



TOWN COUNCIL REGULAR MEETING AGENDA

Town Council Chambers
765 Lynn Street, Herndon, VA 20170

Tuesday, May 28, 2024 | 7:00 PM

1. Call to Order

2. Closed Meeting (5:30 PM)

- a. A closed meeting as provided under Section 2.2-3711(A)(1) of the Code of Virginia pertaining to discussion of a specific public employee relative to an annual performance review

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

4. Presentations/Reports/Comments

- a. Town Manager Report
- b. Councilmember Comments

5. 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.

6. Public Hearings

- a. Resolution 24-G-30 to adopt the FY 2026 through FY 2030 portion of the FY 2025 - FY 2030 Town of Herndon Capital Improvement Program

7. General

- a. Resolution 24-G-31 to adopt the Town of Herndon Streetery Pilot Program
- b. Ordinance 24-O-18 to amend Chapter 66 (STREETS, SIDEWALKS AND CERTAIN OTHER PUBLIC PLACES), Sec. 66-1 and to repeal Article VI (Encroachments Over and Upon Public Rights-of-Ways), Division 1 (Generally), and Division 2 (Outdoor Seating Administrative Encroachments)

8. Consent

- a. Resolution 24-G-32 to authorize the removal of the duct bank for the relocation of underground utilities (UPC 120508) from the Virginia Department of Transportation (VDOT) administered '*East Elden Street Improvements and Widening*' project (UPC 50100)
- b. Resolution 24-G-33 to initiate consideration of a Zoning Ordinance Text Amendment ZOTA #24-02 to amend Chapter 78 (ZONING), Article III (Residential Districts), Section 78-30.6, Article V (Planned Development Districts), by adding Section 78-51.2, PD-TRG1 (Planned Development – Transit Related Growth 1), and Section 78-51.2, PD-TRG2 (Planned Development – Transit Related Growth 2), and amending Article VII (Use Regulations), Section 78-70.2, Article VIII (Accessory Uses), Section 78-80.2, Article X (Parking, Loading, and Circulation), Section 78-100.2, Article XIV (Signs), adding a new Section 78-141.7 (Sign Standards for Planned Development – Transit Related Growth), Section 78-180 (Definitions), and other articles as deemed necessary and appropriate to implement the recommendations and standards of the Transit Related Growth Small Area Plan
- c. Resolution 24-G-34 to delegate authority to the Town Manager to approve all project budget transfers, and the addition of and cancelation of projects in the American Rescue Plan Act (ARPA) Fund
- d. April 2, 2024 Town Council Work Session Minutes
- e. April 16, 2024 Town Council Work Session Minutes

9. Adjournment

Interpretación en Español está disponible en esta sesión.

Agenda Item: Resolution 24-G-30 to adopt the FY 2026 through FY 2030 portion of the FY 2025 - FY 2030 Town of Herndon Capital Improvement Program

Meeting Date: May 28, 2024

Category: Public Hearings

Prepared by: John Irish, Deputy Director of Public Works, John Verdin, Capital Projects Program Manager

Description:

The Capital Improvement Program (CIP) is a financial planning document that establishes a six-year schedule for public improvements. It serves as a companion policy document to the Town of Herndon 2030 Comprehensive Plan and the town's Annual Operating Budget. The focus of this action concerns the FY 2026 through FY 2030 CIP, as the first year of the CIP (FY 2025) was adopted with the FY 2025 budget. The CIP document includes all six years and thus is referred to as the FY 2025 through FY 2030 CIP. This proposed CIP and the attached Resolution represent the Town Manager's recommendation for the Town Council to adopt.

[View the FY 2025 - FY 2030 CIP](#)

Background:

As mandated by the Code of Virginia, the proposed CIP was reviewed by the Planning Commission during a public hearing. The Commission's adopted Resolution 24-PC-003 dated February 26, 2024, and attached to this report, provides the Commission's recommendation to the Town Manager. Additional information is included in the attached Staff Report.

The notice for public hearing has been duly advertised in the *Fairfax County Times Newspapers* in the May 17, and May 24, 2024, editions.

Budget Impact:

The proposed program of capital improvements is integrated into the overall financial planning of the town. The program plans for the prudent use of General Fund revenues, American Rescue Plan Act (ARPA) funds, and Enterprise Fund revenues (Golf Course, Water and Sewer, Cemetery) within specific policy guidelines established within the town's Operating Budget and Comprehensive Annual Financial Report. The table below provides the total funds for FY 2025 as well as for FY 2026-FY 2030, as per the General Fund and Enterprise Fund summaries.

Total Recommended CIP	FY 2025	FY 2026 - FY 2030	Total
General Government Projects	\$5,190,000	\$129,184,004	\$134,374,004
Golf Course Fund Projects	\$50,000	\$0	\$50,000
Water and Sewer Fund Projects	\$11,739,000	\$57,180,000	\$68,919,000
Cemetery Fund Projects	\$2,311,450	\$0	\$2,311,450

Recommendation:

Staff recommends approval of the Resolution as presented to adopt the FY 2026 through FY 2030 portion of the FY 2025 - FY 2030 CIP.

Attachments:

1. Staff Report
2. Resolution (Proposed)
3. Legal Ad
4. PC Resolution (Approved)

STAFF REPORT

Agenda Item: Resolution to adopt the FY 2026 through FY 2030 portion of the FY 2025 - FY 2030 Town of Herndon Capital Improvement Program

Meeting Date: May 28, 2024

Staff Contact: John Irish, Deputy Director of Public Works
John Verdin, CIP Program Manager

Background:

The Capital Improvement Program (CIP) is a financial planning document that establishes a six-year schedule for public improvements. It serves as a companion policy document to the Town of Herndon 2030 Comprehensive Plan and the town's Annual Operating Budget. The focus of this action concerns the FY 2026 through FY 2030 CIP, as the first year of the CIP (FY 2025) was adopted with the FY 2025 budget. The CIP document includes all six years and thus is referred to as the FY 2025 through FY 2030 CIP. This proposed CIP and the attached Resolution represent the Town Manager's recommendation for the Town Council to adopt.

As mandated by the Code of Virginia, the proposed CIP was reviewed by the Planning Commission during a public hearing. The Commission's adopted Resolution 24-PC-003 dated February 26, 2024 provides the Commission's recommendation to the Town Manager. The Planning Commission indicated that the project Sidewalks, Trails, and Bicycle Facilities project should receive necessary funding in FY 2025. There are currently four projects and nine studies focused on sidewalk improvements or compliance to further walkability in the town.

There are several important factors to consider with respect to prioritization of the projects, whereby certain town projects may have a contractual or legal obligation in place, or projects that affect critical public safety and/or projects where there are major Federal and State funding timeline obligations and/or local match funding commitments.

The 24 proposed General Government projects are categorized as follows, with new projects appearing in *italics*:

Multimodal Transportation and Enhancements

East Elden Street Improvement and Widening
East Elden Street Duct Bank for Future Relocation
South Elden St. (Herndon Pkwy. to Sterling Rd.)
Spring Street (H. Parkway to Fairfax Co. Pkwy)
Sidewalk, Minor Trails, and Bicycle Facilities
Central Elden Walkability Improvements
Locust Street ADA Sidewalk Improvements
Sterling Road Multi-Modal Improvements
Monroe Street – Park Avenue Improvements
Herndon Parkway Improvement at Worldgate Extension
Herndon Parkway/Sunset Park Drive Intersection
Ferndale Avenue Improvements

Government Facilities Infrastructure

Energy Conservation
Town-wide Security Initiative
1481 Sterling Future Considerations
Town Shop Underground Fuel Storage Tanks
Herndon Municipal Center/Chamber Backlog
Downtown Redevelopment – Arts Center
Network Infrastructure

Storm Water Management/Environmental Enhancement

Storm Drainage Improvements
Stream Restoration

Parks and Recreation:

Park Equipment Program
Sports Field and Park Improvements
Herndon Community Life Cycle Projects
Town Hall Square, Depot, Caboose Improvements
Aquatic Office Conversion

Future Prospect Projects*

Runnymede Park Nature Center
W&OD Trail Lighting - Downtown
Herndon Community Center - Phase 5
Wayfinding and Identification Signs
Center Street Culvert Safety Improvement
Worldgate Drive Extension
Herndon Metrorail Promenade
Spring Street ADA Sidewalk Improvements
Downtown Utility Relocation
Police Exterior Garage
HPD Secure Gate
HPD Facility Improvements

* Projects costs/funding are not included in the CIP Financial Matrix

Fiscal Impact:

The proposed program of capital improvements is integrated into the overall financial planning of the town. The program plans for the prudent use of General Fund revenues, American Rescue Plan Act (ARPA) funds, and Enterprise Fund revenues (Golf Course, Water and Sewer, Cemetery) within specific policy guidelines established within the town's Operating Budget and Comprehensive Annual Financial Report. The table below provides the total funds for FY 2025 as well as for FY 2026-FY 2030, as per the General Fund and Enterprise Fund summaries.

Total Recommended CIP	FY 2025	FY26-FY30	Total
General Government Projects	\$5,190,000	\$129,184,004	\$134,374,004
Golf Course Fund Projects	\$50,000	\$0	\$ 50,000
Water and Sewer Fund Projects	\$11,739,000	\$57,180,000	\$68,919,000
Cemetery Fund Projects	\$ 2,311,450	\$0	\$2,311,450

For the General Government Projects, the proposed CIP makes use of approximately \$100,786,000 in grant funding from several sources in support of 36 different projects. Within the Water and Sewer Fund, additional debt financing will be needed for Water Utility Master Plan Improvements, Sewer Capacity Purchase and Sewer System Conveyance. The other Water and Sewer projects are supported mainly by operating revenues, availability fees, and ARPA funds (\$2,539,799).

Additional Staff Comments:

The proposed CIP contains 36 projects to include 24 General Government projects and 12 Enterprise Fund projects. The largest funding sources for General Government projects are grants (\$22,005,000), Revenue Bonds/Water & Sewer (\$43,220,000), Fairfax County Storm Water Tax (\$9,511,600), General Fund revenue (\$9,613,090) and ARPA (\$3,851,500). ARPA funds have been used as a stop gap method to recover from COVID revenue reduction and to correct oversight of essential infrastructure projects.

As with any long-range plan, implementation of the Five-Year Capital Improvement Program will require identifying and securing new sources of funding in support of the identified projects. Staff will continue to pursue local, state, and federal funding opportunities to keep these projects on schedule as outlined in the CIP.

The adopted FY 2024 – FY 2029 CIP is available on the town website for comparison and comprises [pages 244-469 of the Adopted FY 2024 Budget](#).

Staff Recommendation:

1. Staff recommends that the Town Council approve and adopt the FY 2026 through FY 2030 portion of the FY 2025 - FY 2030 CIP.
2. Recognizes that the purpose of the [FY 2025 - FY 2030 CIP](#) is as a planning document and that the funding shown is dependent upon future revenues and other funding sources.

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

RESOLUTION

MAY 28, 2024

Resolution- to adopt the FY 2026 through FY 2030 portion of the FY 2025 - FY 2030 Town of Herndon Capital Improvement Program.

The Capital Improvement Program (CIP) is a financial planning document that establishes a six-year schedule for public improvements. It serves as a companion policy document to the Town of Herndon 2030 Comprehensive Plan and the town's Annual Operating Budget. The focus of this action concerns the FY 2026 through FY 2030 CIP, as the first year of the CIP (FY 2025) was adopted with the FY 2025 budget. The CIP document includes all six years and thus is referred to as the FY 2025 through FY 2030 CIP.

As mandated by the Code of Virginia, the proposed CIP was reviewed by the Planning Commission during a public hearing. The Commission's adopted Resolution 24-PC-003 dated February 26, 2024 provides the Commission's recommendation to the Town Manager.

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

1. The Town Council approves and adopts the FY 2026 through FY 2030 portion of the FY 2025 - FY 2030 Town of Herndon Capital Improvement Program.

