



**TOWN COUNCIL
REGULAR MEETING AGENDA**

Town Council Chambers
765 Lynn Street, Herndon, VA 20170

Tuesday, April 22, 2025 | 7:00 PM

1. Call to Order

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

3. Presentations/Reports/Comments

- a. Proclamation to Recognize May as Asian American, Native Hawaiian, and Pacific Islander Heritage Month
- b. Proclamation to recognize Public Service Recognition Week, May 4-10, 2025
- c. Proclamation to recognize National Public Works Week, May 18-24, 2025
- d. Recognition of Christopher Martino, Interim Town Manager, for dedicated service to the Town of Herndon
- e. Town Manager Report
- f. Councilmember Comments

4. Comments from the Audience

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

5. Public Hearings

- a. Fiscal Year (FY) 2026 Proposed Budget
 - i. Ordinance 25-O-05 to Levy Taxes on Real Estate and Manufactured Homes, and Other Subjects for the Fiscal Year 2026 Budget
 - ii. Ordinance 25-O-06 to amend Chapter 30 (FINANCE AND TAXATION), Article IX (Meals Tax), Section 30-401(Levy) to increase meals tax rate
 - iii. Ordinance 25-O-07 to amend Chapter 30 (FINANCE AND TAXATION), Article VII (Business, Professional, Occupancy License), Division 2 (Fees and Taxes), Section 30-246 (Enumeration), and Section 30-263 (Repair Service) to increase fees for retail merchants and repair services

- iv. Ordinance 25-O-08 to amend Chapter 74 (UTILITIES), Article II (Sewers and Sewage Disposal), Division 5 (Sanitary Sewer System Rates & Charges), Section 74-262 (Schedule of Rates); and Article III (Water), Division 2 (Service), Subdivision II (In-Town Service Charges), Section 74-326 (Schedule of Charges), to increase the service and usage charges for sanitary sewer and water
- v. Ordinance 25-O-09 to amend Chapter 63 (SOLID WASTE), Section 63-8 (Schedule of fees) to recategorize type of fee and to increase rate
- vi. Resolution 25-G-26 to adopt a Fiscal Planning Resolution for the Fiscal Year 2026 Budget for the Town of Herndon
- vii. Ordinance 25-O-10 to appropriate funds to implement the Fiscal Year 2026 Budget for the Town of Herndon, establishing the Pay Plan, and reserving on-going and Capital Funding for this Fiscal Year
- b. Resolution 25-G-27 to approve a Special Exception – SE #24-03, 1402 Winterland Court, to permit a home-based child daycare use within the PD-R, Planned Development-Residential, zoning district

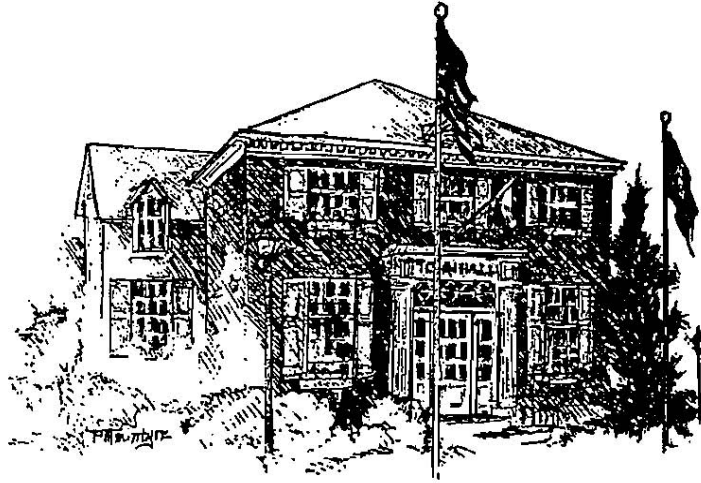
6. General

- a. Resolution 25-G-28 to adopt the FY 2027 through FY 2031 portion of the FY 2026-FY 2031 Town of Herndon Capital Improvement Program
- b. Resolution 25-G-29 to appoint an Interim Town Manager and provide for the continuation of Acting Deputy Town Manager(s)

7. Consent

- a. Resolution 25-G-30 approve a Temporary License Agreement between the Town and JOTT, INC., to use a designated public space in the alley adjacent to Jimmy's Old Town Tavern for outdoor seating during a two-day Memorial Day event and a one-day Labor Day event.
- b. January 14, 2025, Town Council Meeting Minutes
- c. January 21, 2025, Town Council Work Session Minutes
- d. January 28, 2025, Town Council Meeting Minutes
- e. Resolution 25-G-31, 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 *(added during the April 22, 2025 Town Council meeting)*

8. Adjournment



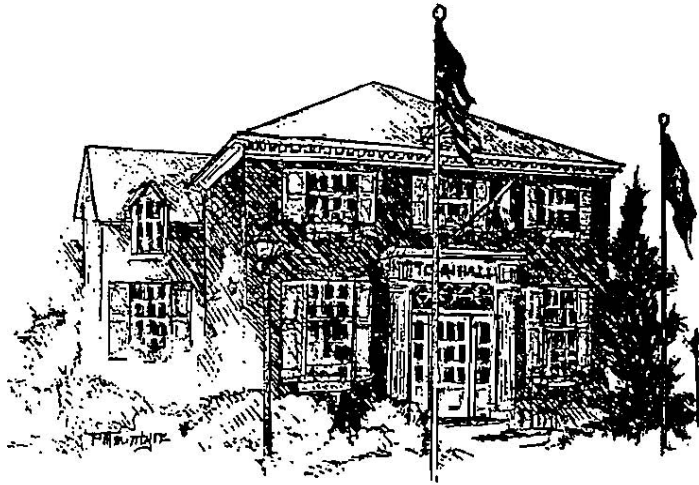
**TOWN OF HERNDON, VIRGINIA
PROCLAMATION
ASIAN AMERICAN, NATIVE HAWAIIAN, AND
PACIFIC ISLANDER HERITAGE MONTH
May 2025**

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

Designated by the United States Congress as a weeklong celebration in 1977, Congress passed a law in 1992 permanently designating the month of May each year as “Asian Pacific American Heritage Month.” In 2021, by presidential proclamation expanded the month to include Native Hawaiians. This month was chosen to commemorate two historic milestones: the arrival of the first Japanese immigrants to the United States on May 7, 1843, and the completion of the transcontinental railroad on May 10, 1869 - an achievement made possible in large part by Chinese laborers.

Therefore, the Mayor of the Town of Herndon, together with the Herndon Town Council, hereby proclaims May 2025 as **Asian American, Native Hawaiian, and Pacific Islander Heritage Month**, together with this year’s theme: “A Legacy of Leadership and Resilience,” which honors the generations of AANHPI leaders who have shaped our country through perseverance, creativity, and vision - often in the face of cultural and systemic barriers.

Further, the Mayor of the Town of Herndon, together with the Herndon Town Council, hereby celebrates the heritage and accomplishments of Asian American, Native Hawaiian, and Pacific Islanders; and encourages all members of our community to reflect on their invaluable contributions to our shared history, and to foster a community where diversity is truly celebrated and every voice is heard.

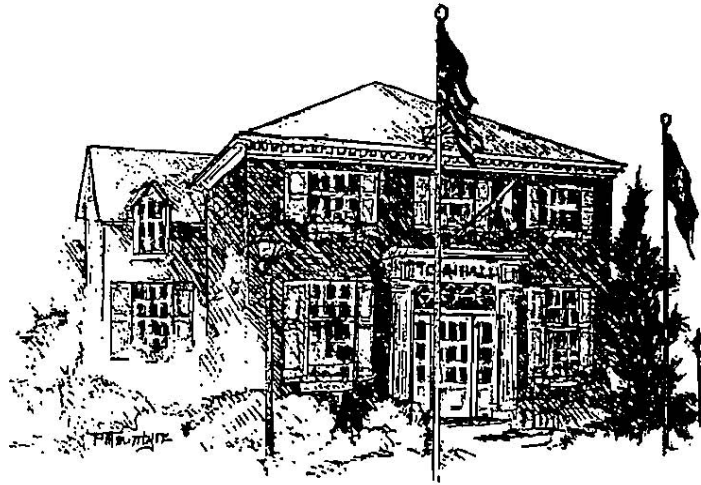


**TOWN OF HERNDON, VIRGINIA
PROCLAMATION
PUBLIC SERVICE RECOGNITION WEEK
MAY 4 - MAY 10, 2025**

Since 1985, the first week of May has been set aside as **Public Service Recognition Week** ~ a time to honor the dedicated individuals who serve our communities at all levels of government. Here in Herndon, we proudly join in this national observance to shine a light on the exceptional people who keep our town running and thriving.

In the Town of Herndon, we take this opportunity to recognize and express our appreciation for the dedicated public servants who contribute daily to the well-being, safety, and quality of life of our residents. From maintaining our beautiful parks, plowing our streets in winter storms, and safeguarding our neighborhoods, to delivering vital community programs and supporting local businesses - our town employees serve with pride, professionalism, and a deep sense of purpose.

Therefore, the Mayor of the Town of Herndon, together with the Herndon Town Council, hereby proclaim the week of May 4 through May 10, 2025, as **Public Service Recognition Week** in the Town of Herndon. We extend our heartfelt appreciation to every member of our town staff and invite all residents to join us in celebrating the dedication, talent, and hard work that make Herndon a place we're proud to call home.



TOWN OF HERNDON, VIRGINIA PROCLAMATION PUBLIC WORKS WEEK MAY 18 - MAY 24, 2025

The Town of Herndon's Department of Public Works staff performs critical daily tasks involving water, sewer, street maintenance and snow removal; solid waste and recycling management; stormwater, right-of-way inspections, traffic engineering; building, grounds, vehicle and equipment maintenance; engineering and site plan review; project management and building inspections.

Together with the community, our dedicated public works staff host Big Truck Days, Community Clean-Up Weeks, holiday decorations, and leaf collection. Public Works staff also provide assistance during special events, including the 4th of July Celebration, Friday Night Live! and WinterMarkt. Because of the dedicated and efficient operations of the Department of Public Works, we have clean water, clean communities, safe streets and neighborhoods, and efficient traffic operations.

Therefore, the Mayor of the Town of Herndon, Virginia, together with the Herndon Town Council, hereby proclaims the week of May 18 through May 24, 2025, as **Public Works Week** in the Town of Herndon, together with this year's theme ~ 'People, Purpose, Presence' ~ which highlights the cornerstone ideals that motivate public works professionals to serve in their communities every day. Through their tireless efforts, public works departments provide, maintain, and improve the structures and services that provide quality of life for our residents.

Further, the Mayor of the Town of Herndon, Virginia, together with the Herndon Town Council, hereby supports the Town's Department of Public Works and other organizations that seek to raise awareness about the importance of maintaining the infrastructure and services, collectively known as 'public works,' and acknowledge the hard work that they do each day to benefit our community.



Town Council Regular Meeting Agenda Item 5.a.

Agenda Item: Fiscal Year (FY) 2026 Proposed Budget

Meeting Date: April 22, 2025

Category: Public Hearings

Prepared by: Christopher E. Martino, Interim Town Manager, Marjorie Sloan,
Finance Director

Description:

Agenda Item 5a includes the resolution and ordinances related to the Fiscal Year (FY) 2026 Proposed Budget. Adoption includes: updated tax levies for Real Estate Tax, Meals Tax, two categories of Business, Professional, Occupational License Tax (BPOL), Collection Fee, updated rates for Water and Sewer Services, as well as the FY 2026 portion of the Capital Improvement Program (CIP).

Background:

In accordance with the requirements outlined in the Code of Virginia § 15.2-2503, 15.2-2506, and 58.1-3321, the Interim Town Manager has submitted the proposed budget for FY 2026 to the Town Council by April 1 and properly advertised the public hearings on the proposed budget. The first public hearing on the budget items was held on April 8, 2025, where the items were continued to April 22, 2025. The following Ordinances and Resolutions are scheduled for a second public hearing on April 22, 2025:

Item 5a-i: Ordinance, in accordance with Section 30-36 of the Town Code, fixes and orders the levy for real estate and manufactured homes at \$0.27 per \$100 of assessed value for FY 2026. This is a \$0.01 increase over the previous rate of FY 2025. The notice for public hearing on the property tax levy was duly advertised in the Fairfax County Times Newspapers in the March 14, 2025 edition.

Real estate assessed values increased 4.38% (6.63% Residential, 0.62% Commercial). Including the impact of the increased assessed value, the incremental impact of the average residential property (assessed at \$560,939) is \$133 annually. The effective date for this ordinance is July 1, 2025.

Item 5a-ii: Ordinance to amend the Meals tax levied per Article IX (MEALS TAX), Section 30-401.

The Meals Tax is an excise tax assessed as a percentage of the price of a meal or prepared food, with some exceptions. The consumer pays the tax at purchase, and it is remitted by the seller to the town monthly. Currently, the Meals Tax levy is 3.75% applied to purchased meals, as defined. The tax rate was last updated effective July 1, 2019, increasing the rate from 2.5% to 3.75%. The FY 2026 Budget proposes to raise the tax rate from 3.75% to 4.00% effective July 1, 2025. The proposed rate is comparable to all localities in the region.

At the April 15, 2025 Town Council Work Session, direction was provided to propose a meals tax rate of 4.5%. The proposed resolution reflects this change.

Item 5a-iii: Ordinance to amend Chapter 30 (FINANCE AND TAXATION), Article VII (Business, Professional, Occupational License), Section 30-246 (b)(2) -Retailers and Section 30-263 (Repair Service).

For FY 2026, the proposed budget includes BPOL rate increases for two categories: Retail Merchants and Repair Services. The rate increase will align the Town of Herndon rates for these categories with the rates of Fairfax County and would go into effect January 1, 2026 applied to gross receipts beginning January 1, 2025. The ordinance proposes:

Retail Merchants	\$0.13 to \$0.17 per \$100 of gross receipts.
Repair Services	\$0.13 to \$0.19 per \$100 of gross receipts

Item 5a-iv: Ordinance to amend Chapter 74 (UTILITIES), Article II (Sewers and Sewage Disposal), Division 5 (Sanitary Sewer System Rates & Charges), Section 74-262 (Schedule of Rates); and Article III (Water), Division 2 (Service), Subdivision II (In-Town Service Charges), Section 74-326 (Schedule of Charges), to increase the service and usage charges for sanitary sewer and water, effective for meter readings taken on or after July 1, 2025.

As part of the FY 2026 Budget process, the Water and Sewer Rates model was updated, resulting in the proposed Water and Sewer rates for FY 2026. Increased rates are critical to meet the operating and investment needs of the Water and Sewer System over the next six years. The FY 2026 rates are increased from the current rates as follows:

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

With adoption of the new rates, the average household (based on 12,000 gal/Qtr.) would be impacted \$100.52 annually (\$54 Water and \$47 Sewer Services). The Water and Sewer rates remain the lowest in the region.

The notices for public hearing were duly advertised in the Fairfax County Times Newspapers in the March 21 and March 28, 2025 editions, with a courtesy copy published in the April 4, 2025 edition.

Item 5a-v: Ordinance to amend Chapter 63 (SOLID WASTE), Section 63-8 (Schedule of fees) to recategorize type of fee and to increase the quarterly rate.

A Miscellaneous-Recyclables Fee is currently charged to resident/occupant each quarter with the water and sewer bill. The Department of Public Works has proposed renaming the current Recycling Fee to Collection Fee and raising the current rate. The fee will increase from \$16.00 per quarter to \$21.00 per quarter, effective July 1, 2025. Annual revenue will increase from \$392,000 to \$514,500. The last adjustment occurred in 2020 when the fee was increased from \$8.00 to \$16.00 per quarter. Prior to that, the fee increased in 2018 from \$4.00 to \$8.00 per quarter, and in 2010 from \$2.50 to \$4.00 per quarter.

Since the last increase in 2020, the recycling industry has undergone significant changes. Commodity prices continue to decline along with rising processing costs, and the volume of recyclable materials has either remained steady or increased. As a result, the town no longer receives rebates sufficient to fully cover recycling costs and now incurs monthly expenses for recycling processing. The town has also seen higher rates of contamination in the recycling items collected, which are then processed as trash and a fee is paid for that contamination. The cost to collect and process trash, either in the county's landfill or in the Waste to Energy facility, has also increased annually. For FY 2026, Fairfax County is proposing to increase the trash charges from \$79/ton to \$90/ton. On average, the town collects approximately 445 tons of trash per month from town residents. The proposed change will address some of the costs incurred due to increased costs to recycle proper materials at the Material Recovery Facility.

Item 5a-vi: Resolution to adopt a Fiscal Planning Resolution for the Fiscal Year 2026 Budget for the Town of Herndon.

This resolution is to adopt the FY2026 proposed budget and the FY 2026 portion of the Capital Improvement Program (CIP) for fiscal planning purposes for the Town of Herndon. In accordance with the requirements outlined in the Code of Virginia § 15.2-2503, 15.2-2506, and 58.1-3321, the Interim Town Manager has submitted the proposed budget for FY 2026 to the Town Council by April 1 and properly advertised the public hearings on the proposed budget.

At the April 15, 2025 Town Council Work Session, the Town Council gave direction to make several changes to the overall FY 2026 budget that are reflected in the proposed updated Fiscal Planning Resolution.

The notices for the public hearing were duly advertised in the Fairfax County Times Newspapers in the March 21 and March 28, 2025 editions, with a courtesy copy published in the April 4, 2025 edition.

Item 5a-vii: Ordinance to appropriate Funds to implement the Fiscal Year 2026 Budget for the Town of Herndon, establishing the Pay Plan, and reserving on-going and Capital Funding for this Fiscal Year.

All town expenditures are subject to the appropriation of funds by the Town Council. The town must adopt a balanced annual budget by July 1 of each fiscal year. A balanced budget is defined as one in which total anticipated revenues and other financing sources are equal to total anticipated expenditures. The proposed Budget for FY 2026 was submitted by the Interim Town Manager, advertised as required, published on the website, and public hearings conducted.

Timing Impact:

Impacts of the adopted budget begin with the start of the next fiscal year: July 1, 2025. In addition, per the agreement with Fairfax County for Real Estate Tax bill processing, tax rates must be communicated to them no later than May 1, 2025.

[FY 2026 Proposed Budget](#) (link)

[FY 2026 - 2031 Capital Improvement Program](#) (link)

Related Strategic Plan Goals:

The Proposed FY 2026 Budget relates to all areas of the Strategic Plan, specifically to the following related goals highlighted below:

Strong Fiscal Stewardship

Goal 1: Maintain strong financial health to ensure advantageous borrowing opportunities as needed.

Goal 2: Conduct forward-looking and multi-year planning and analysis.

Goal 3: Utilize best practices as they relate to fiscal controls and risk management.

Secure and Interconnected Community

Goal 1: Provide safe and secure community interactions through professional, respectful, and equitable responsiveness.

Goal 2: Provide a convenient and safe interconnected multimodal network.

Goal 3: Actively collaborate with regional jurisdictions and state and federal agencies to leverage resources.

Environmental and Economic Sustainability

Goal 1: Implement policies, practices, and regulations that encourage or incentivize energy efficiency and the use of renewable energy in public and private investments.

Goal 4: Improve and streamline town processes required of new and existing businesses.

Goal 5: Foster and expand policies and partnerships with Fairfax County to ensure diversification of housing stock.

Goal 6: Implement policies, practices, and regulations that protect and enhance the town's natural resources and preserve the environment.

Good Governance

Goal 1: Maintain and enhance public facilities to effectively support municipal operations and services.

Goal 2: Actively engage community input that informs the Town's policies, programs, and services.

Goal 3: Foster a positive town organizational culture that prioritizes employee development, professional growth, and wellness; and sets the standard in high performance leadership.

Thriving Community

Goal 1: Prioritize accessible government services, programs, and infrastructure.

Goal 2: Encourage an engaged and informed community.

Goal 3: Honor the diversity of the town.

Goal 4: Ensure a variety of green and open spaces with recreation options accessible to all.

Strategic Focus Area:



Strong Fiscal Stewardship

Secure and Interconnected Community

Environmental and Economic Sustainability

Good Governance

Thriving Community

Fiscal Impact:

The Town of Herndon has proposed a Fiscal Year (FY) 2026 Budget of \$95,738,447, including the Town Council directives of April 15, 2025. The total proposed budget represents a 28.3 percent increase from the adopted FY 2025 Budget. The Proposed FY 2026 Budget accounts for increasingly high costs associated with hiring and maintaining top-quality employees; continued supply chain pressures; the assumption of capital costs as the American Rescue Plan Act (ARPA) funding ends; and funds associated with initiatives included in the town's Strategic Plan.

The increase in tax and fee rates for FY 2026 are expected to result in \$1.69M incremental General Fund revenue (real estate tax \$562K, meals tax 910K, BPOL \$100K, Collection Fee \$122K). The Water and Sewer rate increases are expected to result in incremental revenue of \$1.3M for the Water and Sewer Fund. The Capital Improvement Program includes \$28.6M in capital spending for FY 2026 across all funds.

Legal Impact:

Per Town Code Section 4.2 and State Code Section 15.2-2503, the Town Manager is required to prepare and submit an annual budget to the Town Council on or before the first day of April each year. Town Code Sec. 30-36 pertains to the levy for real estate.

Changes to Meals Tax, BPOL, Water and Sewer Services and Collection Rates require Ordinances updating the specific rates defined in the Town Code.

Staff Recommendation/Next Steps:

The Interim Town Manager and staff recommend approval and adoption of the Proposed FY 2026 operating budgets and FY 2026-2031 CIP with any adjustments the Town Council deems appropriate.

Attachments:

1. FY26 Property Tax Equalization, Legal Ad
2. FY26 Budget, Legal Ad
3. FY26 Budget, Water & Sewer, Legal Ad



NOTICE OF PROPOSED REAL PROPERTY TAX INCREASE

The Town of Herndon, Virginia, proposes to increase property tax levies.

1. Assessment Increase: Total assessed value of real property, excluding additional assessments due to new construction or improvements to property, exceeds last year's total assessed value of real property by 1.83 percent.

2. Lowered Rate Necessary to Offset Increased Assessment: The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with the exclusions mentioned in Section 58.1-3321(A), Code of Virginia, would be \$0.2553 per \$100 of assessed value. This rate will be known as the "lowered tax rate."

3. Effective Rate Increase: The Town of Herndon, Virginia proposes to adopt a tax rate of \$0.2700 per \$100 of assessed value. The difference between the lowered tax rate (as described in paragraph 2 above) and the proposed tax rate would be \$0.0147 per \$100 of assessed value, or 5.74 percent. This difference will be known as the "effective tax rate increase."

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

4. Proposed Total Budget Increase: Based on the proposed real property tax rate and changes in other revenues, the total budget of the Town of Herndon, Virginia, will exceed the FY 2025 total adopted budget by 28.1 percent.

The Town Council of the Town of Herndon, Virginia, will hold public hearings on Tuesday, April 8, and Tuesday, April 22, 2025 at 7:00 p.m. in the Herndon Council Chambers Building, located at 765 Lynn Street, Herndon.

The public is encouraged to participate in the town's public hearing process. Individuals having an interest in the above item are invited to attend the public hearings and state their opinions and may also submit comments to town.clerk@herndon-va.gov.

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

Amanda Morrow Kertz, Acting Town Clerk

Note to Publisher:

Publish on March 14, 2025

Town of Herndon, Virginia Notice of Public Hearing

Notice is hereby given that the **Town Council** of the Town of Herndon, Virginia will hold public hearings on Tuesday, April 8, and Tuesday, April 22, 2025 at 7:00 p.m. in the Herndon Council Chambers Building, located at 765 Lynn Street, Herndon, to receive public comment on the proposed Fiscal Year (FY) 2026 Budget.

The proposed total FY 2026 budget as submitted to the Town Council is \$95,628,447. The budget includes the FY 2026 portion of the Capital Improvement Program (CIP). A brief synopsis of the proposed budget follows:

BUDGET SUMMARY			
	FY 2025 Adopted	FY 2026 Proposed	Increase/ (Decrease)
General Fund	\$44,669,023	\$50,328,225	12.7%
Water and Sewer Fund	\$21,680,183	\$27,681,005	27.7%
Capital Projects Fund	\$2,500,000	\$5,940,627	137.6%
Golf Course Fund	\$3,383,848	\$5,112,528	51.1%
Stormwater Management Fund	\$1,348,824	\$4,261,811	216.0%
Chestnut Grove Cemetery Fund	\$1,050,306	\$2,304,251	119.4%
Total Expenditures – All Funds	\$74,632,184	\$95,628,447	28.1%

As part of the budget adoption process, the Town of Herndon is considering the following tax and fee rates:

Category	FY 2025 Adopted	FY 2026 Proposed
Real Estate Tax	\$.260 per \$100 of assessed value	\$.270 per \$100 of assessed value
Meals Tax	3.75%	4.0%
Transient Occupancy Tax	6%	6%
Business, Professional, Occupational Tax (BPOL)	Retail Merchants \$0.13 Repair Services \$0.13	Retail Merchants \$0.17 Repair Services \$0.19
Solid Waste Fee (formerly Recycling Fee)	\$16 per quarter	\$21 per quarter

All other taxes and licenses previously enacted and imposed by the town are proposed to be levied at the same rate, except as provided by other ordinances adopted by the town council in this budget cycle, or to make such levies at such rate as the town council may determine at such hearing.

