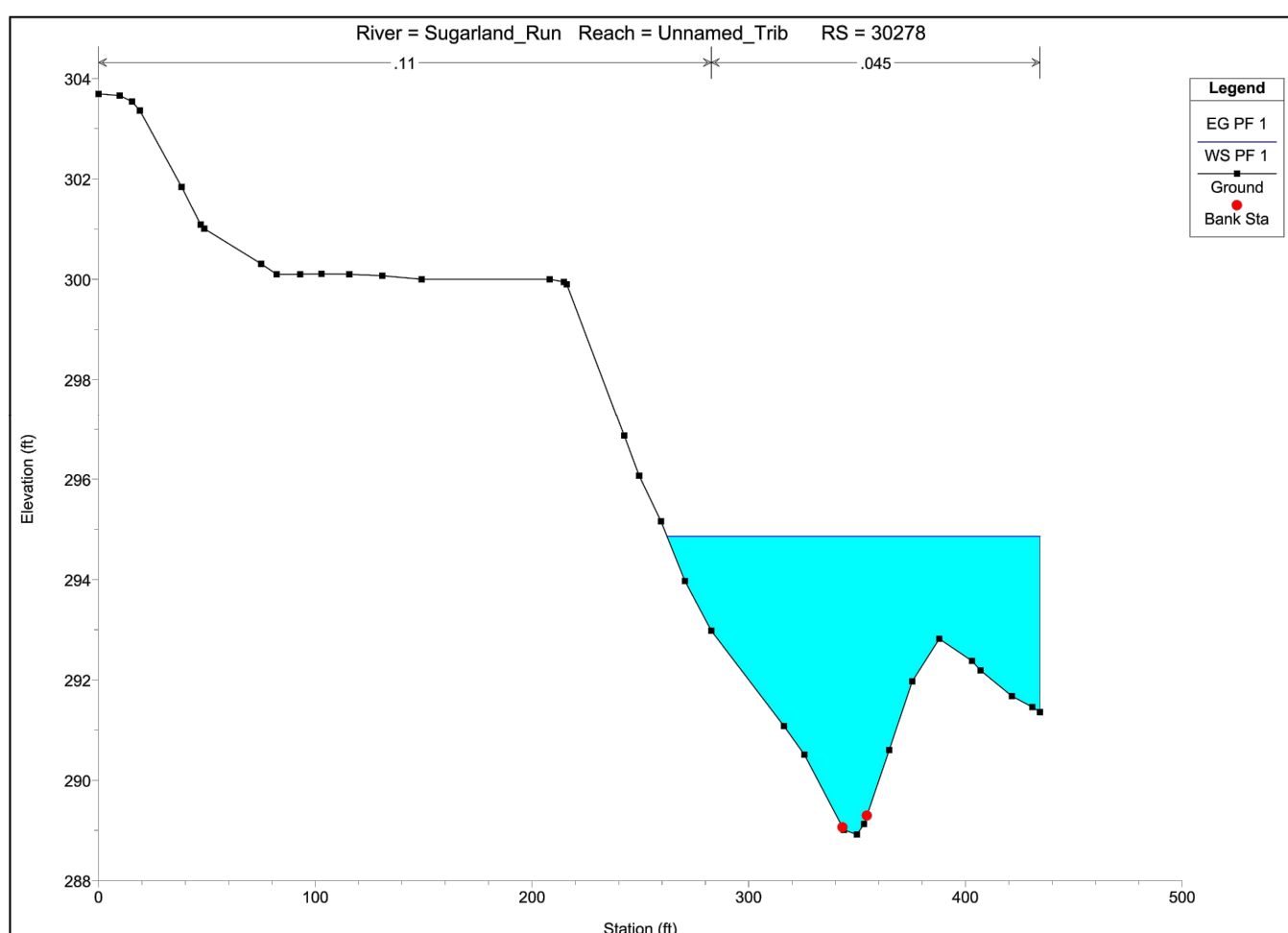
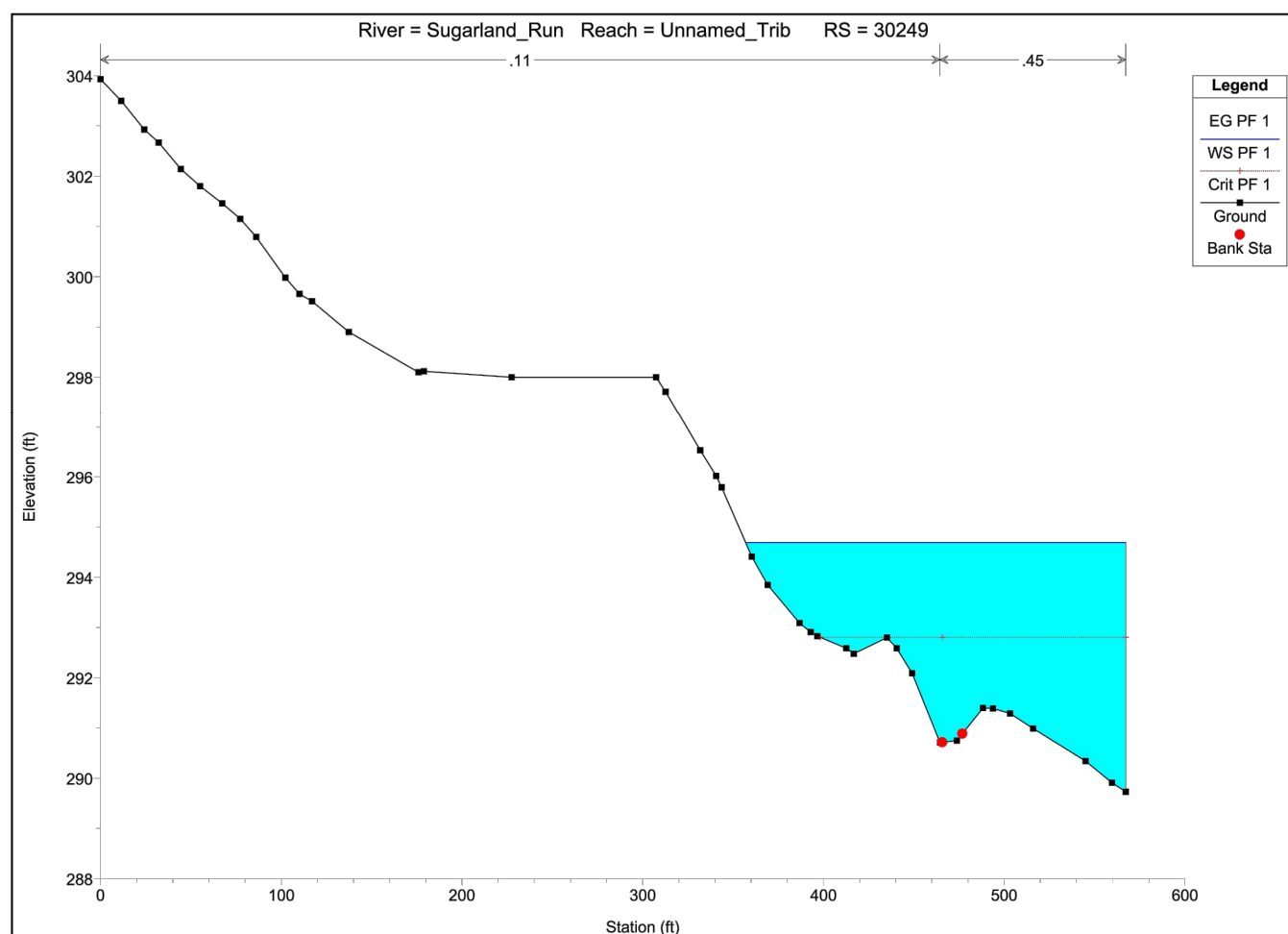
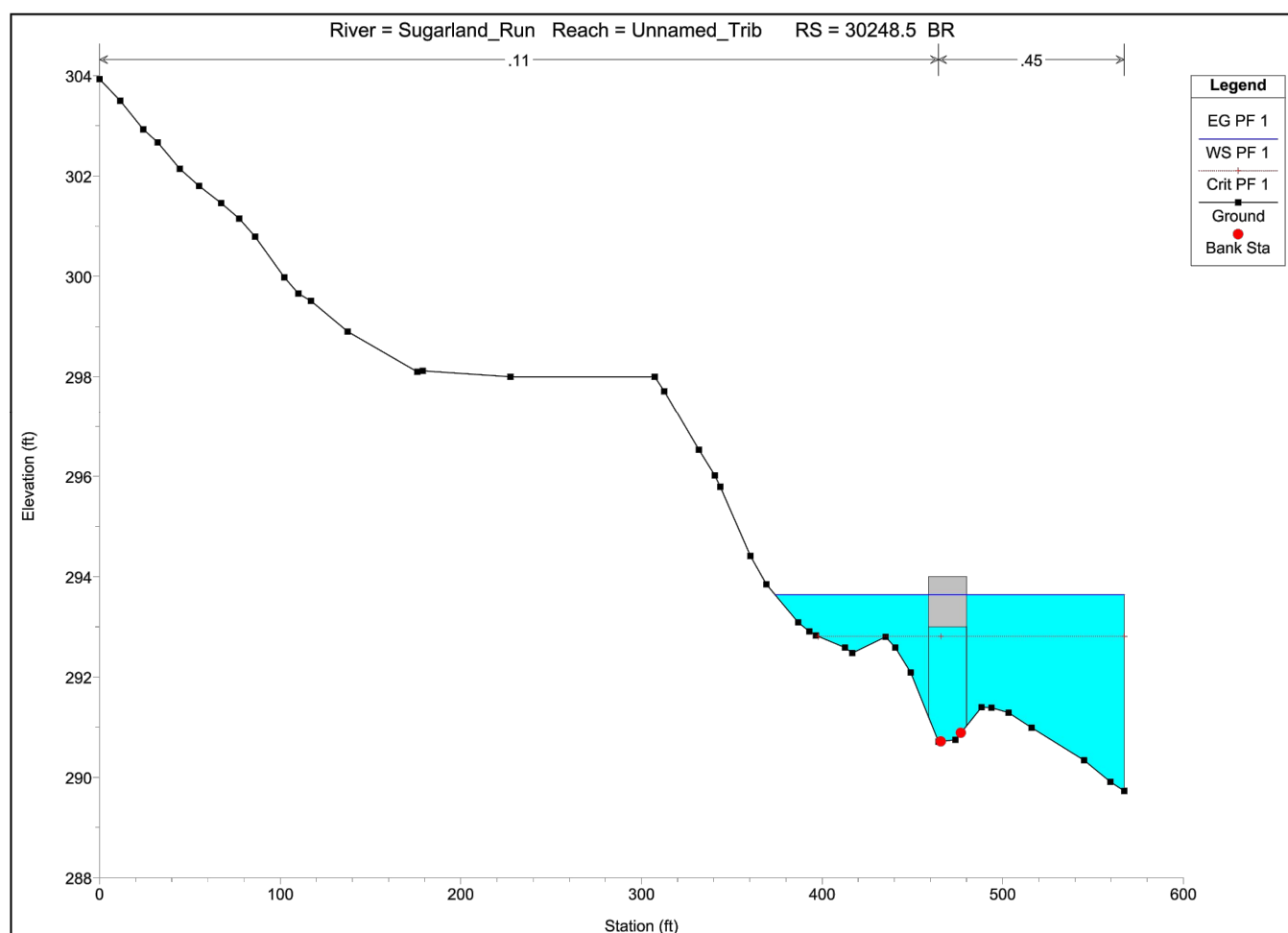
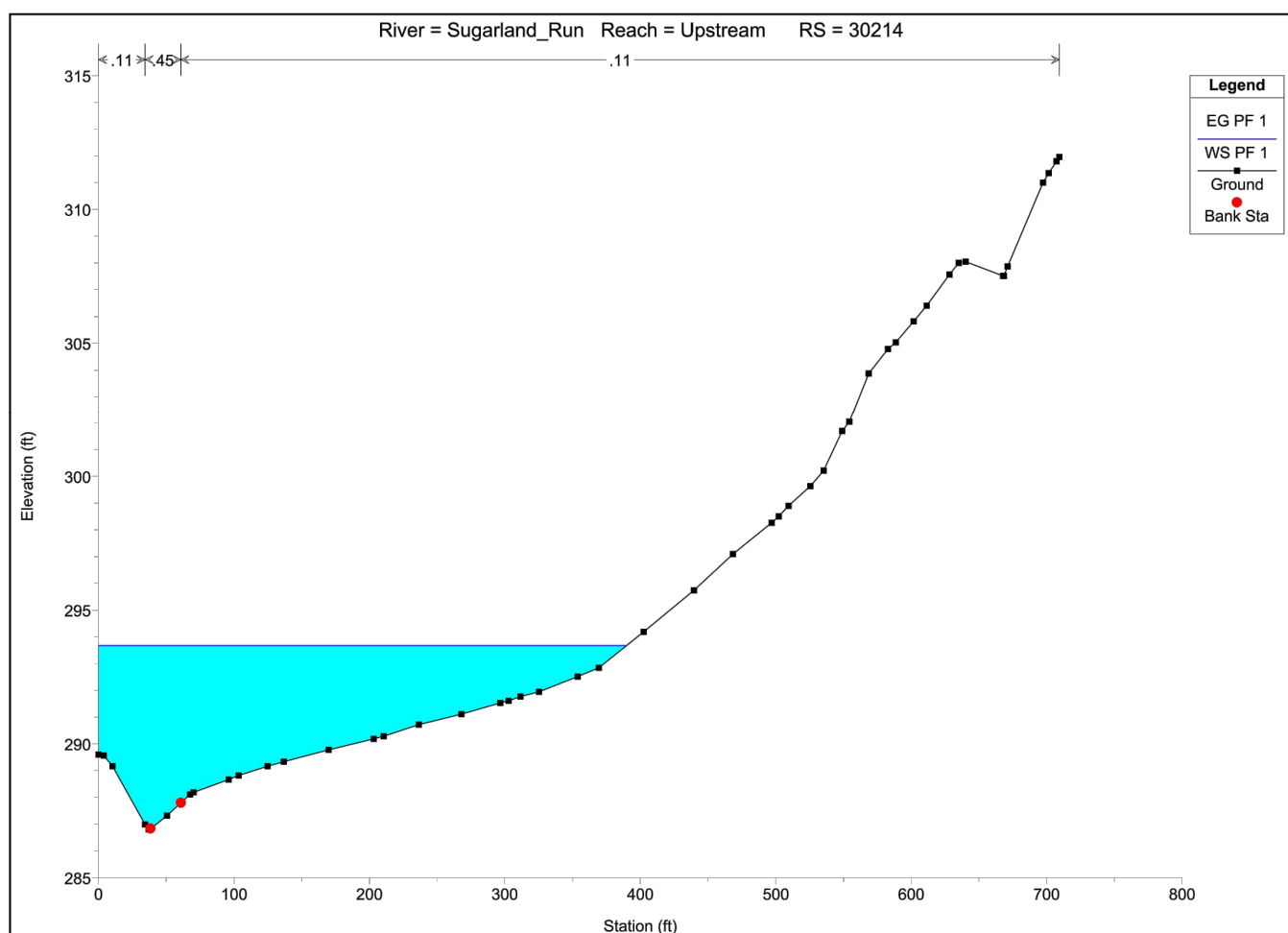
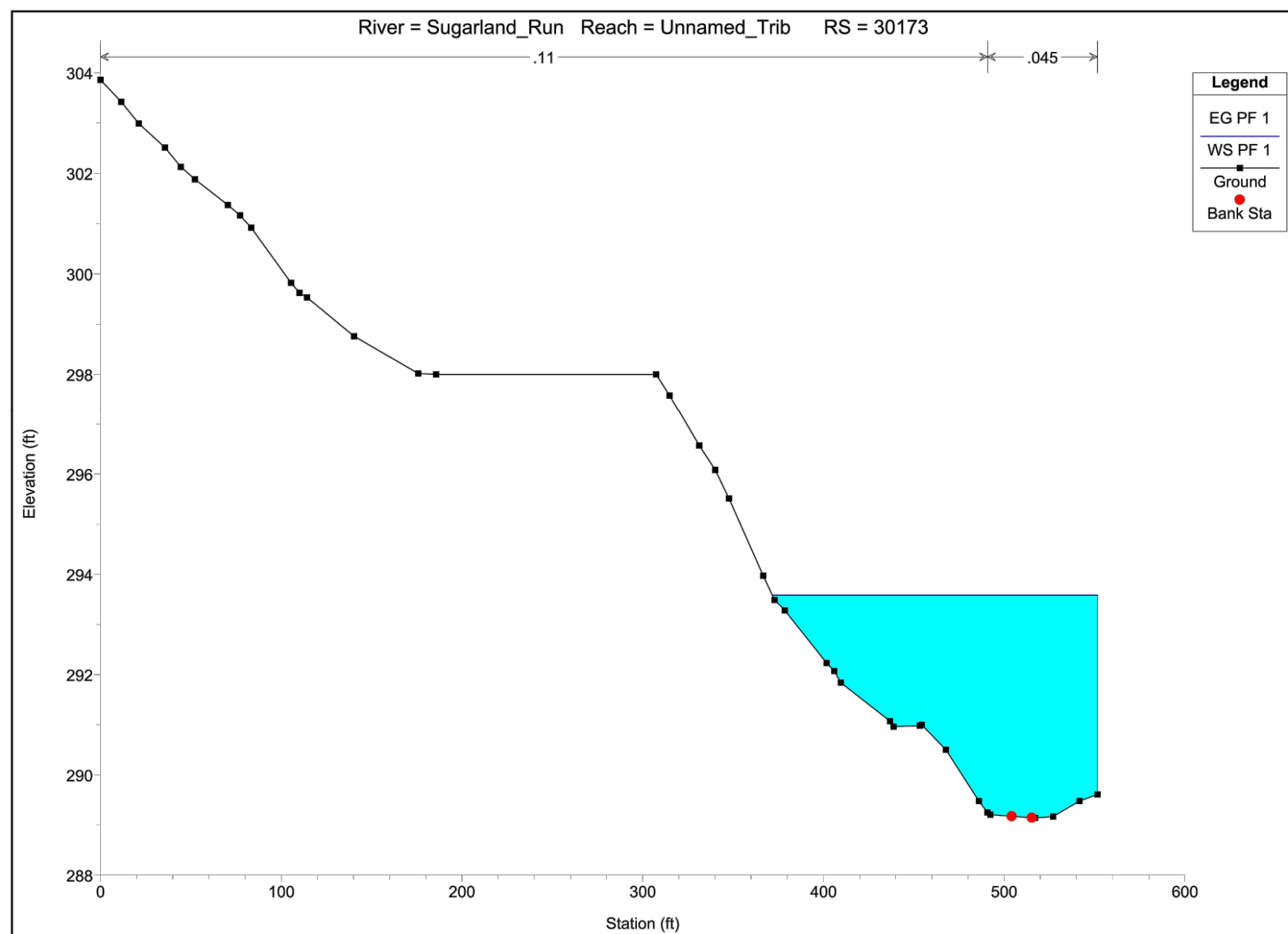
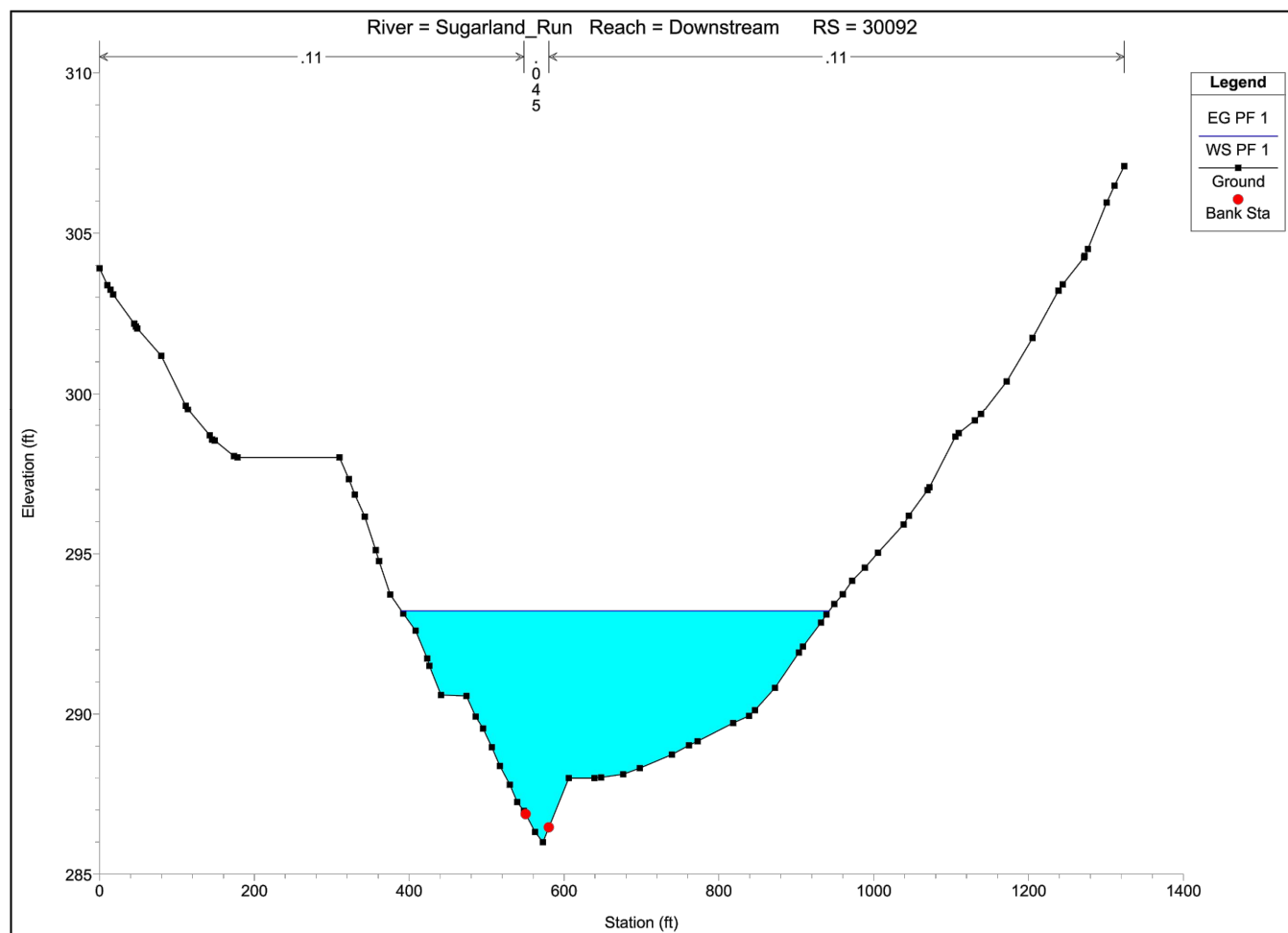
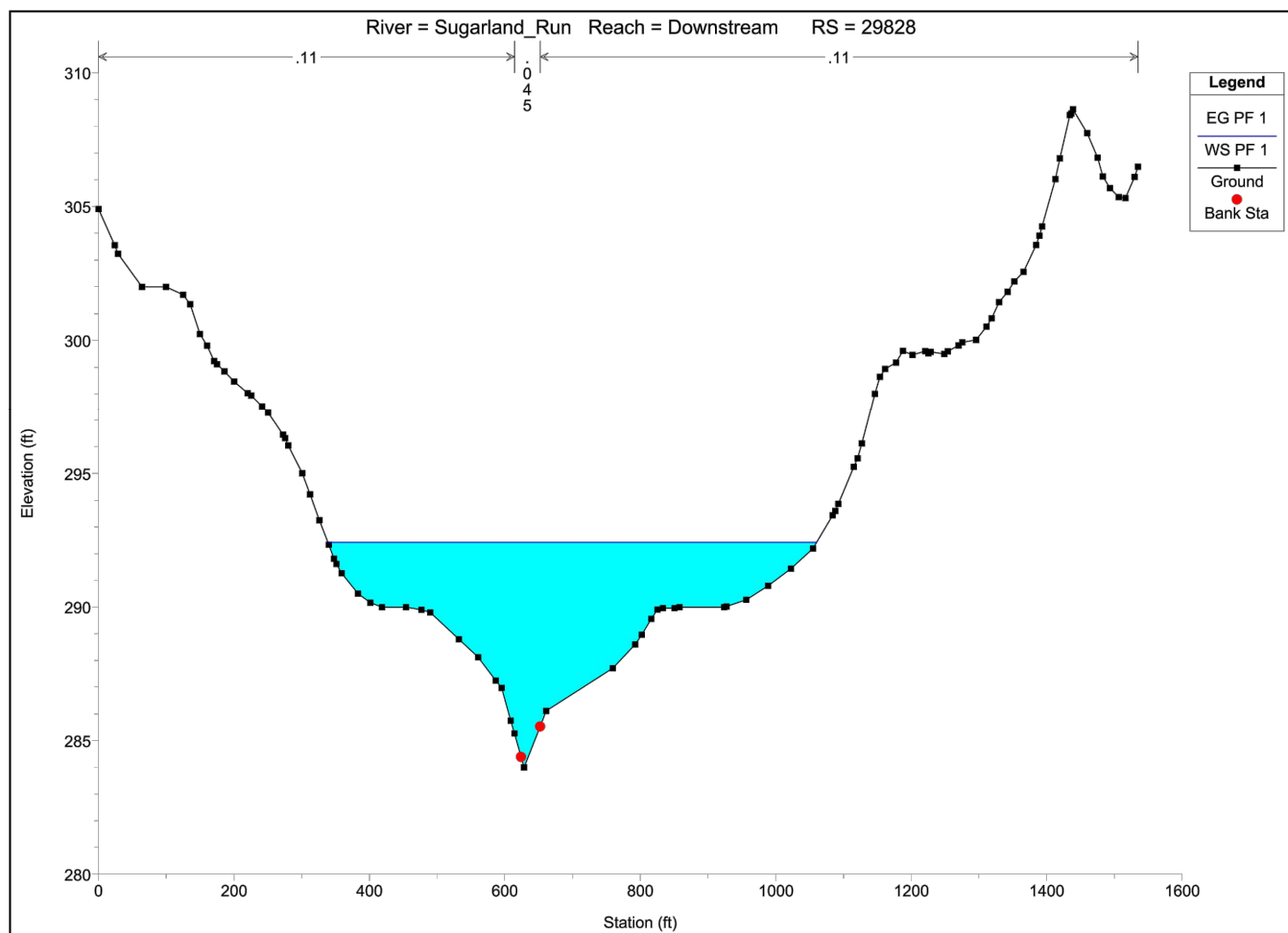
TOWN OF HERNDON, VIRGINIA