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 28, 2024, at 7:00 p.m. in the Herndon Council Chambers Building, located at 765 Lynn Street, Herndon on the following item:

Resolution to consider the Town of Herndon FY 2026 – FY 2030 Capital Improvement Program. The Town Council will consider adoption of the Town Manager’s recommended Capital Improvement Program (CIP). The CIP is a financial planning document that establishes a six-year schedule for public improvements and serves as a companion to the Town of Herndon 2030 Comprehensive Plan. [The FY 2025 portion was adopted in conjunction with the FY 2025 budget.]

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 17 / May 24, 2024

**TOWN OF HERNDON, VIRGINIA
PLANNING COMMISSION**

RESOLUTION

FEBRUARY 26, 2024

Resolution- to recommend to the Town Manager of the Town of Herndon the Proposed FY 2025 – FY 2030 Capital Improvement Program (CIP) and the Planning Commission’s priorities, as presented at the Planning Commission work session of February 12, 2024, and public hearing of February 26, 2024.

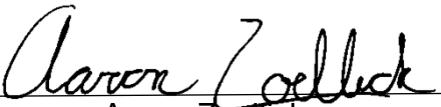
The Planning Commission of the Town of Herndon, Virginia has reviewed the Proposed FY 2025 – FY 2030 CIP (Proposed CIP). The Planning Commission has found that the Proposed CIP provides the necessary six-year financial planning schedule for the town’s public facilities and improvements. The Planning Commission has determined that the Proposed CIP aligns with the town’s 2030 Comprehensive Plan and the action items found in the town’s adopted Pedestrian Plan and Bicycle Network Master Plan. The Planning Commission recognizes that the Proposed CIP is a draft and that adjustments may be necessary based upon additional information received during the finalization of the Proposed FY 2025 Operating Budget.

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

The Planning Commission recommends the Proposed FY 2025 – FY 2030 Capital CIP to the Town Manager of the Town of Herndon for further consideration and adoption and further recommends that:

1. The Sidewalk, Bicycle, and Trails project continues to be funded using General Funds dollars; and,
2. The General Government projects focus should be on maintaining existing major infrastructure and ensuring safety of operations.

This is certified to be a true and accurate copy of resolution 24-PC-003 adopted at a legally convened meeting of the Town of Herndon Planning Commission on February 26, 2024.



Aaron Zoellick
Clerk of Boards and Commissions

24-PC-003

Agenda Item: Resolution 24-G-31 to adopt the Town of Herndon Streetery Pilot Program

Meeting Date: May 28, 2024

Category: General

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

Description:

After continued discussion of outdoor seating at the May 7, 2024 work session, Town Council directed staff to develop a pilot program to allow outdoor dining for a specified duration within the public right of way, including on public shared parking and sidewalks, within the downtown. The proposed resolution establishes a Streetery Pilot Program within the downtown, which memorializes the fee change adopted by Ordinance 24-O-10 at the May 14, 2024 Town Council meeting, and increases the number of parking spaces available for outdoor seating. In order to establish and implement the pilot program, Chapter 66, Article VI, Divisions 1 and 2, must be repealed. The Streetery Pilot Program will supersede the current regulations regarding outdoor seating found in Chapter 66 that are being repealed.

Background:

At the May 14, 2024 public hearing, Town Council adopted Ordinance 24-O-10 to amend Sec. 66-133(b)(5) of the Herndon Town Code for the limited purpose of reducing the seasonal outdoor seating fee charged for private use of public sidewalks, public rights-of-way, or public share parking spaces from ten dollars (\$10.00) per square foot to one dollar (\$1.00) per square foot and further directed Town staff to create a pilot program for outdoor seating that would supersede the regulations in Chapter 66. As per Town Council's direction, Town staff has created the "Streetery Pilot Program for Outdoor Seating." The regulations for this pilot program largely mirror the language from Chapter 66, Division 2 (Outdoor Seating Administrative Encroachments) except that it reduces the fee charged to one dollar (\$1.00) per square foot for the first two parking spaces and five dollars (\$5.00) per square foot for the third and fourth parking spaces, and increases the total number of on-street public and public shared parking spaces that can be used for outdoor seating to four.

The term "Streetery" is used instead of the term "seasonal outdoor seating" to describe outdoor seating areas on public sidewalks, public rights-of-way, public streetscape easements, or public shared parking. As defined in the proposed pilot program regulations, a "Streetery" means:

any outdoor group of tables, chairs, or other seating fixtures and all related appurtenances maintained within the public sidewalk, or other right-of-way when located adjacent to an eating establishment having the same principal operator. A Streeterly is typically an extension of an existing eating establishment's "dining room" and is not considered a public space. Further, a Streeterly shall be temporary in nature, shall not be permanently affixed so as to extend below the sidewalk or other right-of-way, must not involve penetration of the sidewalk or right-of-way surface or be attached to any building, and shall be readily removable without damage to the surface of the sidewalk or other right-of-way.

The term of the Streeterly Pilot Program will begin at the adoption of the resolution and will continue through November 30, 2024.

Budget Impact:

Budgetary impacts will be dependent on the participation in the program.

Recommendation:

Staff recommends approval of the resolution to establish the Streeterly Pilot Program, and the subsequent adoption of the Ordinance to amend Chapter 66, Section 66-1 and repeal Article VI, Divisions 1 and 2.

Attachments:

1. Resolution (Proposed)
2. Streeterly Pilot Program Regulations

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

RESOLUTION

MAY 28, 2024

Resolution- to adopt the Town of Herndon Streetery Pilot Program.

At the May 7, 2024 work session, Town Council directed staff to develop an outdoor dining pilot program that would reduce the fees associated with utilizing public rights-of-ways, as well as increasing the allowable number of parking spaces, for a Streetery. The intent of the pilot program is to reduce potential barriers and provide opportunities for eligible eating establishments to create additional outdoor eating spaces within the downtown.

The pilot program will be for a limited duration, and will include some data analysis in reviewing program efficacy and determining next steps at the conclusion of the pilot program.

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

1. The Town of Herndon Streetery Pilot Program is established and the Town Manager is authorized to create rules and regulations for the efficient establishment and administration of the Pilot Program.
2. The Economic Development Director will engage a group of business owners within the downtown business district to obtain input on program efficacy and impacts.
3. Town staff will monitor the pilot program and utilize available data in reviewing program efficacy and impacts.
4. This resolution shall be effective on the date of its adoption through November 30, 2024.

TOWN OF HERNDON STREETERY PILOT PROGRAM RULES AND REGULATIONS

1. Purpose.

The purpose of this program is to create the opportunity for the Town, in partnership with downtown eating establishments, to try out a streetery program for a trial period. While the following rules and regulations aim to protect the health, safety, and welfare of the Herndon community, as well as ensure compliance with required regulatory agencies, they are also intended to reduce potential barriers and provide greater opportunities for eligible eating establishments to create additional outdoor eating spaces within the downtown. The program will include some data analysis in reviewing program efficacy and in determining next steps at the conclusion of the pilot program.

2. Administrative approval required for Streetery.

In accordance with the Code of Virginia § 15.2-2009, as amended, the town council authorizes the director of community development and the director of public works or their designee, upon application to the department of community development, to administratively approve streetery seating areas that encroach into public rights-of-way and other public places subject to the terms and conditions more specifically described below. Furthermore, the town council authorizes the director of public works to enforce the provisions of these regulations.

If an application for a streetery encroachment does not meet all of the criteria of paragraph 4, then the directors of public works and community development or their designees are prohibited from administratively approving the encroachment application, which said application must be denied.

3. Streetery Permit; definitions.

The terms used in these regulations and not here defined shall carry their ordinary meanings. For purposes of this program, the following terms shall carry the meanings set out below:

ABC means the Virginia Department of Alcoholic Beverage Control.

ADA means the Americans with Disabilities Act of 1990 and the ADA Amendments Act of 2008, 42 U.S.C. § 12101 et seq.

Director of community development means the director of the department of community development and their authorized designees.

Director of public works means the director of the department of public works and their authorized designees.

Eating establishment means any business meeting the criteria in section 78-71.6 of the zoning ordinance which is properly licensed and lawfully located in the PD-TD, Planned Development Traditional Downtown, PD-D, Planned Development Downtown, and CC, Central Commercial zoning districts.

Principal operator means the person or entity that operates an eating establishment.

Public shared parking spaces means as defined in section 78-180 of the zoning ordinance but specifically exclude public shared parking spaces located on public streets.

Public parking means for the purpose of this program, parking spaces located in public right-of-way (on-street parking spaces) or, in a public street easement, but specifically excluding public shared parking spaces.

Public right-of-way means for the purpose of this program, dedicated and otherwise acquired public right-of-way and public street easements having the characteristics of a municipal public street for the purpose of public travel and other uses consistent with a public municipal street.

Public shared parking seating area means an area on a public shared parking space to be used for a streetery associated with an adjacent eating establishment.

Public sidewalk means for the purpose of this program, dedicated and otherwise acquired public right-of-way and public streetscape easements having the characteristics of a municipal sidewalk for the purpose of non-vehicular public travel and other uses consistent with a public municipal sidewalk.

Streetery means any outdoor group of tables, chairs, or other seating fixtures and all related appurtenances maintained within the public sidewalk, or other right-of-way when located adjacent to an eating establishment having the same principal operator. A streetery is typically an extension of an existing eating establishment's "dining room" and is not considered a public space. Further, a streetery shall be temporary in nature, shall not be permanently affixed so as to extend below the sidewalk or other right-of-way, must not involve penetration of the sidewalk or right-of-way surface or be attached to any building, and shall be readily removable without damage to the surface of the sidewalk or other right-of-way. The term for the streetery pilot program will be from May 28, 2024 to November 30, 2024 after which time the town council will evaluate the streetery program and make any changes it deems necessary.

Right-of-way seating area means an extension of the sidewalk into the parking lane on a public right-of-way or public street easement to be used for a streetery associated with an adjacent eating establishment. The establishment of a right-of-way seating area for eligible eating establishments is limited to Lynn Street, Pine Street, Station Street, and the 700 block of Center Street.

Sidewalk seating area means an area on a public sidewalk or public streetscape easement to be used for a streetery associated with an adjacent eating establishment.

4. Requirements.

- (a) *Permit required; enforcement.* Subject to the provisions of these regulations, a streetery may encroach into a portion of the public sidewalk, public right-of-way, or public shared parking only upon issuance of a streetery permit as provided for in these regulations. No other use of the area devoted to a streetery shall be permitted. It shall be the responsibility of the director of public works to enforce the provisions of these regulation. A streetery permit shall not be transferable to another principal operator or location.
- (b) *Application requirements.*
 - (1) Application for a streetery permit shall be made to the director of community development on such application form and subject to such written procedures as the director may establish. Application for a streetery permit shall be made by the principal operator of an eating establishment that is located at street level adjacent to the proposed streetery. The application shall be signed by the principal operator of the eating establishment and by the owner of the property on which the eating establishment is located if the property owner is not the eating establishment operator.
 - (2) Streetery areas whether in a sidewalk or public right-of way, must comply with all streetery requirements, which address the allowed locations, design requirements, safety, and maintenance responsibilities that are approved by the directors of community development and public works. The use of tents with or without sides are prohibited due to the safety hazard presented by impeding the site distance for vehicles operating around the streetery areas. Umbrellas must have a minimum 7-foot overhead clearance and be securely weighted. Signs are prohibited on umbrellas.
 - (3) Application fee. A nonrefundable application fee of \$100.00 shall accompany each application for a streetery permit.
 - (4) Term of permit. A streetery permit is limited to a period beginning May 28, 2024 through November 30, 2024. A streetery permit shall be valid until the time stated in the permit, the establishment ceases operation, the permit is suspended, or the permit is revoked.

- (5) Fees for use of public right-of-way or public share parking shall be \$1.00 per square foot per term for the first two parking spaces and shall be \$5.00 per square foot per term for the third and fourth parking spaces. The fees for use of the public sidewalk shall be \$1.00 per square foot per term.
- (c) *Limitations on right-of-way seating areas.* An eating establishment shall be limited to the permitted use of four public parking spaces per establishment. At any one time, the town shall limit the total number of issued permits for a streetery to no more than 30 percent of the total parking spaces along a street block. Permits will be issued based on the order of complete applications received.
- (d) *Limitations on use of public shared parking.* An eating establishment shall be limited to the permitted use of four public shared parking space per establishment, however the use of public shared parking spaces can only be used for streetery seating if the parking spaces have not been allocated through the public shared parking program pursuant to section 78-100.7 of the zoning ordinance.