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; or by visiting www.herndon-va.gov/budget.

The full budget document is available for public inspection in the Town Manager's office located at 777 Lynn Street, Herndon, Virginia, during normal business hours (Monday – Friday, 8:00 a.m. – 5:00 p.m.) and on the town's website, 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.

Amanda Morrow Kertz, Acting Town Clerk

Note to Publisher:

Publish on March 21/March 28, 2025

Courtesy copy published on April 4

Town of Herndon, Virginia
Notice of Public Hearing

Notice is hereby given that the **Town Council** of the Town of Herndon, Virginia, will hold public hearings on Tuesday, April 8 and Tuesday, April 22, 2025, at 7:00 p.m. in the Herndon Council Chambers Building, located at 765 Lynn Street, Herndon on the following item.

Ordinance, to amend Chapter 74 (UTILITIES), Article II (Sewers & Sewage Disposal), Division 5 (Sanitary Sewer System Rates & Charges), Section 74-262 (Schedule of Rates); and Article III (Water), Division 2 (Service), Subdivision II (In-Town Service Charges), Section 74-326 (Schedule of Charges), to increase the service and usage charges for sanitary sewer and water, effective for meter readings taken on or after July 1, 2025.

The dollar amount of the proposed changes are as follows:

Sanitary Sewer Usage Charges:

The rate schedule for sanitary sewer service shall be determined on the basis of water consumed and shall be charged at the rate of ~~\$8.93~~ **\$9.64** per 1,000 gallons of water used, except as otherwise provided in this division.

Quarterly Sewer Charges:

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

<i>Quarterly Billing</i>	
<i>Meter Size (inches)</i>	<i>Charge</i>
5/8	\$12.76 \$15.95
3/4	\$17.63 \$22.04
1	\$27.36 \$34.20
1 1/2	\$51.70 \$64.62
2	\$80.90 \$101.12
3	\$158.78 \$198.47
4	\$246.39 \$307.99
6	\$489.75 \$612.19

Water Usage Charges:

The water usage charge shall be ~~\$4.08~~ **\$4.79** per 1,000 gallons, based on the consumption of water as measured by readings of the water meter serving the property.

Quarterly Water Charges:

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

<i>Quarterly Billing</i>	
<i>Meter Size (inches)</i>	<i>Charge</i>
5/8	\$16.34 \$21.24
3/4	\$24.51 \$31.86
1	\$40.82 \$53.06
1 1/2	\$81.67 \$106.17
2	\$130.65 \$169.84
3	\$261.33 \$339.73
4	\$408.33 \$530.83
6	\$816.65 \$1061.64

All water consumed during the peak use periods in excess of the average consumption of the preceding two winter quarter billing periods shall be charged an additional amount of ~~\$6.94~~ **\$8.15** per 1,000 gallons. This peak use period charge shall be applied in addition to the base water usage charge in subsection (a) above.

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

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

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

Amanda Morrow Kertz, Acting Town Clerk

Note to Publisher:

Publish on March 21/March 28, 2025

Courtesy copy published on April 4, 2025

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

ORDINANCE

APRIL 22, 2025

**Ordinance- to Levy Taxes on Real Estate and Manufactured Homes, and Other
Subjects for the Fiscal Year 2026 Budget.**

BE IT ORDAINED by the Town Council of the Town of Herndon, Virginia, that the Town Council fixes and orders the tax levies for the fiscal year beginning July 1, 2025, and ending June 30, 2026, as follows:

1. Real Estate: **\$.2700** on each \$100.00 of the valuation of real estate and improvements to the Town.
2. Personal Property and Merchants' Capital: **\$.00** on each \$100.00 of the valuation of tangible personal property classified by Section 58.1-3503 and 58.1-3510 of the Code of Virginia.
3. Vehicles Used as Manufactured Homes and Offices: **\$.2700** on each \$100.00 of the valuation of vehicles without motive power, used or designed to be used as manufactured homes as classified by Section 58.1-3506(A), paragraph 10, of the Code of Virginia.
4. Farm Machinery, Farm Tools, and Farm Livestock: **\$.00** on each \$100.00 of the valuation of farm machinery, farm tools and farm livestock as classified by Section 58.1-3505 of the Code of Virginia.
5. Machinery and Tools: **\$.00** on each \$100.00 of the valuation of machinery and tools classified by Section 58.1-3507 of the Code of Virginia.
6. Other Classifications of Tangible Personal Property: **\$.00** on each \$100.00 of the valuation of tangible personal property as classified by Section 58.1-3506 [except for Section 58.1-3506(A), paragraph 10] of the Code of Virginia.
7. Miscellaneous Levies: Except as provided above and other ordinances adopted by the Town Council in this budget cycle all other taxes and licenses previously enacted by the town are imposed and levy made to the same extent and at the same rate as during the Fiscal Year 2025.

25-O-05

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

ORDINANCE

APRIL 22, 2025

Ordinance- **to amend Chapter 30 (FINANCE AND TAXATION), Article IX (Meals Tax), Section 30-401(Levy) to increase meals tax rate.**

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

1. The following section or provision of the Herndon Town Code (2000), as amended, is amended and re-ordained as follows:

CHAPTER 30 (FINANCE AND TAXATION)

Article IX. Meals Tax

Sec. 30-401 - Levy

There is hereby imposed and levied on each person purchasing a meal or meals from any food establishment, a tax at the rate of ~~three and three-quarters~~ **four and one-half** percent on the amount such person paid for the meal or meals, whether prepared in such food establishment or not, and whether consumed on the premises or not.

2. This ordinance shall be effective on and after July 1, 2025

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

ORDINANCE

APRIL 22, 2025

Ordinance- **to amend Chapter 30 (FINANCE AND TAXATION), Article VII (Business, Professional, Occupancy License), Division 2 (Fees and Taxes), Section 30-246 (Enumeration), and Section 30-263 (Repair Service) to increase fees for retail merchants and repair services.**

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 and re-ordained as follows:

CHAPTER 30 (FINANCE AND TAXATION)

Article VII. Business, Professional, Occupancy License

Division 2. Fees and Taxation

Sec. 30-246 – Enumeration

- (b) There is no fee for the issuance of such license. In addition to the license tax specified in subsection (a) of this section, and except as may be otherwise provided in this article or in Code of Virginia, §§ 58.1-3712, 58.1-3712.1 and 58.1-3713, every such person or business with annual gross receipts, purchases, or retail or wholesale sales, as appropriate, of more than \$100,000.00 shall be assessed and required to pay annually a license tax on all the gross receipts, purchases, or retail or wholesale sales, as appropriate, of such persons includable as provided in this article at a rate set forth in this subsection (b) for the class of enterprise listed:

- (2) For retailers, including those engaged in the short-term rental business as defined in Code of Virginia, § 58.1-3510.4(B) (however defined), (but excluding those engaged in commercial leasing covered by section 30-265) ~~\$0.43~~ **0.17** per \$100.00 of gross receipts (Code of Virginia, § 58.1-3706 A.2);

25-O-07

Sec. 30-263 – Repair service

Every person conducting or engaging in repair service occupations, businesses or trades shall pay an annual license tax of \$~~0.13~~ **0.19** for each \$100.00 of gross receipts of the base year.

2. This ordinance shall be effective on and after January 1, 2026 for license years beginning on and after January 1, 2026. It is the Town Council's intention that business, professional, or occupational license taxes computed using the base year, calendar year 2025, shall be governed by this ordinance.

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

ORDINANCE

APRIL 22, 2025

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

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 and re-ordained as follows:

CHAPTER 74 (UTILITIES)

Article II. Sewers and Sewage Disposal.

Division 5. Sanitary Sewer System Rates and Charges.

Sec. 74-262. – Schedule of Rates.

- (a) The rate schedule for sanitary sewer service shall be determined on the basis of water consumed and shall be charged at the rate of ~~\$8.93~~ **\$9.64** per 1,000 gallons of water used, except as otherwise provided in this division.

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

Quarterly Billing

Meter Size (inches)	Charge
5/8	\$12.76 \$15.95
3/4	\$17.63 \$22.04
1	\$27.36 \$34.20
1 1/2	\$51.70 \$64.62

25-O-08

2	\$80.90 \$101.12
3	\$158.78 \$198.47
4	\$246.39 \$307.99
6	\$489.75 \$612.19

Article III. Water.

Division 2. Service.

Subdivision II. In-Town Service Charges

Sec. 74-326. – Schedule of Charges.

- (a) The water usage charge shall be ~~\$4.08~~ **\$4.79** per 1,000 gallons, based on the consumption of water as measured by readings of the water meter serving the property.
- (b) A service charge per bill rendered shall be assessed for all metered water service as follows:

Quarterly Billing

Meter Size (inches)	Charge
5/8	\$16.34 \$21.24
3/4	\$24.51 \$31.86
1	\$40.82 \$53.06
1 1/2	\$81.67 \$106.17
2	\$130.65 \$169.84
3	\$261.33 \$339.73
4	\$408.33 \$530.83
6	\$816.65 \$1,061.64

- (c) All water consumed during the peak use periods in excess of the average consumption of the preceding two winter quarter billing periods shall be charged an additional amount of ~~\$6.94~~ **\$8.15** per 1,000 gallons. This peak use period charge shall be applied in addition to the base water usage charge in subsection (a) above.

2. This ordinance shall be effective for all meter readings taken on or after July 1, 2025.

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

ORDINANCE

APRIL 22, 2025

Ordinance- **to amend Chapter 63 (SOLID WASTE), Section 63-8 (Schedule of fees) to recategorize type of fee and to increase rate.**

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

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

CHAPTER 63 (SOLID WASTE)

Sec. 63-8 – Schedule of fees.

(b) *Miscellaneous fees.* The town council establishes and imposes the following fees:

- (1) Recyclables **Collection** (per quarter)\$16.00 **21.00**

This fee **includes collection of both MSW and recyclables and** shall not be prorated or refundable and shall be payable with and under the same terms as water bill payments.

2. This ordinance shall be effective on and after July 1, 2025.

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

RESOLUTION

APRIL 22, 2025

**Resolution- to adopt a Fiscal Planning Resolution for the Fiscal Year 2026
Budget for the Town of Herndon.**

Pursuant to the requirements outlined by Code of Virginia § 15.2-2503, 15.2-2506, and 58.1-3321, the Interim Town Manager of the Town of Herndon, Virginia has submitted to the Town Council of the Town of Herndon, a proposed budget by April 1, and the town properly advertised the April 8, and April 22, 2025 public hearings on the proposed budget.

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

For the purposes of fiscal planning during the Fiscal Year 2026 for the Town of Herndon, Virginia, the budget prepared by the Town Manager, sent out in the "Proposed FY 2026 Budget," on file in the office of the Town Manager, amended as follows:

1. General Fund: Update revenue appropriations for:
 - a. Increase Meals Tax revenues by \$610,000 based on an increased adopted meals tax rate of 4.5%.
 - b. Decrease Use of Fund Balance - capital reserves by \$500,000.
2. General Fund: Update expenditure appropriation for:
 - a. Increase personnel costs by \$220,000 to add funding for a Deputy Town Manager position.
 - b. Reduce staff training by \$90,000.
 - c. Reduce Urban forestry program by \$90,000.
 - d. Remove Arts Herndon Donation of \$40,000.
 - e. Remove Fall 2025 bulk waste collection program of \$119,000.
 - f. Delay hiring of vacant Economic Development position by 3 months to reduce personnel by \$34,000.

25-G-26

- g. Increase Community Cultural Events donations by \$15,000.
- h. Increase overtime and expenditure contingency by \$248,000.

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

ORDINANCE

APRIL 22, 2025

Ordinance- **to appropriate funds to implement the Fiscal Year 2026 Budget for the Town of Herndon, establishing the Pay Plan, and reserving on-going and Capital Funding for this Fiscal Year.**

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

1. There is appropriated and authorized for expenditure during the Fiscal Year 2026 such sums as appear in the Fiscal Planning Budget for the Fiscal Year 2026 as set out in "Proposed Fiscal Year 2026 Annual Budget" dated March 7, 2025, on file in the office of the Town Manager, and as may be subsequently modified by the Town Council.
2. No money shall be withdrawn from the treasury of the town and no obligation for expenditure of money can be incurred, except in accordance with the Fiscal Planning Budget, or with supplemental appropriations as may be made by the Town Council.
3. The town advertised the public hearing at least once in The Fairfax County Times newspaper and held a public hearing on the proposed budget at least seven days prior to approval of the proposed budget.
4. The Fiscal Year 2026 proposed schedule of salaries, set out in the Fiscal Planning Budget, are adopted effective July 1, 2025.
5. The Town Council may award to the Town Manager and the Town Attorney bonuses as provided for in the Fiscal Planning Budget for Fiscal Year 2026 for exceptional services rendered. Any such bonuses shall not become a part of these officers' annual salary.
6. The Town Council reserves, encumbers, and appropriates for Fiscal Year 2025 funding for capital and on-going projects, for which funds were previously appropriated. The Town Manager as of July 1, 2025, shall take the appropriate accounting steps to reserve and encumber these funds as of that date for Fiscal Year 2026 and to report to the Mayor and Town Council in this regard.

Agenda Item: Resolution 25-G-27 to approve a Special Exception – SE #24-03, 1402 Winterland Court, to permit a home-based child daycare use within the PD-R, Planned Development-Residential, zoning district

Meeting Date: April 22, 2025

Category: Public Hearings

Prepared by: Fadrique Iglesias, Community Planner,
David Stromberg, Zoning Administrator

Description:

This application is to consider a Special Exception to permit a home-based child daycare use within the PD-R, Planned Development-Residential, zoning district. The proposed use would increase the maximum number of children enrolled per day from 7 to 12 and increase the hours of operation from 6:00 a.m. - 9:00 p.m., to 5:00 a.m. - 11:00 p.m. The property is zoned PD-R, Planned-Development Residential District. The property is designated in the Herndon 2030 Comprehensive Plan as "Neighborhood Conservation." The 11,959 square-foot lot is located on the north side of Winterland Court, west of its intersection with Tamani Drive. The single-family detached dwelling consists of approximately 3,450 square feet (above-grade living area).

Background:

The applicant applied for and received approval of a Zoning Inspection Permit (ZIP#24-026) to operate a child daycare use with a maximum of seven clients enrolled, as a home-based business at the subject property. ZIP#24-026 was issued on 09/30/2024. The current operation provides daycare services between the hours of 6:00 a.m. and 9:00 p.m., which is the standard allowance per Sec. 78-80.5(b) Home-based business, childcare or daycare, and can be approved by town staff. To increase the number of children to 12 and extend the time requires a special exception. Special exceptions require review and recommendation by the Planning Commission and final action by the Town Council. Prior to planning commission consideration of this application, the town had not received any complaints related to the daycare for this address. The applicant is seeking the extended time to serve parents whose jobs require late hours.

The Four Seasons community is designated as "Neighborhood Conservation" in the Herndon 2030 Comprehensive Plan. The designation underscores the town's commitment to preserving and maintaining the character and quality of existing residential areas, while supporting accessory uses associated with residential neighborhoods such as home-based businesses and permitted accessory dwelling units.

The subject property is zoned PD-R, and consists of an 11,959 square foot residential lot featuring a primary dwelling unit with approximately 3,450 square feet of above-grade living area. The property is located within the Four Seasons neighborhood near the intersection of Tamani Drive and Winterland Court. Winterland Court, a cul-de-sac accessed by seven properties, is located approximately 250 feet from the terminus of Tamani Drive. This planned development residential zoning district is characterized by a mix of housing types designed to promote cohesive residential communities with convenient access to shared amenities.

The notices for the public hearing were duly advertised in the *Fairfax County Times Newspapers* in the Friday, April 4 and April 11, 2025, editions.

Timing Update:

If this special exception is approved, with conditions as proposed, the applicant may commence operations in accord with the special exception following the approval and issuance of a new zoning inspection permit.

Strategic Focus Area:



Thriving Community

Fiscal Impact:

N/A

Legal Impact:

The zoning ordinance allows a home-based daycare for up to 12 children enrolled with the granting of a special exception permit by the town council, in accordance with Sec. 78-80.5.

Section 78-155.3 - Special exception, provides the town council with the authority to grant special exceptions and impose conditions upon the operation of the proposed use, provided that the use is allowed by special exception and that the town council, following consideration by the planning commission, determines that the proposed application meets the standards set forth in the zoning ordinance for special exceptions. The standards are provided in the accompanying staff report. Staff has proposed several conditions be imposed should this application be approved. The proposed conditions are discussed in the staff report and are included in the prepared resolution.

Staff Recommendation/Next Steps:

Staff recommends that the Town Council approve Special Exception, SE #24-03, with conditions per the prepared resolution.

Other options available to the Town Council include: approval of the special exception with a change to the proposed conditions; denial of the special exception, in which case the daycare can continue to operate with up to 7 children between the hours of 6:00 a.m. and 9:00 p.m.; or continuance of this item until the May 27, 2025, town council meeting.

Attachments:

1. Staff Report
2. Resolution (Proposed)
3. Plan, plat, and fence location, submitted by the applicant, on November 26, 2024.
4. Applicant's Statement and Application
5. PowerPoint
6. Legal Ad

STAFF REPORT

Agenda Item: Special Exception – SE #24-03, 1402 Winterland Ct. - Application for a Special Exception to Permit a Home-Based Child Daycare Use

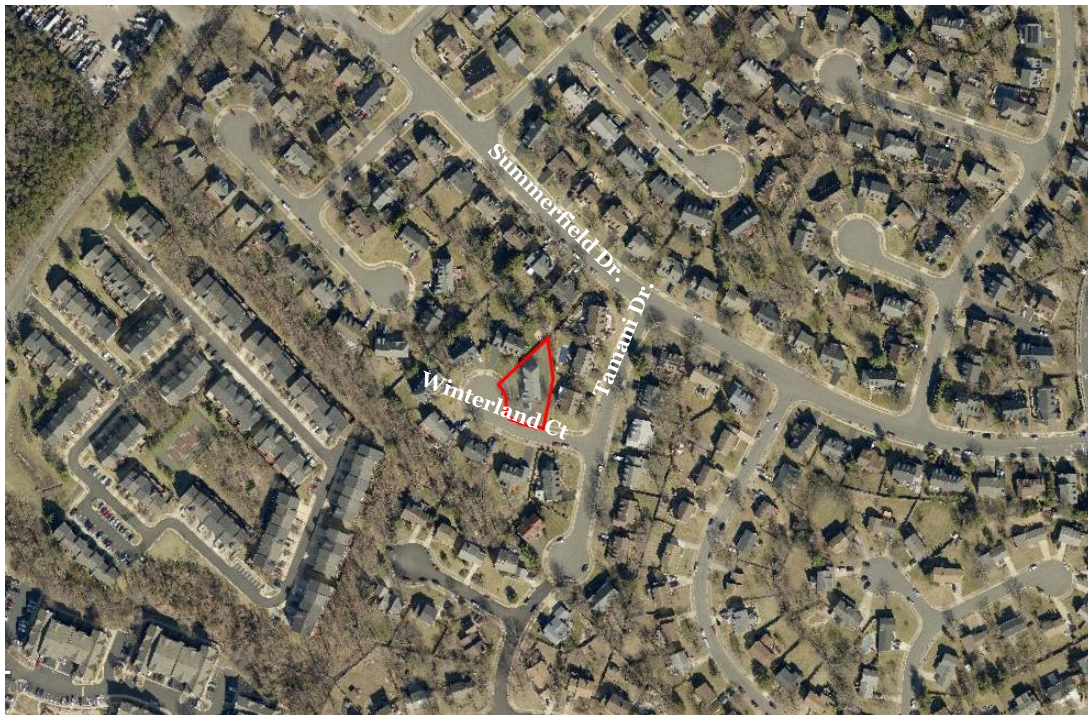
Meeting Date: April 22, 2025.

Staff Contact: Fadrique Iglesias, Community Planner
fadrique.iglesias@herndon-va.gov (703) 787-7380
 David Stromberg, AICP, Zoning Administrator
david.stromberg@herndon-va.gov (703) 787-7380

Summary Information:

Proposed Modification	This application is to consider special exception to permit a home-based child daycare use within the PD-R, Planned Development-Residential, zoning district. The proposed use will increase the maximum number of children enrolled per day from 7 to 12 and increase the hours of operation from 6 AM – 9 PM to 5 AM – 11 PM.
Address	1402 Winterland Ct.
Fairfax County Tax Map Number	0161 18 0154
Owners	Ms. Nidia Retamal
Applicant	Ms. Nidia Retamal
Business/Organization	Anbada Childcare, LLC
Property Use	Residential
Zoning District	PDR, Planned-Development Residential District – Four Seasons
Lot Size	11,959 square feet
Building Size	3,450 square feet of above-grade living area
Adjacent Zoning	North, South, East, West: PD-R, Residential – Single Family Detached.
Date of Construction:	1986
Comprehensive Plan Land Use Designation	Neighborhood Conservation

Location Map:



Background & Site Description:

The applicant applied for and received approval of a Zoning Inspection Permit (ZIP#24-026) to operate a child daycare use with a maximum of seven clients enrolled, as a home-based business at the subject property. ZIP#24-026 was issued on 09/30/2024 and the town has not received any complaints related to the daycare for this address.

The property is located near the intersection of Tamani Drive and Winterland Court, within the Four Seasons neighborhood. It is designated as “Neighborhood Conservation” in the Herndon 2030 Comprehensive Plan¹. The designation underscores the town's commitment to preserving and maintaining the character and quality of existing residential areas.

The subject property is a PD-R, 11,959 square feet residential lot featuring a primary dwelling unit with approximately 3,450 square feet of above-grade living area. This planned development residential zoning district is characterized by a mix of housing types

¹ Herndon 2030 Comprehensive Plan <https://www.herndon-va.gov/home/showpublisheddocument/17554/638247637418370000>

designed to promote cohesive residential communities with convenient access to shared amenities.

The property's land use designation as a "Neighborhood Conservation" area emphasizes compatibility with surrounding residential uses. The proximity to Tamani Drive and Winterland Court provides convenient access for families utilizing the childcare service while maintaining the residential character of the area.

The zoning ordinance standards seek to balance the increased capacity for childcare services with considerations for traffic management, neighborhood compatibility, and adherence to zoning and planning regulations in the Town of Herndon.

Case Details & Proposal:

The applicant seeks approval to increase the number of children permitted in their home-based childcare business to a maximum of twelve (12). The proposed use will provide care for children in two shifts, operating between 5:00 AM and 11:00 PM, with staggered pick-up and drop-off schedules.

A Family Day Home, licensed by the Virginia Office of Child Care Health and Safety, allows up to 12 children, exclusive of the providers own children or children residing at the home, to be cared for in a single-family residence. The zoning ordinance allows up to 7 children, exclusive of the providers own children and children residing at the home, to be care for in a single-family residence with the approval of a Zoning Inspection Permit. A maximum of 12 children may be cared for with the approval of a Special Exception. The applicant is requesting 12 children to be cared for, as allowed by the Commonwealth of Virginia.

Proposed Operations:

The home-based childcare business operates in two shifts to accommodate families with diverse needs, Monday to Friday:

- First Shift: 5:00 AM to 3:00 PM
- Second Shift: 4:30 PM to 11:00 PM

The childcare business is supported by a schedule that includes one employee working from 8:00 AM to 5:00 PM. Additionally, two assistants reside on-site and contribute to the daycare operations, ensuring continuous supervision and care for the children.

The property is located on a cul-de-sac. To ensure smooth transitions for families, the applicant has implemented a staggered pick-up and drop-off schedule:

- Morning Drop-Off: 5:00 AM to 7:30 AM
- Afternoon Pick-Up: 2:00 PM to 4:00 PM
- Afternoon Drop-Off: 4:30 PM to 5:00 PM
- Night Pick-Up: 10:00 PM to 11:00 PM

Additionally, the childcare business serves a disabled child, providing transportation. A bus arrives occasionally at the property at 9:05 AM and 4:40 PM to accommodate this need.

Staff Analysis:

Zoning Ordinance Compliance

The zoning ordinance allows a home-based daycare for up to 12 children enrolled with the granting of a special exception permit by the town council. The use will operate under its current conditions in terms of space occupied by the business, facilities provided, and general operation. The exterior appearance of the building and the existing fenced playground area in the rear yard will not be altered. No additional impervious area or land disturbance is proposed.