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	DATE JAN. 2024
COVER SHEET	
HUNTERS CREEK BRIDGE PREPARED FOR DEPARTMENT OF PUBLIC WORKS	
TOWN OF HERNDON	
SHEET NUMBER C-0.0	

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 Kinney-Horn and Associates, Inc. shall be without liability to Kinney-Horn and Associates, Inc.

[illegible]

Kimley»»Horn

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

LICENSED PROFESSIONAL

CASEY KIGHT

DESIGNED BY	CMK
DRAWN BY	AJR

KHA PROJECT

DATE
JAN. 2024

SCALE AS SHOWN

DESIGNED BY	CMK
DRAWN BY	AJB

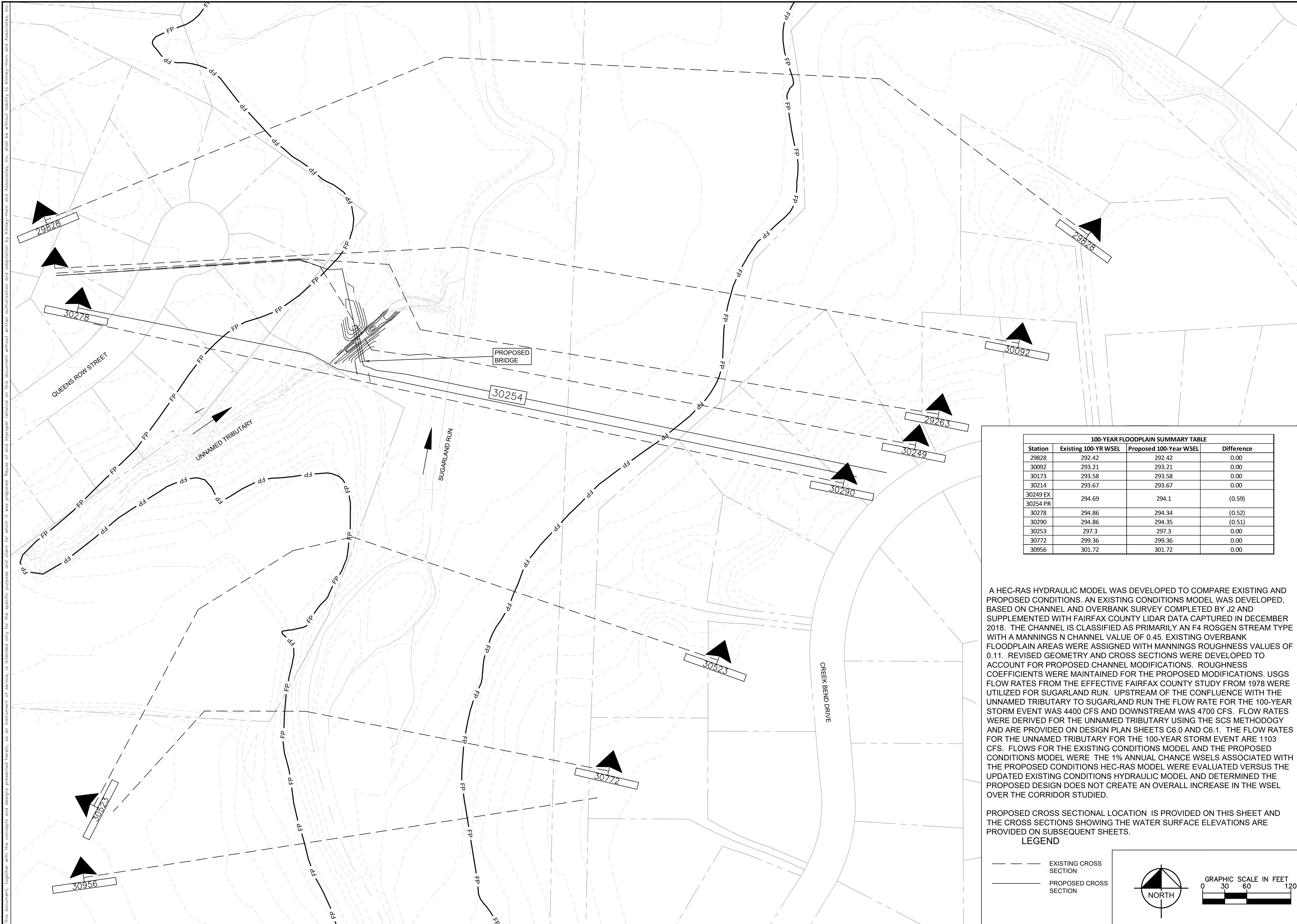
CHECKED BY CMK

EXISTING SECTIONS

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

SHEET NUMBER
C-1.1

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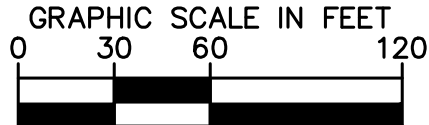
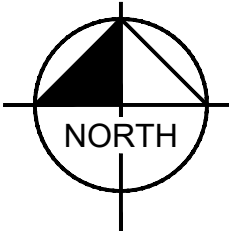
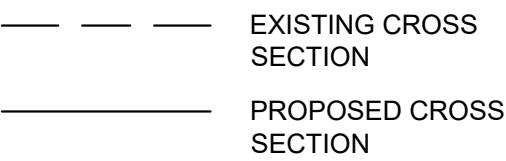