If as described in section 66-137(b)(1)f of the town code, a development applicant has voluntarily proffered or chosen to participate in the public shared parking program and the only remaining spaces are occupied by an eating establishment pursuant to these regulations, the director of public works shall provide written notice to the principal operator and owner of the property.
- (e) *Liability insurance and indemnity.* Prior to approval of any streetery permit, the applicant shall submit a certificate of liability insurance in such amounts and such coverages as may be required by the risk manager, naming the Town of Herndon as an additional insured in a form satisfactory to the risk manager.
- (f) *Fees and taxes to be paid.* All Town of Herndon fees and taxes required by law and applicable to the eating establishment, or to the property on which the eating establishment is located, shall be paid in full and all required town licenses shall be current prior to approval of a streetery permit.
- (g) *Encroachment agreement.* Prior to the approval of a streetery permit the applicant shall submit an executed encroachment agreement, incorporating all terms and conditions imposed by town staff and in a form approved by the town attorney or their designee, which shall include but not be limited to provisions regarding insurance and indemnification as may be required by the risk manager.

5. Review process.

- (a) After a complete application, including all required materials as set forth in paragraph 4 is submitted, the director of community development and the director of public works shall jointly approve the streetery permit, approve the streetery permit with conditions, or deny the streetery permit.
- (b) Standards for application review. Approval of a streetery permit shall be granted only if:
 - (1) The eating establishment is properly licensed and lawfully located in a PD-TD, Planned Development Traditional Downtown, PD-D, Planned Development Downtown, or CC, Central Commercial zoning districts;
 - (2) The proposed streetery complies with the uniform statewide building code, state and local fire codes, state and local health codes, and all applicable provisions of federal, state, and local law, including these regulations;
 - (3) The proposed streetery complies with all streetery requirements;
 - (4) The public sidewalk maintains 60 inches passage way to back of curb and 36 inch passage around any sidewalk obstruction;
 - (5) The eating establishment complies with ADA requirements for the indoor and outdoor streetery areas. This includes required ADA access within the streetery area;
 - (6) The proposed streetery will not unreasonably interfere with the normal use of town property by the town or general public, and does not present a safety, health, or environmental hazard; and

- (7) The proposed streetery shall not block egress from the adjacent buildings, block or hinder access to any fire hydrant, fire lane or fire department hose connection.
- (c) Availability of approved permit on the premises. If approved, the streetery permit shall be available on the premises of the eating establishment at all times and shall be provided to representatives of the town upon request.

6. Changes to approved permit.

No material change to an approved streetery permit shall be made without prior written approval by the director of community development and the director of public works, provided that the director of public works may modify an approved permit if they find there is a public need relative to use of the adjacent sidewalk area or right-of-way.

7. Enforcement, revocation, and suspension.

- (a) *Generally.* Operation of a streetery is a licensed privilege granted by the Town of Herndon to occupy a portion of the public right-of-way or public shared parking and is predicated on the streetery being operated in compliance with all applicable regulations and on maintaining the superseding public interest in the use of public rights-of-ways in the town and shall be revocable at the pleasure of the town council.
- (b) *Administrative revocation of approved permit by the director of public works.*
 - (1) The director of public works shall have the authority to revoke an approved streetery permit if any of the following occurs:
 - a. The applicant has misrepresented facts or provided false information in the streetery permit application;
 - b. The streetery is operated in violation of the terms or conditions of the streetery permit, encroachment agreement, or ABC regulations;
 - c. The streetery or the eating establishment is operated in violation of the zoning ordinance, town code, or other applicable federal, state, or local law;
 - d. The streetery constitutes a public nuisance or a hazard to the public health, safety, or welfare of the public, or is endangering the life or property of others;
 - e. The eating establishment has delinquent taxes, unpaid fees, or has not maintained all licenses necessary for operation of the eating establishment and streetery; or
 - f. The director of public works determines that there is a superseding public need relative to the portion of the public sidewalk, public right-of-way, or public shared parking space(s) occupied by or otherwise affected by the streetery, including but not limited to: 1) work or repair in the public sidewalk or public right-of-way areas, or 2) need of access for work or repair to a public facility or public utility or 3) if a development applicant has voluntarily proffered or chosen to participate in the public shared parking program and the only remaining spaces are occupied by a streetery.
 - (2) The director of public works shall provide written notice that shall be reasonable under the circumstances to the principal operator and owner of the property where the eating establishment is located setting forth the effective date of the revocation and the grounds therefor. Such revocation shall not be appealable.
 - (3) In the case of revocation of a streetery permit on grounds other than specified in paragraph (b)(1)f of this section, the principal operator of the streetery shall not be permitted to re-apply for an administrative streetery permit to operate a streetery area for the same establishment within one year of revocation.

(c) *Administrative suspension of an approved permit by the director of public works.*

- (1) The director of public works shall have the authority to suspend an approved streetery permit for a period of up to 30 days, or such longer period as may be necessary, if any of the conditions of paragraph (b)(1) occur.
- (2) The director of public works shall provide written notice to the principal operator setting forth the effective date of the suspension, the length of the suspension, and the grounds therefor.
- (3) The director of public works may reinstate a streetery permit if the director is satisfied that the grounds for the suspension have been abated.

8. Marking of Streetery area for inspection.

After approval of a streetery permit and prior to initial occupancy of any area approved for use for streetery seating, the principal operator of the streetery shall mark the corners of the approved streetery area in a conspicuous but non-permanent manner on the sidewalk surface or other public space and shall notify the director of public works for inspection by the town building official and approval of the same.

9. Appeal of denial, of permit, or Administrative Suspension.

A person aggrieved by the denial of an application for a streetery permit or an administrative suspension of a streetery permit shall have the right to appeal to the Town Manager. The appeal shall be made in writing to the Town Manager within 72 hours from the receipt of the written denial or suspension. The written appeal shall state the reasons for the appeal. Town Manager shall review the appeal and issue a written decision within five business days of its receipt.

Agenda Item: Ordinance 24-O-18 to amend Chapter 66 (STREETS, SIDEWALKS AND CERTAIN OTHER PUBLIC PLACES), Sec. 66-1 and to repeal Article VI (Encroachments Over and Upon Public Rights-of-Ways), Division 1 (Generally), and Division 2 (Outdoor Seating Administrative Encroachments)

Meeting Date: May 28, 2024

Category: General

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

Description:

This is a request to amend Chapter 66, Section 66-1 and repeal Article VI Division 1 and Division 2 regarding outdoor dining. The adoption of this Ordinance is a necessary step in establishing the Town of Herndon Streeterly Pilot Program. The Streeterly Pilot Program will supersede the current regulations regarding seasonal outdoor seating found in Chapter 66 that are being repealed by the proposed Ordinance.

Background:

Please review information included under the previous agenda item regarding the establishment of the Town of Herndon Streeterly Pilot Program.

Budget Impact:

None.

Recommendation:

Staff recommends approval the proposed ordinance.

Attachments:

1. Ordinance (Proposed)

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

ORDINANCE

MAY 28, 2024

Ordinance- **to amend Chapter 66 (STREETS, SIDEWALKS AND CERTAIN OTHER PUBLIC PLACES), Sec. 66-1 and to repeal Article VI (Encroachments Over and Upon Public Rights-of-Ways), Division 1 (Generally), and Division 2 (Outdoor Seating Administrative Encroachments).**

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 amended as follows:

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

Article I. In General.

Sec. 66-1. - Obstructing streets and sidewalks.

Except as may otherwise be provided by ~~article VI of this chapter~~, this Code or resolution of the town council adopted pursuant to general law for the placement of improvements in a public right-of-way for a public purpose or the temporary closing of streets for other than public purposes, no person shall obstruct a street or sidewalk by placing or permitting thereon any bench, carton, barrel, box, cart, vehicle, merchandise, snow or ice from private land used for commercial purposes, or other article or fixture whatsoever, whether for exhibition, sale, or other purposes.

2. The following sections or provisions of the Herndon Town Code (2000), as amended, are repealed as follows:

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

~~Division 1.- Generally.~~

24-O-18

~~Sec. 66-121. – Purpose of article.~~

~~It is the general policy of the town that the public rights-of-way are to be reserved for public use or open space; and that the rights of the public, present and future, are not to be diminished by the installation of private improvements within public rights-of-way. Notwithstanding the foregoing, limited private encroachments into public rights-of-way may be permitted, subject to the express terms of this article and compliance with other provisions of this chapter.~~

~~Secs. 66-122 – 66-130. – Reserved.~~

~~Division 2. – Outdoor Seating Administrative Encroachments.~~

~~Sec. 66-131. Administrative approval required for seasonal outdoor seating.~~

~~In accordance with the Code of Virginia § 15.2-2009, as amended, the town council hereby authorizes the director of community development and the director of public works or their designee, upon application to the department of community development, to administratively approve seasonal outdoor seating areas that encroach into public rights-of-way and other public places subject to the terms and conditions of article VI of this chapter. Furthermore, the town council hereby authorizes the director of public works to enforce the provisions of this Division.~~

~~If an application for an outdoor seating encroachment does not meet all of the criteria of Sec. 66-133, then the directors of public works and community development or their designees are prohibited from administratively approving the encroachment application, which said application must be denied.~~

~~Sec. 66-132. Seasonal Outdoor seating permit; definitions.~~

~~The terms used in the division and not here defined shall carry their ordinary meanings. For purposes of this division, the terms set out below shall carry the meanings set out below:~~

~~ABC. The Virginia Department of Alcoholic Beverage Control.~~

~~ADA. The Americans with Disabilities Act of 1990 and the ADA Amendments Act of 2008, 42 U.S.C. §§ 12101, et seq.~~

~~Director of community development. The director of the department of community development and their authorized designees.~~

~~Director of public works. The director of the department of public works and their authorized designees.~~

~~Eating Establishment. Any business meeting the criteria in Sec. 78-71.6 of the zoning ordinance which is properly licensed and lawfully located in the PD-TD, Planned Development Traditional Downtown, PD-D, Planned Development Downtown, and CC, Central Commercial zoning districts.~~

~~*Public Shared Parking Spaces.* Shall have meaning as defined in Sec. 78-180 of the zoning ordinance but specifically exclude public shared parking spaces located on public streets.~~

~~*Public Shared Parking Seating Area.* An area on a public shared parking space to be used for seasonal outdoor seating associated with an adjacent eating establishment.~~

~~*Principal Operator.* The person or entity that operates an establishment.~~

~~*Public Parking.* For the purpose of this division, includes parking spaces located in public right-of-way (on-street parking spaces) or, in a public street easement, but specifically excluding public shared parking spaces.~~

~~*Public Right-of-Way.* For the purpose of this Division includes dedicated and otherwise acquired public right-of-way and public street easements having the characteristics of a municipal public street for the purpose of public travel and other uses consistent with a public municipal street.~~

~~*Public Sidewalk.* For the purpose of this Division includes dedicated and otherwise acquired public right-of-way and public streetscape easements having the characteristics of a municipal sidewalk for the purpose of non-vehicular public travel and other uses consistent with a public municipal sidewalk.~~

~~*Seasonal outdoor seating.* Any group of tables, chairs, or other seating fixtures and all related appurtenances maintained within the public sidewalk, or other right-of-way when located adjacent to an eating establishment having the same principal operator. Further, outdoor seating shall be temporary in nature, shall not be permanently affixed so as to extend below the sidewalk or other right-of-way, must not involve penetration of the sidewalk or right-of-way surface or be attached to any building, and shall be readily removable without damage to the surface of the sidewalk or other right-of-way. The maximum time period for outdoor seating pursuant to the division is from March 15 to October 31 per calendar year.~~

~~*Sidewalk Seating Area.* An area on a public sidewalk or public streetscape easement to be used for seasonal outdoor seating associated with an adjacent eating establishment~~

~~*Right-of-Way Seating Area.* An extension of the sidewalk into the parking lane on a public right-of-way or public street easement to be used for seasonal outdoor seating associated with an adjacent eating establishment. The establishment of a Right-of-Way Seating Area for eligible Eating Establishments is limited to Lynn Street, Pine Street, Station Street, and the 700 block of Center Street.~~

~~Sec. 66-133. Same – Requirements.~~

- ~~(a) *Permit required; enforcement.* Subject to the provisions of this Division, seasonal outdoor seating may encroach into a portion of the public sidewalk, public right-of-way, or public shared parking only upon issuance of a seasonal outdoor seating permit as provided for in this Division. No other use of the area devoted to the seasonal outdoor seating shall be~~

permitted. It shall be the responsibility of the director of public works to enforce the provisions of this division.