Special exceptions may be approved provided they comply with the following standards. Staff evaluated the criteria for review of special exceptions found in Zoning Ordinance Section 78-153.3(e):

Criteria from Section 78-153.3(e)(1)	Meets/ Does Not Meet	Why the application meets or does not meet the criteria of Section 78-153.3(e)
a. Is consistent with the Comprehensive Plan.	Meets	The Comprehensive Plan Land Use Section provides policies for provision of goods and services to the local community and positive economic benefits of new businesses. The proposed uses will be in conformance with the comprehensive plan policies.
b. Is free of conflict with any provision of this chapter and related regulations or any other applicable local, state, or federal laws and regulations.	Meets	The proposed special exception uses are provisioned with the base zoning district and do not create any substantial conflicts with other regulatory requirements. The use and business operations will be conditioned to ensure the use continually meets the

		purpose and intent of the Planned Development, Residential Zoning District.
c. Does not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use.	Meets with conditions	The proposed uses are generally compatible to the site / neighborhood. The proposed amended conditions will expand the hours of operation (non-business hours) but will limit the impact to parking and vehicle trips by restricting maximum number of clients.
d. Consistent with the purpose and intent of the zoning district in which it is located or will improve compatibility among uses and will ensure efficient development within the town.	Meets	The proposed changes to the conditions will remain compatible with the intent of the uses of the PD-R district.
e. Minimizes adverse visual impact of the proposed use on adjacent lands.	Meets	The proposed changes to the conditions will not generate visual changes to the site.
f. Contributes to a logical and orderly development pattern consistent with accepted or emerging planning practices.	Not Applicable	No physical alterations of the structure expected and thus not subject to this criterion.
g. Minimizes adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration, and should not create a nuisance.	Meets with conditions	Staff recommended the revised conditions to limit the overall capacity and distribution of customers in order to prevent negative impacts to parking, drop-off/pickup, and noise.
h. Avoids significant adverse impacts on the property values of surrounding lands or substantially and permanently injures the use of neighboring property for those uses that are permitted in the zoning district.	Meets	The proposed use has virtually no external impacts and provides needed space utilization for the new business owners.
i. Does not significantly and adversely impact the natural environment, including but not limited to, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.	Meets	The proposed changes to the conditions will not involve any expansion of floor area or conversion of pervious area to impervious area.
j. Results in development that is adequately served by transportation facilities, including whether or not a substantial deterioration of the level of service on the town's transportation network would occur and whether or not the proposed use is designed to ensure safe ingress and egress onto the site and safe road conditions on and around the site.	Not Applicable	No physical alterations of the structure expected and thus not subject to this criterion.
k. Results in development that is adequately served by public facilities (roads, potable water and sewage, schools, parks, police, and fire and emergency medical facilities).	Not Applicable	No physical alterations of the structure expected and thus not subject to this criterion.
l. If infill and redevelopment is consistent with the redevelopment criteria and other applicable guidelines as stated in the Herndon	Not Applicable	No physical alterations of the structure expected and thus not subject to this criterion.

2030 Comprehensive Plan (adopted August 12, 2008), as amended.		
m. If located in the floodplain overlay district, meets floodplain overlay standards.	Not Applicable	The building is not located within the FPO.

In addition to these standards, the zoning ordinance has established additional standards for childcare or daycare uses as a home-based business. These standards identified in section 78-80.5 (b) provide the requirements for all home-based businesses.

Home-based business, childcare or daycare—Additional standards. In addition to the standards of section 78-80.5, a home-based childcare or daycare shall be subject to the following additional standards. In accordance with the Herndon Zoning Ordinance standards for home-based businesses, the application complies with the requirements concerning the number of children and nonresident employees. As stipulated under section 78-80.5 and the additional standards for home-based childcare or daycare businesses, the proposed use ensures adherence to the limits on enrollment and staffing, thereby meeting the applicable zoning regulations.

Play area. The proposed application satisfies the minimum requirement of 75 square feet of outdoor play area per child enrolled in the childcare business (900 sq. ft.). A scaled plat demonstrating the designated outdoor play area, which is fully enclosed by a four-foot fence to ensure safety, will be submitted with the application (see annex 2).

Comprehensive Plan Adherence

The proposal is consistent with the Herndon 2030 Comprehensive Plan Neighborhood Conservation Land Use Policies and encourages uses that provide a variety of goods and services as well as promotes economic development that helps increase employment and add to the community tax base.

Parking

The zoning ordinance does not require additional parking for a home-based daycare.

Analysis of Conditions

Staff are recommending six conditions for this special exception, listed in the following conditions analysis table, consistent with previously approved special exceptions. Staff believe these conditions provide reasonable ways in which the existing childcare use can be expanded while properly mitigating potential impacts, as well as achieving the purpose and intent of the applicable zoning district.

#	Condition	Covered by language in the Zoning Code	Reason for Condition
1	<u>Substantial conformance</u> with the submitted application and plan submitted by applicant on November 26, 2024 and for the purpose of a daycare use only.	No	The site shall be developed and maintained in substantial conformance with a submitted special exception plan that is 33 percent or less of the gross floor area and in conformance with section 78-80.5. of the zoning ordinance.
2	<u>Hours of Operation.</u>	No	The permitted hours of operation shall be 5:00 a.m. until 11:00 p.m. Monday through Friday.
3	<u>Number of Permitted Children.</u>	No	The total number of children present on site for home-based child daycare use shall not exceed 12 enrolled children per day. The ratio of employees to children as required by the state shall be maintained.
4	<u>On-Site Play Area.</u>	No	When playing outside all children shall be within the fenced playground area.
5	<u>Child Drop-off and Pick-up.</u>	No	Child drop-off and pick-up shall be limited to the driveway or to the curbside on the street adjacent to the subject property on Winterland Ct. Double parking on Winterland Ct. is prohibited at all times.
6	<u>Signage.</u>	No	No signage shall be permitted.

Any violation of the aforementioned conditions or other sections of the Herndon Town Code shall be grounds for revoking the special exception pursuant to the manner described in Section 78-155.3(h).

Considerations brought by the Planning Commission

Since the Planning Commission's initial public hearing on February 24, 2025, Town staff have conducted site observations and further evaluated concerns related to the proposed home-based childcare business.

Observation	Date	Cars counted
1	2/27/2025 12:30pm – 2:30pm	0
2	2/28/2025 2:30pm – 4:00pm	1
3	3/06/2025 7:30am – 8:30am	1
4	3/13/2025 5:15am – 8:45am	6

Particular attention was given to potential traffic impacts at the cul-de-sac and subdivision entrance, especially in light of the applicant's plan to operate in two shifts. Commissioners also suggested actions for both the applicant and the recreation/homeowner's association, including opportunities for dialogue and consideration of any applicable

private covenants or Recreation Association bylaws that may affect the proposed business. These considerations have informed staff's analysis and recommendations regarding the special exception request. At the conclusion of the hearing, however, the Planning Commission voted to continue its decision.

Following the Planning Commission's second work session on March 10, 2025, staff confirmed that the Town Council has the authority to grant a special exception for a home-based daycare business that does not meet the additional standards listed in Section 78-80.5(b) of the Zoning Ordinance. However, per Section 78-50.5(c)(b), Council does *not* have the authority to approve an enrollment exceeding 12 children per day.

Staff continue to support the proposed operating hours of 5:00 AM to 11:00 PM, noting that these hours would enable the applicant to provide services to community members with non-traditional work schedules.

It is important to note that while the Recreation Association's bylaws may impose more restrictive covenants than the Town's zoning ordinance, these are private legal agreements. The Town is not a party to such agreements and cannot delegate its zoning authority to a third party. Any conditions placed on this special exception must be consistent with how the Town evaluates similar properties with the same zoning classification—in this case, a PD-R (Planned Development – Residential) district.

Precedent for Home-Based Childcare Special Exceptions (Past 10 Years)

Special Exceptions Home-Based Business, Childcare Use	Address	Subdivision
SE#12-01	450 Virginia Ave.	Chandon
SE#13-03	1110 Burwick Dr.	Estates At Eagle Lie
SE#13-04	1115 Autumnhaze Ct.	Four Seasons
SE#14-03	288 Missouri Ave.	Chandon Woods
SE#14-05	1210 Summerfield Dr.	Four Seasons

During the public hearing, some neighbors and the Recreation Association expressed concerns about the proposal. One neighbor expressed support. The Planning Commission voted 4–2 to recommend approval of the special exception.

While other special exceptions have been approved to allow up to 12 children per day in home daycare within the town, this is the first special exception that would permit the operation of a home daycare beyond 9:00 p.m. The expansion of the number of children serves a community need, as does the time extension to 11:00 p.m., which is needed by parents in the service industry as well as others who work later shifts. Special exception provisions allow the town to revoke approval of this special exception if this home-based business does not operate in accordance with the conditions imposed

Fiscal Impact:

The town can collect taxes from home-based businesses.

Town Council Alternatives:

The following alternatives are available to the Town Council for its decision on SE#24-03:

1. Approval with conditions per the prepared resolution.
2. Approval with amended conditions.
3. Denial of the application. [The daycare would continue its operations with seven children as a by-right use.]
4. Continuance of the application to May 2025.

Staff Recommendation:

Staff recommends alternative 1, the Town Council approve the special exception with conditions per the prepared resolution.

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

RESOLUTION

APRIL 22, 2025

Resolution- to approve a Special Exception – SE #24-03, 1402 Winterland Court, to permit a home-based child daycare use within the PD-R, Planned Development-Residential, zoning district.

The applicant, Ms. Nidia Retamal, Anbada Childcare, LLC, has submitted a request for a special exception to permit a home-based child daycare for 12 children with extended hours within the PD-R, Planned Development-Residential, zoning district. The proposed use will increase the maximum number of children enrolled per day from 7 to 12 and increase the hours of operation from 6 AM – 9 PM to 5 AM – 11 PM. The Property is identified as Fairfax County Tax Map # 0161 18 0154.

On March 24, 2024, the Planning Commission recommended that the special exception with conditions be approved based upon the finding that the proposed use meets the purpose and intent of the Zoning Ordinance.

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

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

1. The Special Exception SE #24-02 is approved with the conditions set forth below to achieve compliance with the standards found in Section 78-155.3(e):
 - a. Substantial conformance with the submitted application and plan submitted by applicant on November 26, 2024, and for the purpose of a daycare use only.
 - b. The permitted hours of operation shall be 5:00 a.m. until 11:00 p.m. Monday through Friday.
 - c. The total number of children present on site for home-based child daycare use shall not exceed 12 enrolled children per day. The ratio

25-G-27

of employees to children as required by the state shall be maintained.

- d. When playing outside all children shall be within the fenced playground area.
 - e. Child drop-off and pick-up shall be limited to the driveway or to the curbside on the street adjacent to the subject property on Winterland. Double parking on Winterland Ct. is prohibited at all times.
 - f. No signage shall be permitted.
2. Per Section 78-155.3(f)(3), this approval shall not run with the land.

DRIVEWAY ADDED 3-12-1969
 0 DEMOTES LOT COMENS TO BE SET AT
 COMPLETION OF SUBDIVISION CONSTRUCTION.

THIS LOT IS NOT IN A HUD IDENTIFIED
"SPECIAL FLOOD HAZARD" AREA AS PER
THE FLOOD INSURANCE RATE MAP OF
FAIRFAX COUNTY VIRGINIA, DATED
MAY 14, 1976.

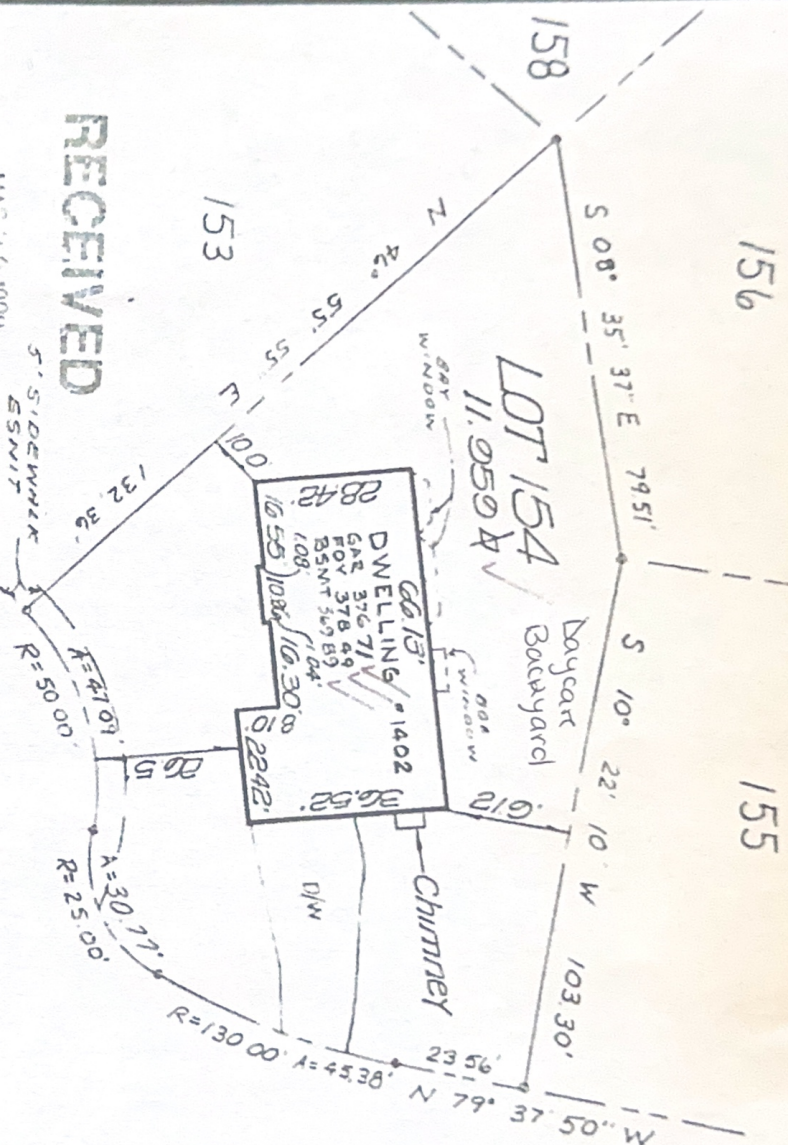
HERNDON D.P.W.

MAR 25 1984

RECEIVED

WINTERLAND
COURT
50
P¹/₄

ZONING APPROVED
March 29, 1989 EES



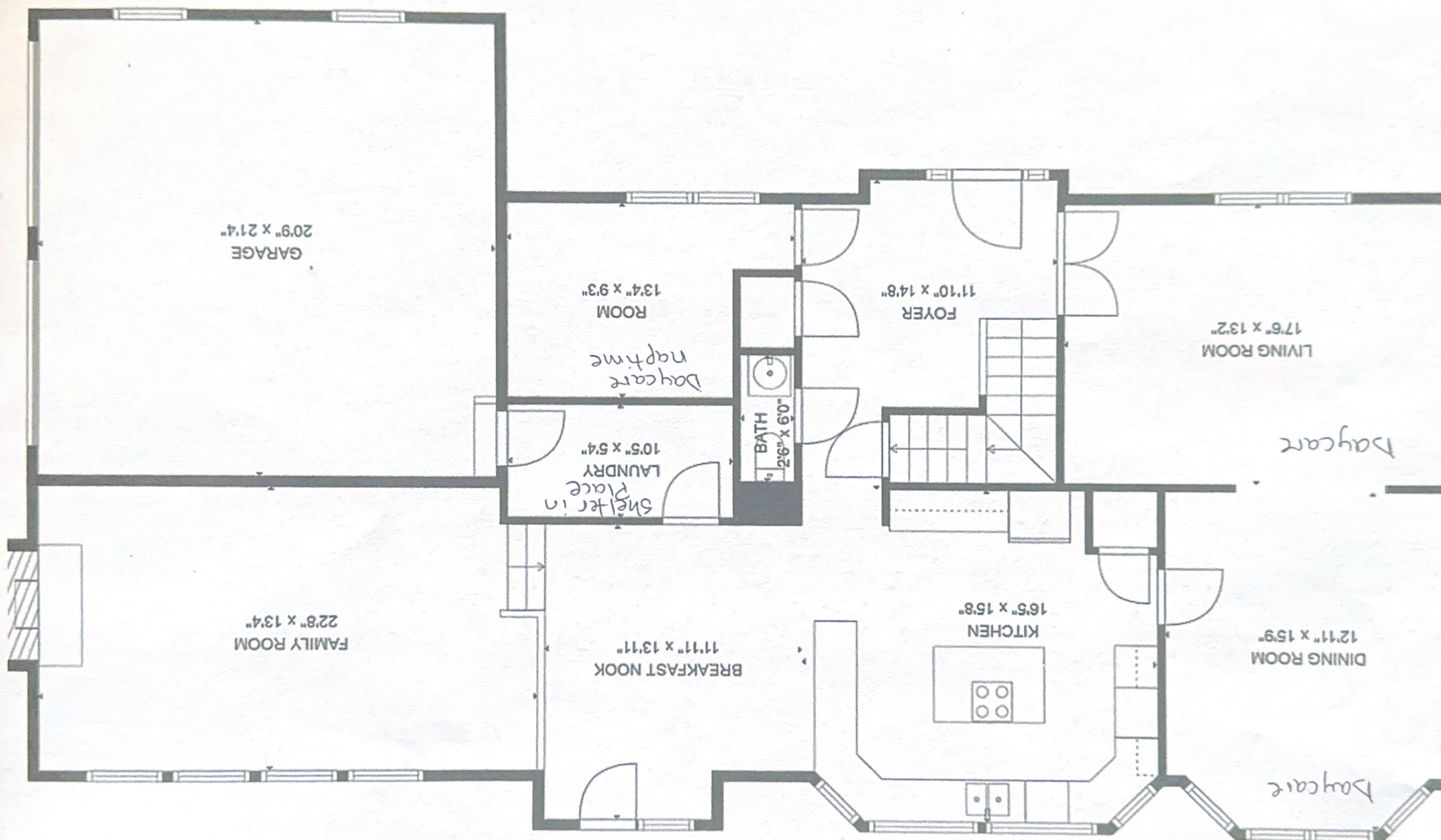
DATE BLOCK						
LOT	WALL CHECK	DR BY/CH BY	INT	FINAL	DR BY/CH BY	RECEIPT
154	1-4-BD	MMH/CAP		1-25-89	MMH/CAP	

HOUSE LOCATION
LOT 154 PHASE 2A SECTION 2
FOUR SEASONS
TOWN OF HERNDON
DRAVESVILLE DISTRICT FAIRFAX COUNTY, VIRGINIA
SCALE: 1" = 30'

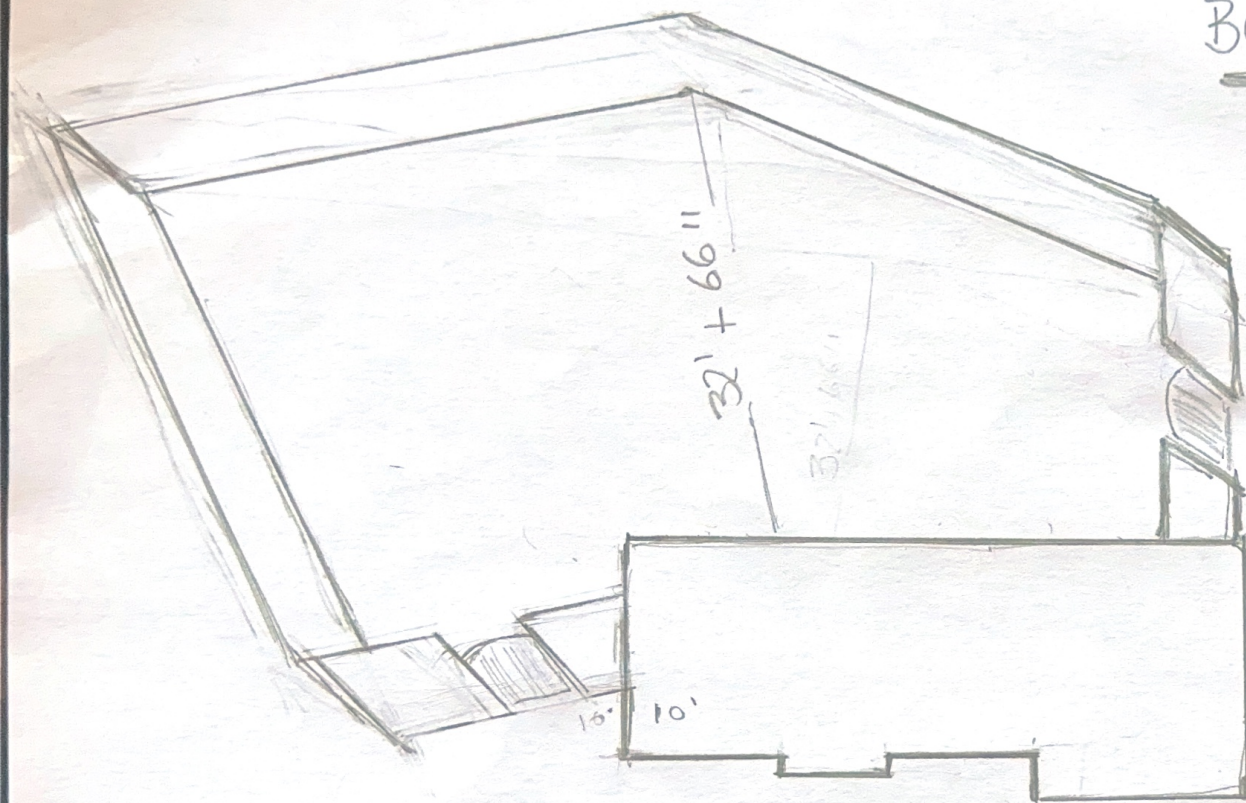
NOTES
RECEIVED OF
MAR 29 1989

Dewberry & Davis
Architects Engineers Planners Surveyors
8401 Airlington Boulevard Fairfax, Virginia 7031 849 0100





BACK YARD



D.W.

WOOD FENCE

6' TALL

DEPARTMENT OF COMMUNITY DEVELOPMENT
Instructions: Complete this form and submit to community.development@herndon-va.gov. Typed signatures will be accepted.

Project Name: Nidia Retamal d.b.a Ambada Childcare LLC

For the purpose of
operating/conducting (type
of business):

Description of Proposed Use: childcare and Virginia Preschool Initiative Provider
to increase the number of children to 12

As provided for in Town
Code Section:

Subject Property Address(es): 1402 Winterland Ct, Herndon, VA 20170

Zoning of Subject Property: Residential

Lot area (site area):

Are any site alterations or any alterations to the building's exterior or interior planned or underway in connection with this use (or were any alterations already completed)? ☒ NO ☐ YES (Please Describe)

Application is a request to
develop in the Floodplain
Overlay District

☒ No
☐ Yes

Applicant Name/Role: Nidia Retamal / Childcare and Property Owner

Applicant Information: Email: anbadachildcare@gmail.com

Phone: 571 283 3365

Mailing Address: 1402 Winterland Ct Herndon VA 20170

Property Owner Name: Nidia Retamal

Property Owner Information: Email: anbadachildcare@gmail.com

Phone: 571 283 3365

Mailing Address: 1402 Winterland Ct Herndon VA 20170

The undersigned hereby applies for a Special Exception under the provisions of § 78-155.3 of the Herndon Town Code.

I hereby affirm and certify that:

- The information provided on this form is true and correct to the best of my knowledge.
- The requirements associated with this application have been read and are understood.

• The use and occupancy of buildings and/or the use of land noted above is proposed in conformance with all provisions of the Town of Herndon, Virginia Zoning Ordinance regulations to the best of my knowledge.

Applicant Signature:



Date: 11 / 25 / 2024

Property Owner Signature:



Date: 11 / 25 / 2024

REQUIREMENTS FOR ALL APPLICATIONS (Zoning Ordinance § 78-152.2)

☐

A letter signed by the business owner or owner's agent consenting to the application for the Special Exception Use;

☐

A statement from the landowner(s) authorizing an agent to act on their behalf (if applicable);

☐

If a pre-application conference took place, a statement indicating the date and time a pre-application conference was held with the Town, as well as a list of participants in the conference;

☐

If a neighborhood meeting was held prior to application submittal, a statement indicating the date, time, location, invitation list, number of attendees, and outcome of the meeting;

☐

A receipt or other documentation indicating that taxes have been paid on lands subject to the application (may be obtained when application is filed);

☐

If the application requires a plan or drawing, three physical sets, and one electronic set of plans or drawings prepared in accordance with the standards specified in the Zoning Ordinance;

☐

All other items listed in Zoning Ordinance § 78-152.2;

☐

Application Fee;

Certification, in a form prescribed by the Zoning Administrator, that public notification regarding a public hearing has been given in accordance with § 78-153.2.H, Public Notification, shall be submitted upon completion of proper notification by the applicant.