100-YEAR FLOODPLAIN SUMMARY TABLE			
Station	Existing 100-YR WSEL	Proposed 100-YR WSEL	Difference
29828	292.42	292.42	0.00
30092	293.21	293.21	0.00
30173	293.58	293.58	0.00
30214	293.67	293.67	0.00
30249 EX	294.69	294.1	(0.59)
30254 PR			
	294.86	294.34	(0.52)
30278	294.86	294.35	(0.51)
30290	297.3	297.3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

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

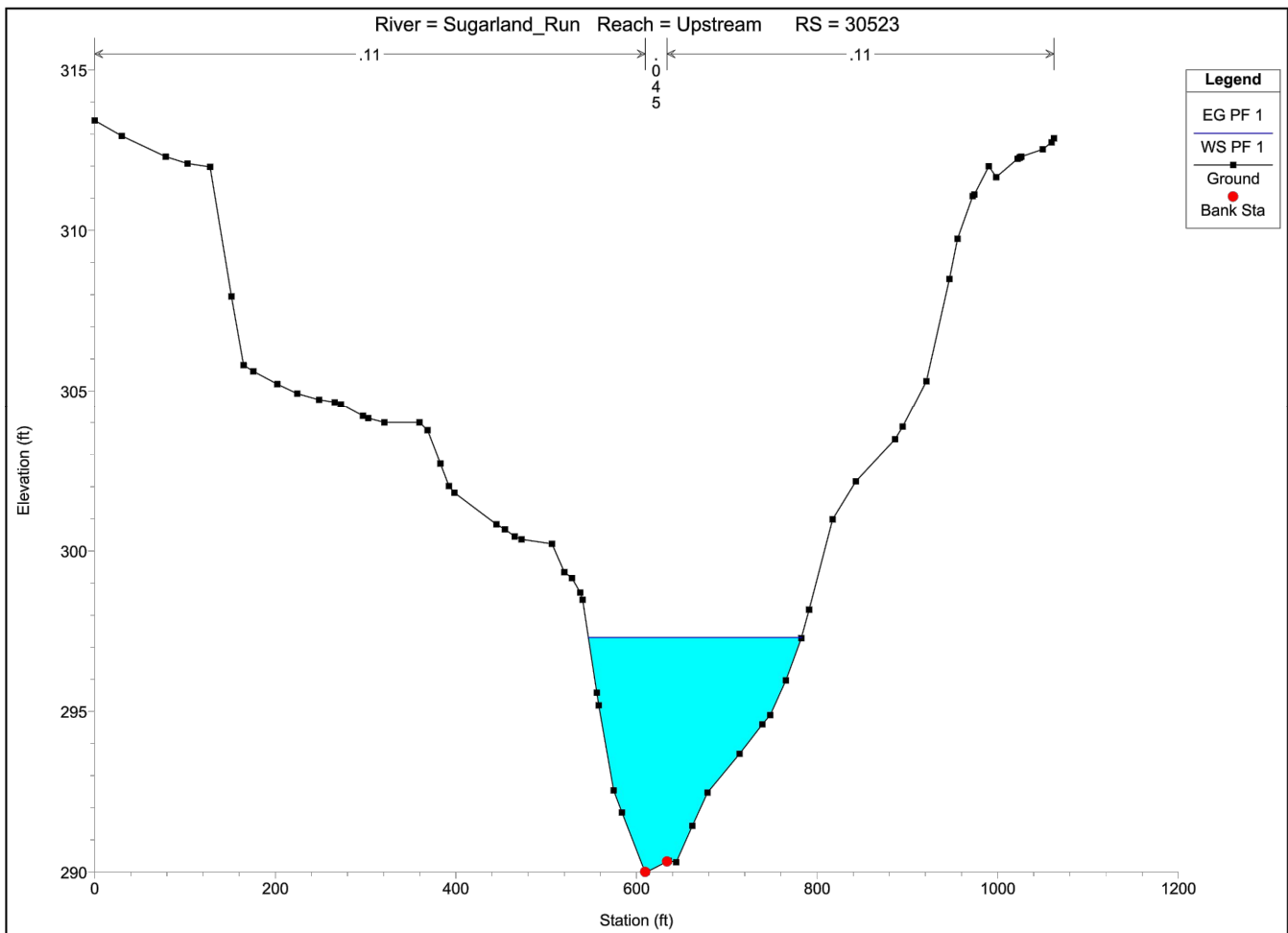
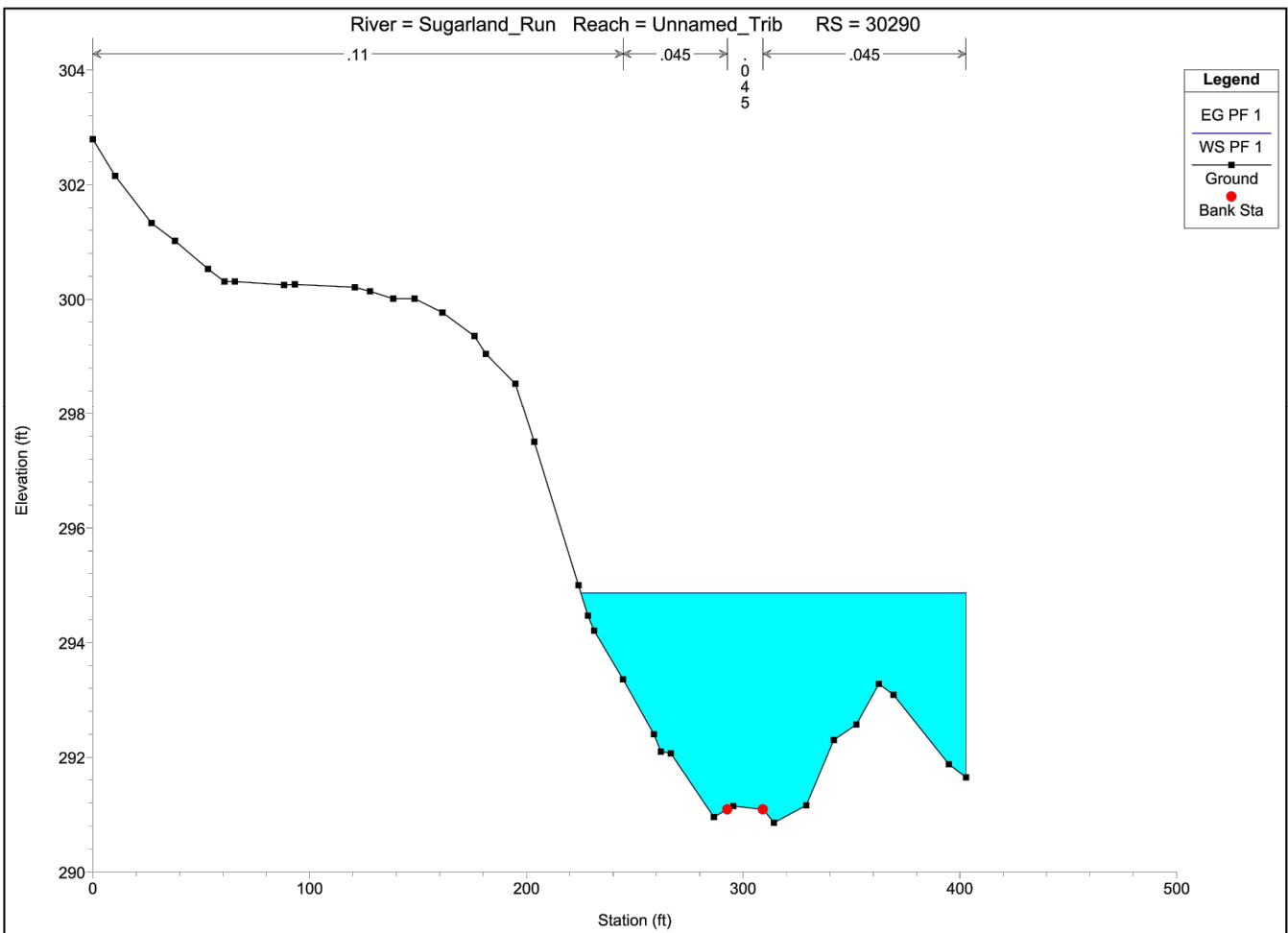