~~(b) Application requirements.~~

- ~~(1) Application for a seasonal outdoor seating permit shall be made to the director of community development on such application form and subject to such written procedures as the director may establish. Application for a seasonal outdoor seating permit shall be made by the principal operator of an eating establishment that is located at street level adjacent to the proposed outdoor seating area. The application shall be signed by principal operator of the eating establishment and by the owner of the property on which the eating establishment is located if the property owner is not the eating establishment operator.~~
- ~~(2) Seasonal outdoor seating areas whether in a sidewalk or public right-of-way, must comply with all Seasonal Outdoor Seating Requirements, which address the allowed locations, design requirements, safety, and maintenance responsibilities that are approved by the directors of community development and public works~~
- ~~(3) Application fee. A nonrefundable application fee of \$100.00 shall accompany each application for a seasonal outdoor seating permit.~~
- ~~(4) Term of permit. Each seasonal outdoor seating permit is limited to a period beginning March 15 through October 31 of each calendar year. Such permit will have to be applied for on an annual basis and will not automatically renew.~~
- ~~(5) Fees for use of public sidewalk, public right-of-way, or public share parking shall be one dollar (\$1.00) per square foot per term.~~

~~(c) Limitations on right-of-way seating areas. An eating establishment shall be limited to the permitted use of two (2) public parking spaces per establishment. At any one time, the town shall limit the total number of issued permits for right-of-way seating areas to no more than twenty percent (20%) of the total parking spaces along a street block. Permits will be issued based on the order of complete applications received.~~

~~(d) Limitations on use of public shared parking. An eating establishment shall be limited to the permitted use of two (2) public shared parking space per establishment, however the use of public shared parking spaces can only be used for seasonal outdoor seating if the parking spaces have not been allocated through the public shared parking program pursuant to Sec. 78-100.7 of the zoning ordinance.~~

If as described in Sec. 66-137(b)(1)f, a development applicant has voluntarily proffered or chosen to participate in the public shared

~~parking program and the only remaining spaces are occupied by an eating establishment pursuant to this division, the director of public works shall provide written notice to the principal operator and owner of the property~~

- ~~(e) *Liability insurance and indemnity.* Prior to approval of any seasonal outdoor seating permit, the applicant shall submit a certificate of liability insurance in such amounts and such coverages as may be required by the risk manager, naming the Town of Herndon as an additional insured in a form satisfactory to the risk manager.~~
- ~~(f) *Fees and taxes to be paid.* All Town of Herndon fees and taxes required by law and applicable to the eating establishment, or to the property on which the eating establishment is located, shall be paid in full and all required town licenses shall be current prior to approval of a seasonal outdoor seating permit.~~
- ~~(g) *Encroachment Agreement.* Prior to the approval of a seasonal outdoor seating permit the applicant shall submit an executed encroachment agreement, incorporating all terms and conditions imposed by town staff and in a form approved by the town attorney or their designee, which shall include but not be limited to provisions regarding insurance and indemnification as may be required by the risk manager.~~

~~Sec. 66-134. Same – Review process.~~

- ~~(a) After a complete application, including all required materials as set forth in Sec. 66-133 is submitted, the director of community development and the director of public works shall jointly approve the seasonal outdoor seating permit, approve the seasonal outdoor seating permit with conditions, or deny the seasonal outdoor seating permit.~~
- ~~(b) Standards for application review. Approval of a seasonal outdoor seating permit shall be granted only if:
 - ~~(1) The eating establishment is properly licensed and lawfully located in a PD-TD, Planned Development Traditional Downtown, PD-D, Planned Development Downtown, or CC, Central Commercial zoning districts;~~
 - ~~(2) The proposed seasonal outdoor seating complies with the uniform statewide building code, state and local fire codes, state and local health codes, and all applicable provisions of federal, state, and local law, including this division;~~
 - ~~(3) The proposed seasonal outdoor seating complies with all Seasonal Outdoor Seating Requirements;~~
 - ~~(4) The public sidewalk maintains 60 inches passage way to back of curb and 36 inch passage around any sidewalk obstruction;~~~~

- ~~(5) The eating establishment complies with ADA requirements for the indoor and outdoor seating areas. This includes required ADA access within the outdoor seating area;~~
- ~~(6) The proposed outdoor seating will not unreasonably interfere with the normal use of town property by the town or general public, and does not present a safety, health, or environmental hazard; and~~
- ~~(7) The proposed outdoor seating area shall not block egress from the adjacent buildings, block or hinder access to any fire hydrant, fire lane or fire department hose connection.~~
- ~~(c) Availability of approved permit on the premises. If approved, the seasonal outdoor seating permit shall be available on the premises of the eating establishment at all times and shall be provided to representatives of the town upon request.~~

~~Sec. 66-135. Same – Changes to approved permit.~~

~~No material change to an approved seasonal outdoor seating permit shall be made without prior written approval by the director of community development and the director of public works, provided that the director of public works may modify an approved permit if they find there is a public need relative to use of the adjacent sidewalk area or right-of-way.~~

~~Sec. 66-136. Same – Duration and transferability.~~

- ~~(a) A seasonal outdoor seating permit shall be valid from March 15 to October 31 per calendar year, unless a shorter time is specified. A seasonal outdoor seating permit shall be valid until the time stated in the permit, the establishment ceases operation, the permit is suspended, or the permit is revoked.~~
- ~~(b) A seasonal outdoor seating permit shall not be transferable to another principal operator or location.~~

~~Sec. 66-137. Same – Enforcement, revocation and suspension.~~

- ~~(a) *Generally.* Operation of seasonal outdoor seating is a licensed privilege granted by the Town of Herndon to occupy a portion of the public right-of-way or public shared parking and is predicated on the seasonal outdoor seating being operated in compliance with all applicable regulations and on maintaining the superseding public interest in the use of public rights-of-ways in the town and shall be revocable at the pleasure of the town council.~~
- ~~(b) *Administrative revocation of approved permit by the director of public works.*~~
 - ~~(1) The director of public works shall have the authority to revoke an approved seasonal outdoor seating permit if any of the following occurs:~~
 - ~~a. The applicant has misrepresented facts or provided false~~

~~information in the seasonal outdoor seating permit application;~~

- ~~b. The outdoor seating area is operated in violation of the terms or conditions of the outdoor seating permit, encroachment agreement or, ABC regulations;~~
- ~~c. The outdoor seating area or the eating establishment is operated in violation of the zoning ordinance, town code, or other applicable federal, state or local law;~~
- ~~d. The outdoor seating area constitutes a public nuisance or a hazard to the public health, safety, or welfare of the public, or is endangering the life or property of others;~~
- ~~e. The eating establishment has delinquent taxes, unpaid fees, or has not maintained all licenses necessary for operation of the eating establishment and outdoor seating area; or~~
- ~~f. The director of public works determines that there is a superseding public need relative to the portion of the public sidewalk, public right-of-way, or public shared parking space(s) occupied by or otherwise affected by the outdoor seating, including but not limited to: 1) work or repair in the public sidewalk or public right-of-way areas, or 2) need of access for work or repair to a public facility or public utility or 3) if a development applicant has voluntarily proffered or chosen to participate in the public shared parking program and the only remaining spaces are occupied by outdoor seating.~~

~~(2) The director of public works shall provide written notice that shall be reasonable under the circumstances to the principal operator and owner of the property where the eating establishment is located setting forth the effective date of the revocation and the grounds therefor. Such revocation shall not be appealable.~~

~~(3) In the case of revocation of a seasonal outdoor seating permit on grounds other than specified in subsection (b)(1)f of this subsection, the principal operator of the seasonal outdoor seating shall not be permitted to re-apply for an administrative seasonal outdoor seating permit to operate an outdoor seating area for the same establishment within one year of revocation.~~

~~(c) *Administrative suspension of an approved permit by the director of public works.*~~

~~(1) The director of public works shall have the authority to suspend an approved outdoor seating permit for a period of up to 30 days, or such longer period as may be necessary, if any of the conditions of subsection (b)(1) occur.~~

~~(2) The director of public works shall provide written notice to the principal operator setting forth the effective date of the suspension,~~

~~the length of the suspension, and the grounds therefor.~~

- ~~(3) The director of public works may reinstate a seasonal outdoor seating permit if the director is satisfied that the grounds for the suspension have been abated.~~

~~Sec. 66-138. Same – Marking of outdoor seating area for inspection.~~

~~After approval of a seasonal outdoor seating permit and prior to initial occupancy of any area approved for use for outdoor seating, the principal operator of the outdoor seating shall mark the corners of the approved outdoor seating area in a conspicuous but non-permanent manner on the sidewalk surface or other public space and shall notify the director of public works for inspection by the town building official and approval of the same.~~

~~Secs. 66-139 – 66-150. – Reserved.~~

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

Agenda Item: Resolution 24-G-32 to authorize the removal of the duct bank for the relocation of underground utilities (UPC 120508) from the Virginia Department of Transportation (VDOT) administered 'East Elden Street Improvements and Widening' project (UPC 50100)

Meeting Date: May 28, 2024

Category: Consent

Prepared by: John Irish, Deputy Director of Public Works, Mark Duceman, Transportation Program Manager/Senior Planner, Jaleh Moslehi, Capital Projects Planner/Engineer

Description:

The attached resolution provides Town Council endorsement of the revised project and requests the Virginia Department of Transportation (VDOT) to proceed with a revised design for the future construction of retaining the utilities above ground, resulting in a significant reduction to the total project cost and subsequently reducing the town's funding obligation.

Background:

The scope for this VDOT administered project is to provide congestion relief by widening East Elden Street to six (6) lanes with a raised median between Fairfax County Parkway and Herndon Parkway, continuing as a four (4) lane section with a raised median and dedicated turning lanes between Herndon Parkway and Van Buren Street, transitioning to a two (2) lane section with a left turn lane when reaching Monroe Street. The project also includes bridge upgrade/flood mitigation measures, improved traffic signalization, bus transit enhancements as well as ADA pedestrian sidewalks, bike lanes, and cycle tracks on both sides of the roadway with connectivity to three regional trails and the Herndon Metrorail Station.

Budget Impact:

At this time, the estimated project cost for the East Elden Street Improvements and Widening project is approximately \$71 million, which would include the costs associated with retaining the utilities above ground. The town currently has accumulated federal, state, and regional funding that total \$61 million, of which \$10 million is state Revenue Sharing funds that require a local 50% match (i.e. \$10 million). Accordingly, the town's local match obligation of \$10 million is to fulfill the remaining project costs and thus reduce the amount of funding for which the town would otherwise be responsible.

The Town's match is proposed to be comprised of town general funds, town bond funds

and/or Northern Virginia Transportation Authority (NVTA) Local Revenue funds, within the two fiscal years subsequent to allocation along with a Town/VDOT project agreement prior to beginning this VDOT administered project.

It is anticipated that by maintaining utilities above ground instead of relocating them underground, the project will be enabled to be scheduled for construction bid advertisement in year 2027.

Recommendation:

Staff recommends approval of the Resolution, as proposed.

Attachments:

1. Resolution (Proposed)

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

RESOLUTION

MAY 28, 2024

Resolution- **to authorize the removal of the duct bank for the relocation of underground utilities (UPC 120508) from the Virginia Department of Transportation (VDOT) administered 'East Elden Street Improvements and Widening' project (UPC 50100).**

In order for VDOT to proceed towards completing the final revised engineering design, it is necessary for the Town Council to provide the direction and approval for the removal of the duct bank for the relocation of utilities from the East Elden Street Improvements and Widening project.