FOR SPECIAL EXCEPTIONS TO DEVELOP IN THE FLOODPLAIN OVERLAY DISTRICT

Notice from the Zoning Administrator: The issuance of a Special Exception to develop a structure within the Floodplain Overlay District may increase the risks to life and property and will result in increased premium rates for flood insurance.

☐

A floodplain study (if the use is located in the Floodplain Overlay District) and fee;

☐

If the purpose of the Special Exception is to allow a use in the Floodplain Overlay District, the application materials shall include information requested in Zoning Ordinance § 78-60.2 and the proposal must meet the standards in the Floodplain Overlay District in Zoning Ordinance § 78-155.3(e)(2);

Acknowledged:

Signature of Property Owner & Date

Signature of Business Owner (if different than
Property Owner) & Date

If you have additional questions or to arrange for an appointment, please contact the Town of Herndon Department of Community Development by calling (703) 787-7380 or by e-mail at community.development@herndon-va.gov. Town offices are located at 777 Lynn Street and are open from 8:00 a.m. to 5:00 p.m., Monday through Friday.

For TOH-CD Office Use Only - Pre-Submission Review

Pre-Application
Meeting Date (if
applicable):

Date Reviewed: _____ Staff Name: _____ ☐ Incomplete ☐ Complete

For TOH-CD Office Use Only - Submission Review

Application Fee: ☐ ~~\$300~~ Residential ☐ ~~\$300~~ Education, Government, Institutional, and Community Service Use ☐ ~~\$300~~ All Other Non-Residential Uses with no site alterations or building additions **\$455.00**

☐ ~~\$1,500~~ All Other Non-Residential Uses with no site alterations or building additions

Taxes Status: ☐ Paid ☐ Delinquent

Received By: _____ Date Received: _____

Case #: _____ Tax Map Reference #: _____

Assigned To: _____ Date Assigned: _____

Associated Applications: _____

For TOH-CD Office Use Only – Final Review and Applicable Approval Information

Decision: ☐ Resubmission Necessary ☐ Approved as submitted ☐ Approved with conditions ☐ Denied

Resubmission Number: _____

Date Reviewed: _____ Staff Name: _____

Date of public hearing at which Town Council approved the Special Exception, if approved:	
Date of expiration of Special Exception: (a) as specified by Town Council, or (b) resulting date if a Building Permit for the development approved by the Special Exception is not issued within one year from date of approval by the Town Council or the development is not completed within the time allowed under the Town's Building Regulations.	
Deadline for applicant to make a written request for an extension not to exceed six months (30 days prior to date of expiration):	

November 25, 2024

Mr. Dave Stronger, Zoning Administrator
Town of Herndon
Herndon, VA 20170

Dear Mr. Stronger and Town of Herndon officials:

Attached is the Department of Community Development Application Form for Special Exception for my home business Anbada Childcare, 1402 Winterland Court, Herndon, VA, 20170.

I am requesting a Special Exception that allows me to provide childcare services for up to twelve children. On 11/21/24, we had a pre-application meeting at the Town of Herndon attended by Mr. John Orrison, Mr. Ben Schitter, and Mr. Fadrique Iglesias representing the TOH, my administrative assistant, Lourdes D. Sleem, and me.

Since February 2002, I have been a childcare provider in Herndon, VA for up to five children. In 2008, I obtained a Virginia state license as childcare provider that has allowed me to work as provider for Fairfax County and Loudoun County with a maximum of twelve children. This is the number of children to which childcare was provided in my previous address at 12495 Cliff Edge Drive, Herndon, VA.

We provide services to newborns and infants, toddlers and preschoolers, and school aged children. Children ages three and four participate in the Virginia Preschool Initiative approved in 2021 which allows us to teach them the Virginia preschool curriculum. Currently, there are only two childcare providers in Herndon approved for the Virginia Preschool Initiative.

For years, Dranesville Elementary and Clearview Elementary teachers have referred children with special needs to my childcare due to the excellence in services provided to this group of children. We participate in the USDA food program and provide before and after school transportation to school aged children. We support our families with documentation, forms, and paperwork for programs such as Medicaid, food stamps, school registration, medical appointments, and sports. There are two assistants who live in my home and work in the childcare and one who comes to work five days a week.

We provide childcare services in two shifts: from 5am to 3pm and from 4:30pm to 11pm. Our services are a model to other

childcare providers, and we always have a waiting list. Since we had twelve children in the previous address and the TOH allows us to have only seven children in the new address, we currently have several children waiting for the approval of the special exception so they can rejoin the childcare.

Thank you for considering the application and please let me know if additional information is needed.

Sincerely,

Nidia Retamal, owner
Anbada Childcare
1402 Winterland Court
Herndon, VA. 20170

NIDIA RETAMAL
SERGIO RETAMAL
12495 Cliff Edge Dr
HERNDON, VA 20170

30807
65-270399
MP

11/26/2024

PAY TO THE ORDER OF Town of Herndon \$ 455.00

Four hundred fifty five DOLLARS

FOR Special Exception

[Signature]

RECEIPT

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

3099

DATE 11/26/24

RECEIVED FROM Anbada Chivacore \$ 455.00
four hundred and fifty five dollars and 00/100 DOLLARS
FOR SE 24-03 - 1402 Winterland Drive

AMOUNT OF ACCOUNT	<u>455</u>	☒	CASH
THIS PAYMENT	<u>455</u>	☐	CHECK
BALANCE DUE	<u>0</u>	☐	CREDIT CARD
		☐	MONEY ORDER

BY [Signature]

THANK YOU

Printable page

MAP #: 0161 18 0154
RETAMAL NIDIA

1402 WINTERLAND CT

Owner

Name	RETAMAL NIDIA,
Mailing Address	1402 WINTERLAND CT HERNDON VA 20170 3905
Book	28203
Page	1777

Co-Owners

RETAMAL PIZZARO SERGIO

Parcel

Property Location	1402 WINTERLAND CT HERNDON VA 20170 3905
Map #	0161 18 0154
Tax District	H0000
District Name	DRANESVILLE TOWN OF HERNDON
Land Use Code	Single-family, Detached
Land Area (acreage)	
Land Area (SQFT)	11,959
Zoning Description	PD-R(Planned Dev-Residential)
Utilities	WATER CONNECTED SEWER CONNECTED GAS CONNECTED
County Inventory of Historic Sites	NO
County Historic Overlay District	NO For further information about the Fairfax County Historic Overlay Districts, CLICK HERE For properties within the towns of Herndon, Vienna or Clifton please contact the town to determine if the property is within a town historic district.
Street/Road	PAVED
Site Description	BUILDABLE-AVERAGE LOT

Stub Number

411010851

Legal Description

Last Refresh

Date

Data last refreshed: November 25, 2024

General Information

Need Help?

For questions and requests for information about the Real Estate site, call 703-222-8234 or [CLICK HERE](#)

Disclaimer/Privacy Policy

Under Virginia State law these records are public information. Display of this information on the Internet is specifically authorized by Va. Code 58.1-3122.2 (1998). See the Virginia State Code to read the pertinent enabling statute.

If you believe any data provided is inaccurate or if you have any comments about this site, we would like to hear from you. Owner names will be withheld from the Internet record upon request. Comments or requests may be made via e-mail to the Real Estate Division at Real Estate Division or by phone at (703) 222-8234.

While Fairfax County has attempted to ensure that the data contained in this file is accurate and reflects the property's characteristics, Fairfax County makes no warranties, expressed or implied, concerning the accuracy, completeness, reliability, or suitability of this data. Fairfax County does not assume any liability associated with the use or misuse of this data.

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

Printable page

MAP #: 0161 18 0154
RETAMAL NIDIA

1402 WINTERLAND CT

Stub Number

411010851

Summary of 2024 Taxes

Year	General Fund Net Taxes	Special Tax District	Service Charges	Interest	Penalty	Other Charges	Amount Paid	Balance Due
2024 1ST HALF DUE	\$4,320.51	\$1,127.18	\$0.00	\$0.00	\$0.00	\$0.00	-\$5,447.69	\$0.00
2024 2ND HALF DUE	\$4,320.50	\$1,127.16	\$0.00	\$0.00	\$0.00	\$0.00	-\$5,447.66	\$0.00
Total:	\$8,641.01	\$2,254.34	\$0.00	\$0.00	\$0.00	\$0.00	-\$10,895.35	\$0.00

Prepays and Refunds

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

Special tax districts include levies for pest infestation control (i.e. gypsy moth, mosquitoes), Community Center taxes, and Transportation Districts. For more information see <http://www.fairfaxcounty.gov/taxes/real-estate/tax-rates>.

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

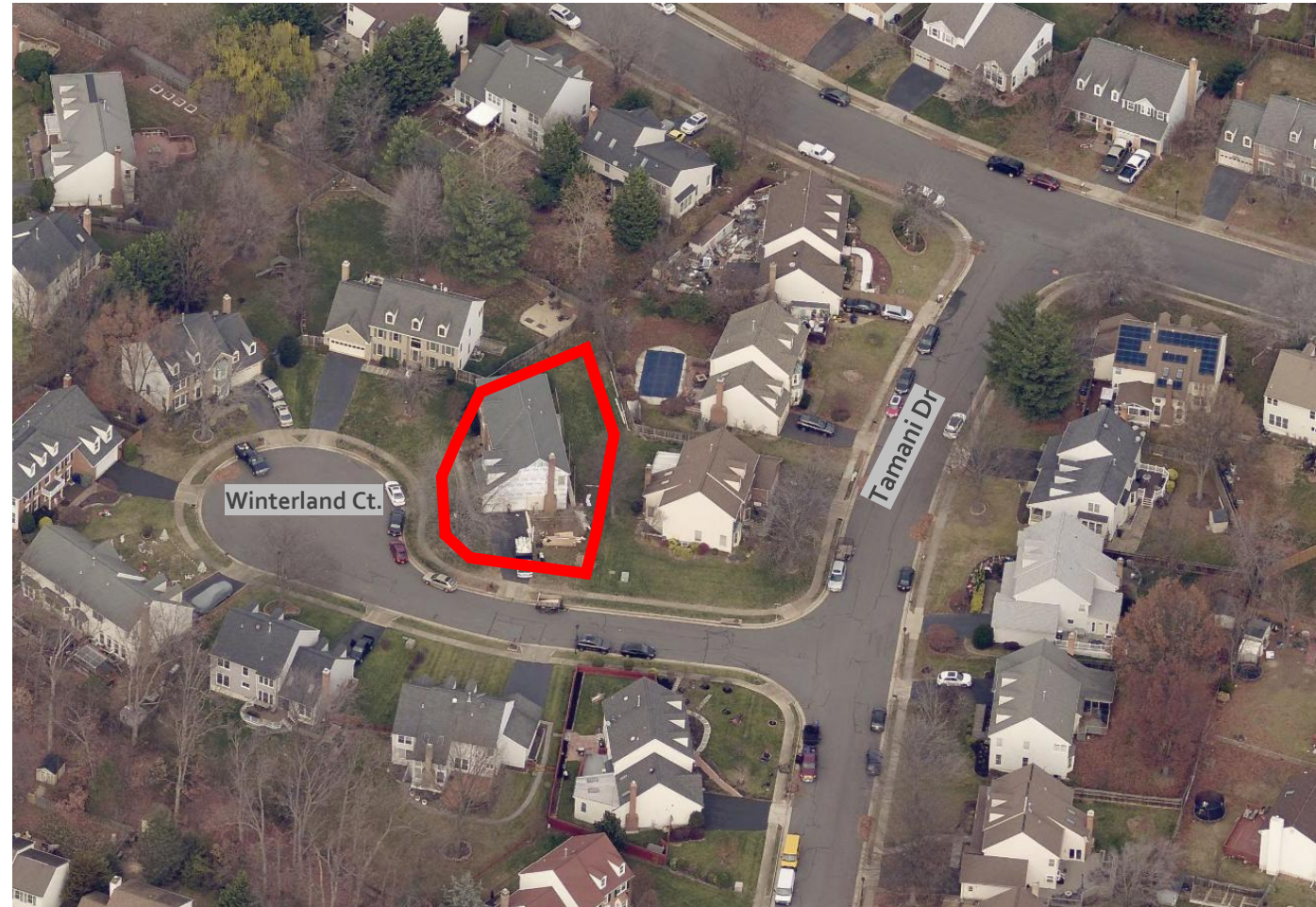
Special Exception (SE) #24-03

1402 Winterland Ct. Home-Based Child Daycare Use Use

Town Council Public Hearing - April 22, 2025

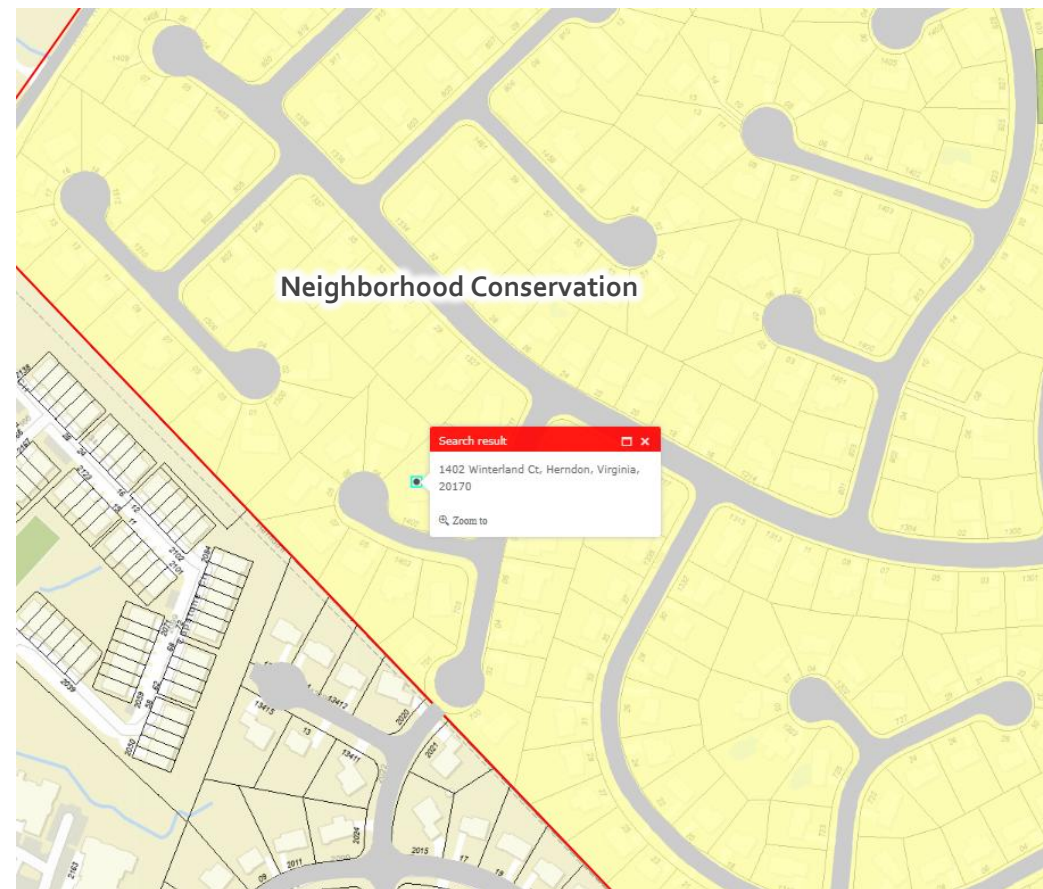
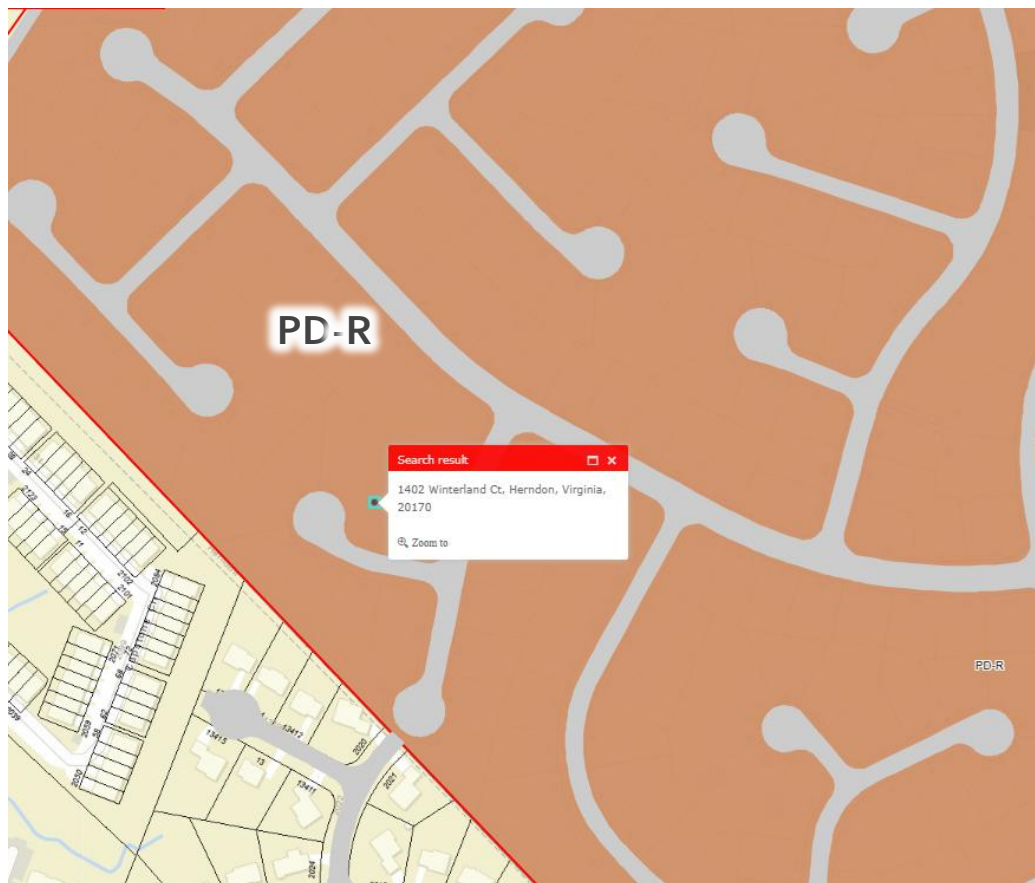
Fadrique Iglesias, Community Planner

Aerial Photographs



The subject property is a PD-R, 11,959 sq. ft. residential lot featuring a primary dwelling unit with approx. 3,450 sq. ft. of above-grade living area.

Zoning Map and 2030 Comprehensive Plan Land Use Map



Existing Conditions

- Maximum 7 children enrolled per day
- Allowed 6 AM – 9 PM
- Minimum 575 square-foot play area
- Must maintain Family Day Home License



Requested Special Exception Daycare

- Increase the number of children enrolled per day from 7 to 12
- Expand the hours of operation
 - Open time from 6 AM to 5 AM
 - Closing time from 9 PM to 11 PM



Impacts



Observations Winterland Ct.

Observation	Date	Cars counted
1	2/27/2025 12:30pm – 2:30pm	0
2	2/28/2025 2:30pm – 4:00pm	1
3	3/06/2025 7:30am – 8:30am	1
4	3/13/2025 5:15am – 8:45am	6



Special Exception Conditions

#	Condition	Covered by language in the Zoning Code	Reason for Condition
1	<u>Substantial conformance</u> with the submitted application and plan submitted by applicant on November 26, 2024 and for the purpose of a daycare use only.	No	The site shall be developed and maintained in substantial conformance with a submitted special exception plan that is 33 percent or less of the gross floor area and in conformance with section 78-80.5. of the zoning ordinance.
2	<u>Hours of Operation.</u>	No	The permitted hours of operation shall be 5:00 a.m. until 11:00 p.m. Monday through Friday.
3	<u>Number of Permitted Children.</u>	No	The total number of children present on site for home-based child daycare shall not exceed 12 enrolled children per day. The ratio of employees to children as required by the state shall be maintained.
4	<u>On-Site Play Area.</u>	No	When playing outside all children shall be within the fenced playground area.
5	<u>Child Drop-off and Pick-up.</u>	No	Child drop-off and pick-up shall be limited to the driveway or to the curbside on the street adjacent to the subject property on Winterland. Double parking on Winterland Ct. is prohibited at all times.
6	<u>Signage.</u>	No	No signage shall be permitted.

Recommendation

- Staff recommend the Town Council approve the **Special Exception with conditions.**

After considering the concerns raised during the Planning Commission Public Hearing, the staff believes that enforcing the conditions based on observations will mitigate these concerns. A home-based business, childcare use has operated in similar locations since 2010 without relevant negative impacts on the adjacent units or surrounding neighborhood. The expansion of the number of children is minor enough not to generate potential negative impacts expressed in the Town Ordinance; however, failure to comply with the conditions may result in potential zoning violations and revoking the Special Exception.

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, April 22, 2025, at 7:00 p.m. in the Herndon Council Chambers Building, located at 765 Lynn Street, Herndon, on the following item:

Resolution to consider a Special Exception– SE #24-03, 1402 Winterland Court, to consider a special exception to permit a home-based child daycare use within the PD-R, Planned Development-Residential, zoning district. The proposed use will increase the maximum number of children enrolled per day from 7 to 12 and increase the hours of operation from 6:00 a.m. – 9:00 p.m. to 5:00 a.m. – 11:00 p.m. The property is zoned PD-R, Planned-Development Residential District. The property is designated in the Herndon 2030 Comprehensive Plan as “Neighborhood Conservation.” The 11,959 square-foot lot is located on the north side of Winterland Court, west of its intersection with Tamani Drive. The single-family detached dwelling consists of approximately 3,450 square feet (above grade living area). Fairfax County Tax Map Reference Number: 0161 18 0154. Applicant and owner: Nidia Retamal.

The public is encouraged to participate in the town’s public hearing process. Individuals having an interest in the above item are invited to attend the public hearing and state their opinions and may also submit comments to town.clerk@herndon-va.gov.

The proposed item is available for examination by the public at the Department of Community Development, 777 Lynn Street, Herndon, during normal business hours (Monday – Friday, 8:00 a.m. – 5:00 p.m.) and on the town’s website 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.

Amanda Morrow Kertz, Acting Town Clerk

Agenda Item: Resolution 25-G-28 to adopt the FY 2027 through FY 2031 portion of the FY 2026-FY 2031 Town of Herndon Capital Improvement Program

Meeting Date: April 22, 2025

Category: General

Prepared by: John Irish, Acting Director of Public Works - Engineering,
John Verdin, Capital Projects Program Manager

Description:

This resolution adopts the Fiscal Year (FY) 2027 through FY 2031 portion of the Town of Herndon FY 2026 - FY 2031 Capital Improvement Program (CIP).

Background:

The Capital Improvement Program (CIP) is a financial planning document that establishes a six-year schedule for capital 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 2027 through FY 2031 CIP, as the first year of the CIP (FY 2026) is included in the FY 2026 Adopted Budget. The CIP document includes all six years and thus is referred to as the FY 2026 through FY 2031 CIP. Along with the FY 2026 Budget, the CIP is published on the town's website.

As required by the Code of Virginia, the Planning Commission held a public hearing on the proposed CIP in January 2025. The Planning Commission adopted Resolution 25-PC-002 recommending approval of the proposed CIP to the Interim Town Manager.

Timing Impact:

The Capital Improvement Program (CIP) undergoes an annual review to ensure alignment with the Town's strategic priorities and resource availability. Preparation of the CIP is coordinated with the development of the proposed annual budget, with funding for the first year included in the adopted budget. At this time, staff is requesting Town Council adoption of the remaining five years of the CIP. This adoption supports long-term planning efforts and allows staff sufficient time to continue the annual review and project prioritization process in preparation for the next budget cycle.

Strategic Focus Area:



Strong Fiscal Stewardship

Fiscal Impact:

The FY 2026 Capital Improvement Program is part of the FY 2026 proposed budget. Impact will occur after adoption by the Town Council in FY 2026, which begins on July 1, 2025. The proposed FY 2026-2031 CIP will require expenditures of \$28,634,208 for 23 projects in FY 2026 and \$263,724,208 for 44 projects over the six-year CIP schedule. The CIP anticipates the issuance of \$11,582,000 in general obligation bonds, \$25,000,000 in Water and Sewer bonds, and anticipates the town will receive \$106,096,500 in grants from various federal, regional, and state sources, and \$25,393,127 in amended revenues and capital reserves over the six year CIP schedule. The CIP also includes six multi-modal transportation projects with an estimated cost of \$21.5 million that have no funding source at this time. These projects are included for planning purposes only and will not move forward unless and until project funding is identified.