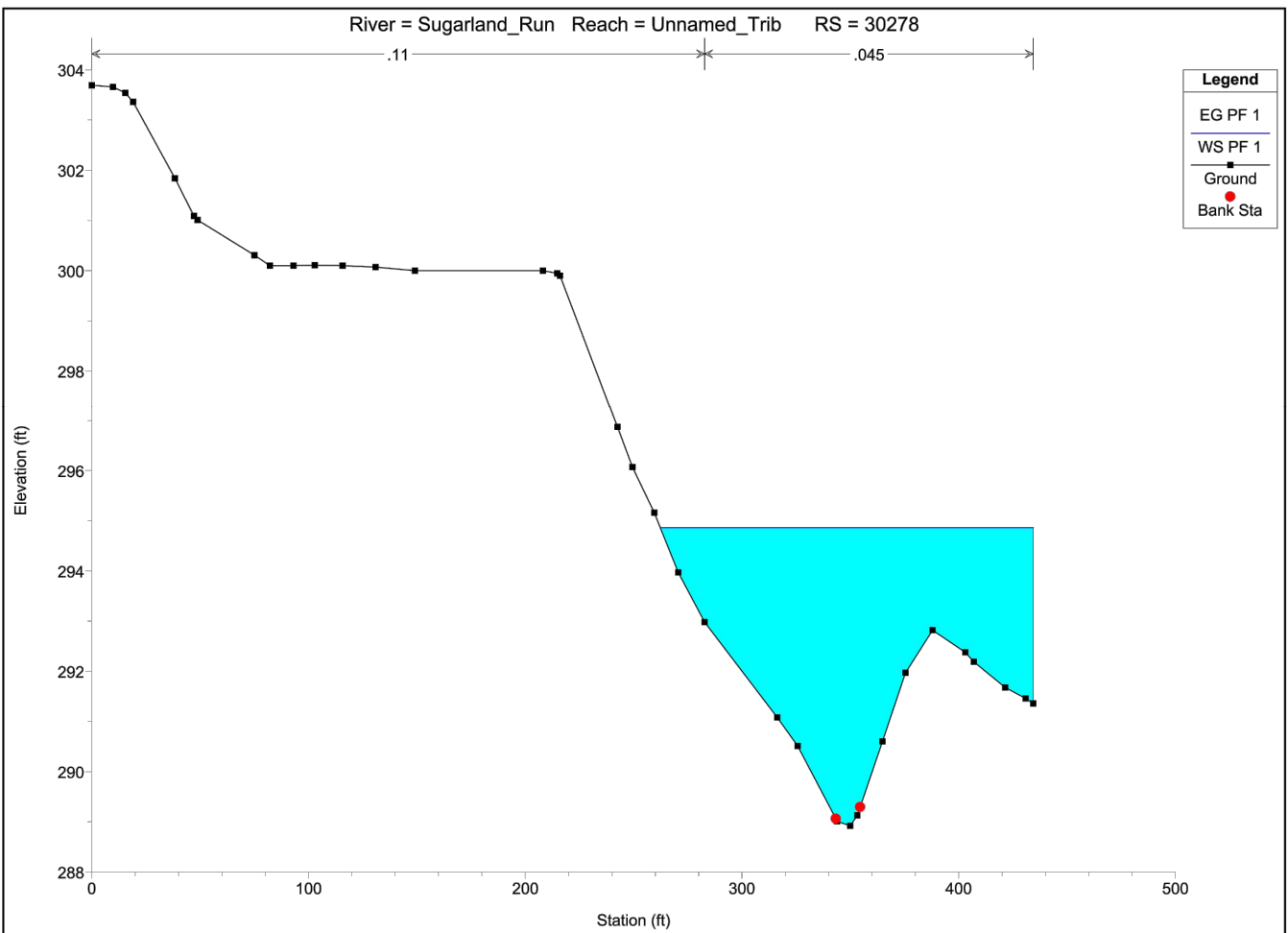
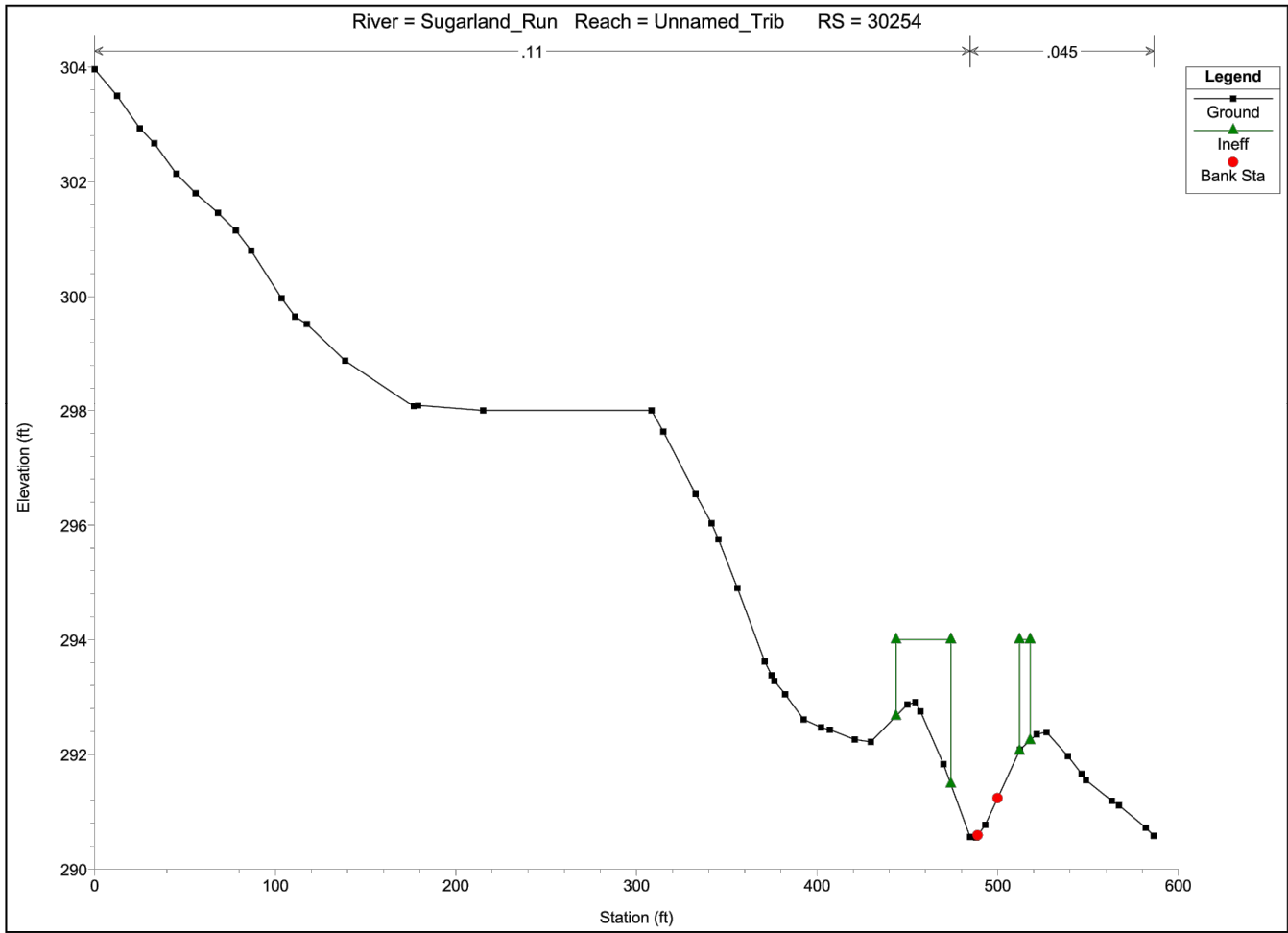
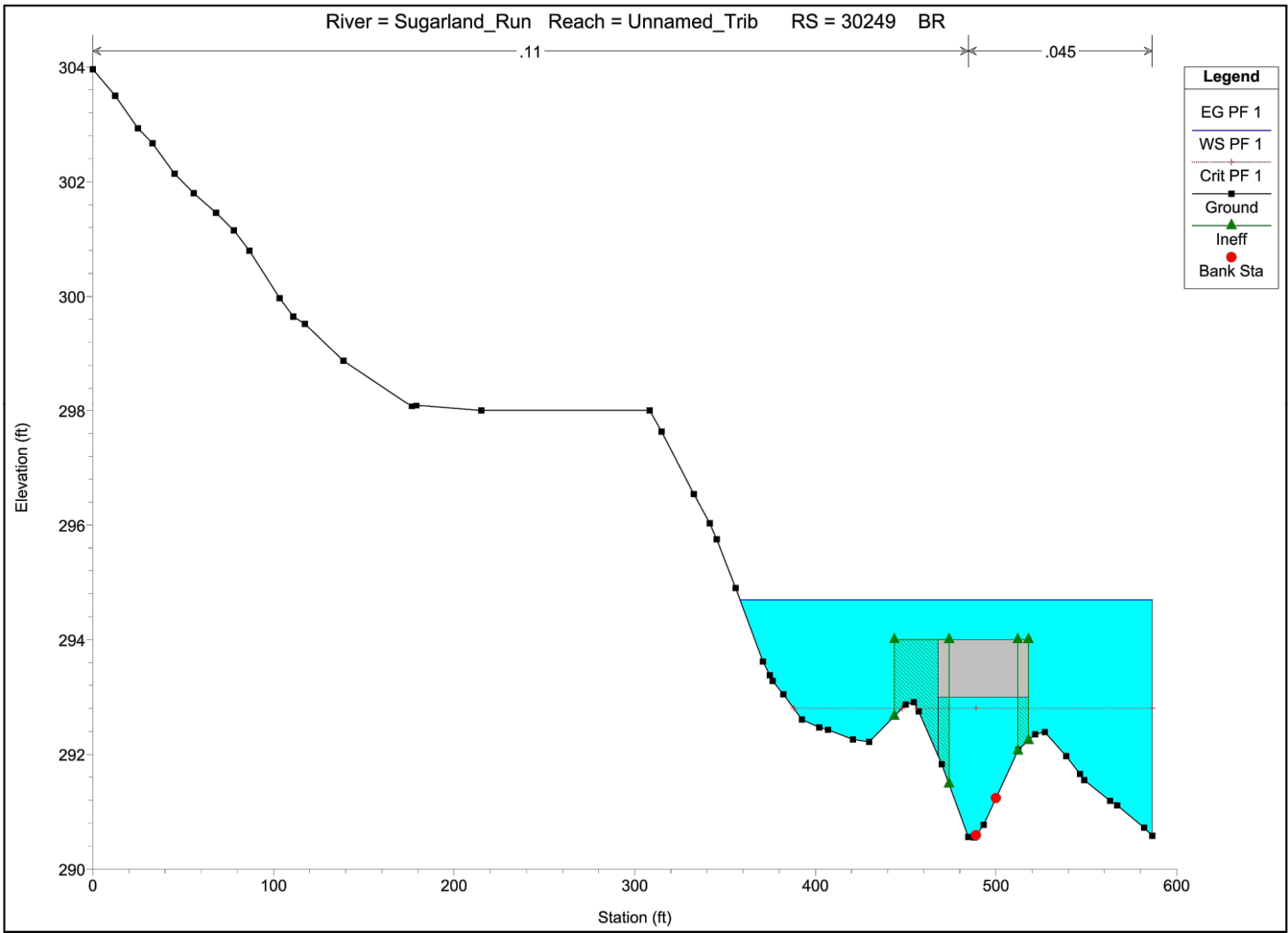
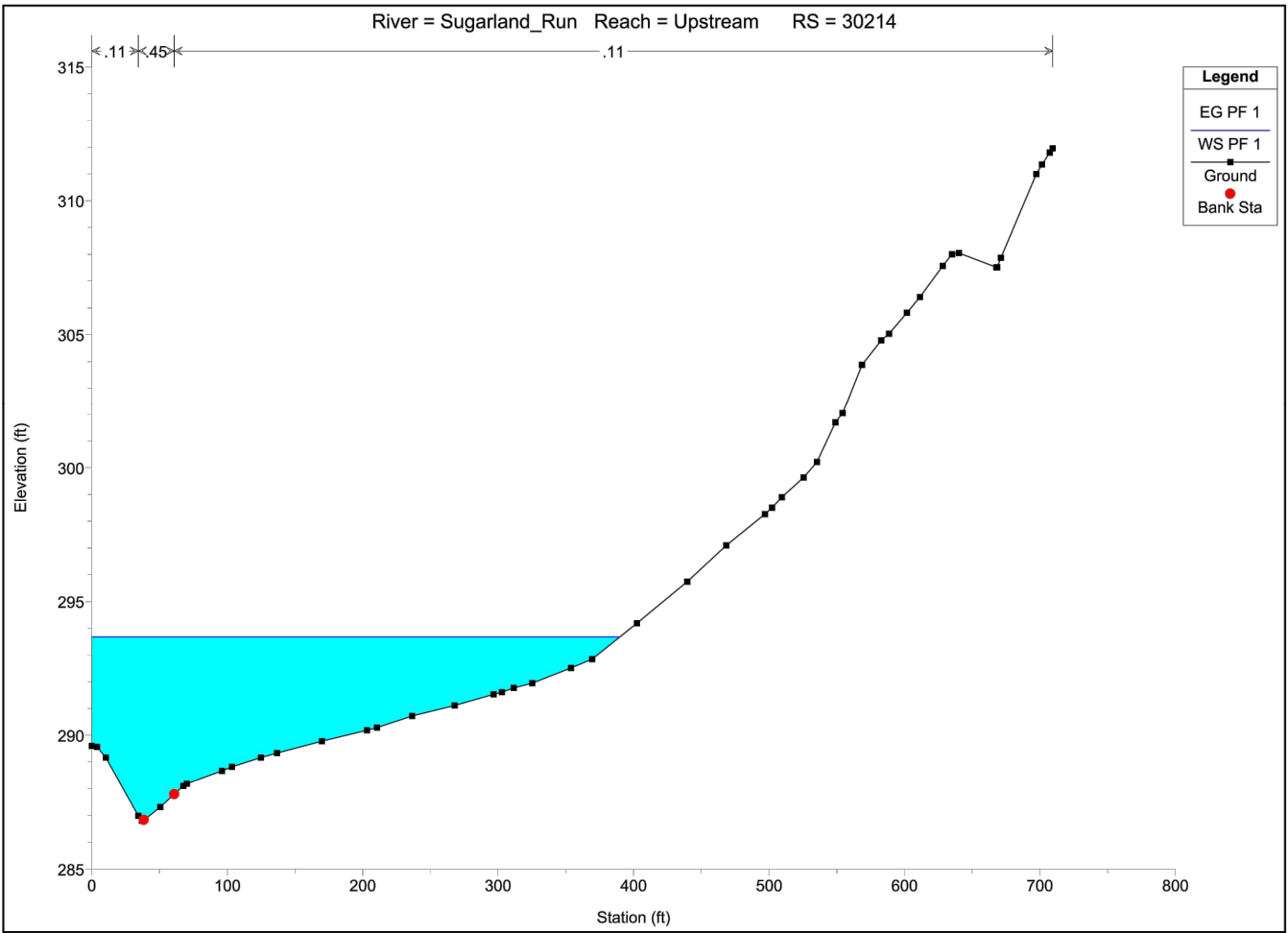
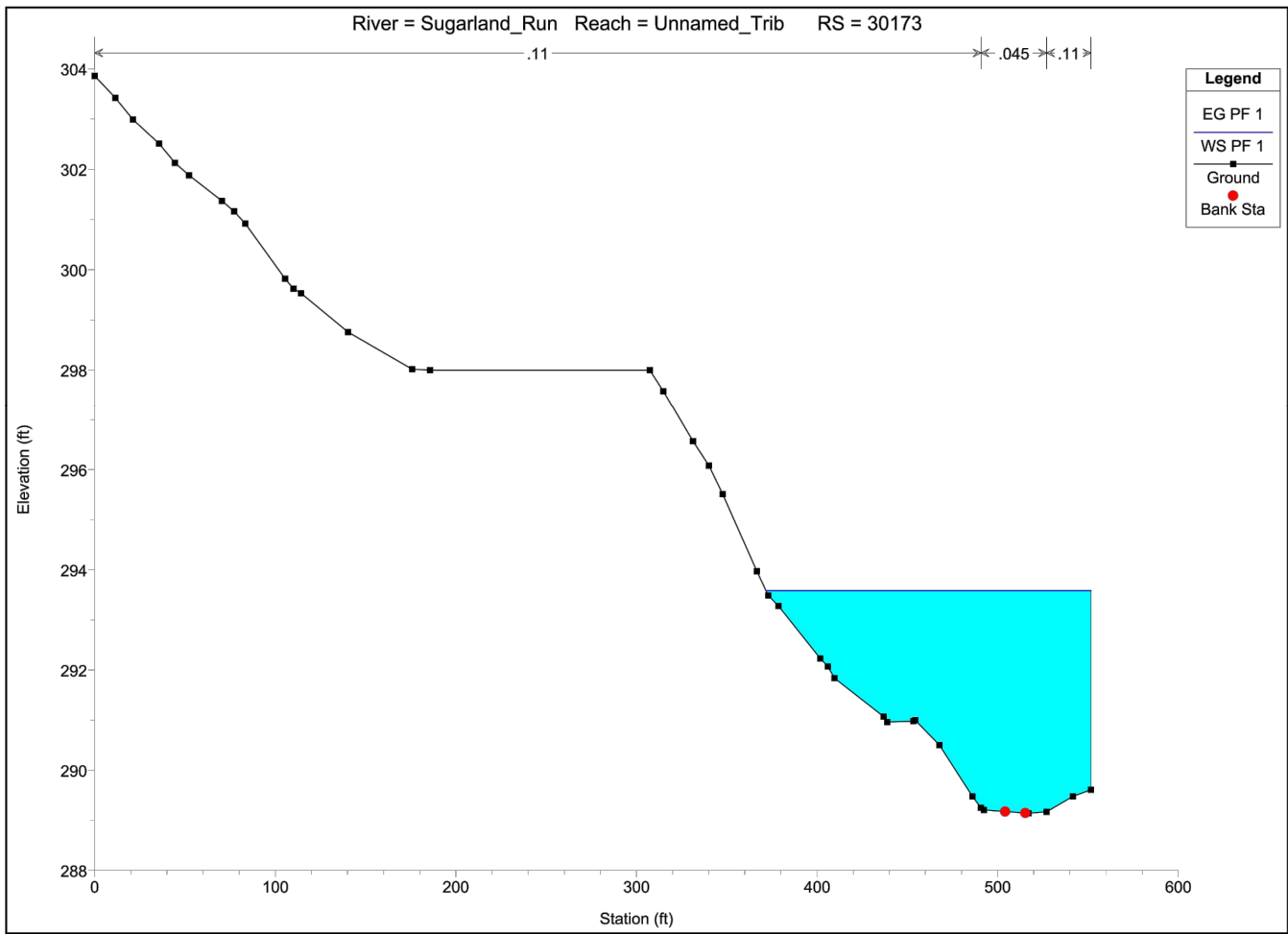
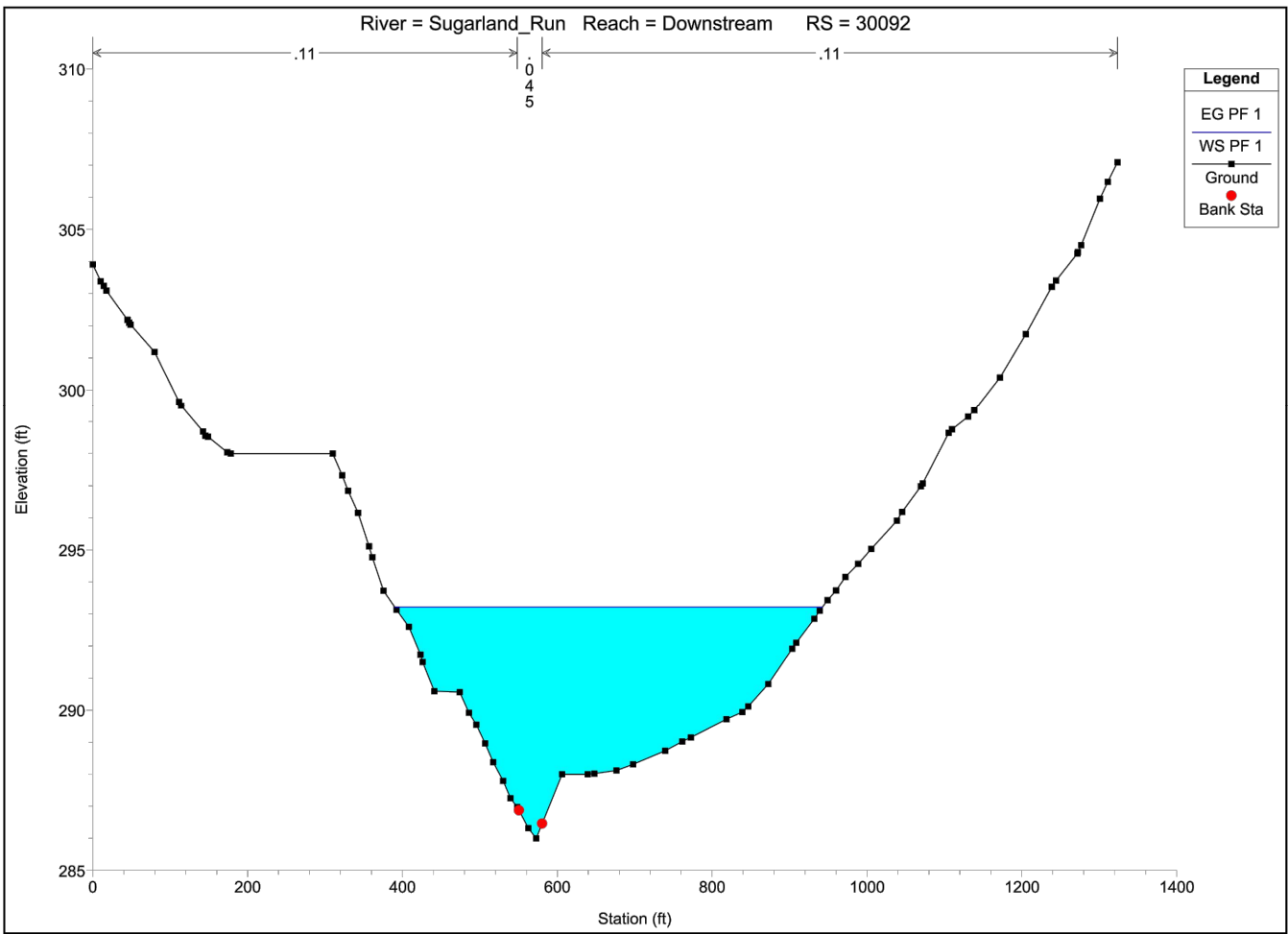
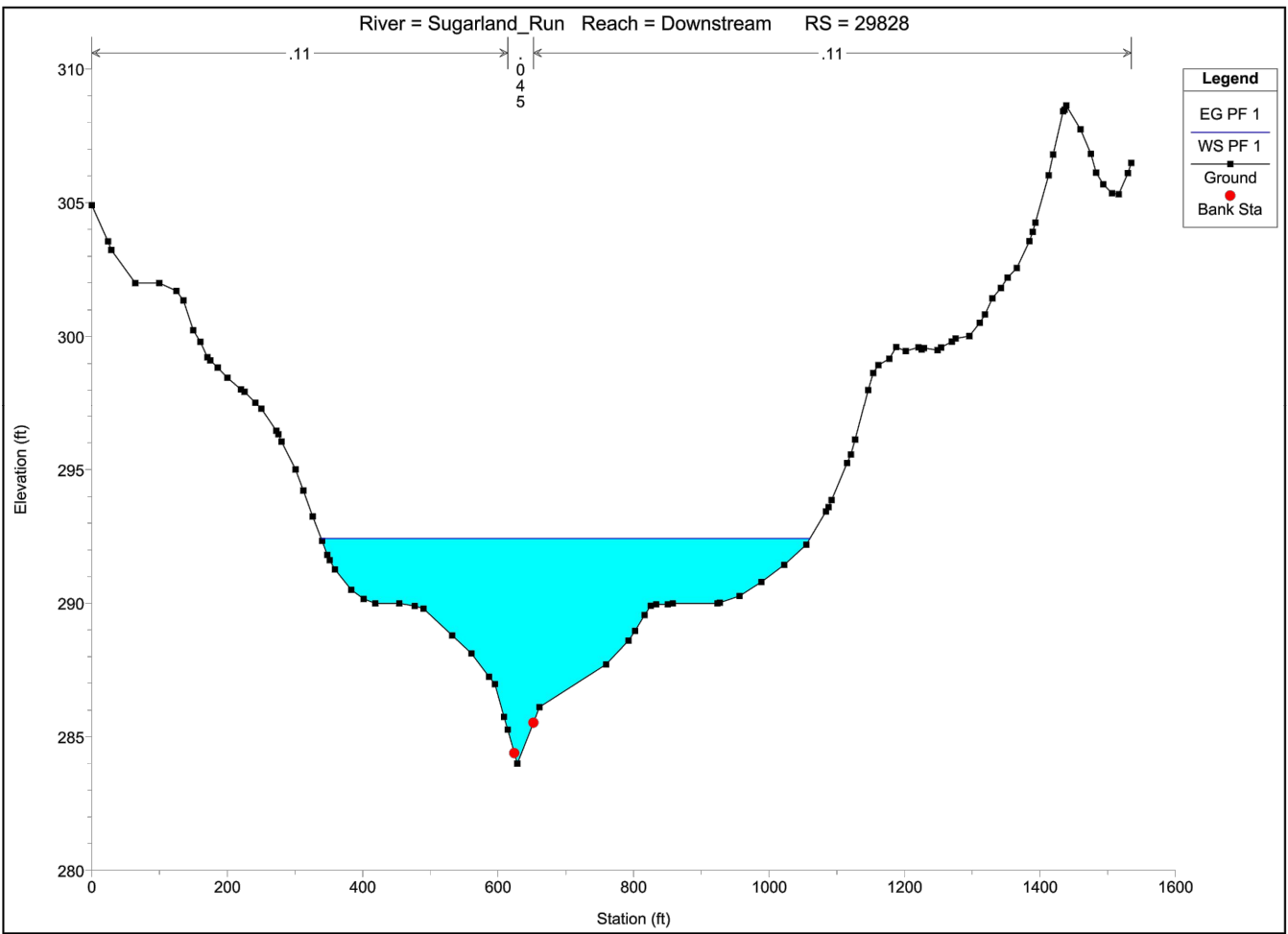
KHA PROJECT 110926004	DATE JAN. 2024	CASEY KIGHT	LICENSED PROFESSIONAL
SCALE AS SHOWN	DESIGNED BY CMK	VA LICENSE NUMBER 0406001348	
	DRAWN BY AJB	DATE: JAN. 2024	
	CHECKED BY CMK		