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

1. The Town Council continues to endorse the project and approves the transmittal of this resolution to the Virginia Department of Transportation (VDOT).
2. The Virginia Department of Transportation (VDOT) may proceed with a revised design for the future construction of retaining the utilities above ground.

Agenda Item: Resolution 24-G-33 to initiate consideration of a Zoning Ordinance Text Amendment ZOTA #24-02 to amend Chapter 78 (ZONING), Article III (Residential Districts), Section 78-30.6, Article V (Planned Development Districts), by adding Section 78-51.2, PD-TRG1 (Planned Development – Transit Related Growth 1), and Section 78-51.2, PD-TRG2 (Planned Development – Transit Related Growth 2), and amending Article VII (Use Regulations), Section 78-70.2, Article VIII (Accessory Uses), Section 78-80.2, Article X (Parking, Loading, and Circulation), Section 78-100.2, Article XIV (Signs), adding a new Section 78-141.7 (Sign Standards for Planned Development – Transit Related Growth), Section 78-180 (Definitions), and other articles as deemed necessary and appropriate to implement the recommendations and standards of the Transit Related Growth Small Area Plan

Meeting Date: May 28, 2024

Category: Consent

Prepared by: David Stromberg, Zoning Administrator

Description:

The proposed zoning ordinance text amendment will establish the first two zoning districts for the recently adopted Transit-Related Growth (TRG) Area Small Area Plan. The creation of the TRG zoning districts is essential for implementing the land use recommendations of the plan. Approval of this initiating resolution will allow staff to bring draft zoning language to the Planning Commission for review. Final approval of this zoning ordinance text amendment will not change the existing zoning or property rights of the private property owners within the TRG plan area. Adoption of the zoning districts will provide private property owners the opportunity to apply for a rezoning to redevelop their properties in accordance with the adopted TRG plan.

Background:

The Transit-Related Growth Area Small Area Plan is the result of a highly collaborative effort lasting nearly two years. Informed by extensive public input, the process was facilitated by, and the plan produced by a consultant team with guidance from the TRG Advisory Committee, Planning Commission, Town Council, and town staff. The plan seeks to establish a vision for the TRG as a vibrant urban district fostering economic growth, supporting job creation, and accommodating a diverse mix of residential, retail, office, and recreational amenities. The plan was adopted by the Town Council as Comprehensive Plan Amendment CPA #23-01 on April 23, 2024 (Resolution 24-G-23).

Budget Impact:

N/A

Recommendation:

Staff recommends approval of the initiating resolution, as presented, so that staff can bring draft zoning language to the Planning Commission and Town Council for review and public input.

Attachments:

1. Resolution (Proposed)

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

RESOLUTION

MAY 28, 2024

Resolution- to initiate consideration of a Zoning Ordinance Text Amendment ZOTA #24-02 to amend Chapter 78 (ZONING), Article III (Residential Districts), Section 78-30.6 (Specific Use Standards for Residential Districts), Article V (Planned Development Districts), by adding Section 78-51.2, entitled PD-TRG1 (Planned Development – Transit Related Growth 1), and Section 78-51.2, entitled PD-TRG2 (Planned Development – Transit Related Growth 2), and amending Article VII (Use Regulations), Section 78-70.2 (Table of Permitted and Allowed Uses), Article VIII (Accessory Uses), Section 78-80.2 (Table of Permitted and Allowed Accessory Uses and Structures), Article X (Parking, Loading, and Circulation), Section 78-100.2 (Minimum Off-Street Parking and Loading Standards), Article XIV (Signs), adding a new Section 78-141.7 (Sign Standards for Planned Development – Transit Related Growth), Section 78-180 (Definitions), and other articles as deemed necessary and appropriate to implement the recommendations and standards of the Transit Related Growth Small Area Plan.

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

1. Public necessity, convenience, general welfare, or good zoning practice requires the Town Council's consideration of this proposed amendment.
2. The Town Council initiates consideration of an amendment to Chapter 78 (ZONING) of the Herndon Town Code to implement the recommendations and standards of the Transit Related Growth Small Area Plan.

Agenda Item: Resolution 24-G-34 to delegate authority to the Town Manager to approve all project budget transfers, and the addition of and cancelation of projects in the American Rescue Plan Act (ARPA) Fund

Meeting Date: May 28, 2024

Category: Consent

Prepared by: Marjorie Sloan, Finance Director

Description:

This is a request to adopt a resolution to delegate authority to the Town Manager to approve transfers between projects and add or cancel projects within the American Rescue Plan Act (ARPA) Fund.

Background:

The America Rescue Plan Act (ARPA) awarded and paid the Town of Herndon \$22.5M. Per the deadlines stipulated for the award, all grant proceeds must be encumbered, or obligated as defined by December 31, 2024. Any unencumbered or un-obligated funds must be returned to the US Treasury Department. Furthermore, all award spending must be completed by December 31, 2026. In order to encumber and spend the grant, Town Council has approved over 30 projects. Quarterly updates and budget amendments have been conducted to ensure project estimates and schedule meet the criteria set forth in the 2024/2026 deadlines.

Per the established financial policies, the Town Manager has authority to approve budget transfers up to \$100K. The Town is entering the final six months before the encumbrance deadline. In order to ensure that projects are efficiently finalized per the deadline, it is proposed that the Town Manager be provided authority to approve all budget transfers between ARPA projects as well as approval to add/cancel projects where needed within the ARPA Fund. Agile management of project estimates, schedule, and spending will ensure that the town is able to meet the December 2024 deadline.

Budget Impact:

N/A

Recommendation:

Staff recommends approval of the resolution, as presented.

Attachments:

1. Resolution (Proposed)

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

RESOLUTION

MAY 28, 2024

Resolution- to delegate authority to the Town Manager to approve all project budget transfers, and the addition of and cancellation of projects in the American Rescue Plan Act (ARPA) Fund.

Pursuant to the deadlines under the American Rescue Plan Act (ARPA), project costs must be encumbered, or obligated as defined, by December 31, 2024. It is imperative that reallocation of the grant funds across the Council approved project list be efficiently finalized to meet this deadline.

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

1. The Town Manager has authority to approve all budget transfers between projects within the ARPA Fund.
2. The Town Manager has authority to cancel projects and approve additional projects if needed.
3. This Resolution will be effective upon adoption.

Agenda Item: April 2, 2024 Town Council Work Session Minutes

Meeting Date: May 28, 2024

Category: Consent

Prepared by: Kirstyn Jovanovich, Town Clerk

Description:

This is a request to approve the April 2, 2024 Work Session Minutes.

Background:

N/A

Budget Impact:

N/A

Recommendation:

Recommend approval as presented.

Attachments:

1. April 2, 2024, Draft Work Session Minutes

HERNDON TOWN COUNCIL
Work Session Minutes
Tuesday, April 2, 2024

1. Call to Order

Mayor Olem called the April 2, 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; and Councilmembers Cesar del Aguila, Keven LeBlanc, and Donielle M. Scherff.

Participating remotely: Vice Mayor Clark Hedrick.

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; Chief Maggie DeBoard, Herndon Police Department; Lisa Gilleran, Director of Community Development; Page Kalapasev, Director of Information Technology; Marjorie Sloan, Director of Finance; Scott Robinson, Director of Public Works; Mike Mueller, Golf Course General Manager; Anne Papa, Chief Communications Officer; Lauri Sigler, Deputy Town Attorney; David Stromberg, Zoning Administrator; Maria Lee, Budget Manager; Dave Bracamonte, Systems Manager; and Amanda Kertz, Chief Deputy Town Clerk.

Determination of a Quorum

Mayor Olem stated, for the record, under Section 2.2-3708.3, Subsection D, of the Code of Virginia, and in accordance with Section 2-4 of the Town Code, the Chair received a request from Vice Mayor Hedrick to participate through electronic communication means in tonight's work session meeting from his in-law's residence in Apple Valley, California, due to travel. She stated that there was a quorum of the public body physically assembled at the meeting location, with four Councilmembers present in the Herndon Council Chambers Building. With the concurrence of Council, Vice Mayor Hedrick joined the meeting virtually to participate in the work session that evening.

Mayor Olem determined there was a quorum of five members participating, four

located in the Council Chambers, and one participating remotely in accordance with Herndon Town Code Section 2-4. Councilmembers Alam and Dhakal were absent. Mayor Olem reminded the Council of the meeting decorum.

Comments and Disclosures for the Record

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

Ms. Kertz stated that comments were entered into the record on Public Hearing Item (a), items (numerals 1 through 4), the Fiscal Year 2025 Proposed Budget.

Additionally, Ms. Kertz stated that Mayor Olem, Vice Mayor Hedrick and Councilmember LeBlanc entered signed transactional disclosure declarations into the record on Public Hearing Item (a), numerals 3 and 4, proposed Fiscal Planning Resolution, and proposed Ordinance to appropriate funds for Fiscal Year 2025, relating to the proposed community donations included in the FY 2025 Proposed Budget. The statements indicate that they are able to participate in the discussions fairly, objectively, and in the public interest. The signed disclosure statements have been entered into the record with the Town Clerk and Town Attorney.

Ms. Kertz stated that the Clerk did not receive additional comments or disclosures on any other items included on tonight's agenda.

2. Public Hearings

a. FY 2025 Proposed Budget

- i. Ordinance to amend Chapter 74 (UTILITIES), Article II (Sewers and Sewage Disposal), Division 5 (Sanitary Sewer System Rates and Charges), Section 74-262 (Schedule of Rates); and Article III (Water), Division 2 (Service), Subdivision II (In-Town Service Charges), Section 74-326 (Schedule of Charges), to increase the service and usage charges for sanitary sewer and water, effective for meter readings taken on or after July 1, 2024**
- ii. Ordinance to Levy Taxes on Real Estate and Manufactured Homes, and Other Subjects for the Fiscal Year 2025 Budget**
- iii. Resolution to adopt a Fiscal Planning Resolution for the Fiscal Year 2025 Budget for the Town of Herndon**
- iv. Ordinance to appropriate funds to implement the Fiscal Year 2025 Budget for the Town of Herndon, establishing the Pay Plan, and reserving on-going and Capital Funding for this Fiscal Year**

Mayor Olem stated that the four public hearings on this evening's agenda are related to the FY 2025 proposed budget. She stated that the public hearings on the

proposed budget will be held on April 9 and April 23, 2024. In addition to this evening's work session, there will be a second work session on April 19, 2024. At the next regular meeting, the Council will hold separate public hearings and take separate action on the Water and Sewer Ordinance, and the Tax Levy Ordinance, and hold a concurrent public hearing, followed by separate action on the Fiscal Planning Resolution and the Appropriation Ordinance. Mayor Olem stated that at the next regular meeting, she will ask for a motion to continue each of the items to the Council's April 23, 2024, meeting, and the public hearings will remain open. She recognized Town Manager William H. Ashton II, for the staff report.

Mr. Ashton provided an overview of the FY 2025 proposed budget, highlighting the following topics: (1) proposed ordinance to amend water and sewer usage charges, (2) proposed real property tax rates; no new tax rates are proposed, (3) General Fund revenue and expenditures, (4) impacts and challenges faced in drafting the proposed budget, (5) Governmental Funds: Capital Projects, Stormwater, and American Rescue Plan Act (ARPA) Funds, (6) Enterprise Funds: Water and Sewer, Golf Fund, and Cemetery Fund, and (7) action items and staff's recommendation to approve the proposed budget following two public hearings.

Following Mr. Ashton's summary of the proposed Ordinance to amend Water and Sewer Rates, there was discussion between Council and staff on the proposed rate changes and how the rates are being communicated to the public.

Councilmember del Aguila asked for a historical perspective of the water and sewer rates in staff's budget presentation at the next regular meeting.

Mayor Olem asked the Town Manager to provide the approximate quarterly billing increase for residents, which she thought was more relatable than the yearly total.

Vice Mayor Hedrick stated that he was cognizant of continued cost of living increases facing Town residents. He asked the Council to keep close track of how they are spending money in discretionary ways.