Legal Impact:

The Capital Improvement Program is developed in accordance with Section IV, Budget Management - Capital Budget, of the town's Financial Policy Guidelines.

Staff Recommendation/Next Steps:

Staff recommends adoption of the proposed resolution.

Attachments:

1. Resolution (proposed)
2. CIP Presentation

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

RESOLUTION

APRIL 22, 2025

Resolution- to adopt the FY 2027 through FY 2031 portion of the FY 2026-FY 2031 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 2027 through FY 2031 CIP, as the first year of the CIP (FY 2026) is adopted with the Annual Operating Budget. The CIP document includes all six years and thus is referred to as the FY 2026 through FY 2031 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 25-PC-002 dated January 27, 2025 provides the Commission's recommendation to the Town Manager.

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

1. The Town Council approves and adopts the FY 2027 through FY 2031 portion of the FY 2026 - FY 2031 Town of Herndon Capital Improvement Program.

FY 2026 – FY 2031
CAPITAL IMPROVEMENT PROGRAM
Town Manager's Recommendation

Town Council Public Hearing
April 22, 2025

John Verdin, Capital Projects Program Manager

Definition

- The Capital Improvements Program (CIP) is a financial planning document with a six-year schedule for a variety of public facilities and improvements throughout the Town.
- The first year of the CIP becomes part of the annual operating budget.
- Projects should support the intent and implementation of the 2030 Comprehensive Plan and the Strategic Initiative 2024-2029 Plan.
- The 2030 Comprehensive Plan includes planning guidance for significant improvements in town infrastructure and facilities that may require issuance of general obligation bonds.

FY 2026 – FY 2031 Plan Costs Overview

	#	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	Total
Multimodal Transportation	14	1,792,627	19,077,500	33,576,500	31,272,000	45,436,000	900,000	\$132,054,627
Government Facilities Infrastructure	12	3,678,000	1,625,000	1,060,000	1,160,000	165,000	4,094,000	\$11,782,000
Storm Water	2	3,366,000	1,750,000	850,000	850,000	2,900,000	850,000	\$10,566,000
Parks and Recreation	6	420,000	490,000	1,884,000	1,825,000	1,694,000	2,689,000	\$9,002,000
Total General Government Funds								163,404,627
Water and Sewer Fund	9	15,028,000	56,873,000	11,701,000	6,268,000	3,000,000	3,100,000	\$95,970,000
Golf Fund	1	2,200,000	-	-	-	-	-	\$2,200,000
Cemetery Fund	1	2,149,581	-	-	-	-	-	\$2,149,581
Total Enterprise Funds								100,319,581
Total	45	\$28,634,208	\$79,815,500	\$49,071,500	\$41,375,000	\$53,195,000	\$11,633,000	\$263,724,208

Proposed FY 2026 – FY 2031 CIP – Funding Source By Year

	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031	Total
Enterprise Funds	19,377,581	31,873,000	11,701,000	6,268,000	3,000,000	3,100,000	\$75,319,581
SmartScale Funds	-	9,985,000	16,658,500	700,000	22,353,500	-	\$49,697,000
NVTA Funding	520,000	3,239,000	8,605,500	17,171,000	1,322,000	-	\$30,857,000
W&S Bonds	-	25,000,000	-	-	-	-	\$25,000,000
Unfunded	-	1,750,000	4,888,000	7,225,000	6,470,000	-	\$20,333,000
Capital Reserve Funds	1,157,627	4,035,000	410,000	-	10,148,000	3,000,000	\$18,751,127
VDOT	-	-	2,890,000	5,926,000	4,746,500	650,000	\$14,212,500
G.O. Bonds	3,000,000	490,000	1,884,000	1,825,000	1,694,000	2,689,000	\$11,582,000
Fairfax County Stormwater Revenue	3,366,000	1,650,000	850,000	850,000	2,900,000	850,000	\$10,466,000
General Fund	1,213,000	1,075,000	1,185,000	1,410,000	415,000	1,344,000	\$6,642,000
Specialized State and Federal Funding	-	418,500	-	-	145,500	-	\$564,000
Legacy CN Formula – Federal	-	300,000	-	-	-	-	\$300,000
Total	\$28,634,208	\$79,815,500	\$49,071,500	\$41,375,000	\$53,195,000	\$11,633,000	\$263,724,208

Summary

- Projects consistent with Town's 2030 Comprehensive Plan and Town Council's FY2024 – FY 2029 Strategic Plan .
- The CIP adheres to the Town's Fiscal Policies.
- Future funding will need to be identified for some multimodal transportation projects.
- This proposed CIP will require debt financing to complete all projects listed.

Questions/Comments?

Agenda Item: Resolution 25-G-29 to appoint an Interim Town Manager and provide for the continuation of Acting Deputy Town Manager(s)

Meeting Date: April 22, 2025

Category: General

Prepared by: Lesa Yeatts, Town Attorney

Description:

With the departure of the previous town manager, on August 13, 2024, the town council appointed Christopher E. Martino to serve as interim town manager effective September 3, 2024. Mr. Martino's engagement with the Town of Herndon will conclude on April 30, 2025, following eight months of dedicated service. As the recruitment process for a permanent town manager is ongoing, the town council finds it necessary to appoint a new interim town manager to ensure continued leadership and a smooth transition until a permanent appointment is made and that individual begins their tenure.

Background:

The Town of Herndon engaged the services of Berkley Group, LLC to provide an experienced interim executive to maintain managerial continuity and support a smooth transition. As a result, on August 13, 2024, the town council appointed Christopher E. Martino to serve as interim town manager, effective September 3, 2024.

To further support Mr. Martino in his interim role and to ensure continued organizational stability, Town Clerk Kirstyn Jovanovich and Director of Public Works Scott Robinson have been serving as Acting Deputy Town Managers since August 13, 2024.

This is a request to appoint Kirstyn Jovanovich as Interim Town Manager to serve until the recruitment process is completed for a permanent town manager, and they begin their tenure with the town.

Strategic Focus Area:



Good Governance

Fiscal Impact:

As Interim Town Manager, Kirstyn Jovanovich will receive 25% above her Acting Deputy Town Manager salary, for the duration that she serves in this interim capacity.

Legal Impact:

The Director of Human Resources will be authorized to take any required personnel action related to this decision, and the Mayor will be authorized to take any necessary further action to effectuate this decision.

Staff Recommendation/Next Steps:

Recommend approval as presented.

Attachments:

1. Resolution (Proposed)

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

RESOLUTION

APRIL 22, 2025

Resolution- to appoint an Interim Town Manager and provide for the continuation of Acting Deputy Town Manager(s).

Following the departure of the previous town manager, the Town of Herndon engaged the services of Berkley Group, LLC to provide an experienced interim executive to maintain managerial continuity and support a smooth transition. As a result, on August 13, 2024, the town council appointed Christopher E. Martino to serve as interim town manager, effective September 3, 2024.

To further support Mr. Martino in his interim role and to ensure continued organizational stability, Town Clerk Kirstyn Jovanovich and Director of Public Works Scott Robinson have been serving as Acting Deputy Town Managers since August 13, 2024.

Mr. Martino's engagement with the Town of Herndon will conclude on April 30, 2025, following eight months of dedicated service. As the recruitment process for a permanent town manager is ongoing, the town council finds it necessary to appoint a new interim town manager to ensure continued leadership and a smooth transition until a permanent appointment is made and that individual begins their tenure.

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

1. Kirstyn Jovanovich is hereby appointed as Interim Town Manager, effective May 1, 2025, until further action of Town Council.
2. As Interim Town Manager, Kirstyn Jovanovich will receive 25% above her Acting Deputy Town Manager salary, for the duration that she serves in this interim capacity.
3. Upon the start date of the permanent Town Manager, Ms. Jovanovich will resume and continue in her role as Acting Deputy Town Manager, until action of the Town Manager.
4. Scott Robinson will continue to serve as Acting Deputy Town Manager, until action of the Town Manager.
5. The Director of Human Resources is authorized to take any required personnel action related to this decision.

6. The Mayor of the Town of Herndon, Virginia is hereby authorized to take any necessary further action to effectuate this decision.

Agenda Item: Resolution 25-G-30 approve a Temporary License Agreement between the Town and JOTT, INC., to use a designated public space in the alley adjacent to Jimmy's Old Town Tavern for outdoor seating during a two-day Memorial Day event and a one-day Labor Day event.

Meeting Date: April 22, 2025

Category: Consent

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

Description:

Resolution approving a Temporary License Agreement granting Jimmy's Old Town Tavern use of town-owned public property for outdoor seating during two events in May and August.

Background:

The applicant, Jimmy's Old Town Tavern, is requesting authorization to use a designated town-owned public alley space located between 689 and 681 Spring Street for outdoor seating during events. The events will be held from 8:00 a.m. to 10:00 p.m. on May 24, 2025 and May 25, 2025, and from 8:00 a.m. to 11:00 p.m. on August 31, 2025. The applicant has been approved for Temporary Use Permits by the Zoning Administrator pursuant to Section 78-90.2 of the Town of Herndon Zoning Ordinance.

This resolution authorizes the mayor to sign the necessary license agreement to permit Jimmy's Old Town Tavern to utilize the town's property for these events.

Strategic Focus Area:

Thriving Community

Fiscal Impact:

N/A

Legal Impact:

N/A

Staff Recommendation/Next Steps:

Staff recommends approval of the Resolution as proposed

Attachments:

1. Resolution (Proposed)
2. Agreement
3. Exhibit A - TUP#25-004
4. Exhibit B - TUP#25-005
5. Noise Permit

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

RESOLUTION

APRIL 22, 2025

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

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

1. The temporary license agreement dated April 15, 2025, between the Town of Herndon and JOTT, INC., d/b/a Jimmy's Old Town Tavern (Jimmy's) is approved. The license allows Jimmy's to use designated public alley space adjacent to Jimmy's for outdoor seating during a two-day event on May 24, 2025, and May 25, 2025, and a one-day event on August 31, 2025. The license agreement may contain other terms agreed to by the mayor and is on file in the office of the Town Attorney.
2. The mayor is authorized to sign and deliver this temporary license agreement and any other instrument necessary to evidence or effectuate this agreement.

TEMPORARY LICENSE AGREEMENT

This Agreement ("Agreement") is made this 15th day of April 2025 by and between JOTT, INC. d/b/a Jimmy's Old Town Tavern ("Jimmy's") and the TOWN OF HERNDON, VIRGINIA, ("Town").

WHEREAS Jimmy's represents that they have a Temporary Use Permit to conduct events in the Town of Herndon on May 24, 2025 and May 25, 2025, represented in "Exhibit A" attached hereto and on August 31, 2025 represented in "Exhibit B" attached hereto ("Permits") and that Jimmy's would like to use the Town's property behind Jimmy's Old Town Tavern Restaurant as shown on the Permits and known as the "Alley";

WHEREAS the Town desires to permit the use of the Alley by Jimmy's on the dates as described in the Permits (on May 24, 2025, May 25, 2025, and August 31, 2025, only).

Now therefore the parties agree as follows:

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

Insurance limits shall not be less than the following amounts:

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

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

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

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

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

JOTT, INC.

d/b/a Jimmy's Old Town Tavern

Signed by:
By James C. Cirrito
97BFD46757C94E3...
James C. Cirrito, President

TOWN OF HERNDON, VIRGINIA

By _____
Keven J. LeBlanc, Jr., Mayor

APPROVED AS TO FORM:

Lesa J. Yeatts
Lesa J. Yeatts, Town Attorney

TUP25-004

EXHIBIT A

July 2018



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

**APPLICATION FOR APPROVAL OF A TEMPORARY USE SITE PLAN
AND ASSOCIATED ZONING INSPECTION PERMIT
(TEMPORARY USE PERMIT)**
(Not all temporary uses require a permit. See § 78-90.1 of the Herndon Town Code.)

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

Name of Business or Organization: Jimmy's Old Town Tavern

Street Address of the Subject Property
(including apt/suite #): 697 Spring St. Herndon VA 20170

Please describe the requested activity, proposed
dates and daily hours of operation. Add more
sheets if necessary. Outdoor Dining May 24, 25, 2025 8am - 10pm

Lot Area (site area) Proposed for the Temporary
Use: Alley behind Jimmy's/Former Robert's Carpet Lot

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

Name of Contact for the Temporary Use
(Applicant): Jimmy Cirrito

Address of Permanent Residence: 9254 Matthew Dr. Manassas Park, VA 20111

Jimcirrito@aol.com 703-470-4014

E-mail address Telephone # for duration of temporary use

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

I hereby affirm and certify that:

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

James C. Cirrito

3-31-2025

Signature of Contact (Applicant)

Date

Name and Title of Property Owner (Applicant):	Jimmy Cirrito JMK 12 LLC		
Mailing Address:	same		
E-mail address	Telephone		

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

Signature and Author

This Permit is effective beginning _____ for _____ days.

Signature of Zoning Inspector

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

For Office Use Only:

STEP ONE (Site Plan)	Received by: LISAW	Fee paid for Temporary Use Site Plan* application:	Date: 4/2/25	Case No.: 14P24-004
	Use permitted by Town Code Section:			
	Tax Map Reference:		Zoning District:	
	Business and Occupational License #:		Status of Taxes: ☐ Paid ☐ Delinquent	
STEP TWO (ZIP)	Received by:	Fee paid for Zoning Inspection Permit/Temporary Use Permit:		Date:
<i>*Note: no application fee is required for uses of less than 90 consecutive days in duration.</i>				

Distribution after approval:	Applicant	Community Development	Fire Department	Finance
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March 31, 2025

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

Re: Request for Noise Permit for Outdoor Event, Saturday & Sunday, May 25 & 25, 2025.

Dear Ms. Fry:

This letter serves as an Application/Request for a Noise Permit for Jimmy's Old Town Tavern, 697 Spring Street, to be issued in conjunction with a Temporary Use Permit for an Outdoor Event to begin at 8AM and ending at 11:00 PM on both Saturday & Sunday, May 24 & 25, 2025. In accordance with the Town's noise ordinance, music/tv sound will be allowed to be played from 8:00 AM to 10:00 PM outside in the rear alley and in the lot behind the former Robert's Carpet building.

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

Sincerely,

James C. Cirrito
Owner
Jimmy's Old Town Tavern

JIMCIRRITO@aol.com

697 Spring Street ★ Herndon, VA 20710

Phone: 703.435.JIMS ★ Fax: 703.435.2182 ★ www.jimmystavern.com



March 31, 2025

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

Re: Temporary Use Permit for the Extension of Retail Sales for Outdoor Event, May 24 & 25, 2025.

Dear TOH:

Relative to your request, I hereby give my permission for my business neighbor, Jimmy's Old Town Tavern, to provide an outdoor event on May 24 & 25, 2025. The location shall be in the parking area behind and adjoining our businesses. The purpose of this event is to provide and sell food and beverages as an extension of the existing retail business known as Jimmy's Old Town Tavern.

Sincerely,

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

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

Date: 04-02-2025

697 Spring Street ★ Herndon, VA 20710
Phone: 703.435.JIMS ★ Fax: 703.435.2182 ★ www.jimmystavern.com

**NO
ALCOHOL
PAST THIS
POINT**



Commonwealth of Virginia
Department of Taxation

LITTER TAX DUE

March 27, 2025

JOTT INC
697 SPRING ST
HERNDON, VA 20170-5125



Virginia Tax Account Number: 67-541829278F-001
Correspondence ID: 80351543

Dear Taxpayer:

According to our records, you are registered for litter tax in Virginia. This letter is to notify you that your 2024 litter tax return and payment are due on May 1. If you have already filed and paid, we thank you.

Litter tax rate...

- The annual litter tax rate is \$20.00 per each establishment subject to the base tax.
 - If you are a manufacturer, wholesaler, distributor, and/or retailer of groceries, soft drinks, carbonated waters, beer, and other malt beverages, you are also subject to an additional \$30.00 tax per establishment (\$50.00 total).

Visit tax.virginia.gov/litter-tax to see a list of the types of retailers, distributors, wholesalers, and manufacturers that are subject to the tax.

What you need to do...

- Go to tax.virginia.gov/litter-tax to file and pay the required tax amount by the due date. Please note that you must file and pay electronically unless you have a hardship waiver.

Late payment...

- If you pay after the due date, you will be subject to a late payment penalty equal to 100% of the tax due, an additional penalty of \$100.00, and accrued interest.

If you are unsure whether you are liable for the litter tax or if you need any additional information, visit tax.virginia.gov/litter-tax. If you have any questions or need assistance, please call us at 804-367-8037.

ARMS028A Litter Tax Due Notification

Virginia Department of Taxation
tax.virginia.gov | Individuals: 804.367.8031 | Businesses: 804.367.8037

Printable page

MAP #: 0162 02 0086A
JMK 12 LLC

695 SPRING ST

Owner

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

Parcel

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

Stub Number

411011540

Legal Description

Legal Description	SPRING STREET ELDEN SPRING STS LT 86A
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Printable page

MAP #: 0162 02 0086A
JMK 12 LLC

695 SPRING ST

Stub Number

411011540

Summary of 2024 Taxes

Year	General Fund Net Taxes	Special Tax District	Service Charges	Interest	Penalty	Other Charges	Amount Paid	Balance Due
2024 1ST HALF DUE	\$8,639.95	\$3,214.07	\$.00	\$.00	\$.00	\$.00	-\$11,854.02	\$.00
2024 2ND HALF DUE	\$8,639.94	\$3,214.05	\$.00	\$.00	\$.00	\$.00	-\$11,853.99	\$.00
Total:	\$17,279.89	\$6,428.12	\$.00	\$.00	\$.00	\$.00	-\$23,708.01	\$.00

Prepays and Refunds

Prepays	\$.00
Pending Refunds	\$.00
GRAND TOTAL	\$.00

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



Copy

March 31, 2025

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

Re: Request for Extension of License Privileges for outdoor Event, Saturday & Sunday, May 24 & 25, 2025.

Dear Special Agent Kenneth Chang:

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

Saturday & Sunday, May 24 & 25, 2025, from 8AM to 11:00 PM each day.

Enclosed please find the following:

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

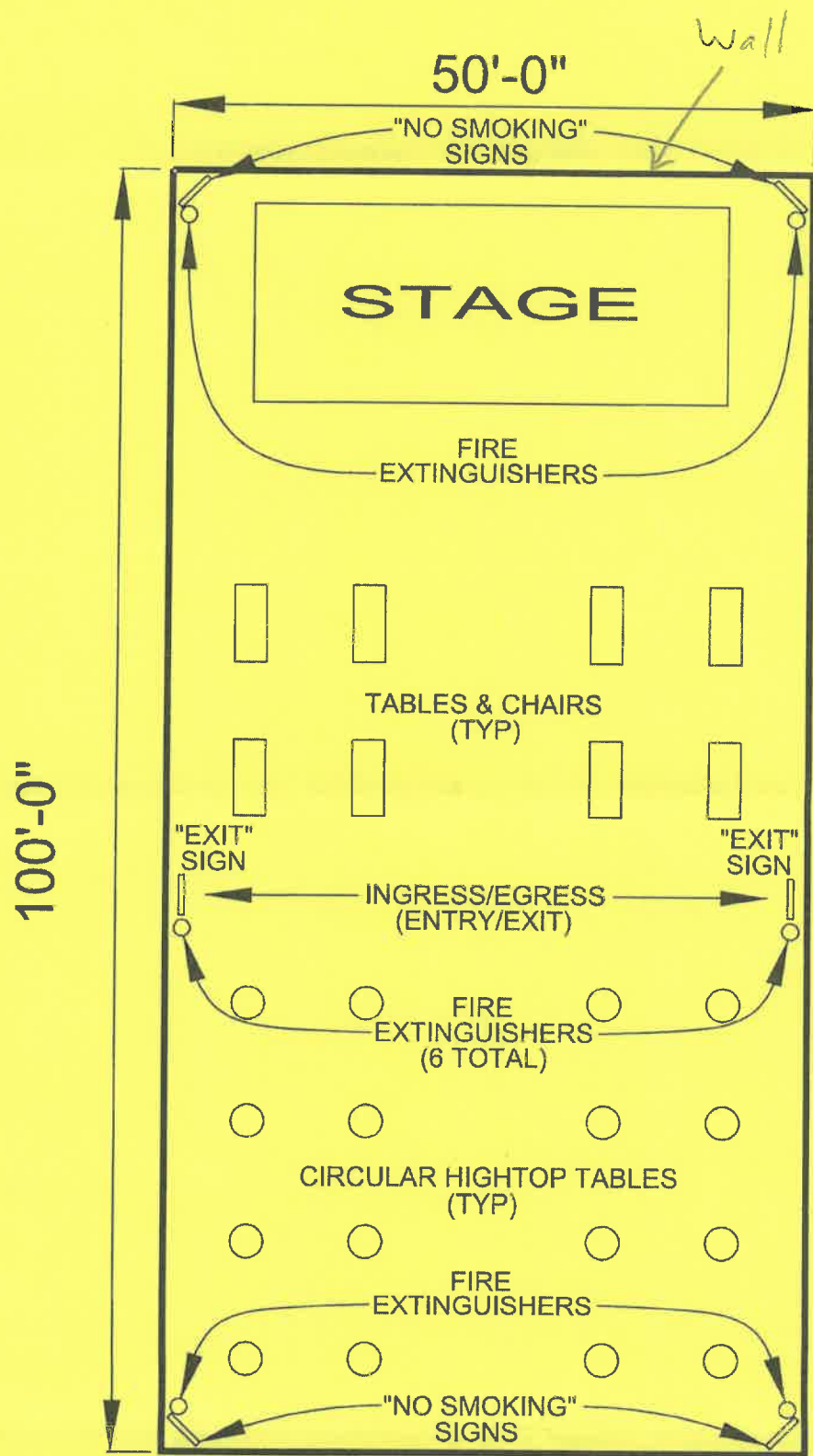
The license is obligated to ensure full compliance with the ABC laws and all other laws and regulations and is cognizant of criminal action that could be taken toward those involved and administrative action taken toward the license held by JOTT, Inc.

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

Sincerely,

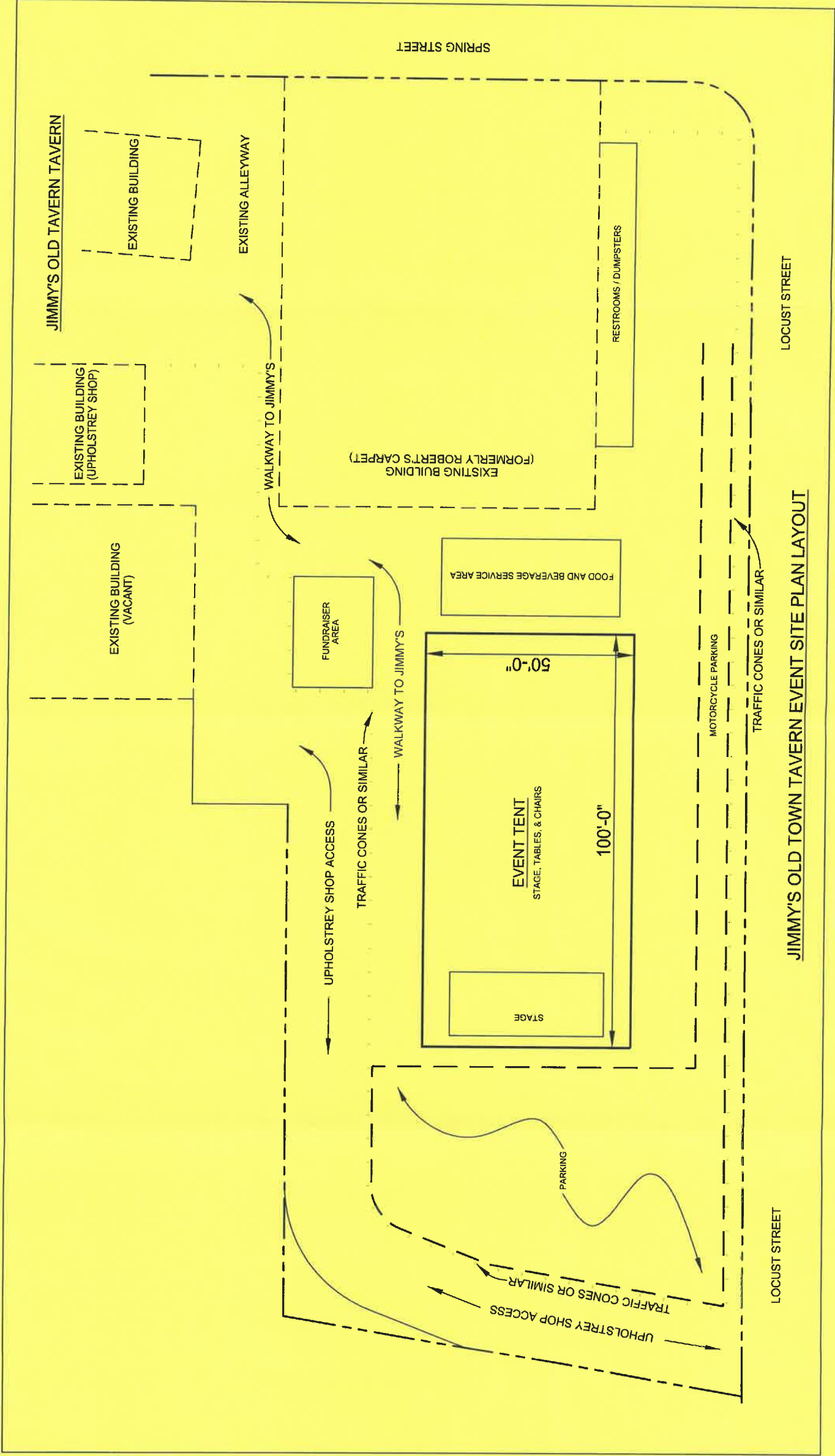
James Cirrito
Owner
Jimmy's Old Town Tavern

697 Spring Street ★ Herndon, VA 20710
Phone: 703.435.JIMS ★ Fax: 703.435.2182 ★ www.jimmystavern.com



OCCUPANCY - 150

EVENT TENT INTERIOR LAYOUT



JIMMY'S OLD TOWN TAVERN EVENT SITE PLAN LAYOUT

LOCUST STREET

LOCUST STREET

SPRING STREET

July 2018



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

**APPLICATION FOR APPROVAL OF A TEMPORARY USE SITE PLAN
AND ASSOCIATED ZONING INSPECTION PERMIT
(TEMPORARY USE PERMIT)**
(Not all temporary uses require a permit. See § 78-90.1 of the Herndon Town Code.)