Kimley»»Horn

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

No.	REVISIONS	DATE	BY

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PROPOSED
SECTIONS

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

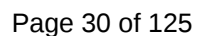
SHEET NUMBER
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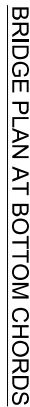
KHA PROJECT
110926004
DATE
JAN. 2024
SCALE AS SHOWN
DESIGNED BY CMK
DRAWN BY AJB
CHECKED BY CMK
DATE JAN. 2024

LICENSED PROFESSIONAL
CASEY KIGHT
VA LICENSE NUMBER
0406001348

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No.	REVISIONS	DATE	BY





Agenda Item: Ordinance 24-O-11 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 14, 2024

Category: Public Hearings

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

Description:

This is an ordinance to implement Water-Sewer rates for Fiscal Year (FY) 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 24-O-12 to Levy Taxes on Real Estate and Manufactured Homes, and Other Subjects for the Fiscal Year 2025 Budget

Meeting Date: May 14, 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 notice for public hearing was duly advertised in the *Fairfax County Times Newspapers* in the March 22, 2024 edition.

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.

24-O-12



NOTICE OF PROPOSED REAL PROPERTY TAX

1. Assessment decrease: Total assessed value of real property, excluding additional assessments due to new construction or improvements to property, fell below last year's total assessed value of real property by 0.79 percent.

2. Lowered Rate Necessary to Offset Increased Assessment: The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with the exclusions mentioned in Section 58.1-3321(A), Code of Virginia, would be \$0.2621 per \$100 of assessed value. This rate will be known as the "lowered tax rate."

3. Effective Rate decrease: The Town of Herndon, Virginia proposes to adopt a tax rate of \$0.2600 per \$100 of assessed value. The difference between the lowered tax rate (as described in paragraph 2 above) and the proposed tax rate would be \$0.0021 per \$100 of assessed value, or -0.79 percent. This difference will be known as the "effective tax rate decrease."

Individual property taxes may, however, increase at a percentage greater than or less than the above percentage.

4. Proposed Total Budget Increase: Based on the proposed real property tax rate and changes in other revenues, the total budget of the Town of Herndon, Virginia, will exceed the FY 2024 total adopted budget by 19.9 percent.

The Town Council of the Town of Herndon, Virginia, will hold public hearings on Tuesday, April 9, and Tuesday, April 23, 2024 at 7:00 p.m. in the Herndon Council Chambers Building, located at 765 Lynn Street, Herndon, and work sessions on Tuesday, April 2, and Tuesday, April 16, 2024, at 7:00 p.m. in the Herndon Council Chambers Building, located at 765 Lynn Street, Herndon.

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.

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 March 22, 2024

Agenda Item: Resolution 24-G-26 to adopt a Fiscal Planning Resolution for the Fiscal Year 2025 Budget for the Town of Herndon

Meeting Date: May 14, 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 23, 2024 and May 14, 2024 public hearings on the proposed budget.

THEREFORE, BE IT RESOLVED by the Town Council of 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
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.

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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 24-O-13 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 14, 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.

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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 24-O-14 to amend the Fiscal Year (FY) 2024 Adopted Budget for the General Fund and American Rescue Plan Act (ARPA) Fund

Meeting Date: May 14, 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 was 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 A)
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.

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

Agenda Item: Ordinance 24-O-15 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 14, 2024

Category: Public Hearings

Prepared by: Bryce Perry, Deputy Director of Community Development, 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 have been 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

24-O-15

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.

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 3 / May 10, 2024

Agenda Item: Ordinance 24-O-16 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 14, 2024

Category: Consent

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.

24-O-16

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)	0.3940 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~~146.52~~ **\$220.00**
 - h. Power~~146.52~~ **\$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~~4.98~~ **\$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 units9.90 **\$15.00**
- (6) Incinerator: Per 100 pounds per hour burning rate or fraction thereof
.....51.48 **\$77.00**
- (7) Manlift59.40 **\$89.00**
- (8) Oil burner: Conversion to or replacement of oil burner:
 - a. Light oils—No. 1, 2, or 451.48 **\$77.00**
 - b. Heavy oils—No. 5 or 661.38 **\$92.00**
- (9) Porch lift (for disabled)59.40 **\$89.00**
- (10) Private residence elevators and inclined lifts59.40 **\$89.00**
- (11) Refrigeration:
 - a. Refrigeration and refrigeration cycle of air conditioning system up to five tons51.48 **\$77.00**
 - b. Each additional refrigeration ton or fraction thereof1.98 **\$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 input23.76 **\$36.00**
 - b. Each additional 100,000 Btu input or fraction thereof5.94 **\$9.00**
- (14) Special team inspection, mechanical portion only85.00 **\$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 thereof5.94 **\$9.00**
- (16) Unfired pressure vessel104.94 **\$158.00**
- (17) Unit heater:
 - a. Up to 500,000 Btu input23.76 **\$36.00**
 - b. For each additional 100,000 Btu input or fraction thereof5.94 **\$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 ~~4.32~~ **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)~~400.00~~ **\$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 24-O-17 to amend and reenact Chapter 54 (PERSONNEL), Article I (In General), Section 54-3 (Definitions)

Meeting Date: May 14, 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 24-G-27 to award Contract IFB #24-06, Production and Printing of the Annual Herndon Town Calendar

Meeting Date: May 14, 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. The Town Council awards Contract IFB #24-06 to Worth Higgins & Associates.

Agenda Item: Resolution 24-G-28 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 14, 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.

24-G-28

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

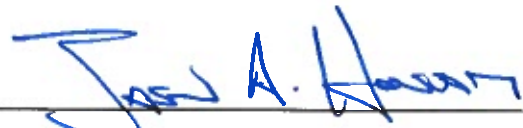
This Deed is made in accordance with the statutes made and provided in such cases; with the approval of the proper authorities of the Town of Herndon, Virginia, as shown by the signatures affixed to this Deed and the Plat and is with the free consent and in accordance with the desire of Owner, owner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

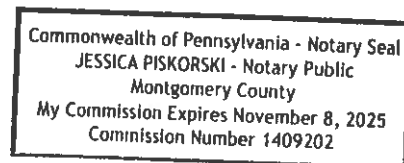
COUNTY OF DELAWARE:

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. _____.