Mr. Ashton continued the presentation, stating that the real estate tax rate is proposed to remain the same as the prior fiscal year. There are no proposed changes to the other tax rates, including excise tax rates. Mr. Ashton also discussed the breakdown of residential and commercial properties in the Town, stating that residential real estate, which makes up 62.6 percent of the Town's tax base, increased by 4.65 percent. Commercial real estate, which is 37.4 percent of the tax base, decreased by 4.64 percent.

There was brief discussion among Council and staff on the proposed real estate tax rate, including the impact of Fairfax County's real estate tax rate on Town residents.

Mr. Ashton continued his presentation, providing an overview of the proposed FY

2025 General Fund revenues and expenditures, which incorporates the Town Council's stated priorities and guidance. He discussed the external pressures on the proposed budget, including inflationary pressures and imposed costs. Mr. Ashton discussed the community donations proposed in the General Fund expenditures, and then reviewed the Governmental and Enterprise Funds.

There was discussion among Council and staff on the proposed budget, including: (1) communication and feedback from residents, (2) integrating the Strategic Plan with the budget, (3) General Fund revenues and expenditures; emphasis on personnel line items, (4) proposed local tax rates, (5) external pressures on the budget, (6) grant funds, and (7) proposed community donations.

During the discussion, Councilmember Scherff requested information on: (1) the police budget, specifically the number of police officers and vehicles on the street, (2) a "grant pipeline" to show how grants are obtained and where they go, specifically as it relates to the ARPA funding that must be appropriated by the end of the year, and (3) clarification on references to Information Technology (IT) on slide 26 of staff's PowerPoint, including any programs related to enforcement.

Councilmember del Aguila requested additional information on slide 23 of staff's PowerPoint, which included: (1) turnover rates, (2) onboarding costs, (3) outyear projections for personnel using an "aggressive" model. Responding, Mr. Ashton stated he will obtain the latest numbers from the Department of Human Resources to answer Councilmember del Aguila's questions.

Responding to Councilmember del Aguila, Mr. Ashton stated that staff plans to bring forward a budget amendment for Council's consideration in May, which will authorize additional personnel expenditures for FY 2024. He stated that the vacancy savings allocated for FY 2024 have been spent and that the Council will be given options on how to authorize the funding.

Responding to Councilmember LeBlanc, Mr. Ashton stated that a reference to Chestnut Grove Cemetery will be updated on slide 34.

Following a discussion among Council and staff about funding for community cultural festivals, including \$10,000 listed for Juneteenth and Pakistani Day events, the Council requested the following from staff:

1. Follow-up conversation at a future meeting about funding and donations for community cultural festivals. Vice Mayor Hedrick asked to include funding for the arts groups (Arts Herndon and NextStop Theatre) in the follow-up discussion.
2. Quantitative measures on the return that donations for community cultural festivals are providing to the Town, including information from the 2023 Juneteenth and Pakistani Day events.

3. Councilmember Scherff asked to consider providing funds to the community groups the Town asks to take quantitative measures for their events, if the Town requires it.
4. Councilmember del Aguila asked staff to look at the cost of providing in-kind services to support community cultural festivals.

3. **General**

a. **Resolution to amend the Herndon Centennial Golf Course Fee Schedule**

Mike Mueller, Golf Course General Manager, presented the staff report outlining the proposed golf course fee changes. Mr. Mueller reviewed a rate study that the staff conducted that compared the Town's rates with the rates of neighboring public golf courses. The proposed amendment continues to provide a 25 percent discount on greens fees for residents, rounded to the nearest dollar, and a ten percent resident discount on annual passes. The fees were last amended in 2022. Staff recommends approval of the proposed resolution, as presented.

There was discussion among Council and staff on the proposed changes to the golf course rates and passes, including staff's plan to hire an additional employee to help with education and camps for junior players.

Councilmember LeBlanc asked that when staff communicate the rate changes to the public, they include information about improvements and benefits for residents.

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. **Ordinance to amend the Herndon Town Code, Chapter 26 (ENVIRONMENT), Article VI (Noise), Section 26-221 (Loud noises prohibited), to further clarify language relating to animal noises**

Lauri Sigler, Deputy Town Attorney, presented the staff report and provided an overview of the proposed ordinance to amend Chapter 26, Article 6, specifically on animal noises that are prohibited. She reviewed the current Noise Ordinance, which was last amended in 2009 following a Virginia Supreme Court decision that impacted how localities regulate noise. Several sections will be updated to be more consistent with standards applicable to other types of prohibited noise and to allow more consistent enforcement in established time frames. Violations of the Noise Ordinance are enforced by the Herndon Police Department. The proposed changes are recommended for approval by the Herndon Police Department and the Town Attorney's Office.

There was discussion among the Council and staff about the proposed ordinance,

including: (1) proposed language changes, (2) Noise Ordinance enforcement, and (3) other provisions in the Noise Ordinance in addition to animal noise.

Responding to the discussion, Chief Maggie DeBoard, Herndon Police, discussed how Herndon Police Department (HPD) officers typically enforce noise violations. She stated that HPD has received 146 complaints over the last five years.

Responding to the discussion, Lesa Yeatts, Town Attorney, stated that the proposed language changes are necessary to make the Town's ordinance consistent with the 2009 Supreme Court decision, and to allow the Herndon Police Department to enforce animal noise violations. She also stated that the language is consistent with what Fairfax County has, allowing for consistency within the County.

Following brief discussion and with the concurrence of Council, staff was directed to leave this item on the General portion for the next meeting's agenda.

c. Resolution to award Contract RFP# 24-02, Marketing and Branding Consultant

Anne Papa, Chief Communications Officer, presented the staff report, and she reviewed the request to award a contract for RFP #24-02, the Marketing and Branding consultant. Following the issuance of the Request for Proposal (RFP), 32 proposals were received, which were evaluated by a staff committee of individuals familiar with the Town's marketing and branding requirements. The top-ranked offeror recommended by the committee is Chandlerthinks LLC. The cost is \$84,000; funds to support the work established by the contract are available in the FY 2024 Budget. Staff recommends approval of the proposed resolution, as presented.

There was no discussion on this item. 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 award Contract IFB# 24-04, Asphalt Concrete Milling and Paving

There was no discussion on the Consent Agenda.

5. Discussion

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

Mayor Olem recognized Scott Robinson, Director of Public Works, to begin the discussion item and review the Town's responsibilities in supporting Friday Night

Live events. Mr. Robinson provided an overview of how the Town works with the Dulles Regional Chamber of Commerce (the Chamber) to support Friday Night Live (FNL) events on Fridays annually during the months of May through August. He stated that the Town generally provides the following for each event: (1) setting up the event space, (2) Public Works (DPW) staff support during the event, (3) assisting with clean up after the event, (4) Herndon Police Department security support during and after the concerts, and (5) allowing FNL to use Town equipment, e.g. lights, fencing, trash cans, tables, for the event. Mr. Robinson stated that supporting these events requires staff hours during the workday, along with volunteered overtime hours during and after the event. He stated that the Chamber signs an agreement with the Town about how FNL runs the concerts each year.

Mr. Robinson stated that staff is currently talking to a contractor who specializes in event support, as it has been getting increasingly difficult to have staff volunteer for overtime shifts to cover the event. The contractor would provide support for the FNL events on Fridays with assistance from staff. He hopes that staff can transition to the contractor to primarily supporting the events. Mr. Robinson provided cost estimates for the in-kind services the Town provides FNL which are: (1) \$5,600 per concert, to include equipment rental costs and materials, and (2) \$84,000 for 15 concerts last year.

Mr. Robinson stated that prior to the COVID-19 pandemic, the Chamber reimbursed the Town up to \$14,000 for the services provided during these events. The organization did not have live events during COVID in 2020. When the Chamber brought back the live events the summer of 2021, the Town waived the fee to help them get back on track. Since 2021, the Chamber has continued to provide the concerts without reimbursement to the Town.

Mayor Olem recognized Councilmember Scherff to continue the discussion item. Councilmember Scherff asked the Town Manager to add this item to the next work session meeting agenda, since she did not think that staff had an opportunity to prepare the information she requested.

Councilmember Scherff outlined the meeting that she, Councilmember del Aguila, and staff, had with the Chamber leadership about FNL. She wanted to have this meeting because she wanted to dispel the rumor she had heard in the public that this Council wants to cancel FNL, which she said is not true. Her request to the Chamber was for three or four of the 17 concerts to be different music that is reflective of the community. At the end of the meeting, the Chamber representatives said they would take Councilmember Scherff's request to their Board. After that, she intends to have the Chamber attend a Town Council work session, so they can have this conversation as a group. She expressed that she thinks there is a problem, and she does not think this partnership is what it should be.

During her comments, Councilmember Scherff asked for the following: (1) formal, written agreement between the Town and the Chamber for FNL events; she asked that this agreement be consistent across all groups that partner with the Town for events, (2) actual costs associated with the Town's support of FNL, (3) cost of depreciation of materials that are being used by FNL, and (4) cost of lost ability to use Town spaces during the FNL season.

Responding to Councilmember Scherff, Mr. Robinson stated that staff faces several challenges in supporting a Saturday event around Lynn Street following an FNL event the previous night, including having enough staff who are available to work overtime. He is aware of an organization working to hold an event in downtown Herndon on a Saturday in May, after an FNL concert, and he believes staff can set up the Town Green space on Friday for the Saturday event. He stated that the consulting company staff is considering to help with FNL will be a real cost. However, it is close to the existing cost for supporting the events.

Continuing the discussion item, Councilmember Scherff indicated that during the meeting, the Chamber advised that they use the resources gained from FNL for other programs, which she said may or may not benefit Herndon residents. She emphasized wanting transparency and establishing formal processes in working with event partners.

There was discussion among Council and staff about FNL events, including: (1) clarification on the information Councilmember Scherff requested from staff for next week's work session, (2) formal agreements with Town event partners, (3) the meeting held between the Chamber, Councilmembers Scherff, del Aguila, and staff about FNL, (4) having a group conversation between the Council and the Chamber, and (5) events processes for downtown Herndon.

Responding to Councilmember LeBlanc, Councilmember Scherff stated that she will provide staff with a list of the line items she would like to see included for the next discussion of this topic. She said that she will send the list to the Town Clerk for distribution to the Council, and if the Councilmembers want to add any items to the list, they can request it at that time.

b. Outdoor Seating Request at Green Lizard, Ordinance Modification - Councilmember del Aguila

Mayor Olem recognized David Stromberg, Zoning Administrator, to begin the discussion item and provide background on the Town's outdoor seating ordinance. Mr. Stromberg provided an overview of the ordinance passed in 2022 that allows outdoor dining encroachments into the public right-of-way in the downtown Herndon area. He indicated that most restaurants are able to have outdoor dining by-right, but some businesses in the downtown do not have the space for outdoor seating. The ordinance allows businesses to rent public on-street parking spaces, public shared parking spaces or lots, or sidewalks at a fee of \$10 per square foot,

with a limit of two spaces per business. Permits for right-of-way on-street parking space seating areas expire on November 30 of the calendar year, and the permits for sidewalk and public shared parking seating areas expire on December 31 of the calendar year. Mr. Stromberg stated that when the ordinance was enacted in 2022, the Town's rental prices were lower than its counterparts in Arlington County and the cities of Alexandria and Washington, DC. He indicated that some of the other localities only allow for use of the sidewalks or have other restrictions in place.

Mayor Olem recognized Councilmember del Aguila to continue the discussion item. Councilmember del Aguila stated that while many agree that outdoor dining is positive and can generate revenue, specifically in the downtown, he thought that the cost was prohibitive for businesses to participate. He would like to consider lowering the fees and seeing where outdoor seating fits with the Town's brand.

There was discussion among the Council and staff about the outdoor seating ordinance, including: (1) legal ramifications of sidewalks and roads having outdoor seating, (2) ADA compliance, safety regulations, and other zoning requirements, (3) engaging the incoming Economic Development Director on this topic, and (4) potential modifications to fees or other aspects of the ordinance.

Following discussion and with the concurrence of Council, staff was requested to put this item on the next work session meeting agenda for further discussion.

6. Roundtable

Councilmember del Aguila: no comments.