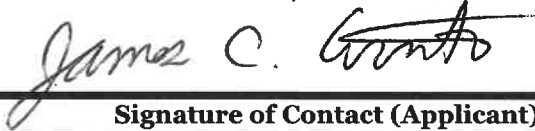
Submittal of this form with **original signatures is required. PLEASE PRINT OR TYPE** (Unless otherwise indicated.)

Name of Business or Organization:	Jimmy's Old Town Tavern
Street Address of the Subject Property (including apt/suite #):	697 Spring St. Herndon VA 20170
Please describe the requested activity, proposed dates and daily hours of operation. Add more sheets if necessary.	Outdoor Dining August 31, 2025, 8am - 11pm
Lot Area (site area) Proposed for the Temporary Use:	Alley behind Jimmy's/Former Robert's Carpet Lot
Are any site alterations or any alterations to the building's exterior or interior planned or underway in connection with this use (or were any alterations done)? ☒ No ☐ Yes Please describe :	

Name of Contact for the Temporary Use (Applicant):	Jimmy Cirrito
Address of Permanent Residence:	9254 Matthew Dr. Manassas Park, VA 20111
Jimcirrito@aol.com	703-470-4014
E-mail address	Telephone # for duration of temporary use

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

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



3 - 31 - 2025

Signature of Contact (Applicant)	Date
----------------------------------	------

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

Name and Title of Property Owner (Applicant):	Jimmy Cirrito JMK 12 LLC
Mailing Address:	same
E-mail address	Telephone

TO BE SUBMITTED WITH THIS APPLICATION

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

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

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



Signature and Authorization of Zoning Administrator

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

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

This Permit is effective beginning _____ for _____ days.

Signature of Zoning Inspector

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

For Office Use Only:

STEP ONE (Site Plan)	Received by: <i>Lisa W</i>	Fee paid for Temporary Use Site Plan* application:	Date: <i>4/2/25</i>	Case No.: <i>TWP 25-005</i>
	Use permitted by Town Code Section:			
	Tax Map Reference:		Zoning District:	
	Business and Occupational License #:		Status of Taxes: ☐ Paid ☐ Delinquent	
STEP TWO (ZIP)	Received by:	Fee paid for Zoning Inspection Permit/Temporary Use Permit:		Date:
<i>*Note: no application fee is required for uses of less than 90 consecutive days in duration.</i>				

Distribution after approval:	Applicant	Community Development	Fire Department	Finance
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**NO
ALCOHOL
PAST THIS
POINT**



March 31, 2025

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

Re: Request for Noise Permit for Outdoor Event, Sunday, August 31, 2025.

Dear Ms. Fry:

This letter serves as an Application/Request for a Noise Permit for Jimmy's Old Town Tavern, 697 Spring Street, to be issued in conjunction with a Temporary Use Permit for an Outdoor Event to begin at 8AM and ending at 11:00 PM on Sunday, August 31, 2025. In accordance with the Town's noise ordinance, music/tv sound will be allowed to be played from 8:00 AM to 10:00 PM outside in the rear alley and in the lot behind the former Robert's Carpet building.

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

Sincerely,

A handwritten signature in cursive script that reads "James C. Cirrito".

James C. Cirrito
Owner
Jimmy's Old Town Tavern

jimcirrito@aol.com

697 Spring Street ★ Herndon, VA 20710
Phone: 703.435.JIMS ★ Fax: 703.435.2182 ★ www.jimmystavern.com



Copy

March 31, 2025

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

Re: Request for Extension of License Privileges for outdoor Event, Sunday, August 31, 2025.

Dear Special Agent Kenneth Chang:

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

Sunday, August 31, 2025, from 8 AM to 11:00 PM.

Enclosed please find the following:

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

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

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

Sincerely,

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

James Cirrito
Owner
Jimmy's Old Town Tavern

697 Spring Street ★ Herndon, VA 20710
Phone: 703.435.JIMS ★ Fax: 703.435.2182 ★ www.jimmystavern.com



March 31, 2025

David Stromberg
Zoning Department
Town of Herndon

777 Lynn Street
Herndon VA 20170-0427

Re: Temporary Use Permit for the Extension of Retail Sales, Sunday, August 31, 2025.

Dear Mr. Stromberg,

This letter serves as a Request/Application for permission for Jimmy's Old Town Tavern, 697 Spring Street, to have the Town of Herndon issue a Temporary Use Permit for the Extension of Outdoor Retail Sales per The Town of Herndon Zoning Ordinance, Division 3. Temporary Uses; Sec.78-1392 Item (3) and Sec. 78-1395 Item (3) Outdoor Retail Sales Events & Sec. 78-1395 Item (4). Additional Permits for Temporary Use inclusive of Sunday, August, 2025 from 8 AM to 11:00 PM.

Enclosed please find the following:

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

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

Sincerely,

A handwritten signature in dark ink, appearing to read "James C. Cirrito". The signature is fluid and cursive, with the last name "Cirrito" being more prominent.

James C. Cirrito
Owner
Jimmy's Old Town Tavern

697 Spring Street ★ Herndon, VA 20710
Phone: 703.435.JIMS ★ Fax: 703.435.2182 ★ www.jimmystavern.com



March 31, 2025

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

Re: Temporary Use Permit for the Extension of Retail Sales for Outdoor Event, August 31, 2025.

Dear TOH:

Relative to your request, I hereby give my permission for my business neighbor, Jimmy's Old Town Tavern, to provide an outdoor event on August 31, 2025 from 12PM to 11PM. The location shall be in the parking area behind and adjoining our businesses. The purpose of this event is to provide and sell food and beverages as an extension of the existing retail business known as Jimmy's Old Town Tavern.

Sincerely,

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

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

Date: 04-02-2025

697 Spring Street ★ Herndon, VA 20710
Phone: 703.435.JIMS ★ Fax: 703.435.2182 ★ www.jimmystavern.com

Printable page

MAP #: 0162 02 0086A
JMK 12 LLC

695 SPRING ST

Owner

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

Parcel

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

Stub Number

411011540

Legal Description

Legal Description	SPRING STREET ELDEN SPRING STS LT 86A
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Printable page

MAP #: 0162 02 0086A
JMK 12 LLC

695 SPRING ST

Stub Number

411011540

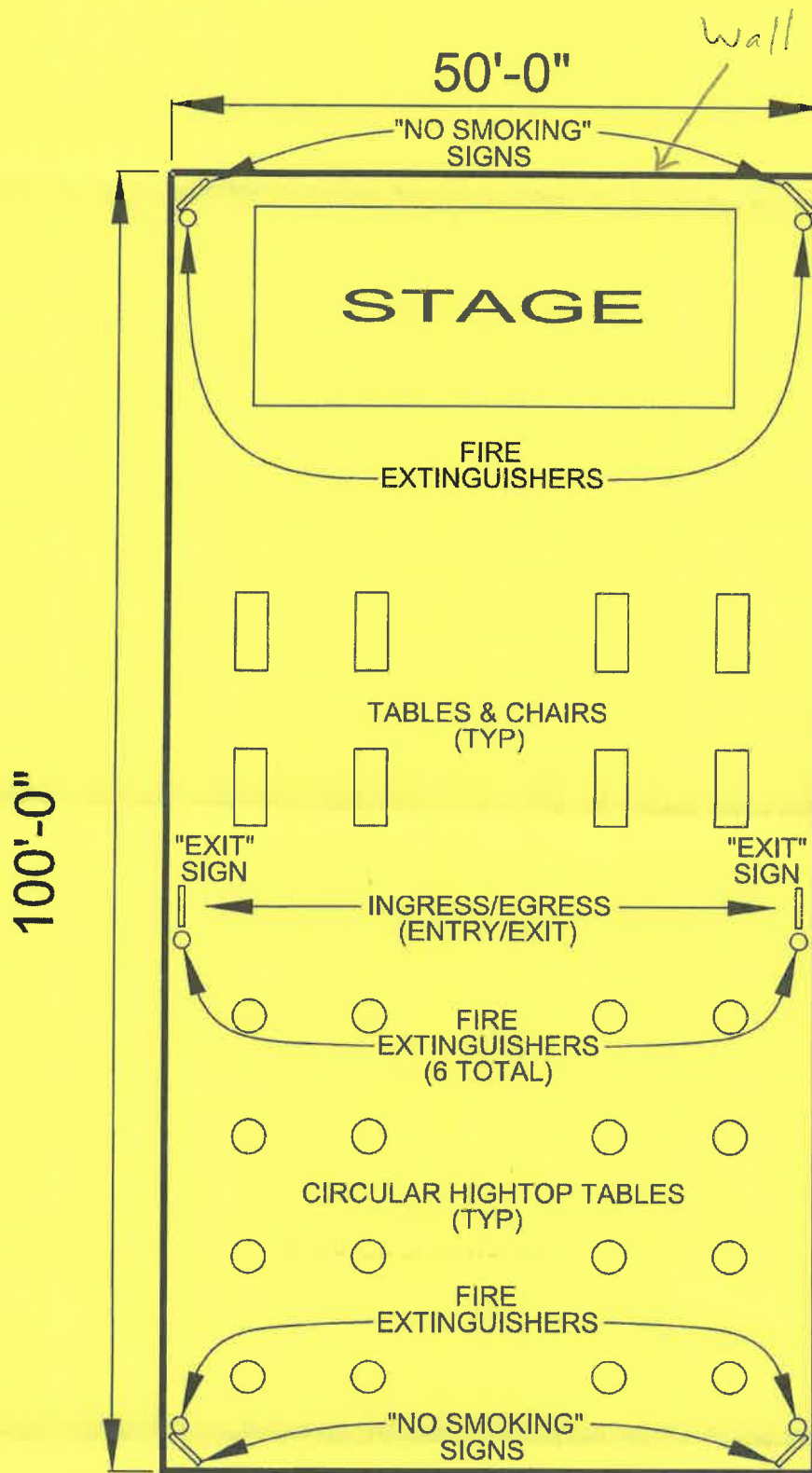
Summary of 2024 Taxes

Year	General Fund Net Taxes	Special Tax District	Service Charges	Interest	Penalty	Other Charges	Amount Paid	Balance Due
2024 1ST HALF DUE	\$8,639.95	\$3,214.07	\$.00	\$.00	\$.00	\$.00	-\$11,854.02	\$.00
2024 2ND HALF DUE	\$8,639.94	\$3,214.05	\$.00	\$.00	\$.00	\$.00	-\$11,853.99	\$.00
Total:	\$17,279.89	\$6,428.12	\$.00	\$.00	\$.00	\$.00	-\$23,708.01	\$.00

Prepays and Refunds

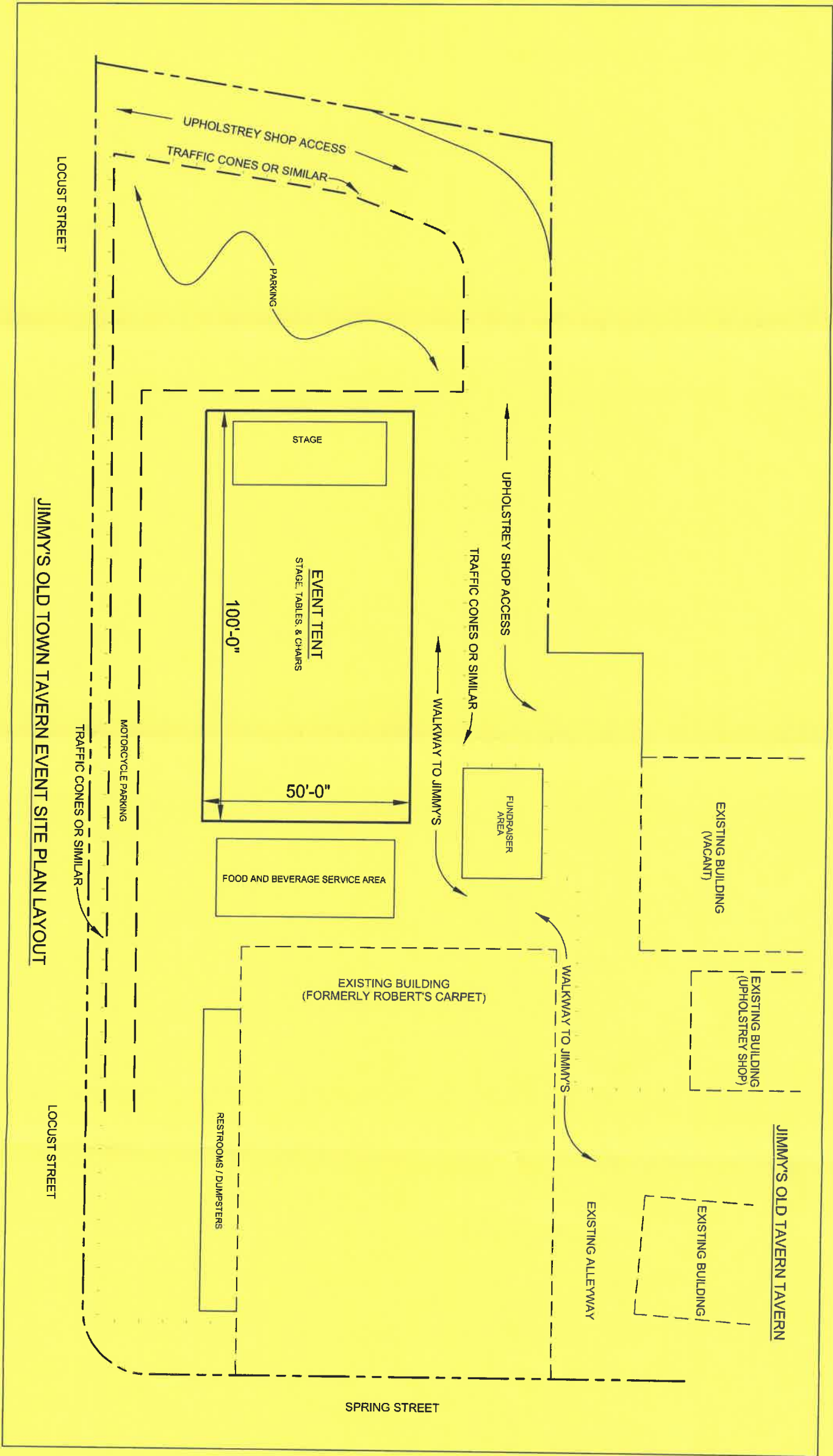
Prepays	\$.00
Pending Refunds	\$.00
GRAND TOTAL	\$.00

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



OCCUPANCY - 150

EVENT TENT INTERIOR LAYOUT



April 16, 2025

Dear Mr. Cirrito,

This is in response to your request for a noise permit for your event on Saturday and Sunday, May 24th and 25th from 8AM to 11PM and Sunday, August 31, 2025 from 8AM to 11PM, to be held at Jimmy's Old Town Tavern, 697 Spring Street, Herndon, VA 20170. Since you will be using amplified sound, you are required to follow the town code regarding noise.

By way of this letter I am approving the noise permit for your events, on Saturday and Sunday, May 24th and 25th from 8AM to 10PM and Sunday, August 31, 2025 from 8AM to 10PM only. By copy of this letter to the Herndon Police, I am advising them of your event since they enforce the noise ordinance.

Please keep in mind that the Herndon Town Code only permits amplified sound between 7 AM and 10 PM.

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

https://library.municode.com/va/herndon/codes/code_of_ordinances?nodeId=PTIICOOR_C H26EN ARTVINO.

Best wishes for a successful event.



Scott Robinson, P.E.

Deputy Town Manager, Operations

(Acting)

Town of Herndon

Agenda Item: January 14, 2025, Town Council Meeting Minutes
January 21, 2025, Town Council Work Session Minutes
January 28, 2025, Town Council Meeting Minutes

Meeting Date: April 22, 2025

Category: Consent

Prepared by: Amanda Kertz, Acting Town Clerk

Description:

This is a request to approve the minutes from the: January 14, 2025 Town Council Regular Meeting; January 21, 2025 Town Council Work Session; and January 28, 2025, Town Council Regular Meeting.

Background:

N/A

Timing Impact:

Town Council minutes are typically presented for approval in chronological order. Action on the minutes is an important function of the Town Council.

Strategic Focus Area:



Good Governance

Fiscal Impact:

N/A

Legal Impact:

N/A

Staff Recommendation/Next Steps:

Recommend approval of the sets of minutes as presented.

Attachments:

1. January 14, 2025, Draft Meeting Minutes
2. January 21, 2025, Town Council Work Session Minutes
3. January 28, 2025, Town Council Meeting Minutes

**HERNDON TOWN COUNCIL
Regular Meeting Minutes
Tuesday, January 14, 2025**

1. Call to Order

Mayor LeBlanc called the January 14, 2025, Town Council regular meeting to order at 7:00 p.m. in the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia. In attendance were: Mayor Keven LeBlanc; Vice Mayor Clark Hedrick; and Councilmembers Naila Alam, Cesar del Aguila, Kelvin Garcia, Michael T. Lloyd, and Alex Reyes.

Staff present during the meeting: Christopher Martino, Interim Town Manager; Kirstyn Barr Jovanovich and Scott Robinson, Acting Deputy Town Managers; Chief Maggie DeBoard, Herndon Police Department; Lisa Gilleran, Director of Community Development; and Amanda Kertz, Acting Town Clerk.

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

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

Determination of a Quorum

Mayor LeBlanc determined there was a quorum of all Councilmembers present.

Mayor Announcements

Mayor LeBlanc stated that Town offices and the Herndon Community Center are closed on Monday, January 20, 2025, in observance of the Martin Luther King, Jr. Day holiday. He stated that recycling normally collected on Monday, January 20, will be collected on Tuesday, January 21 instead.

3. Presentations/Reports/Comments

a. Proclamation to recognize Herndon Town Incorporation Day, January 14, 2025

Mayor LeBlanc stated that it was his honor to read the Proclamation to Recognize Herndon Town Incorporation Day on January 14, 2025, into the record.

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

b. Town Manager Report

Christopher Martino, Interim Town Manager, recognized Scott Robinson, Acting Deputy Town Manager, to provide updates on the Herndon Elementary School project and 641 Nash Street, which Mayor LeBlanc requested at last week's work session.

Herndon Elementary School

Mr. Robinson stated that the Town is reviewing the project's site plan and building permits. He provided an update on the status of the easements that are required for the site plan review to be completed. He stated that once the site plan and building permits were completed, Herndon Elementary School would be able to proceed with the project.

641 Nash Street

Mr. Robinson stated that the site plan for this project was approved in November 2024. He stated that a revised building plan was submitted for review, but was not approved yet. Additionally, a demolition permit was submitted for review and had not yet been approved, because the homeowner needed to verify that all utilities had been cut off for safety.

Mr. Martino stated there were no additional comments.

c. Councilmember Comments

Councilmember Alam: stated that she is excited to serve on the Town Council for another term. She thanked her neighbors who helped shovel her driveway during the recent snowstorm. She announced that Muslim Day would be celebrated in Richmond on January 22, 8:00 a.m. to 4:00 p.m., for those interested in attending.

Councilmember Garcia: echoed Councilmember Alam's comments regarding the honor of serving on the Town Council.

Councilmember Lloyd: echoed his colleagues' comments and shared his thanks for the opportunity to serve on Council.

Councilmember del Aguila: stated he attended a branding workshop with Mayor LeBlanc, and that he is excited to reveal the progress made on the Town's brand. He encouraged the public to attend the next work session for an update and welcomed the new councilmembers.

Councilmember Reyes: echoed his colleagues' comments regarding serving on the Town Council.

Vice Mayor Hedrick: thanked those in the audience for attending that evening. He also thanked the residents, and the Council, for the honor of nominating him to serve as Vice Mayor.

Vice Mayor Hedrick expressed his sympathy, as a native Californian, for those in California who were impacted by the recent fires. He emphasized the importance of strong emergency response and natural resource management in Herndon.

Mayor LeBlanc: thanked those who attended the 2025-2026 Town Council Swearing-In and Oath of Office on Tuesday, January 7. He thanked the organizations and businesses who brought in artifacts from Herndon's history for the table display during that event. He stated he is looking forward to a collaborative and progressive Council for the upcoming term.

Mayor LeBlanc provided comments about the proclamation to recognize Herndon Day, January 14, 2025, and echoed Councilmember del Aguila's comments on the Town branding effort.

4. Comments from the Audience

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

- William Campenni, 1104 Iron Ridge Court, Herndon: provided comments on the Proclamation to recognize Herndon Day and welcomed the new Town Council. He also provided comments on considering Herndon to be a city rather than a town.
- Alexander Burke, 910 Jorrs Place, Herndon: asked for the Town Council's views regarding a Fairfax County Times Newspaper article dated December 20, 2024.
- Barbara Glakas, 935 Barton Oaks Place, Herndon: representing the Herndon Fortnightly Club, thanked the Town Council for presenting the club with the Proclamation to recognize Herndon Day prior to the start of the meeting. She provided an overview of the club's history and its various initiatives.
- Newt Salamander, 2272 Astoria Circle, Apartment 104, Herndon: discussed the negative impacts of corporate development projects on natural ecosystems and housing prices, and asked the Town Council to protect Herndon.
- Susan Powell, 419 Madison Forest Drive, Herndon: welcomed the new Town Council, and discussed the importance of the Council prioritizing unity in the Town.
- Spencer Fink, 221 Astoria Circle, Herndon: provided comments about the importance of preserving Herndon's trees.

5. Consent

- a. Resolution 25-G-05 to award Contract IFB 25-02, Bulk Curbside Trash Collection Service - Resolicit**
- b. Resolution 25-G-06 to award contract IFB B-25-03, Herndon Centennial Golf Course Tee Renovation - Resolicit**

On motion of Councilmember del Aguila, seconded by Vice Mayor Kedrick, the Consent Agenda items were approved and carried by unanimous roll call vote, as presented, without comment. The vote was: Councilmembers Alam, del Aguila, Garcia, Lloyd, Reyes, Vice Mayor Hedrick, and Mayor LeBlanc voting "Aye."

6. Closed Meeting

- a. A closed meeting pursuant to the Code of Virginia Section 2.2-3711(A)(8), consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, relating to the Transit Related Growth Area (TRG)**

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

Councilmember del Aguila moved that the Council convene in a closed meeting to discuss the following as permitted by Code of Virginia Section 2.2-3711(A)(8), for consultation with legal counsel regarding specific legal matters requiring provision of legal advice by such counsel, related to the Transit Related Growth Area (TRG). Vice Mayor Hedrick seconded the motion, which carried by unanimous roll call vote. The vote was: Councilmembers Alam, del Aguila, Garcia, Lloyd, Reyes, Vice Mayor Hedrick, and Mayor LeBlanc voting "Aye."

At 7:32 p.m. Mayor LeBlanc called a brief recess, and at 7:40 p.m., the closed meeting reconvened in the Hoover Conference Room, all members present, with Mayor LeBlanc presiding.