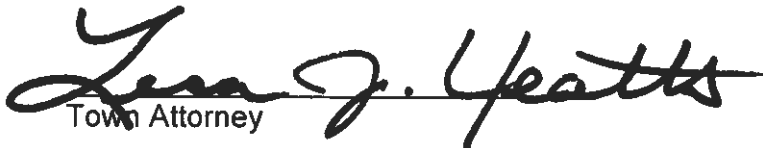
TOWN OF HERNDON, VIRGINIA

Sheila A. Olem
Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:


Town Attorney

APPROVED:


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

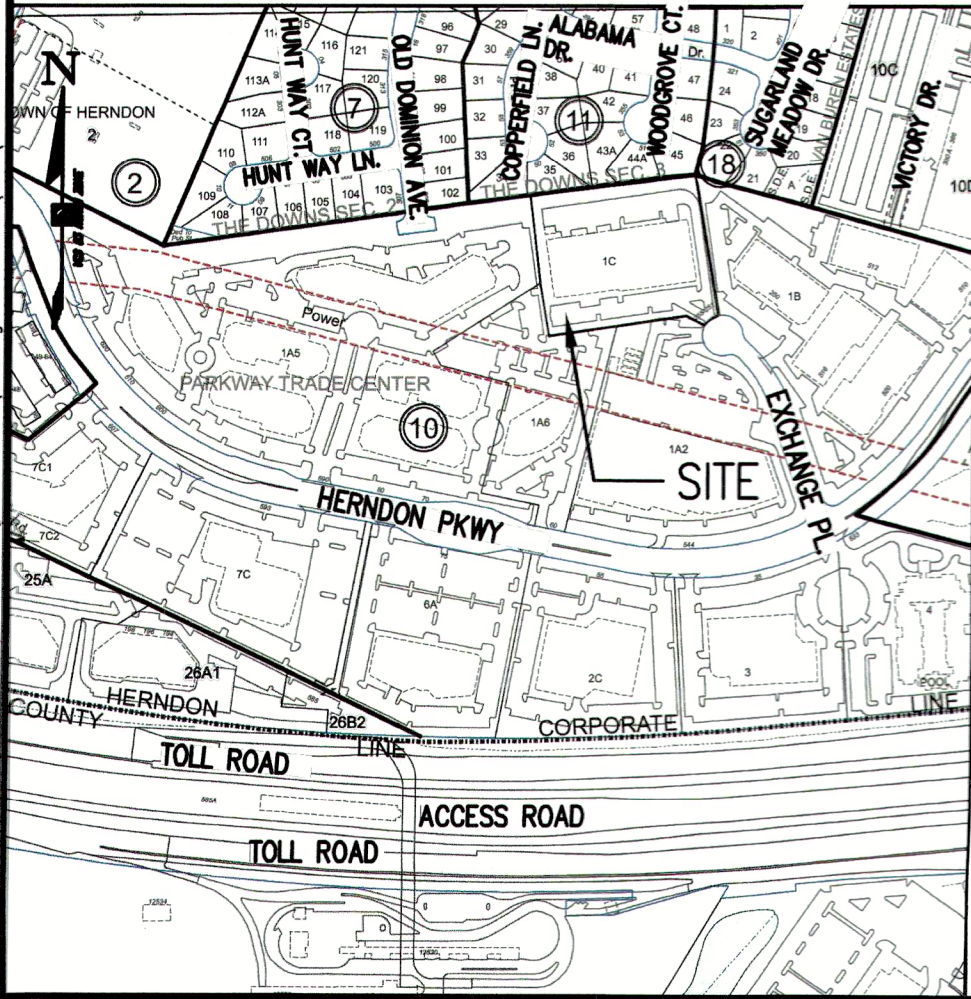
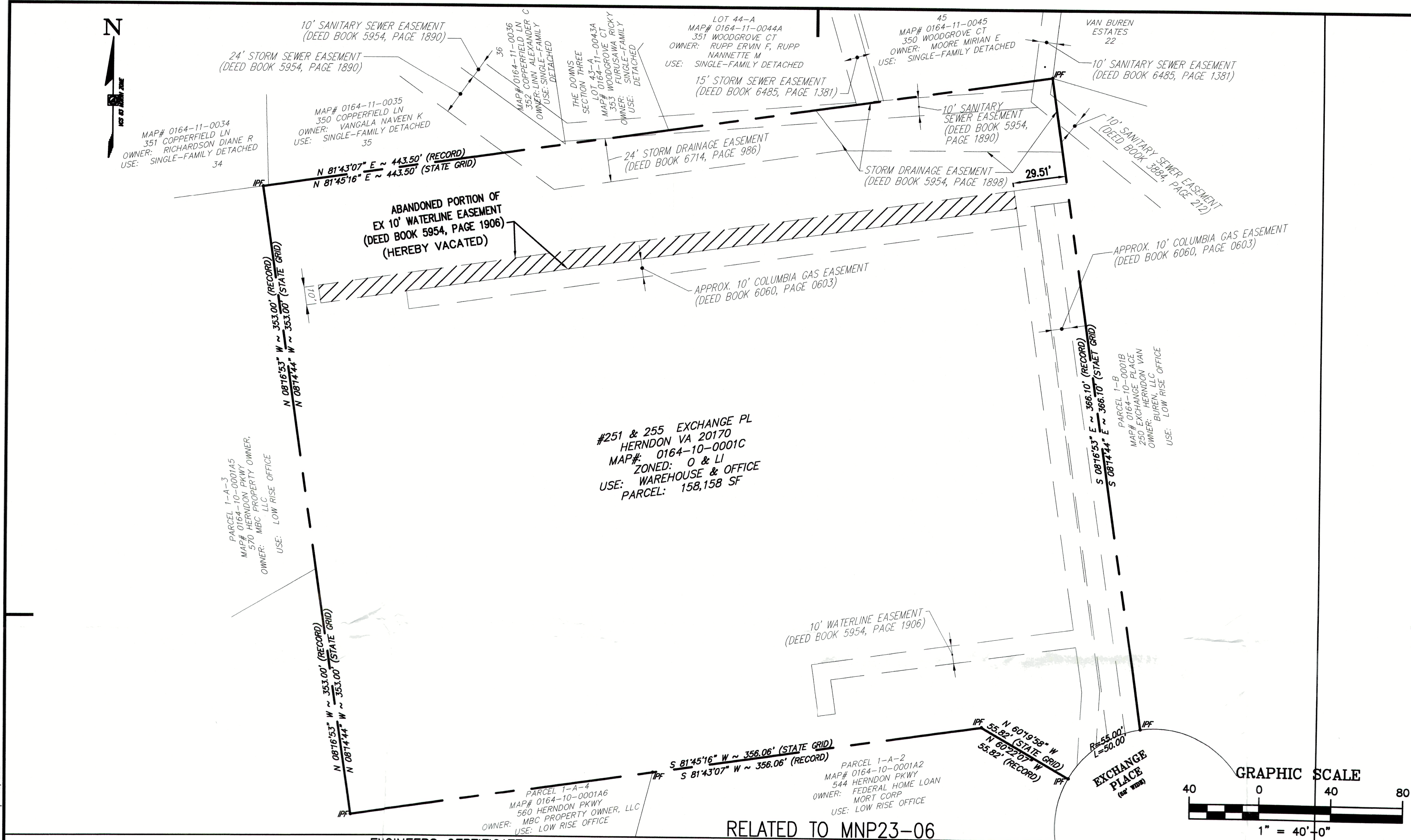
COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX:

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.

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

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

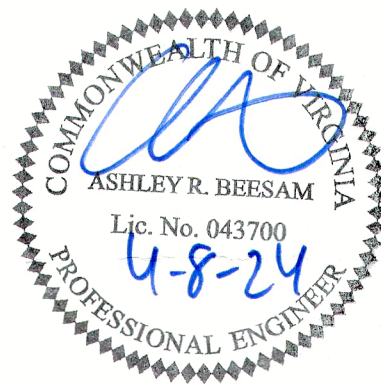
WETLANDS STATEMENT

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 24-G-29 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 14, 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 former 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

- X A letter signed by the owner or owner's agent consenting to the application for the Temporary Use Permit;
X 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);
X 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;
X 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: FR	Fee paid for Temporary Use Site Plan* application:	Date: 3/7/24	Case No.: TUP #24-002
	Use permitted by Town Code Section:			
	Tax Map Reference: 0162 02 0086A		Zoning District: CC	
	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.

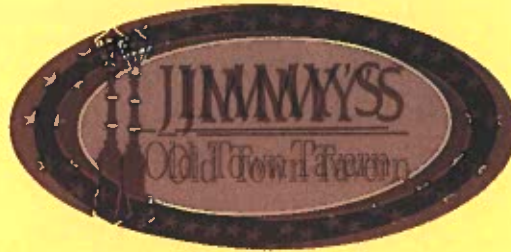
Sincerely,

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,

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

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

Date: 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

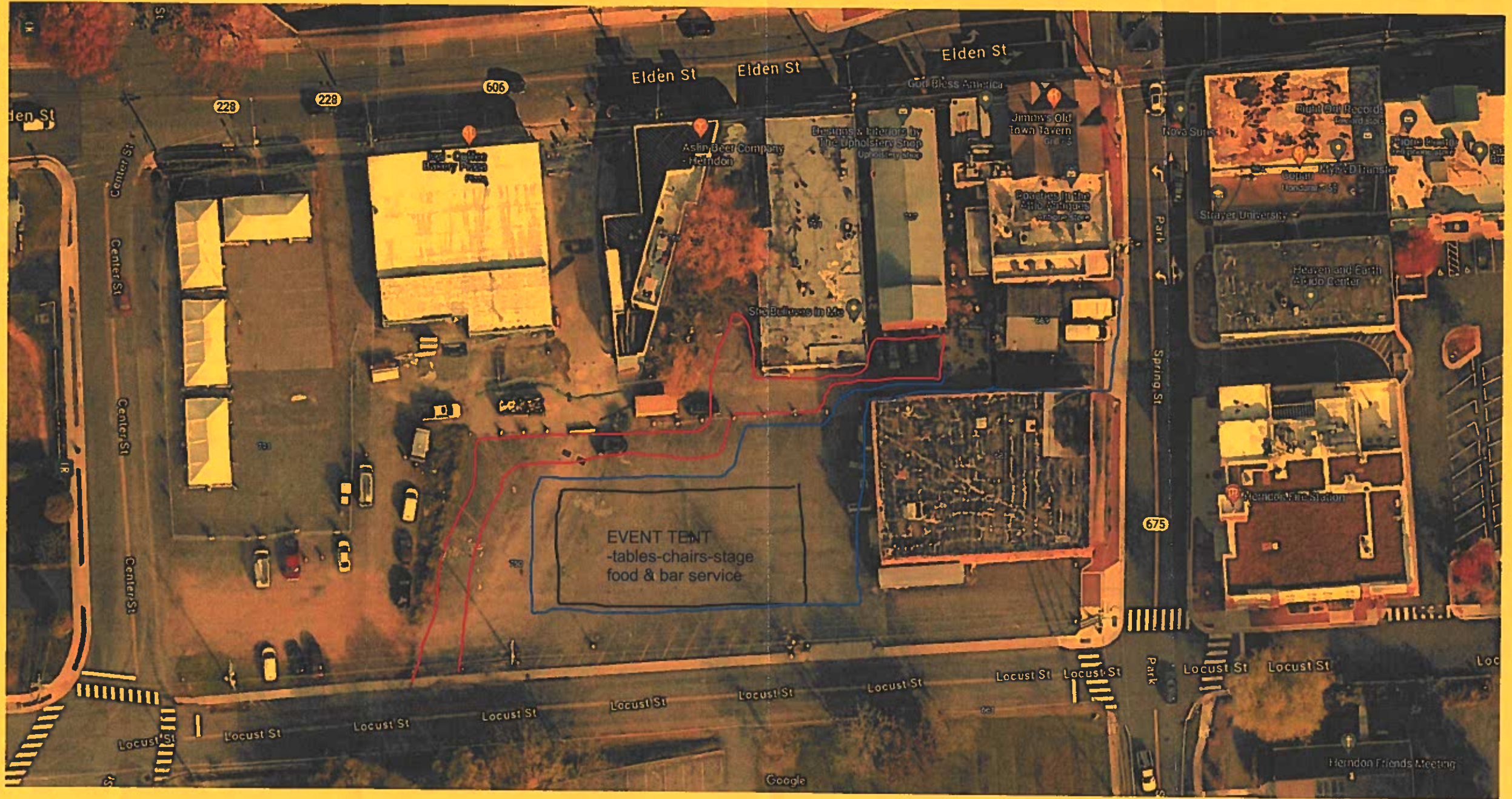
Year	General Fund Net Taxes	Special Tax District	Service Charges	Interest	Penalty	Other Charges	Amount Paid	Balance Due
2023 1ST HALF DUE	\$7,896.27	\$3,017.89	\$0.00	\$0.00	\$0.00	\$0.00	-\$10,914.16	\$0.00
2023 2ND HALF DUE	\$7,896.26	\$3,017.88	\$0.00	\$0.00	\$0.00	\$0.00	-\$10,914.14	\$0.00
Total:	\$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 dark ink that reads "James C. Cirrito". The signature is written in a cursive style with a large, stylized "J" and "C".

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.

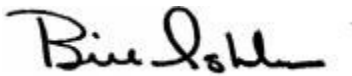
Sections of the Town Code pertaining to noise can be reviewed here:

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: March 19, 2024 Town Council Work Session Minutes

Meeting Date: May 14, 2024

Category: Consent

Prepared by: Kirstyn Jovanovich, Town Clerk

Description:

This is a request to approve the March 19, 2024 Work Session Minutes.

Background:

N/A

Budget Impact:

N/A

Recommendation:

Recommend approval as presented.

Attachments:

1. March 19, 2024, Draft Work Session Minutes

**HERNDON TOWN COUNCIL
Work Session Minutes
Tuesday, March 19, 2024**

1. Call to Order

Mayor Olem called the March 19, 2024, Town Council work session meeting to order at 7:00 p.m. in the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia. In attendance were: Mayor Sheila Olem; Vice Mayor Clark Hedrick; and Councilmembers Naila Alam, Cesar del Aguila, Keven LeBlanc, and Donielle M. Scherff.

Councilmember Pradip Dhakal was absent.

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Kirstyn Barr Jovanovich, Town Clerk; Lisa Gilleran, Director of Community Development; Marjorie Sloan, Director of Finance; Scott Robinson, Director of Public Works; Bob Williams, Director of Parks and Recreation; Mike Mueller, Golf Course General Manager; Bryce Perry, Deputy Director of Community Development; David Stromberg, Zoning Administrator; Mike Shindledecker, Transportation Engineer; Dave Bracamonte, Systems Manager; and Margie Tacci, Deputy Town Clerk.

Determination of a Quorum

Mayor Olem determined there was a quorum of six Councilmembers present, with Councilmember Dhakal absent. Mayor Olem reminded the Council of the meeting decorum.

Comments and Disclosures for the Record

Mayor Olem asked Margie Tacci, Deputy Town Clerk, if she received comments for the record or signed disclosure declarations from Council.

Ms. Tacci stated that Councilmember LeBlanc entered a signed transactional disclosure declaration into the record on Consent Agenda Item 4(b), Resolution to authorize the Town Manager to submit a Creative Communities Partnership Grant Application to the Virginia Commission for the Arts, indicating that he is able to

participate in the discussion and action on the item fairly, objectively, and in the public interest. The signed disclosure statement has been entered into the record with the Town Clerk and Town Attorney.

The Town Clerk did not receive additional comments or disclosures on any other items listed on the meeting agenda.

2. Public Hearings

a. Ordinance to approve Zoning Map Amendment ZMA #22-02, 13100 and 13150 Worldgate Drive, in the Planned Development-Worldgate (PD-W) zoning district with proffered conditions to allow the redevelopment of the site with single-family attached and multi-family residential uses

Bryce Perry, Deputy Director of Community Development, presented the staff report and reviewed the rezoning application to allow the redevelopment of the subject properties in accordance with the submitted Generalized Development Plan (GDP) and Proffer Statement. The proposal includes the demolition of two existing office buildings and part of an existing parking garage and will include the construction of approximately 460 residential units. In his presentation, Mr. Perry reviewed the proposed amendment, summarized the case, and discussed the following: (1) rezoning application process, (2) existing conditions, (3) proposed modifications, (4) traffic impacts, (5) zoning modification requests (nine), and (6) proposed development proffers.

Mr. Perry stated that a portion of the improvements will be on Town property, which requires the Town Council to approve a licensing agreement. He indicated that the appropriate time to process this agreement is prior to site plan approval when the design is more refined. This process is included in the updated proffers the applicant submitted earlier that day, which will be included in next week's agenda packet.

Mr. Perry reviewed the staff's analysis of the application and stated that staff recommends approval of the proposed ordinance, with the proffered conditions, as presented.