Councilmember LeBlanc: stated that he had been working with the owner of Marcos Pizza, a new business in Town, and expressed appreciation to the staff for working with the business owner on getting the business up and running.

Councilmember LeBlanc wished a Happy Easter to those that celebrate.

Councilmember LeBlanc stated that this past Sunday, he attended an event hosted by Councilmember Alam's organization, Express Care, Inc., where he appreciated participating in an interfaith prayer.

Vice Mayor Hedrick: no comments.

Mayor Olem: attended the Hoppy Egg Hunt at the Herndon Community Center that past Saturday. She stated that the children at the event really enjoyed it.

William H. Ashton II, Town Manager: no comments.

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.**

Councilmember Scherff advised that she was not feeling well and had to leave the meeting.

Following input from Lesa Yeatts, Town Attorney, Mayor Olem stated that the closed meeting could not be held due to lack of a physical quorum in the Herndon Council Chambers Building, with Councilmember Scherff not being able to attend the closed meeting.

8. Adjournment

There being no further business, Mayor Olem adjourned the April 2, 2024, Town Council Work Session at 9:35 p.m.

Amanda E.M. Kertz
Chief Deputy Town Clerk

Minutes approved by Town Council : _____

Agenda Item: April 16, 2024 Town Council Work Session Minutes

Meeting Date: May 28, 2024

Category: Consent

Prepared by: Kirstyn Jovanovich, Town Clerk

Description:

This is a request to approve the April 16, 2024 Work Session Minutes.

Background:

N/A

Budget Impact:

N/A

Recommendation:

Recommend approval as presented.

Attachments:

1. April 16, 2024, Draft Work Session Minutes

HERNDON TOWN COUNCIL
Work Session Minutes
Tuesday, April 16, 2024

1. Call to Order

Mayor Olem called the April 16, 2024, Town Council Work Session 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, Pradip Dhakal, Keven LeBlanc, and Donielle M. Scherff [arrived at 7:02 p.m.]

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Kirstyn Barr Jovanovich, Town Clerk; Chief Maggie DeBoard, Herndon Police Department; Lisa Gilleran, Director of Community Development; Marjorie Sloan, Director of Finance; Scott Robinson, Page Kalapasev, Director of Information Technology; Director of Public Works; Mike Mueller, Golf Course General Manager; Bryce Perry, Deputy Director of Community Development; David Stromberg, Zoning Administrator; Tamsin Himes, Lead Planner/Design Development; Ahmad Zaki, Lead Planner/Long Range; Dave Bracamonte, Systems Manager; Maria Lee, Budget Manager; and Margie Tacci, Deputy Town Clerk.

Determination of a Quorum

Mayor Olem determined there was a quorum of six Councilmembers present. Mayor Olem reminded the Council of the meeting decorum.

Mayor Olem stated for the record that Councilmember Scherff arrived at 7:02 p.m., and she indicated that now all Councilmembers were present.

Mayor Announcements

Mayor Olem stated that since the April 9, 2024, Regular Meeting was canceled due to a power outage, the items that were listed on that agenda have been moved to tonight's work session and the regular meeting on April 23, 2024. The agenda shows that these items have been rescheduled from the April 9th meeting. The first budget public hearing is scheduled for next week's regular meeting on April 23, 2024, and the second budget public hearing has been rescheduled to Tuesday, May 14, 2024. The clerk's office ensured that the legal advertisements were updated and that all advertising requirements were met.

Mayor Olem shared information about a few upcoming events: (1) Zumba Spring Fling on Friday, April 19, 2024, at 6:00 p.m. at the Herndon Community Center, (2) annual Parks and Rec Stream Cleanup is on Saturday, April 20, 2024, at Runnymede Park, starting at 8:00 a.m., and (3) 38th Annual Mayor's Volunteer Reception on Sunday, April 21, 2024, at the Herndon Community Center; where she indicated she is excited about recognizing the community's volunteers.

2. Presentations

a. Northern Virginia Transportation Authority (NVTA) Briefing

Mayor Olem introduced Monica Backmon, CEO of the Northern Virginia Transportation Authority (NVTA), to present the NVTA briefing. Mayor Olem stated that Monica Backmon has been CEO of the NVTA since 2014 and has more than 25 years of public and private sector transportation experience. Ms. Backmon oversees long-range planning, prioritization, and funding for regionally significant projects that bring multimodal transportation solutions to Northern Virginia. At the NVTA, Ms. Backmon manages an annual revenue stream provided through House Bill 2313 that is trending at \$425 million per year. Through its funding programs, the NVTA is advancing 122 regional multimodal transportation projects, totaling approximately \$3.12 billion. Ms. Backmon also oversees the annual distribution of funding to the Authority's nine member localities that address local transportation priorities.

Ms. Backmon provided an overview of the: (1) NVTA founding and organizational structure, (2) member composition, (3) transportation projects, (4) revenue sources and funding breakdown, (5) NVTA responsibilities, vision, goals, and values, (6) FY 24-29 NVTA Six Year Plan, which is currently open for public comment, (7) NVTA's investments and economic impact, (8) NVTA projects in the Town of Herndon, including the agency's involvement in the Herndon Metro Station, (9) preliminary deployment plan for a regional bus rapid transit system in the Northern Virginia region, and (10) development of a transportation technology strategic plan.

There was discussion among the Council, staff, and Ms. Backmon on the NVTA presentation, including: (1) long-term transportation plan and outlook for the region, (2) current NVTA projects, and (3) regional travel trends, including bus, roadways, and rail.

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 comments were entered into the record on Public Hearing Item (b), (roman numerals 1 through 4), the Fiscal Year 2025 Proposed Budget; and General Item 4(a), Ordinance 24-O-09 to amend the Herndon Town Code, Chapter 26 (ENVIRONMENT), Article VI (Noise), Section 26-221 (Loud noises prohibited), to further clarify language relating to animal noises.

Ms. Tacci stated that additionally, Mayor Olem, Vice Mayor Hedrick, and Councilmember LeBlanc entered Signed Transactional Disclosure Declarations into the record on Public Hearing Item (b), roman numerals 3 and 4, proposed Fiscal Planning Resolution and proposed Ordinance to Appropriate funds for Fiscal Year 2025, relating to the proposed community donations included in the FY 2025 Proposed Budget. The statements indicate that they are able to participate in the discussions fairly, objectively, and in the public interest. The signed disclosure statements have been entered into the record with the Town Clerk and Town Attorney. The Clerk did not receive additional comments or disclosures on any other items included on tonight's agenda.

3. Public Hearings

a. Resolution to consider Comprehensive Plan Amendment, CPA #23-01, pursuant to Section 15.2-2229 of the Code of Virginia, an amendment to the Town of Herndon 2030 Comprehensive Plan, adopted August 12, 2008, as amended through May 24, 2022 (Transit-Related Growth Area)

Ahmad Zaki, Lead Planner, presented the staff report, stating that CPA #23-01 proposes the adoption of the Transit Related Growth (TRG) Small Area Plan (SAP) and amendments to Chapter III of the Town of Herndon 2030 Comprehensive Plan. Once approved, the SAP will serve as the primary guidance source on the development of 94 acres of 25 privately owned properties within the TRG area.

Mr. Zaki provided an overview of the TRG area planning process, which began in 2022 and involved data collection and analysis, constraint and opportunity assessment, market study, infrastructure analysis, and traffic study and modeling. From these efforts, three alternative concepts emerged, each representing different visions for the future development of the area. Following robust public engagement and guidance from the Town Council, Planning Commission, and TRG Advisory Committee (AC), a preferred design that included elements of all three concepts was selected and refined into the draft SAP. Since then, the project has undergone three drafts, with the third and final draft, dated February 12, 2024, being recommended by the Planning Commission to the Town Council. Also, during that time, the Town Council began the Comprehensive Plan Amendment process.

Mr. Zaki reviewed the proposed CPA amendment, focusing on the following: (1) public survey and input from stakeholders, (2) plan drafts, (3) design objectives,

which include connectivity, landscaping, density, and a revamped "Sunset District," (4) urban design and land use framework, (5) revisions to the TRG SAP final draft, included in the errata and refinement sheet, (6) additions and updates to the SAP, and (7) implementation guide, which staff will provide to Council at a future date, following approval of the SAP.

Staff recommends approval of the CPA #23-01 and adoption of the TRG Small Area Plan with amendments specified in the errata and refinement sheet, as presented.

There was discussion among the Council and staff on the proposed TRG SAP, including: (1) impact on Fairbrook and other neighboring properties, (2) height and density ranges near the Metro Area, (3) Sunset Business Park's request to maintain existing uses in the SAP, and (4) timeline of development.

Responding to Councilmember Scherff, Mr. Zaki stated that he cannot provide an exact timeline for plan implementation at that time, but he indicated that staff is working on it. He will have a better idea of the timeframe once the implementation guide is drafted.

b. FY 2025 Proposed Budget

- i. Ordinance to amend Chapter 74 (UTILITIES), Article II (Sewers and Sewage Disposal), Division 5 (Sanitary Sewer System Rates and Charges), Section 74-262 (Schedule of Rates); and Article III (Water), Division 2 (Service), Subdivision II (In-Town Service Charges), Section 74-326 (Schedule of Charges), to increase the service and usage charges for sanitary sewer and water, effective for meter readings taken on or after July 1, 2024**
- ii. Ordinance to Levy Taxes on Real Estate and Manufactured Homes, and Other Subjects for the Fiscal Year 2025 Budget**
- iii. Resolution to adopt a Fiscal Planning Resolution for the Fiscal Year 2025 Budget for the Town of Herndon**
- iv. Ordinance to appropriate funds to implement the Fiscal Year 2025 Budget for the Town of Herndon, establishing the Pay Plan, and reserving on-going and Capital Funding for this Fiscal Year**

[Note: these items were rescheduled from the April 9, 2024, regular meeting]

Mayor Olem stated that the next four public hearings on tonight's agenda were rescheduled from the April 9, 2024, meeting and are related to the FY 2025 proposed budget. The public hearings on the proposed budget will be held on April 23 and May 14, 2024. In addition to tonight's work session, the Council held a budget work session on April 2, 2024, and there will be an additional work session on May 7, 2024.

Mayor Olem stated that the Town Council will hold separate public hearings and take separate action on the Water and Sewer and the Tax Levy ordinances. The Council will hold a concurrent public hearing, followed by separate action on the Fiscal Planning Resolution and the Appropriation Ordinance. At the next regular meeting, Mayor Olem will ask for a motion to continue each of the public hearing items to the Council's May 14, 2024, meeting. She stated that the public hearings will remain open.

Mayor Olem recognized William H. Ashton II, Town Manager, for his comments. Mr. Ashton stated he is going to provide the full presentation at the next regular meeting, since the Council has already seen it. He stated that staff compiled a list of the Town Council's questions on the budget thus far, and he hopes to provide it to the Council the following day and post it on the website. Any additional questions will be added to that list.

Following Mr. Ashton's comments, there was no discussion on the FY 2025 Budget.

4. General

a. Ordinance 24-O-09 to amend the Herndon Town Code, Chapter 26 (ENVIRONMENT), Article VI (Noise), Section 26-221 (Loud noises prohibited), to further clarify language relating to animal noises

[Note: this item was rescheduled from the April 9, 2024, regular meeting]

Mayor Olem noted that this item was rescheduled from the April 9, 2024, Town Council Meeting and stated that a staff report was provided at the April 2, Town Council work session.

Lesa Yeatts, Town Attorney, provided an overview of the proposed ordinance to amend Chapter 26, Article 6, on noise, specifically related to prohibited noises. She stated that several sections will be updated to be more consistent with standards applicable to other types of prohibited noise to allow for more consistent enforcement. Following a decision by the Supreme Court of Virginia in 2009, the Town's Noise Ordinance was updated to comply with the more specific regulations required by the court decision. However, the section regarding animal noises was not updated at that time and needs to be updated to be in compliance with the Supreme Court's decision. The proposed ordinance mirrors the Fairfax County ordinance which has been in effect since 2009 and the changes are being recommended by the Herndon Police Department and the Town Attorney's office.