Councilmember del Aguila moved to come out of the closed meeting. Motion seconded by Councilmember Alam, and carried by unanimous roll call vote. The vote was: Councilmembers Alam, del Aguila, Garcia, Lloyd, Reyes, Vice Mayor Hedrick, and Mayor LeBlanc voting "Aye."

The Council came out of the closed meeting at 8:46 p.m.

Councilmember Garcia moved to certify that, to the best of each member's knowledge, in the closed meeting just concluded, nothing was discussed except the matter or matters (1) specifically identified in the motion to convene in closed

meeting and (2) lawfully permitted to be discussed in a closed meeting under the provisions of the Virginia Freedom of Information Act as cited in that motion. Motion seconded by Vice Mayor Hedrick and carried by unanimous roll call vote. The vote was: Councilmembers Alam, del Aguila, Garcia, Lloyd, Reyes, Vice Mayor Hedrick, and Mayor LeBlanc voting "Aye."

Aye: 7
Nay: 0
Absent: 0

7. Adjournment

There being no further business, Mayor LeBlanc adjourned the January 14, 2025, Town Council regular meeting at 8:47 p.m.

Amanda E.M. Kertz
Acting Town Clerk

Minutes approved by Town Council : _____

HERNDON TOWN COUNCIL
Work Session Minutes
Tuesday, January 21, 2025

1. Call to Order

Mayor LeBlanc called the January 21, 2025, Town Council meeting to order at 7:00 p.m. in the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia. In attendance were: Mayor Keven LeBlanc; Vice Mayor Clark Hedrick (arrived at 7:01 p.m.); and Councilmembers Naila Alam, Cesar del Aguila, Kelvin Garcia, Michael T. Lloyd, and Alex Reyes.

Staff present during the meeting: Christopher Martino, Interim Town Manager; Kirstyn Barr Jovanovich, Acting Deputy Town Manager; Lesa Yeatts, Town Attorney; Chief Maggie DeBoard, Herndon Police Department; Lisa Gilleran, Director of Community Development; Marjorie Sloan, Director of Finance; David Stromberg, Zoning Administrator; Collin Okoniewski, Planning Operations Manager; Maria Lee, Budget Manager; Margie Tacci, Acting Chief Deputy Town Clerk; and Amanda Kertz, Acting Town Clerk.

Determination of a Quorum

Mayor LeBlanc determined there was a quorum of six members present. Vice Mayor Hedrick had not yet arrived.

Mayor Announcements

Mayor LeBlanc stated that the Herndon Community Center will be hosting a free Open House on Saturday, January 25, from 2:00 p.m. to 4:00 p.m. He encouraged everyone to visit and explore what the Herndon Community Center has to offer. Further details are on the Town's website.

Mayor LeBlanc reminded the Town Council of their retreat that will begin on Friday, January 24 and Saturday, January 25.

[Note: Vice Mayor Hedrick arrived at 7:01 p.m.]

2. Discussion

a. New Town Brand - Concept Recommendation

Mayor LeBlanc introduced Anne Papa, Chief Communications Officer, who stated that the Town rebranding was an initiative of the Strategic Plan to market Herndon as a great place to live, work, and visit. She reviewed the background on the

initiative, including: (1) the selection of the consulting firm Chandlerthinks; (2) the establishment of the Town of Herndon Branding Task Force; and (3) the objectives and focus of the project. Ms. Papa then recognized Steve Chandler, Owner, Chandlerthinks, for the presentation.

Mr. Chandler explained that as part of the branding process, his firm engaged with over 1,100 participants in the Town to help identify the Town's brand pillars. Based on the community input, the four key brand pillars were identified: (1) proximity to Dulles and Washington D.C.; (2) historic downtown Herndon offers a distinctly different look, charm, and experience; (3) friendly, welcoming small-town spirit permeates the community; and (4) diversity is an integral part of Herndon's identity, character, and energy.

He elaborated on the brand development process, which included: (1) brand strategy; (2) brand story; (3) brand direction; (4) brand tagline and logo; (5) brand campaign messaging and graphic development; (6) and community involvement and follow-up.

Mr. Chandler then presented the proposed brand story and provided examples and recommendations for: (1) brand directions; (2) graphics; (3) color palettes; and (4) logos.

Ms. Papa concluded the presentation by outlining the next steps in the brand development process, stating that a resolution would be brought before the Town Council to approve the brand. She noted that Chandlerthinks would deliver a comprehensive marketing plan within 30 days following the Council's adoption of the brand.

There was discussion between Council and staff regarding the branding materials and process. Councilmember del Aguila requested that the Council discuss the proposed branding further during the upcoming Council retreat.

b. Mid-Year Financial Update and Economic Outlook Discussion

Mayor LeBlanc introduced Marjorie Sloan, Director of Finance, who stated that according to the Town's policy, the Council must be provided with a mid-year update on the financial and economic outlook for the current fiscal year. She reviewed the mid-year revenues and expenditures for Fiscal Year (FY) 2025, and discussed the projected revenues and expenditures for other funds. The estimates provided reflected funds as of December 31, 2024.

Ms. Sloan stated that mid-year general fund revenues totaled approximately \$26.6 million, representing 51 percent of the total revised budget of \$52.181 million. She explained that certain revenues, such as the meals tax and transient occupancy tax, are received monthly and were trending favorably relative to the current fiscal year's budget. Other revenues, such as those from the business and professional

occupation license (BPOL) tax, are primarily collected annually, with \$7 million in BPOL revenue projected to be received in March. Ms. Sloan noted that although the current revised budget was approximately \$9.95 million, only about \$6.45 million was projected by fiscal year-end. This was largely due to the Town not expending the \$4.0 million in carryover funds originally intended for the Comstock Herndon project.

Ms. Sloan stated that the mid-year general fund expenditures, as of December 31, were approximately \$20.4 million, which is 39.1 percent of the revised FY 2025 budget. She stated that after taking into account the amount allocated for encumbered expenditures, there was approximately \$28.03 million available for the rest of the fiscal year. She provided an update on actual and project expenditures, including: (1) personnel; (2) operation and maintenance; and (3) capital outlay costs.

Ms. Sloan reviewed the revenues and expenditures for other funds, which are: (1) capital projects fund, (2) American Rescue Plan Act (ARPA) fund, (3) storm water management fund, (4) water and sewer fund, (5) golf fund, (6) and cemetery fund. She stated that the consulting firm Davenport was assisting with an annual update to the water and sewer fund rate model, which would be presented to the Council in February.

Ms. Sloan also provided an update on the economic outlook for the current fiscal year, including: (1) projected economic growth; (2) inflation; (3) unemployment; (4) interest rates; and (5) overall risks to the economy. She indicated that the current economic outlook is defined by stable economic growth, a softening labor market, slowing inflation, and solid market returns. Ms. Sloan then listed the key dates for the FY 2026 budget process.

There was discussion among the Council and staff about the proposed budget, including revenues, expenditures, and projected economic outlook.

During the discussion, Councilmember del Aguila requested that department heads provide the Council with their needs and wants in preparing the FY 2026 proposed budget.

Mayor LeBlanc stated that the upcoming Council retreat will include in-depth discussions on strategic planning and budgets.

c. Streetery Pilot Program Briefing

Mayor LeBlanc introduced David Stromberg, Zoning Administrator, who provided an update on the Streetery Pilot Program. Mr. Stromberg explained that the program was adopted by the Town Council in May 2024 to allow downtown restaurants to rent designated public property for expanded outdoor dining. He noted that the program applied to Lynn, Station, Pine, and Center Streets, where

eligible public spaces included on-street parallel parking and shared public parking spaces in the James and Ahmed lots.

Mr. Stromberg stated that since its adoption, the Town received one application from the restaurant Mile 20 in 2024. He stated that Mile 20 was granted a permit in June 2024 to use the James parking lot for outdoor dining. He emphasized that any participating business must comply with applicable state and federal requirements, including regulations related to ADA accessibility, ABC licensing, and restroom availability.

Mr. Stromberg stated that staff did not have a formal recommendation on the program's future at this time, as there was limited data to evaluate due to the single application received.

There was discussion among the Council and staff regarding the Streetery Pilot Program, its usage, and outdoor dining opportunities in the downtown area.

Councilmember del Aguila and Mayor LeBlanc expressed support to renew the program for another season, beginning in March and continuing through the fall.

Responding to Councilmember del Aguila, Lesa Yeatts, Town Attorney, stated that the resolution should be made effective upon adoption to allow for applications to be submitted in March.

Following discussion and with the consensus of Council, Mayor LeBlanc requested staff to: (1) extend the Streetery Pilot Program for another season; (2) coordinate with the Department of Public Works (DPW) to determine a feasible start date for the program; and (3) allow for applications to be submitted upon adoption of the resolution.

Vice Mayor Hedrick asked staff promote the renewed program through the Town's standard communication channels.

d. Town Council Ad Hoc Committees Guidelines Review

Mayor LeBlanc introduced Amanda Kertz, Acting Town Clerk, who explained that at the beginning of each term, the Council reviews ad-hoc advisory committees and determines whether to reinstate, restructure, or disband the existing committees. She stated that during its review of advisory committees, the Council will consider each committee's mission, purpose, objectives, and related establishment documents. She stated that the Town has three existing committees, which include: (1) Herndon Youth Advisory Committee (HYAC); (2) Herndon Diversity Equity and Inclusion Committee (HDEIC); and (3) the Pedestrian and Bicycle Advisory Committee (PBAC). She stated that the evening's discussion would focus on HDEIC and PBAC, both of which expired on December 31, 2024.

Ms. Kertz discussed with Council the recommendation to revise the guiding documents of HDEIC and PBAC, to include a Town Council representative as a non-voting liaison member to the Committee, rather than as a Chair. She stated that this was considered best practice, and that HYAC has already been operating under this model successfully.

Ms. Kertz reviewed the current mission and structure of PBAC and reported that staff had no recommended changes beyond the Council liaison designation. Following discussion, the Council reached consensus to reconstitute PBAC with its existing mission, purpose, and membership composition, and to designate a Council liaison.

Ms. Kertz presented the mission and structure of HDEIC and conveyed staff's recommendation to refine the committee's focus on celebrating and engaging Herndon's diverse community.

There was discussion among the Council and staff about this committee and considering changes to its structure.

Mayor LeBlanc proposed a set of changes to the HDEIC, including: (1) renaming the committee to the Community Inclusion and Engagement Committee (CIEC); (2) clarifying the committee's purpose to emphasize community engagement; and (3) broadening the membership to include better representation from underrepresented communities.

The Council discussed Mayor LeBlanc's proposed changes, including a recommendation from Vice Mayor Hedrick requiring that at least half of the committee members be Town residents.

Following discussion, and with the consensus of Council, staff was requested to do the following: (1) institute the CIEC, as proposed by Mayor LeBlanc, and with the membership requirements discussed that evening; (2) prepare a resolution reinstating the Interview Committee, with Mayor LeBlanc and Vice Mayor Hedrick as members, and Councilmembers del Aguila and Lloyd as alternates; (3) prepare a resolution appointing Councilmember Garcia as the liaison for the HYAC for the remainder of the current term; (2) prepare a resolution appointing Councilmember Reyes as the liaison to the CIEC; and (3) prepare a resolution appointing Councilmember del Aguila as the liaison for PBAC.

3. Roundtable

Councilmember del Aguila: requested that the Council review the current process for choosing photos for the Town calendar, to ensure there was equal representation from the community.

Following discussion and with the consensus of Council, Mayor LeBlanc asked staff to include a discussion item on this topic on an upcoming work session agenda, and to provide an overview of the current process for selecting photos at that meeting.

Councilmember Garcia: stated that he met with members of the Worldgate Condo Unit Owners Association that day, where they discussed public safety concerns, including: (1) amount and location of Town security cameras; and (2) pathway lighting in and around the condo complex.

Mayor LeBlanc requested that staff investigate the lighting situation at the condo complex.

Vice Mayor Hedrick requested an update identifying which pathways are Town-owned, in order to assess where additional safety measures, such as security cameras, could potentially be installed.

Councilmember Alam: stated that a community member had also raised concerns about poor lighting on trails. Regarding the Town calendar, she asked if the Council's picture could be moved to the front, near where the mayor's photograph is located.

Councilmember Lloyd: provided kudos to the Department of Public Works and the Herndon Police Department and staff for all of their efforts during the recent snowstorm.

Councilmember Reyes: echoed Councilmember Lloyd's comments about DPW and the Police Department. He stated that he received messages regarding snow on sidewalks in recent weeks, and requested further discussion with Council.

Mayor LeBlanc asked staff to review the current emergency policies and procedures during snowstorms, and how the Town should be responding, at an upcoming work session.

Vice Mayor Hedrick: no comments.

Mayor LeBlanc: stated that he met last week with Chairman Jeff McKay, Fairfax County Board of Supervisors, and James Bierman; Dranesville District Supervisor, to discuss what was happening at the federal government level.

Christopher Martino, Interim Town Manager: requested confirmation from the Council that the next step in the Town's rebranding initiative would be to bring forward a resolution to adopt the branding materials as presented.

There was discussion among the Council and staff regarding the proposed branding elements.

Following discussion, and with the consensus of Council, Mayor LeBlanc asked staff to proceed with drafting a resolution to approve the Town branding materials, except for the "H" logo mark, which would be excluded from the resolution.

4. Adjournment

There being no further business, Mayor LeBlanc adjourned the January 21, 2025 Town Council work session at 9:09 p.m.

Amanda E.M. Kertz
Acting Town Clerk

Minutes approved by Town Council : _____

**HERNDON TOWN COUNCIL
Regular Meeting Minutes
Tuesday, January 28, 2025**

1. Call to Order

Mayor LeBlanc called the January 28, 2025, Town Council regular meeting to order at 7:00 p.m. in the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia. In attendance were: Mayor Keven LeBlanc; Vice Mayor Clark Hedrick; and Councilmembers Naila Alam, Cesar del Aguila, Kelvin Garcia, Michael T. Lloyd, and Alex Reyes.

Staff present during the meeting: Christopher Martino, Interim Town Manager; Kirstyn Barr Jovanovich and Scott Robinson, Acting Deputy Town Managers; Chief Maggie DeBoard, Chief of Police; Anne Papa, Chief Communications Officer; Lisa Gilleran, Director of Community Development; Marjorie Sloan, Director of Finance; Bryce Perry, Deputy Director of Community Development; David Stromberg, Zoning Administrator; Collin Okoniewski, Planning Operations Manager; and Amanda Kertz, Acting Town Clerk.

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

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

Determination of a Quorum

Mayor LeBlanc determined there was a quorum of all Councilmembers present.

Amend the Agenda

Mayor LeBlanc stated that the applicant withdrew their application for the temporary license agreement, item #7(c) on the Consent Agenda. With the concurrence of Council, the item was removed, and the agenda was so amended.

3. Presentations/Reports/Comments

a. Town Manager Report

Christopher Martino, Interim Town Manager, stated that staff had no updates to report at that time regarding Comstock and the downtown redevelopment project.

Mr. Martino noted that staff continue to monitor announcements and directives from the presidential administration, and he will provide updates to the Council on any directives that impact the Town.

Mr. Martino reported that staff received confirmation that all utilities at 641 Nash Street had been disconnected, allowing the project to proceed.

He concluded by thanking the Council for including staff in the recent Town Council retreat.

b. Councilmember Comments

Councilmember del Aguila: thanked his fellow Councilmembers and staff for a successful and productive Town Council retreat.

Councilmember del Aguila encouraged his colleagues to reach out to the Latino community and provide reassurance and empathy during fearful and concerning times.

Councilmember Reyes: echoed Councilmember del Aguila's comments regarding a successful and productive Town Council retreat.

Councilmember Alam: echoed her colleagues' comments on the Town Council retreat. She indicated that she plans to attend the upcoming Virginia Municipal League (VML) Legislative Day in Richmond on January 30.

Councilmember Garcia: echoed his colleagues' comments on the Town Council retreat.

Councilmember Lloyd: echoed his colleagues' comments on the Town Council retreat. He also thanked the Parks and Recreation staff for hosting the Open House event at the Herndon Community Center that past weekend.

Councilmember Lloyd requested staff to look into why the town's population in 2024 remained nearly the same as it was in 2014. He also asked if there were any plans or strategies being considered to support future population growth.

Vice Mayor Hedrick: echoed his colleagues' comments on the Town Council retreat. He asked that the next retreat be called an "advance."

Mayor LeBlanc: echoed his colleagues' comments on the Town Council retreat and echoed Councilmember Lloyd's thanks to Parks and Recreation for hosting the Herndon Community Center Open House event.

Mayor LeBlanc stated that he recently attended a pep rally to cheer on the Washington Commanders at Clearview Elementary School, where he enjoyed

talking with students and teachers. That next day, he was meeting with the principal of Clearview Elementary School to discuss the needs of families and students that attend the school.

Mayor LeBlanc stated that he is also attending the VML Legislative Day in Richmond at the end of the month.

4. Comments from the Audience

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

- Steven Mitchell, 1298 Monroe Street, Herndon: provided comments on General Item 6(b) Resolution 25-G-08 to extend the Town of Herndon Streetery Pilot Program and welcomed the new Town Council.
- Susan Powell, 419 Madison Forest Drive, Herndon: thanked Mayor LeBlanc, Vice Mayor Hedrick, and Councilmember Reyes for their respectful engagement and outreach.

Ms. Powell provided an update on local efforts to develop a “unity score” system to evaluate community events. Using the 2023 and 2024 Town events as a baseline, she stated that the group will collect and analyze data, with plans to share findings and recommendations going forward.

- Alexander Burke, 910 Jorss Place, Herndon: discussed issues related to affordable housing in town and related funding. He expressed his concerns about funding changes at the federal level.
- Stephan Porter, 905 Vine Street, Herndon: (1) commended the new Town Council for their approach and early progress; (2) expressed concerns about how shifts in the federal workforce and changes to grant policies will impact the Town; (3) questioned how a shortfall in Fairfax County's budget will impact the Town; and (4) highlighted unresolved issues related to the Comstock redevelopment project.
- Jay Hadlock, 505 Alabama Drive, Herndon: provided comments on General Item 6(a) Resolution 25-G-07 to adopt a new Brand Concept for the Town of Herndon. He also welcomed the new Town Council.

5. Public Hearings

- a. **Ordinance 25-O-01 to approve Zoning Ordinance Text Amendment ZOTA #24-02 to amend Chapter 78 (ZONING), Article III (Residential Districts), Article V (Planned Development Districts), by adding Section 78-51.2, entitled PD-TRG1 (Planned Development – Transit Related Growth Mixed Use, Medium Density Residential, and Office), by amending Article VII (Use Regulations), Article VIII (Accessory Uses), Article X (Parking, Loading, and Circulation), Article XIV (Signs), adding a new Section 78-141.8 (Sign Standards for Planned Development – Transit Related Growth), and other articles as deemed necessary and appropriate to create new zoning districts to implement the recommendations and standards of the Transit Related Growth Small Area Plan**

Certificates of Publication were filed from the Editor of the Fairfax County Times Newspapers, showing that notice of said public hearing items had been duly advertised in the Friday, January 10, and January 17, 2025, issues.

Mayor LeBlanc opened the public hearing and recognized David Stromberg, Zoning Administrator, who provided an overview of the proposed zoning ordinance text amendment, ZOTA #24-02, adopting the PD-TRG1 zoning district. Mr. Stromberg provided an overview of the three-step lifecycle to adopt a zoning ordinance text amendment, including: (1) initiating consideration of a ZOTA as required per Virginia Code 15.2-2286(A)(7); (2) Planning Commission public hearing review of ZOTA; and (3) Town Council public hearing of the ZOTA.

Mr. Stromberg explained that the PD-TRG1 zoning district is the first zoning district drafted to implement the recommendations of the Transit Related Growth Small Area Plan (TRGSAP). He stated that the TRGSAP is the Town's adopted land use guide for the 94 acres of land in the Town that is located north of the Town Metro Station. He provided an overview of TRGSAP, including: (1) property area; (2) zoning; (3) land use; (4) zoning requirements; and (5) EV charging requirements and capabilities. Mr. Stromberg stated that the Planning Commission and staff recommend approval of the proposed ordinance, as presented.

There was discussion between the Council and staff on the proposed ZOTA, including the following: (1) parking spaces; (2) potential costs to developers; and (3) requirements of the zoning district.

Mayor LeBlanc called for comments from the audience.

The public hearing was held, and the following individuals provided testimony:

- Ken Wire, 1984 Issac Newton Square, Reston;
- Stephan Porter, 905 Vine Street, Herndon; and
- Barbara Glakas, 935 Barton Oaks Place, Herndon.

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

Councilmember del Aguila moved to approve Ordinance 25-O-01 Zoning Ordinance Text Amendment ZOTA #24-02 to amend Chapter 78 (ZONING), Article III (Residential Districts), Article V (Planned Development Districts), by adding Section 78-51.2, entitled PD-TRG1 (Planned Development – Transit Related Growth Mixed Use, Medium Density Residential, and Office), by amending Article VII (Use Regulations), Article VIII (Accessory Uses), Article X (Parking, Loading, and Circulation), Article XIV (Signs), adding a new Section 78-141.8 (Sign Standards for Planned Development – Transit Related Growth), and other articles as deemed necessary and appropriate to create a new zoning districts to implement the recommendations and standards of the Transit Related Growth Small Area Plan, as presented.

Motion seconded by Councilmember Garcia.

There were brief comments from the Council.

The question was called on the motion, which carried by unanimous roll call vote. The vote was: Councilmembers Alam, del Aguila, Garcia, Lloyd, Reyes, Vice Mayor Hedrick, and Mayor LeBlanc voting "Aye."

b. Ordinance 25-O-02 to amend the Fiscal Year (FY) 2025 Adopted Budget for the American Rescue Plan Act (ARPA) Fund

Certificates of Publication were filed from the Editor of the Fairfax County Times Newspapers, showing that notice of said public hearing items had been duly advertised in the Friday, January 10, and January 17, 2025, issues.

Mayor LeBlanc opened the public hearing and recognized Finance Director Marjorie Sloan for the staff report. Ms. Sloan presented a proposed \$815,500 budget amendment to the FY 2025 American Rescue Plan Act (ARPA) Fund. The amendment was made up of the following appropriations for: (1) \$88,000 for fire alarm system changes at the Herndon Municipal Center (HMC); (2) \$15,000 toward Old Town Hall renovation changes; (3) \$495,000 for HMC renovation changes; (4) HMC storefront changes at \$87,500; and (5) purchase of a portable road barrier system for \$130,000. The amendment would be fully funded by previously earned ARPA interest income. Ms. Sloan stated that staff recommends approval of the proposed budget amendment, as presented.

There was discussion among the Council and staff on this item, including questions on: (1) the scope of planned HMC renovations; (2) planned uses for the portable road barrier system; and (3) the earned interest income being used for the amendment.

Mayor LeBlanc called for comments from the audience.

The public hearing was held, and the following individuals provided testimony:

- Nicole Wickenhauser, 1109 Burwick Drive, Herndon; and
- Alexander Burke, 910 Jorss Place, Herndon.

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

Councilmember del Aguila moved to approve Ordinance 25-O-02 to amend the Fiscal Year (FY) 2025 Adopted Budget for the American Rescue Plan Act (ARPA) Fund, as presented.

Motion seconded by Councilmember Alam.

There were brief comments from the Council.

The question was called on the motion, which carried by unanimous roll call vote. The vote was: Councilmembers Alam, del Aguila, Garcia, Lloyd, Reyes, Vice Mayor Hedrick, and Mayor LeBlanc voting “Aye.”

6. General

a. Resolution 25-G-07 to adopt a new Brand Concept for the Town of Herndon

Anne Papa, Chief Communications Officer, presented the staff report on the Town’s branding initiative, aligned with Strategic Plan Goal #2: Thriving Community. She reviewed the process, including the selection of branding consultant Chandlerthinks, formation of the Branding Task Force, and the project’s key objectives.

Ms. Papa outlined the research phase, which included six focus groups, 20 individual interviews, a resident survey with over 400 responses, a non-resident survey, and a socioeconomic study. Based on this research, four brand pillars were identified: prime location, historic small-town charm, diversity, and a welcoming, friendly spirit. The brand concept “Live Differently” was developed to reflect these pillars. Ms. Papa clarified that the graphic representation of the letter “H” shown during last week’s presentation was not under consideration at the evening, as there was no consensus to advance it.

Ms. Papa noted that at the prior work session, the Council requested a resolution to support the brand concept. Mayor LeBlanc clarified that the resolution’s reference to “ethnic diversity” should be corrected to “diversity.”

Ms. Papa stated that at last week's work session, the Town Council asked the staff to draft a resolution supporting the Herndon brand concept, "Live Differently."