[Note: Councilmember Alam left the meeting at 7:22 p.m. and returned at 7:36 p.m.]

There was brief discussion among Council and staff on the rezoning application and proposed development proffers, including: (1) parking requirements, (2) stormwater management and environmental impacts, (3) landscaping and greenspace, (4) building density, (5) size requirements for: alleys, front and side entrances, (6) workforce and affordable housing, (7) lights on the property, and (8) property lines and access points to the property.

Responding to Councilmember Scherff, Mr. Perry stated he did not know at that time if all the units are owned.

Responding to Councilmember del Aguila, Mr. Perry said that while there are several zoning ordinance text amendments that should be updated, he thought that addressing parking, landscaping, and other specific requirements for development applications is important. Mr. Perry stated that he did not know for sure at that time, but he did not think there was an intent for the applicant to propose any level of volunteered affordable, workforce, or regulated housing.

Councilmember del Aguila asked for guidance from staff on specific zoning requirements that should be updated to make the application process easier on the staff and applicant. Vice Mayor Hedrick also stated that he would like guidance on removing outdated requirements from the zoning ordinance.

Responding to Vice Mayor Hedrick, Mr. Perry stated that he will clarify the property line delineation in the presentation at next week's regular meeting.

Responding to Mayor Olem, Mr. Perry stated he did not know the specifics around the tax buy out, and he could have the applicant's legal representative review it next week.

Mr. Perry indicated that the applicant can answer the Council's questions and the items staff needed clarification on during their comments at next week's regular meeting.

b. Resolution to adopt the Town of Herndon 2024-2029 Strategic Plan

Kirstyn Barr Jovanovich, Town Clerk, presented the staff report, stating that the purpose of this item is to provide the public with the opportunity to comment on the Draft Strategic Plan. The Plan is a collaborative effort between the Town Council, the Leadership Team, and other members of Town staff, which started with the Council's retreat in March 2023. The draft is posted on the Town's website in several places. She stated that once adopted, the Strategic Plan will be implemented and monitored, with progress updates provided quarterly.

Ms. Jovanovich stated that all changes and feedback previously provided by the Council had been incorporated into the draft plan. She indicated that she will provide the full presentation at next week's regular meeting.

There was no discussion on this item.

3. General

a. Ordinance to amend the Herndon Town Code, Chapter 74 (UTILITIES), Article IV (Billing Procedures), Section 74-424 to add language thereto relating to residential water-sewer leaks

Marjorie Sloan, Director of Finance, presented the staff report, and reviewed proposed changes to the Town Code regarding billing procedures for water leaks. The purpose of the proposed ordinance is to provide residents additional relief for catastrophic water or sewer leaks. Currently, a one-time credit is available for a five-year period to offset the financial impact of a leak on a property. The proposed amendment adds language providing residents with the option to request the reversal of a previous credit and replace it with a larger credit in the instance of a leak that has a greater impact within a five-year period. Staff recommends approval of the proposed ordinance that will be effective upon adoption and would apply to the billing quarter ending March 31, 2024. Ms. Sloan stated that there is a pending case in Town that will be impacted if this item is approved.

The discussion between Council and staff on this ordinance focused on the process and administrative procedures for water-sewer leaks and billing when there is a large leak at a residence.

Following brief discussion and with the concurrence of Council, staff was directed to place this item as presented on the Consent Agenda for the next meeting's agenda.

b. Resolution to initiate consideration of a 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

David Stromberg, Zoning Administrator, presented the staff report, stating that this is an initiating resolution that would send the draft ordinance to the Planning Commission for review and recommendation. The proposed resolution will adjust fees for development applications specified in Article XV of the zoning ordinance. He stated that development fees were last adjusted in June 2006 (ZOTA #06-01). The fees are meant to help cover staff time spent processing the development application. Mr. Stromberg indicated that staff is working on a more comprehensive adjustment to the Town's fee schedule, which will be presented to the Town Council in the future. Staff recommends approval of the proposed initiating resolution, as presented.

There was discussion among the Council and staff on the proposed initiating resolution, including comparison of the Town's development fees to surrounding jurisdictions and the impact that raising the fees will have on recouping the staff time spent on these types of applications. Mr. Stromberg indicated that the fees

have a proposed effective date of July 1, 2024.

Responding to Councilmember Scherff, Mr. Stromberg indicated that he did not know for certain at that time, but he thought a more comprehensive review and proposed changes to the fee schedules should be ready for consideration in the FY 2026 budget.

Following brief discussion and with the concurrence of Council, staff was directed to place this item as presented on the Consent Agenda for the next meeting's agenda.

4. Consent

- a. Resolution to authorize the Town Manager to submit a grant application to the Office of the Secretary of Transportation, United States Department of Transportation, for federal funding under the Safe Streets and Roads for All (SS4A) program, to be directed towards the development of a Safety Action Plan for the Town**
- b. Resolution to authorize the Town Manager to submit a Creative Communities Partnership Grant Application to the Virginia Commission for the Arts**
- c. Ordinance to approve and authorize the Mayor to sign a lease agreement between the Town and Herndon Historical Society for space at 717 Lynn Street, commonly known as the Depot**

There was no discussion on the Consent Agenda items.

5. Discussion

a. Roadway Safety Plan

Mayor Olem recognized Mike Shindledecker, Transportation Engineer, who began the presentation. He provided an overview on the past five years of roadway crash data in the Town of Herndon, as provided by the Herndon Police Department, and explained how the crash data is used to monitor the public transportation network. Included in the analysis is comparative crash data from similar towns and small cities in the state, along with state-wide data over the past five years. In looking at trends in the data, Mr. Shindledecker stated that staff plans to examine why the Town has a far lower percentage of "property damage only" crashes and why the crash per million daily vehicle miles traveled rate is somewhat higher than the Town's counterparts in the state.

Mr. Shindledecker stated that the goal in looking at this data is to reduce fatal and serious injury crashes in the Town, and he reviewed potential current, near term, and long term solutions that will help in meeting that goal. This includes seeking

state and federal funding to address traffic safety issues. In the long term, establishing a Safety Action Plan will open up additional funding sources and is a plan that is created in conjunction with the community.

There was discussion among Council and staff on the crash data analysis, potential solutions, and considering a Safety Action Plan. Discussion on the item included: (1) cut thru traffic levels, (2) types of crashes and locations, (3) pathways to creating a Safety Action Plan, (4) enforcement of safety measures, and (5) leveraging technology.

Responding to Councilmember del Aguila, Mr. Shindeldecker stated that staff is working to update the existing Traffic Calming Guide and stated that concerns about crosswalks and other safety measures will be addressed in that document.

b. FY 2025 Budget Discussion on Enterprise Funds: Water-Sewer Fund, Centennial Golf Fund, and Chestnut Grove Cemetery Fund

Mayor Olem recognized Marjorie Sloan, Director of Finance, to begin the discussion item.

William H. Ashton II, Town Manager, provided opening remarks, stating that this presentation will focus on the projected numbers for the Enterprise Funds, similar to the presentation on the General Fund staff gave a few weeks ago.

Ms. Sloan started the presentation by providing an overview of the projected FY 2025 Enterprise Fund levels, which are: (1) Herndon Centennial Golf Fund, (2) Chestnut Grove Cemetery Fund, and the (3) Water and Sewer Fund. She indicated that the budgetary pressures that impact the entire budget are also reflected in the projections for the Enterprise Funds. These funds are self-sustaining and primarily funded by fees.

Ms. Sloan highlighted several updates in the Enterprise Funds budgets for FY 2025, including: (1) Golf Course: (a) request for a full-time Assistant Golf professional focused on teaching and (b) clubhouse improvement project; (2) Cemetery: (a) impacts of diminishing inventory of the cemetery and (b) status of the Cemetery Development project, and (3) Water and Sewer: (a) recommendations from the Davenport study with their updated rate model, (b) debt service, and (c) proposed rates for the FY 2025 budget. Ms. Sloan focused on the user fees contributing to these funds, stating that staff is reviewing the water and sewer availability rates, and the Council will be briefed on those later that spring.

There was no discussion on this item.

6. **Roundtable**

Councilmember Alam: expressed her appreciation to the staff for their presentations that evening.

Councilmember del Aguila: no comments.

Councilmember Scherff: shared that she attended a meeting hosted by Fairfax County Supervisor Bierman and School Board Member Lady, both representing the Dranesville District, on the Fairfax County Budget. She enjoyed attending the meeting and appreciated that it was held nearby at Herndon High School. She indicated that she will provide staff with the contact information that citizens can use to ask questions about the Fairfax County Budget. She thought that the information could also be posted somewhere on the Town's website.

Councilmember Scherff stated that she, Councilmember del Aguila, and the Town Manager, recently met with Dulles Regional Chamber of Commerce representatives to talk about Friday Night Live. Following the conversation, she stated that they recognized that the Friday Night Live events are revered in the Town, but she thought that the agreements between the Town and the Chamber can be more formalized, and that a cadence of communication including the Council, staff, and the team at the Chamber should be established. She said that the representatives for Friday Night Live would be invited to attend a Town Council work session to discuss Friday Night Live, future plans, and Town resources. She indicated that the Council should expect more information on this topic going forward.

Councilmember LeBlanc: stated that the first Northern Virginia Holi Festival will be on Saturday, March 30 at Lake Anne in Reston. He encouraged those interested to attend the event.

Vice Mayor Hedrick: no comments.

Mayor Olem: stated that she enjoyed trying a new restaurant in Town, called "Twisted Sweet and Savory," which is located near the Post Office on Grove Street.

William H. Ashton II, Town Manager: stated that staff recently held two meetings with neighbors of Chestnut Grove Cemetery, at the cemetery, to talk about the project. He thought the meeting went well and indicated that they will hold another meeting during the site planning stage.

7. Closed Meeting

a. A closed meeting pursuant to the:

- **Code of Virginia Section 2.2-3711(A)(1), for discussion of prospective candidates relative to appointments to boards and commissions; and**
- **Code of Virginia Section 2.2-3711 (A)(3), a matter involving a discussion or consideration of the acquisition of real property for a public purpose in the downtown because discussion in an open meeting would adversely affect the town's bargaining position or negotiating strategy; and**
- **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 real estate in the downtown.**

Mayor Olem stated that the Council needed to go into a closed meeting and that the appropriate meeting notices were provided in accordance with state law. The closed meeting was held in the Hoover Conference Room in the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia.

Vice Mayor Hedrick moved that the Council convene in a closed meeting to discuss the following as permitted by Code of Virginia:

- Section 2.2-3711(A)(1), for discussion of prospective candidates relative to appointments to boards and commissions;
- Section 2.2-3711(A)(3), a matter involving a discussion or consideration of the acquisition of real property for a public purpose in the downtown because discussion in an open meeting would adversely affect the town's bargaining position or negotiating strategy; and
- 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 real estate in the downtown.

Councilmember LeBlanc seconded the motion, which carried by a 6-0 roll call vote. The vote was: Councilmembers Alam, del Aguila, LeBlanc, and Scherff, and Mayor Olem and Vice Mayor Hedrick voting "Aye." Councilmember Dhakal was absent.

At 9:17 p.m. Mayor Olem called a brief recess, and at 9:25 p.m., the closed meeting reconvened in the Hoover Conference Room, six members present, with Mayor Olem presiding and with Councilmember Dhakal absent.

Councilmember LeBlanc moved to come out of the closed meeting. Motion seconded by Vice Mayor Hedrick and carried by a 6-0 roll call vote. The vote was: Councilmembers Alam, del Aguila, LeBlanc, and Scherff, and Mayor Olem and Vice Mayor Hedrick voting "Aye." Councilmember Dhakal was absent.

The Council came out of closed meeting at 10:14 p.m.

Councilmember Scherff moved to certify that, to the best of each member's knowledge, in the closed meeting just concluded, nothing was discussed except the matter or matters (1) specifically identified in the motion to convene in closed meeting and (2) lawfully permitted to be discussed in a closed meeting under the provisions of the Virginia Freedom of Information Act as cited in that motion. Motion seconded by Councilmember LeBlanc and carried by a 6-0 roll call vote. The vote was: Councilmembers Alam, del Aguila, LeBlanc, and Scherff, and Mayor Olem and Vice Mayor Hedrick voting "Aye." Councilmember Dhakal was absent.

Aye: 6
Nay: 0
Absent: 1

8. **Adjournment**

There being no further business, Mayor Olem adjourned the March 19, 2024 Town Council Work Session at 10:16 p.m.

Amanda E.M. Kertz
Chief Deputy Town Clerk

Minutes approved by Town Council : _____

Agenda Item: March 26, 2024 Town Council Meeting Minutes

Meeting Date: May 14, 2024

Category: Consent

Prepared by: Kirstyn Jovanovich, Town Clerk

Description:

This is a request to approve the March 26, 2024 Town Council meeting minutes.

Background:

N/A

Budget Impact:

N/A

Recommendation:

Recommend approval as presented.

Attachments:

1. March 26, 2024, Draft Meeting Minutes

HERNDON TOWN COUNCIL
Regular Meeting Minutes
Tuesday, March 26, 2024

1. Call to Order

Mayor Olem called the March 26, 2024, Town Council meeting to order at 7:00 p.m. in the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia. In attendance were: Mayor Sheila Olem; and Councilmembers Cesar del Aguila, Keven LeBlanc, and Donielle M. Scherff.

Vice Mayor Clark Hedrick and Councilmembers Naila Alam and Pradip Dhakal were absent.

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Kirstyn Barr Jovanovich, Town Clerk; Lisa Gilleran, Director of Community Development; Marjorie Sloan, Director of Finance; Scott Robinson, Director of Public Works; Bob Williams, Director of Parks and Recreation; Captain Steve Pihonak, Herndon Police Department; David Stromberg, Zoning Administrator; Margie Tacci, Deputy Town Clerk; and Dave Bracamonte, Systems Manager.

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

Mayor Olem led the audience in the Pledge of Allegiance to the Flag of the United States of America.

Determination of a Quorum

Mayor Olem determined there was a quorum of four Councilmembers present, with Vice Mayor Hedrick and Councilmembers Alam and Dhakal absent. Mayor Olem reminded the Council of the meeting decorum.

Mayor Announcements

Mayor Olem stated that the annual Hoppy Egg Hunt is on Saturday, March 30, with activities starting at 9:30 a.m. at Bready Park. She said that there are egg hunts for different age groups of children, so she suggested that those interested check the Town's website for registration and timing information.

Mayor Olem stated that the Herndon Community Center is celebrating its 45th anniversary this week. There are several events going on at the Community Center, such as special fitness classes, anniversary pass deals, contests, and more.

Mayor Olem stated that registration is open for spring programs with the Town's Department of Parks and Recreation, and she encouraged those interested to check out the upcoming programs, as well as the events she just mentioned, on the Town's website. She encouraged those with questions to contact the Herndon Community Center and to stay tuned for summer camp registration that starts in April.

3. Presentations/Reports/Comments

a. Proclamation to recognize Women's History Month

Mayor Olem stated that Councilmember Alam was unable to attend the meeting that night to read the proclamation. Mayor Olem asked Councilmember Scherff to read the beginning of the proclamation, and stated that she would read the end of the Proclamation to Recognize "Women's History Month" into the record.