Ms. Yeatts stated that Chief DeBoard is present tonight with the information that was requested at the last work session regarding the number of complaints received in one year.

Chief DeBoard stated that the Herndon Police Department has received 46 calls for service on noise over the past year, through March 2024.

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

Lesa Yeatts, Town Attorney, presented the staff report, and stated that this Temporary License Agreement allows the Dulles Regional Chamber of Commerce (the Chamber) to use town-owned property to place portable toilets and an ice cooler machine in the Herndon Municipal Center parking garage for Friday Night Live! events. The portable toilets and ice cooler machine will be in place from May 3, 2024, through on August 23, 2024. Staff recommends approval of the proposed resolution, as presented.

There was discussion among the Council and staff on this item, including: (1) number of parking spaces being used for the portable toilets, (2) public use of the portable toilets, (3) maintenance responsibility, and (4) insurance responsibility.

Mayor Olem stated, for the record, that in the past, a group requested staff to move the portable toilets from the HMC parking lot to the Town Hall Green for an event. She stated the Town cannot do that and only the company can move the portable toilets.

Following 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.

5. Consent

- a. Resolution 24-G-20 to award Contract IFB# 24-04, Asphalt Concrete Milling and Paving**
- b. Resolution 24-G-21 to amend the Herndon Centennial Golf Course Fee Schedule**
- c. Resolution 24-G-22 to award Contract RFP# 24-02, Marketing and Branding Consultant**
- d. February 13, 2024 Town Council Meeting Minutes**

e. February 20, 2024 Town Council Work Session Minutes

f. March 5, 2024 Town Council Work Session Minutes

g. March 12, 2024 Town Council Meeting Minutes

[Note: these items were rescheduled from the April 9, 2024, regular meeting]

Mayor Olem noted that these items were rescheduled from the April 9, 2024 Town Council meeting.

There was no discussion on the Consent Agenda.

6. Discussion

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

Mayor Olem recognized Councilmember Scherff, who stated that she was very ill this past week and had not been able to send the list of questions that she had planned to get to staff. Councilmember Scherff stated that she will send the information to the Town Clerk this week, and she asked for this item to be added to the next work session agenda. William H. Ashton II, Town Manager, confirmed staff will move this item to the next work session agenda.

There was discussion among the Council and staff regarding: (1) the Town's "ask" of the Dulles Regional Chamber of Commerce (the Chamber) regarding Friday Night Live!, and (2) partnership between the Town and the Chamber for this event.

Responding to Councilmember LeBlanc, Councilmember Scherff stated that she understood the "ask" of the Chamber is for the organization to consider including different types of music during the Friday Night Live! season or to ask the public what type of music they would like to hear. If that is not possible, she would like the Town to consider how to meet the need for diverse music in the downtown, on the weekends, during the summer. Councilmember Scherff stated she will reiterate this information in her communication with staff and with the Chamber, so that everyone is operating under the same understanding.

b. Seasonal Outdoor Seating Ordinance - Cost - Councilmember del Aguila

Mayor Olem recognized Councilmember del Aguila to begin the discussion item, who stated that this is a continued discussion from the April 2, 2024, work session regarding the Seasonal Outdoor Seating Ordinance, specifically relating to cost. Councilmember del Aguila stated that he believes that outdoor dining will have a positive impact on the downtown that will align with the Town's brand, but he thinks it is cost prohibitive for businesses. He would like the Council to consider

lowering the fee, as low as possible, to allow more businesses to participate in the outdoor seating program.

Responding to Councilmember del Aguila, William H. Ashton II, Town Manager, asked Councilmember del Aguila to confirm he is asking for the dining to remain seasonal, to which he agreed.

There was discussion between the Council and staff regarding outdoor seating and potential changes to the ordinance, including: (1) time period to allow outdoor seating, (2) cost (currently \$10 per square foot), (3) size of parking lot spaces and how that impacts cost, (4) number of spaces available to rent under this program (currently two), (5) other requirements under the ordinance, e.g. ADA requirements, (6) impact on the downtown public shared parking program, (6) potential revenue amounts, (7) impacts of closing Lynn Street to vehicular traffic, (8) applications received; and why businesses have not pursued the program, and (9) process to change the fees in the Town Code.

Responding to Councilmember LeBlanc, Ms. Yeatts reviewed the costs and sizes of parking spots available through the outdoor seating program. She indicated that she will share the summary of the costs of the spaces with the Town Council, which was compiled by the Zoning Administrator.

Responding to Vice Mayor Hedrick, David Stromberg, Zoning Administrator, discussed the current outdoor seating program, which is limited to businesses in the downtown area. He indicated that the current cost of \$10 per square foot is similar to what nearby localities charge. He noted that jurisdictions often base the cost for the parking spaces on how much paid parking is for a particular space.

Responding to Councilmember LeBlanc, Mr. Stromberg stated that he will provide a map of the locations able to apply for outdoor seating for the Town Council.

Councilmember del Aguila stated he wants to bring this matter forward to a public hearing so that the Council can consider lowering the fee to participate in the outdoor seating program.

Councilmember LeBlanc stated that the Council needed to propose a specific fee to change it to, suggesting a fee of around \$5.00. Councilmember del Aguila agreed with this amount.

Responding to Councilmember del Aguila's request for an amendment to change the ordinance, Ms. Yeatts asked for clarification on the request, stating that staff had not yet drafted an ordinance to propose this change. Mayor Olem asked the Council to provide clarification what is being requested of staff.

Responding to Councilmember LeBlanc, Ms. Yeatts stated that the Economic

Development Director is the staff member who would discuss opinions on the ordinance with businesses.

Responding to Mayor Olem's request to review the process for changing an ordinance, Ms. Yeatts stated that to reduce the fees, staff needs to draft an ordinance with the specific changes, which will first be reviewed by Council at a work session. The Council will then receive public comment on the item at a regular meeting.

There was discussion among the Council and staff on the process to amend the ordinance to reduce the outdoor seating fees.

Responding to the discussion, Ms. Yeatts stated that while a public hearing is not required for this item, staff elected to have a public hearing when this ordinance was first adopted, which requires a legal advertisement. Therefore, the next set of meetings this item could be scheduled for is the May 14 regular meeting, with the work session on May 7, 2024.

Responding to the discussion, Mr. Ashton stated that staff will send the Town Council the public comments received at the April 22, 2022, meeting when the outdoor seating ordinance was adopted.

Councilmember LeBlanc suggested changing the proposed fee to \$7.50, even though he had originally proposed \$5.00, so the Council can gather feedback from the businesses on the costs.

Following discussion, with the consensus of Council, staff was directed to advertise a public hearing to be held at the May 14, 2024 regular meeting, to reduce the fee for outdoor seating to no higher than \$7.50 per square foot.

c. Historic District Review Board (HDRB) Process Discussion - Councilmember del Aguila

Mayor Olem recognized Councilmember del Aguila to begin the discussion item, who stated that he wanted to discuss the Historic District Review Board (process and look for ways to improve the flow of requests, review, and action. He referenced a recent Application for Facade Modification, HDRB #24-001, to consider an application for a Certificate of Appropriateness for modifications to the front facade of the commercial property located at 722 and 724 Pine Street, Herndon, Virginia. The business, the Russia House, wanted to paint the façade of their building.

During this HDRB case, Councilmember del Aguila noted that staff did not make a recommendation because it was stated that there were several options for interpretation. This is because the Russia House building has seen several alterations to its façade throughout its history. Councilmember del Aguila thought

staff could not make a recommendation on this case because there was not a standard for what the building should be. He thought improving the process could save a lot of time for the applicants and staff. Councilmember del Aguila asked the Council to think about what they want to preserve and why the businesses have to go through these processes before the Board.

There was discussion between Council and staff on this item, regarding: (1) existing HDRB regulations and processes; especially related to the example of HDRB #24-001, (2) survey of contributing and non-contributing structures, and (3) adding this topic to the next Strategic Planning meeting agenda.

Responding to Councilmember Scherff, Lisa Gilleran, Director of Community Development, provided an overview of what occurred with the case HDRB #24-001 and discussed why the application went before the Board.

Responding to Mayor Olem, Ms. Gilleran provided: (1) an overview of the staff and HDRB review process, (2) an outline of the factors used to make decisions on historic structures, and (3) a discussion of contributing versus non-contributing structures.

Councilmember del Aguila asked to discuss the HDRB processes more in-depth at an upcoming Strategic Planning meeting. He also asked staff for the presentation on HDRB #24-001 that staff provided at the HDRB regular meeting.

Councilmember LeBlanc asked for more information on similar cases to HDRB #24-001, where a Certificate of Appropriateness for modifications to the front façade was considered.

Councilmember Scherff asked staff to provide a flow chart or decision tree, if it exists, about how decisions are made on contributing and non-contributing structures in the Historic District.

Bryce Perry, Deputy Director of Community Development, provided comments on the HDRB process. He stated that buildings only change status from contributing to non-contributing, or vice-versa, during the periodic survey of the Historic District. He stated that staff can provide a reference guide on the Historic District Guidelines, information on the general surveying process, and additional information as requested by the Council.

Responding to Councilmember del Aguila's request to add this item to the next Strategic Planning meeting, Mr. Ashton stated that the Strategic Planning meeting scheduled for April 30, 2024, will be on Thriving Community. The subsequent Strategic Planning meeting will center on economic development and can include discussions about the Historic District. These two topics were switched because

staff wanted to allow time for the new Economic Development Director to prepare for the discussion.

7. Roundtable

Councilmember Dhakal: no comments.

Councilmember Alam: thanked the Town residents that provided donations to her organization recently, during Eid.

Councilmember del Aguila: stated that there are 150 days until the Latino Festival in Herndon.

William H. Ashton II, Town Manager, stated that staff received the application for the Latino Festival, and it is going through the process. He stated that his Executive Assistant was walking the organization through the public permitting process. Responding to a question from Councilmember del Aguila, Mr. Ashton stated that an Emergency Evacuation plan is required by the Fire Marshall.

Councilmember LeBlanc stated that he can provide the organization with the plans that were used for the Wintermarkt event. Mr. Ashton stated that the group was also provided the plans from Friday Night Live! as a sample. He stated staff will continue to assist them in moving their application forward.

Councilmember Scherff stated that the group is very excited to work with the Town, but they need some assistance with the processes.

Councilmember del Aguila stated that he was asked about the Stars and Stripes Golf Tournament event, and he stated that he will be driving a golf cart during that event. He asked staff where the event was in the Town's processes.

Councilmember LeBlanc stated that he has been working with the Stars and Stripes group on their event planning. He stated that there are some ABC restrictions that the group is still working through.

Responding to Councilmember Alam, Councilmember del Aguila stated that the Latino Festival will be held on Lynn Street and the Town Green.

Councilmember Scherff: stated that she attended the Dulles Ignite event. and one thing that surprised her was the increased number of employees who work at the airport that companies, like United, are reporting.

Councilmember Scherff stated that the Juneteenth event will be on the June 14, 2024. She stated that the Black Brew Movement will have a beer tasting that will be ticketed and there will be family-friendly activities, like bounce houses and face painting.

Councilmember LeBlanc: stated that he and Mayor Olem went to a Herndon business luncheon that morning. He was glad to see new businesses in attendance, and he stated that the businesses were excited about the new Economic Development Director coming to the Town.

Councilmember LeBlanc stated that he looked forward to the Rotary Citizen of the Year event tomorrow night where Renee Gorman will be recognized.

Vice Mayor Hedrick: no comments.

Mayor Olem: stated that there are 17 days until the first Friday Night Live! of the summer.

Mayor Olem stated that on Saturday, April 20, 2024, Arts Herndon will be having an Independent Bookstore Day celebration, and Friends of Runnymede Park will have a native plant sale at Arts Herndon starting at 9:00 a.m. that day. There will also be a local author showcase later that afternoon.

William H. Ashton II, Town Manager: stated that at this time next week, he will be able to announce who the next Economic Development Director will be.

8. **Adjournment**

There being no further business, Mayor Olem adjourned the April 16, 2024 Town Council Work Session at 9:28 p.m.

Amanda E.M. Kertz
Chief Deputy Town Clerk

Minutes approved by Town Council : _____