Councilmember Scherff thanked Mayor Olem for allowing her to read the proclamation with her, and said that she was honored to be on Council with Mayor Olem and Councilmember Alam.

Mayor Olem stated that she was proud of the many women who have served on the Town's Boards, Commissions, Town Council, and who have led many volunteer and civic organizations in Town over the years. She stated that they have helped make Herndon the inclusive and welcoming place that it is.

Mayor Olem stated that members of the audience are invited to comment on the proclamation during the "Comments from the Audience" portion of the agenda.

b. Town Manager Report

William H. Ashton II, Town Manager, stated the tennis bubble at the Herndon Community Center was recently damaged during a windstorm. He stated that as the tennis bubble was scheduled to be taken down for the season soon, it would not be repaired in time to be put back up before the season ended. Mr. Ashton stated that while the tennis bubble will be closed for the spring and summer, a new tennis bubble is being installed for the fall.

c. Councilmember Comments

Councilmember del Aguila: provided comments about the Proclamation to recognize Women's History Month. He spoke about his mother, who had passed away one year ago, and provided personal comments about the unseen women

who make history. He stated that he honors and supports all women.

Councilmember Scherff: provided comments about the Proclamation to recognize Women's History Month. She provided personal comments about her mother and about recognizing all women this month.

Councilmember Scherff shared that she attended a meeting hosted by Fairfax County Supervisor Bierman and School Board Member Lady, both representing the Dranesville District, on the budgets for Fairfax County and Fairfax County Public Schools. She enjoyed attending the meeting and appreciated that it was held at Herndon High School. She indicated that the budgets are still open for public comment and encouraged citizens to provide their feedback by visiting Supervisor Bierman's webpage, or by texting "FY 2025 Budget" to 73224.

Councilmember LeBlanc: provided comments about the Proclamation to recognize Women's History Month, expressing his support for women this month and throughout the year. He stated that women have impacted the Town of Herndon throughout its history, both in large and small ways, and he is working to have a better understanding of these impacts.

Councilmember LeBlanc stated that Committee for Dulles will be holding an Career Fair at Dulles Airport on April 17. There will be many employers there who are part of the airport facility. He encouraged those interested to attend the event.

Councilmember LeBlanc stated that his thoughts are with the City of Baltimore and the families that are impacted by the tragic collapse of the bridge in that city.

Mayor Olem: echoed Councilmember LeBlanc's comments on sending her thoughts to the City of Baltimore. She stated that her thoughts and prayers are with the missing workers and their families that are impacted by the bridge collapse.

Mayor Olem stated that she recently attended a Committee for Dulles lunch event at Dulles Airport. The speaker at the event was the Chief of Police for the Washington Metropolitan Airports Authority Police Department, who spoke about the staffing shortage that many departments are facing - except the Town of Herndon. Mayor Olem expressed kudos to Chief DeBoard for being fully staffed.

Mayor Olem reminded everyone about the upcoming annual Spring Clean-Up on April 23 through 25 on each resident's trash day. She stated that details about the event are listed on the Town's website.

Comments and Disclosures for the Record

Mayor Olem asked Margie Tacci, Deputy Town Clerk, if she received comments

for the record or signed disclosure declarations from Council. Ms. Tacci stated that Councilmember LeBlanc entered a signed transactional disclosure declaration into the record on Consent Agenda item 6(d), Resolution 24-G-18 to authorize the Town Manager to submit a Creative Communities Partnership Grant Application to the Virginia Commission for the Arts, indicating that he is able to participate in the discussion and action on the item fairly, objectively, and in the public interest. The signed disclosure statement has been entered into the record with the Town Clerk and Town Attorney.

Ms. Tacci stated that the Town Clerk did not receive additional public comments or disclosures on any other items listed on that meeting's agenda.

4. Comments from the Audience

Mayor Olem reviewed the process and asked those who wanted to provide Comments from the Audience to come forward.

The following individuals provided comments:

- Jay Hadlock, 515 Alabama Drive, Herndon, provided comments on the roadway safety presentation from last week's Town Council work session meeting. He expressed concerns about issues he is seeing with the Herndon Parkway/Spring Street intersection project, specifically removing trees and vegetation, along with traffic.
- Walter Shorter, 559 Early Fall Court, Herndon, representing Four Seasons HOA and Four Seasons Recreation Association, provided comments on the Proclamation to recognize Women's History Month. He provided comments about last week's work session, and expressed thanks to Chief DeBoard, Herndon Police Department, and her staff, for their efforts in his community, which he said is making a difference in his community.

5. Public Hearings

- a. Ordinance 24-O-06 to approve Zoning Map Amendment ZMA #22-02, 13100 and 13150 Worldgate Drive, in the Planned Development-Worldgate (PD-W) zoning district with proffered conditions to allow the redevelopment of the site with single-family attached and multi-family residential uses.**

Certificates of Publication were filed from the Editor of the *Fairfax County Times Newspapers*, showing that notice of said public hearing item had been duly advertised in the Friday, March 15 and Friday, March 22, 2024, issues.

Mayor Olem opened the public hearing and recognized Lisa Gilleran, Director of Community Development, who reviewed the rezoning application. The proposed ordinance would allow a change in zoning for the subject parcels to allow for the proposed land uses, and in accordance with the Generalized Development Plan

(GDP) and Proffer Statement. The proposal includes the demolition of two existing office buildings, part of an existing parking garage, and redevelopment that will include approximately 460 residential units. Ms. Gilleran provided an overview of the: (1) location, (2) current and proposed land use designation, (3) parking and transportation considerations, (4) applicant's zoning modification requests (nine), and (5) development proffers.

During the application review, Ms. Gilleran stated that it came to staff's attention that several of the current zoning requirements are outdated. She indicated that staff is working on a zoning ordinance text amendment to present to Council to update the zoning ordinance requirements for development.

Addressing questions the Council had at last week's work session, Ms. Gilleran clarified that the parking modification only applies to the multifamily structure and discussed how the applicant plans to address transportation. Ms. Gilleran stated that the applicant met the notification requirements for neighboring properties, and also reached out other properties that were not legally required. Ms. Gilleran stated that staff recommends approval of the proposed ordinance, with the proffered conditions, as presented.

There was brief discussion among Council and staff about the application, focusing on: (1) proposed proffers and (2) zoning modification requests.

Mayor Olem asked if the applicant or applicant's agent would like to address the Council on this item.

David Gill, Wire Gill, LLP (applicant's agent) stated that his colleague Ken Wire was going to provide comments on the application, but he is unable to attend that night's meeting. He stated that Sean Sullivan, with Boston Properties, is providing comments on behalf of the applicant.

Sean Sullivan, Vice President of Development, Boston Properties, provided comments on behalf of the applicant. He provided an overview of the plan and clarified that the stacked houses and townhomes will be for sale, and it was anticipated that the multifamily units will be for rent. While they are not planning on incorporating affordable housing in this development, Mr. Sullivan stated that the application complies with all of the Town policies currently in place. He also discussed: (1) parking, (2) amenities, including bus shelters and trail connections, (3) parking plans, and (4) rail tax buyout; stating that it was their understanding that those tax funds will go to Fairfax County.

There was discussion among the Council and the applicant's agent on the proposed project, including: (1) community outreach for the project, (2) public parking maintenance and enforcement, (3) trails and trail maintenance, and (4) lessons learned from previous projects.

Mayor Olem called for comments from the audience.

The public hearing was held, and the following member of the audience provided comments:

- Walter Shorter, Four Seasons, expressed concerns about parking, and he asked that the applicant's agent's presentation be available to the public.

Seeing no further comments, Mayor Olem closed the public hearing and moved to Council level for discussion and action.

Councilmember LeBlanc moved to approve Ordinance 24-O-06 to approve Zoning Map Amendment ZMA #22-02, 13100 and 13150 Worldgate Drive, in the Planned Development-Worldgate (PD-W) zoning district with proffered conditions to allow the redevelopment of the site with single-family attached and multi-family residential uses, as presented.

Motion seconded by Councilmember del Aguila.

There were brief comments from Council.

Councilmember del Aguila thanked the applicant for their efforts and stated that he would like to see more attempts at workforce and affordable housing for this development and future housing developments in the Town.

The question was called on the motion, which carried by a 4-0 roll call vote. The vote was: Councilmembers del Aguila, LeBlanc, Scherff and Mayor Olem voting "Aye." Vice Mayor Hedrick and Councilmembers Alam and Dhakal were absent.

b. Resolution 24-G-15 to adopt the Town of Herndon 2024-2029 Strategic Plan

Certificates of Publication were filed from the Editor of the *Fairfax County Times Newspapers*, showing that notice of said public hearing item had been duly advertised in the Friday, March 15 and Friday, March 22, 2024, issues.

Mayor Olem opened the public hearing and recognized Kirstyn Barr Jovanovich, Town Clerk, who presented the staff report and reviewed the Draft 2024-2029 Town of Herndon Strategic Plan. She stated that this item is to provide the public with the opportunity to give feedback on the Draft Strategic Plan, which has been a collaborative effort between the Town Council, the Management Team, and other staff members, starting with the Council's retreat in March 2023. She advised that once adopted, the Strategic Plan will be implemented and monitored, with progress updates provided to the Town Council quarterly.

Ms. Jovanovich discussed the following aspects of the Strategic Plan: (1) Vision Statement, (2) Core Values, and (3) Five Strategic Focus Areas (SFA), and reviewed the development of the Goals, Objectives, Strategies, and Success Measures under each Strategic Focus Area. She stated that all changes and feedback previously provided by the Council had been incorporated into the draft plan. Staff recommends approval of the proposed resolution, as presented.

There was brief discussion among Council and staff about the Draft Strategic Plan, including: (1) public communication, (2) performance measures, and (3) quarterly updates and the strategic planning process moving forward.

Mayor Olem called for comments from the audience.

The public hearing was held, and the following member of the audience provided comments:

- Jay Hadlock, 515 Alabama Drive, Herndon, asked for an additional objective under SFA 4, Good Governance, that would establish a quick response to citizen questions on Town activities. He provided comments on the forthcoming Town branding project award of contract.

Seeing no further comments, Mayor Olem closed the public hearing and moved to Council level for discussion and action.

Councilmember del Aguila moved to approve Resolution 24-G-15 to adopt the Town of Herndon 2024-2029 Strategic Plan, as presented.

Motion seconded by Councilmember Scherff.

There were brief comments from Council.

Councilmember Scherff asked the Town Manager to tie the areas and goals in the Strategic Plan to the items on the Town Council meeting agendas following adoption.

In response to Mr. Hadlock's comments, Councilmember LeBlanc asked about customer satisfaction measurements, such as response time and rate for citizen questions. Responding, Ms. Jovanovich stated that she believed this type of data was tracked by departments and is provided as key performance indicators that are included in the budget documentation.

The question was called on the motion, which carried by a 4-0 roll call vote. The vote was: Councilmembers del Aguila, LeBlanc, Scherff and Mayor Olem voting "Aye." Vice Mayor Hedrick and Councilmembers Alam and Dhakal were absent.

6. Consent

- a. **Ordinance 24-O-07 to amend the Herndon Town Code, Chapter 74 (UTILITIES), Article IV (Billing Procedures), Section 74-424 to add language thereto relating to residential water-sewer leaks**
- b. **Resolution 24-G-16 to initiate consideration of a 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**
- c. **Resolution 24-G-17 to authorize the Town Manager to submit a grant application to the Office of the Secretary of Transportation, United States Department of Transportation, for federal funding under the Safe Streets and Roads for All (SS4A) program, to be directed towards the development of a Safety Action Plan for the Town**
- d. **Resolution 24-G-18 to authorize the Town Manager to submit a Creative Communities Partnership Grant Application to the Virginia Commission for the Arts**
- e. **Ordinance 24-O-08 to approve and authorize the Mayor to sign a lease agreement between the Town and Herndon Historical Society for space at 717 Lynn Street, commonly known as the Depot**
- f. **Resolution 24-G-19 to appoint a member to the Historic District Review Board**

On motion of Councilmember Scherff, seconded by Councilmember LeBlanc the Consent Agenda items were approved and carried by a 4-0 roll call vote, as presented, without comment. Councilmembers del Aguila, LeBlanc, Scherff and Mayor Olem voting "Aye." Vice Mayor Hedrick and Councilmembers Alam and Dhakal were absent.

7. Closed Meeting

- a. **A closed meeting pursuant to the:**
 - **Code of Virginia Section 2.2-3711 (A)(3), a matter involving a discussion or consideration of the acquisition of real property for a public purpose in the downtown because discussion in an open meeting would adversely affect the town's bargaining position or negotiating strategy; and**

- **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 real estate in the downtown and relating to an intergovernmental matter.**

Mayor Olem stated that the Council needed to go into a closed meeting and that the appropriate meeting notices were provided in accordance with state law. The closed meeting was held in the Hoover Conference Room in the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia.

Councilmember LeBlanc moved that the Council convene in a closed meeting to discuss the following as permitted by Code of Virginia Section 2.2-3711(A)(3), a matter involving a discussion or consideration of the acquisition of real property for a public purpose in the downtown because discussion in an open meeting would adversely affect the town's bargaining position or negotiating strategy; and 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 real estate in the downtown, and relating to an intergovernmental matter.

Councilmember Scherff seconded the motion, which carried by a 4-0 roll call vote. The vote was: Councilmembers del Aguila, LeBlanc, Scherff and Mayor Olem voting "Aye." Vice Mayor Hedrick and Councilmembers Alam and Dhakal were absent.

At 8:37 p.m. Mayor Olem called a brief recess, and at 8:48 p.m., the closed meeting reconvened in the Hoover Conference Room, four members present, with Mayor Olem presiding. Vice Mayor Hedrick and Councilmembers Alam and Dhakal were absent.

Councilmember LeBlanc moved to come out of the closed meeting. Motion seconded by Councilmember Scherff and carried by a 4-0 roll call vote. The vote was: Councilmembers del Aguila, LeBlanc, Scherff and Mayor Olem voting "Aye." Vice Mayor Hedrick and Councilmembers Alam and Dhakal were absent.

The Council came out of closed meeting at 9:43 p.m.

Councilmember Scherff moved to certify that, to the best of each member's knowledge, in the closed meeting just concluded, nothing was discussed except the matter or matters (1) specifically identified in the motion to convene in closed meeting and (2) lawfully permitted to be discussed in a closed meeting under the provisions of the Virginia Freedom of Information Act as cited in that motion. Motion seconded by Councilmember del Aguila and carried by 4-0 roll call vote. The vote was: Councilmembers del Aguila, LeBlanc, Scherff and Mayor Olem voting "Aye." Vice Mayor Hedrick and Councilmembers Alam and Dhakal were absent.

Aye: 4
Nay: 0
Absent: 3

8. Adjournment

There being no further business, Mayor Olem adjourned the March 26, 2024, Town Council Regular Meeting at 9:45 p.m.

Amanda E.M. Kertz
Chief Deputy Town Clerk

Minutes approved by Town Council : _____