Councilmember del Aguila moved to Approve Resolution 25-G-07 to adopt a new Brand Concept for the Town of Herndon, with the noted correction to "diversity" in the resolution.

Motion seconded by Vice Mayor Hedrick.

There were brief comments from the Council.

The question was called on the motion, which carried by unanimous roll call vote. The vote was: Councilmembers Alam, del Aguila, Garcia, Lloyd, Reyes, Vice Mayor Hedrick, and Mayor LeBlanc voting "Aye."

b. Resolution 25-G-08 to extend the Town of Herndon Streeterly Pilot Program

David Stromberg, Zoning Administrator, presented the staff report. Mr. Stromberg stated that at last week's work session, the Town Council asked Town staff to draft a resolution to reestablish and extend the Town of Herndon Streeterly Pilot Program, starting on March 15, and continuing through November 30, 2025. He noted that application rules remain unchanged from the prior year and that businesses may apply once a revised application is posted on the Town's website.

There was discussion among the Council and staff about extending the pilot program, mainly on the start date of the program.

Responding to Councilmember del Aguila, Mr. Stromberg confirmed that the Council could amend the resolution to change the start date of the program to March 14 instead of March 15, 2025. Businesses could then proceed on that date as long as their inspections were complete.

Vice Mayor Hedrick moved to approve Resolution 25-G-08 to extend the Town of Herndon Streeterly Pilot Program, with an amendment to change the start date from March 15 to March 14, 2025.

Motion seconded by Councilmember Reyes.

There were brief comments from the Council.

The question was called on the motion, which carried by unanimous roll call vote. The vote was: Councilmembers Alam, del Aguila, Garcia, Lloyd, Reyes, Vice Mayor Hedrick, and Mayor LeBlanc voting "Aye."

7. Consent

- a. Resolution 25-G-09 to initiate consideration of a Zoning Ordinance Text Amendment ZOTA #25-01 to amend Chapter 78 (ZONING), Article V (Planned Development Districts), by adding Section 78-51.3, entitled PD-TRG2 (Planned Development – Transit Related Growth 2 – Low Density Residential), and amending Article VII (Use Regulations), Article VIII (Accessory Uses), Article X (Parking, Loading, and Circulation), and other articles as deemed necessary and appropriate to implement the recommendations and standards of the Transit Related Growth Small Area Plan**
- b. Resolution 25-G-10 to initiate consideration of a Zoning Ordinance Text Amendment ZOTA #25-02 to amend Chapter 78 (ZONING), Article XV (Decision-Making Authorities, Application Review, and Permitting), Section 78-152.2(b)(3) (Fees for Development Applications) to adjust development fees in accordance with a comprehensive fee evaluation**
- c. Resolution 25-G-11 to approve a Temporary License Agreement between the Town and JOTT, INC., for use of a designated public space in the alley adjacent to Jimmy's Old Town Tavern for outdoor seating during a one-day event (Note: Item removed from Consent Agenda per applicant's request)**
- d. Resolution 25-G-12 to reinstate the Town Council's Interview Subcommittee**
- e. Resolution 25-G-13 to reinstate the Town Council's Pedestrian and Bicycle Advisory Committee**
- f. Resolution 25-G-14 to establish the Town of Herndon Community Inclusion and Engagement Committee**
- g. Resolution 25-G-15 to appoint the Town Council Liaison to the Herndon Youth Advisory Committee**

Mayor LeBlanc stated that at the onset of the meeting, the Council amended the agenda to remove Consent Item 7(C) Resolution 25-G-11 to approve a Temporary License Agreement between the Town and JOTT, INC., for use of a designated public space in the alley adjacent to Jimmy's Old Town Tavern for outdoor seating during a one-day event.

On motion of Councilmember Reyes, seconded by Councilmember Lloyd, the Consent Agenda items were approved and carried by a unanimous roll call vote, as amended, without comment. The vote was: Councilmembers Alam, del Aguila, Garcia, Lloyd, Reyes, Vice Mayor Hedrick, and Mayor LeBlanc voting "Aye."

8. Adjournment

There being no further business, Mayor LeBlanc adjourned the January 28, 2025 Town Council regular meeting at 8:27 p.m.

Amanda E.M. Kertz
Acting Town Clerk

Minutes approved by Town Council : _____

Agenda Item: Resolution 25-G-31 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

Meeting Date: April 22, 2025

Category: Consent

Prepared by: Lesa Yeatts, Town Attorney

Description:

This Temporary License Agreement grants permission to the Chamber to use town-owned property in the Herndon Municipal Center parking lot for placement of portable toilets and in the Herndon Municipal Center parking garage for placement of an ice cooler machine for Friday Night Live events.

Timing Impact:

The portable toilets and ice cooler machine will be in place beginning on May 2, 2025 through August 22, 2025.

Background:

N/A

Strategic Focus Area:



Thriving Community
Good Governance

Fiscal Impact:

N/A

Legal Impact:

N/A

Staff Recommendation/Next Steps:

Staff recommends approval of the resolution as proposed.

Attachments:

1. Resolution (Proposed)
2. FNL Contract Packet
3. Temporary License Agreement

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

RESOLUTION

APRIL 22, 2025

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

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

1. The temporary license agreement dated April 22, 2025, between the Town of Herndon ("Town") as licensor and Dulles Regional Chamber of Commerce ("Chamber") as licensee is approved. The license allows the Chamber to use designated town-owned property in the Herndon Municipal Center parking lot for placement of portable toilets and designated town-owned property in the Herndon Municipal Center parking garage for placement of an ice cooler machine for Friday Night Live events on May 2, 9, 16, 23, 30, June 6, 13, 20, 27, July 11, 18, 25, August 1, 8, 15, 22, of 2025
2. The mayor is authorized to sign and deliver this license agreement and any other instrument to evidence or support the license agreement.



SPECIAL EVENT FACILITY RENTAL

CONTRACT

This contract serves as approval for the use of town facilities by the "applicant" (*applicant organization taken from the special event request form*), from the "town".

Event Name: **2025 Friday Night Live**

Date of Event: **5/2, 5/9, 5/16, 5/23, 5/30, 6/6, 6/13, 6/20, 6/27, 7/11, 7/18, 7/25, 8/1, 8/8, 8/15, 8/22**

Location of Event(s): **Town Green**

EVENT DESCRIPTION

Description of Event: **Outdoor Concert Series**

Estimated Expected Attendance: Times:

Public: **690**

Staff Arrival & Set Up: **4 PM**

Vendors: **15**

Event Start: **6 PM**

Event Staff: **45**

Event End: **10 PM**

Others: **0**

Site Cleaned & Staff Departure: **10:30 PM**

☒ YES, food will be sold

☐ NO, food will not be sold

☒ YES, alcohol will be sold

☐ NO, alcohol will not be sold

LOCATIONS AND FACILITIES

The parameters of the event are as described below and as shown on attachment(s): (a) site plan; (b) traffic plan; (c) security plan; (d) estimate of town services; (e) Certificates of Insurance; (f) receipt for security deposit; (g) schedule of services and (h) special permits.

The Herndon Municipal Lobby will only be available for the use by the Applicant on JULY 18, 2025, for the duration of the event.

TEMPORARY STRUCTURES/FACILITIES

The applicant is responsible for the erection of any temporary structures or facilities required for the special event. Temporary structures and facilities shall be as shown on attachment (a) site plan. The applicant is responsible for providing sanitary facilities (portalets) as described and located on attachment (a) site plan.

SERVICES TO BE PROVIDED BY THE TOWN

The town will provide the services identified in attachment (G) schedule of services for the estimated hours at the estimated cost, and pursuant to the Extra Duty Employment Agreement. In addition, the town will make a \$20,000 cash donation to the Chamber to support site clean up.

FEES AND FINANCIAL REQUIREMENTS

The total estimate of Town of Herndon services is \$39,474. The estimate is detailed in attachment (G), schedule of services. Town services requested or required at the time of the event that are not listed on attachment (G) will be charged after the event as the actual cost. If the actual cost incurred differs from attachment (G) schedule of services, the actual cost will be the amount due to the town. Any waivers or reductions in fees authorized by the Town Council are identified in attachment (G).

SECURITY DEPOSIT

The town has waived a security deposit and bond.

PUBLIC ACCESS TO PUBLIC USE PROPERTY

Use of public facilities are limited to the areas described herein. The applicant shall ensure that the public has access to adjacent areas and has reasonable access through the event site.

ACCESS TO W&OD TRAIL

The W&OD trail is not town property and is not part of this agreement. The applicant shall keep the trail clear for general public use. The trail shall not be blocked or re-routed without written permission of the Northern Virginia Regional Park Authority (NOVA).

OTHER APPROVALS, LICENSES AND PERMITS

The applicant shall be responsible to obtain the following additional licenses, permits or approvals, if required:

- ABC license for alcohol, if alcohol will be served
- Health department food licenses, if food will be served
- Approval by NOVA Parks, if the W&OD trail will be used or modified
- Carnivals, Fairs and Festivals – Fire and Rescue (fairfaxcounty.gov)
- Fairfax County Fire Marshal if propane, or other liquified petroleum will be used for cooking
- Fairfax County Fire Marshal for temporary tents of a certain size and capacity
- Amusement permits
- Structural permits
- Noise permit
- Temporary License Agreement for portalets and ice cooler machine

Any required approvals, licenses or permits outstanding as of 48 hours prior to any event date may be cause for a cancellation of that event date.

CONDITIONS RELATED TO AMPLIFIED SOUND AND COMPLIANCE WITH NOISE ORDINANCE

Applicant shall comply with the Town of Herndon Noise Ordinance, Section 26, Article VI. Sound amplifying equipment may only be used if expressly permitted in the conditions described below. Conditions related to amplified sound are permitted on the following dates and pursuant to the Noise Permit issued by the Town Manager for the Friday Night Live Outdoor Concert Series on 5/2, 5/9, 5/16, 5/23, 5/30, 6/6, 6/13, 6/20, 6/27, 7/11, 7/18, 7/25, 8/1, 8/8, 8/15, 8/22 in 2025 to be held on the Town Green, Herndon, VA 20170, between the hours of 5 PM and 10:30 PM.

COMPLIANCE WITH OTHER FEDERAL, STATE AND LOCAL LAWS

The applicant shall comply with the terms of this contract and all applicable town, state, and federal laws and regulations and maintaining at all times any other permit(s), licenses, etc. required under applicable law for the stated use. This Contract shall be deemed to be a Virginia contract and shall be governed as to all matters whether of validity, interpretations, obligations, performance or otherwise exclusively by the laws of the Commonwealth of Virginia. Any and all suits for any claims or for any and every breach or dispute arising out of this Contract shall be maintained in the appropriate court of competent jurisdiction in the County of Fairfax.

CANCELLATION

Cancellation by the applicant within 7 days of the event will result in charges to the applicant of actual costs incurred by the town. The Town of Herndon may cancel the event for inclement weather if the town determines that the event could unreasonably damage town property or the safety of individuals. In addition, the Town of Herndon may cancel the event if the space is required for a public purpose. If the event is canceled by the Town of Herndon, every effort will be made to establish an alternate date

RESPONSIBILITY TO MAINTAIN AND PROTECT TOWN PROPERTY FROM DAMAGE

The applicant shall clean up following the event and return the sites and facilities to their original condition. All trash shall be picked up and removed from the site by the applicant immediately following the event or placed in dumpster for removal. Applicant shall be charged \$750 for the pick up and removal of trash that has not been picked up immediately following each performance date and removed by applicant by 5pm Monday following each performance date.

The applicant must have the portalets cleaned by no later than 5:00PM on the Monday following each performance date. The applicant must have the portalets cleaned by no later than 5:00PM on the Monday following each performance date. If the portalets are not cleaned by 5:00pm on Monday, the Chamber shall order emergency cleaning services on Tuesday morning.

The applicant is responsible for damage to town property caused by event activities.

INSURANCE

The applicant shall maintain a \$2 million general liability policy or a \$5 million general liability policy if alcohol is being served for the event in which the town is listed as an additional insured.

INDEMNIFICATION

Applicant shall hold harmless the Town of Herndon, its officers, agents, employees and volunteers from any claims, causes of action, penalties, losses, expenses or any other liability for injuries, death or damages to persons or property resulting from the special event which are caused by the omissions or authorized acts of the

applicant's or sponsor's officers, agents or employees; the applicant or sponsor assumes the risk of utilization of space.

If the town incurs any costs as a result of the applicant's or sponsor's failure to comply with any provisions of this agreement including clean up or if town property is destroyed or damaged by reason of the event, the applicant shall reimburse the town for the town's actual costs, including actual replacement or repair cost of the damaged property. The town may retain any deposit or portion thereof as full or partial reimbursement for any such damage.

AMENDMENTS

Any amendments to this Contract, including dates and times of events, must be in writing and executed by both parties.

RESCISSION OF CONTRACT

The town may rescind this contract at any time upon a determination that the applicant or its users have not adhered to the rules and regulations governing the use of the property and the deposit will be forfeited.

Further, the town reserves the right to terminate the event and rescind the contract without prior notice to the event organizer, in situations that threaten public health, safety and welfare. Such situations include but are not limited to crowds in excess of property capacity, unruly or violent crowds or extreme weather events. The town shall not issue any refunds if an event is terminated pursuant to this section and will not be liable for any additional expenses incurred by the event organizer as a result of termination.

Organization: **Dulles Regional Chamber of Commerce**

Contact Name: **Sheila Dixon** Email: **president@dulleschamber.org**

Today's Date: **April 18, 2025**

Address: **PO Box 327 Herndon, VA 20172**

Phone Number: **703-477-6350** Check One: **Work**

Signature: _____ *Sheila Dixon*

Sheila Dixon
President and CEO, Dulles Chamber of Commerce

Today's Date: April 22, 2025

Signature: _____ *Scott Robinson*

Scott Robinson, Acting Deputy Town Manager
Town of Herndon
777 Lynn Street, Herndon, VA 20170

4/22/2025
Today's Date: ~~Select from Drop Down~~

Approved as to Form:

Lesa Yeatts
Lesa, Yeatts, Town Attorney

4-22-2025
Today's Date: ~~Select from Drop Down~~

EXHIBIT A

Site Plan

Site Plan - Friday Night Live! 777 Lynn Street Herndon,VA



Legend:

1. Stage - Herndon Municipal Center
2. Ingress/Egress to Lynn St. and Emergency vehicle access 12' wide
3. Ingress/Egress to W&OD Trail
4. Ingress/Egress to W&OD Trail
5. Ingress/Egress to Center St.
6. Food Vendor with 10x10 canopy
7. Food Vendor with 10x10 canopy
8. Food Vendor with 10x10 canopy
9. Beer Vendor with 10x10 canopy
10. Beer Vendor with 10x10 canopy
11. ID Booth and Event Management with 10x10 canopy
12. Food Vendor with 10x10 canopy
13. Food Vendor with 10x10 canopy
14. Ingress/Egress to Lynn St.
15. Lawn - seating / standing area
16. Portable restrooms – 11 regular + 1 handicap accessible (see attached Portable Toilet Placement)

Site Plan Layout Information - Friday Night Live!

- 1) Site Map and Legend on previous page
- 2) Site Map and Legend on previous page
- 3) There are no permanent buildings within our boundaries. We are located outside.
- 4) Only 10x10 pop-up canopies, located at Legend numbers 6 through 13.
- 5) Fire hydrants are located on Lynn and Center Streets.
- 6) Vehicle Ingress/Egress is Legend item #2 and is 12' wide.
- 7) Areas to park are all public and located outside of our venue in many various places. Vehicles are not allowed into our event space.
- 8) Vendor Booths are Legend # 6 through 13.
- 9) Stage only, no amusements - Legend # 1.
- 10) Gathering area is Legend # 15. #2-5 are Ingress/Egress points
- 11) Evacuation routes are legend #'s 2-5. All are staffed with Marshals with radios during event. Crowd managers are located at Legend #11, #1 and stationed throughout the event space. Event boundary is drawn in black line on the photo.
- 12) None
- 13) Legend # 6 & #7 & #8 - No more than one 20-pound cylinder, if any.
- 14) None.

Portable Toilet Placement for Friday Night Live!

location address: parking lot for 777 Lynn St, Herndon, VA 20170

Units are to be placed in U-shape as seen below with doors facing each other.

There should be 3 empty parking spaces between the bottom of the stairs
and the first unit which is the Handicap Unit – shown on the top right in drone photos.

Jersey barriers were placed between the units and the rest of the parking lot and the units and the empty spaces furthest from the stairs



Drone view of Friday Night Live! during event on July 22, 2022 showing Town Green and parking lot below.

Friday Night Live! Set Up and Clean Up Plan

SET UP

FNL seasonal activities for set up:

Portable restrooms (11 regular + 1 handicap accessible) arrive in Municipal Center Parking Lot by 5/1 and remain until 8/25

Friday Night Live! staff will deliver stage banners to Town by Thursday, April 24.

FNL weekly activities:

Friday Night Live! trailer arrives on Lynn Street around 3:30pm.

Friday Night Live! volunteers set up all our vendor tents and tables between 3:30 – 5:30pm along north side of Green (see site plan).

Food vendors set up all their equipment.

Band and sound set up all their equipment on HMC stage.

Weekly Town activities for set up:

- 1 sponsor banner installed by town above stage weekly before concert along with two vertical side stage banners
- Fencing placed in front of stage
- Trash cans and trash bags with trash pickers
- Block off 12 parking spaces on Lynn St. (for vendors) – all spots on west side of Lynn St from Center Street to Municipal Center and 7 spots on east side from Center Street south
- Fence off monument in back of Town Green
- Set out cones for two parking spaces on Center St. before 5am for light tower and truck
- Block off 7 parking spaces on lower parking lot at HMC for dump trucks (for trash removal) and 3 parking spots between the portable restrooms and stairs
- Un-lock electrical panel box at stage by 5pm
- Set up light tower on top of HMC

Town activities during the event:

- Provide HMC access for bands on nights when needed

CLEAN UP

Friday Night Live! volunteers remove all our vendor tents and tables.

Food vendors remove all their equipment.

Band and sound remove all their equipment.

Friday Night Live! trailer is removed from Lynn St. by 11am on Saturday morning.

Town activities for clean up:

Areas Town is responsible for concerning trash pickup after the event is over:

- Bike trail from Station St., to Bridge.
- Lynn St. from Center St., to Station St., to include trash cans.
- Center St., from bridge to Lynn, to include trash cans
- Lower parking lot
- Underground parking lot
- Hill beside library at bridge, and all areas behind library
- All areas behind HMC, to include trash cans
- All areas around HMC
- Municipal parking lot

Remove bagged trash to DPW shops.

EXHIBIT B

Traffic Plan

N/A

EXHIBIT C

Security Plan

Friday Night Live! Public Safety & Security Plan – 2025

1. Friday Night Live! - Outdoor Summer Concert Series
2. Dates: 5/2, 5/9, 5/16, 5/23, 5/30, 6/6, 6/13, 6/20, 6/27, 7/11, 7/18, 7/25, 8/1 , 8/8 , 8/15 , 8/22 2025 - 6:00-10:30PM
3. Location: Rear of Herndon Municipal Center located at 777 Lynn Street, Herndon, VA 20170
4. Contact Information:
 - Property Owner:
Town of Herndon, Attn. Judy Fry, 777 Lynn Street, Herndon, VA 20170
Tel: 703-787-7367, Email: judy.fry@herndon-va.gov
 - Event Sponsor:
Dulles Regional Chamber of Commerce, P.O. Box 327, Herndon, VA 20172
Tel: 571-323-5300
 - Key Event Staff:
Primary: Laura Poindexter, Cell: 703-609-2200, Email: info@herndonrocks.com
5. Event set-up time begins at 4pm each Friday.
6. Approximate number of attendees: 750
7. Event is patrolled by approximately 14 Marshals, most of whom have radios to communicate with each other and event managers as well as cell phones to summon help or call 911. We also have 2 uniformed Herndon Police Department officers on site.
8. The procedure to immediately report any emergency will be via radio if available to event managers, as well as cell phones to 911 or police on site.
9. Evacuation procedures will be via the five ingress/egress points located at each corner of our outdoor venue.
10. All Crowd and Event managers can stop the music and command the PA systems in the event of an emergency.
11. Primary and secondary evacuation routes will be two outdoor paths to Lynn Street, two outdoor paths to the W&OD bike trail and stairs to Center Street.
12. Crowd management plan. Designated and trained crowd managers, including Laura Poindexter, Doug Downer, George Price and others as assigned each night (approximate ratio 1:250) shall appropriately implement the emergency procedures described in this plan. In addition, crowd managers shall also act as fire watch personnel and keep diligent watch for fires, obstructions to means of egress and other hazards during the time our event is open to the public or such activity is being conducted and take prompt measures for remediation of hazards and assist in the evacuation of the public from the event areas. Other Marshals and event staff shall serve as back up or additional crowd managers as needed.

Site Plan - Friday Night Live! 777 Lynn Street Herndon,VA



Legend:

1. Stage - Herndon Municipal Center
2. Ingress/Egress to Lynn St. and Emergency vehicle access 12' wide
3. Ingress/Egress to W&OD Trail
4. Ingress/Egress to W&OD Trail
5. Ingress/Egress to Center St.
6. Food Vendor with 10x10 canopy
7. Food Vendor with 10x10 canopy
8. Food Vendor with 10x10 canopy
9. Beer Vendor with 10x10 canopy
10. Beer Vendor with 10x10 canopy
11. ID Booth and Event Management with 10x10 canopy
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- 6) Vehicle Ingress/Egress is Legend item #2 and is 12' wide.
- 7) Areas to park are all public and located outside of our venue in many various places. Vehicles are not allowed into our event space.
- 8) Vendor Booths are Legend # 6 through 13.
- 9) Stage only, no amusements - Legend # 1.
- 10) Gathering area is Legend # 15. #2-5 are Ingress/Egress points
- 11) Evacuation routes are legend #'s 2-5. All are staffed with Marshals with radios during event. Crowd managers are located at Legend #11, #1 and stationed throughout the event space. Event boundary is drawn in black line on the photo.
- 12) None
- 13) Legend # 6 - No more than one 20-pound cylinder, if any.
- 14) None.

EXHIBIT D

Estimate of Town
Services

See Exhibit G

EXHIBIT E

Certificates of Insurance



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

9/27/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION** IS **WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Herndon-Reston Insurance Agency, Inc. t/a HRI Associates 718 Pine Street Herndon VA 20170	CONTACT NAME: PHONE (A/C, No, Ext): 703-435-3500 FAX (A/C, No): E-MAIL ADDRESS: certificates@hriassociates.com
INSURED Dulles Regional Chamber of Commerce P.O. Box 327 Herndon VA 20172-0327	INSURER(S) AFFORDING COVERAGE INSURER A: CINCINNATI INSURANCE GROUP ^ INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:

COVERAGES**CERTIFICATE NUMBER:** 1110185565**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR ☒ Liquor Liability GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC OTHER:	Y		EPP 0497847	9/26/2024	9/26/2025	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 Liquor Liability \$ 1,000,000
A	☐ AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☒ HIRED AUTOS ONLY ☒ NON-OWNED AUTOS ONLY			EPP 0497847	9/26/2024	9/26/2025	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	☒ UMBRELLA LIAB ☒ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE DED ☒ RETENTION \$ NONE	Y		EPP 0497847	9/26/2024	9/26/2025	EACH OCCURRENCE \$ 4,000,000 AGGREGATE \$ 4,000,000 \$
A	☐ WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N	N/A	EWC 0280830	11/12/2024	11/12/2025	☒ PER STATUTE ☐ OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
A	Directors & Officers			EMN 0485056	4/24/2024	4/24/2025	Limit Deductible 1,000,000 1,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The Town of Herndon is additional insured with respect to General Liability, Auto Liability & Umbrella Liability with regards to the Friday Night Live Concert series. Coverage is Primary & Non-Contributory. 30 day notice of cancellation or material changes applies.

CERTIFICATE HOLDER**CANCELLATION**

Town of Herndon
777 Lynn Street
Herndon VA 20170

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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EXHIBIT F

Receipt for Security
Deposit

N/A

EXHIBIT G

Schedule of Services

ATTACHMENT G: SCHEDULE OF SERVICES

The following is for estimation purposes only. Actual costs may vary.

This schedule is intended to list the value of services. It does not reflect actual charges to the Applicant.

*Fee waived by Town Council

		DURATION PER EVENT (Hrs)	# OF EVENTS	TOTAL HOURS	PER HOUR COST	TOTAL AMOUNT	SUBTOTALS
STAFF							
	POLICE OFFICER #1 (6PM-11PM)	5	16	80	\$75	\$6,000	
	POLICE OFFICER #2 (6PM-11PM)	5	16	80	\$75	\$6,000	
	POLICE OFFICER #2 (For HMC date only)	5	1	5	\$75	\$375	
*							\$12,375
	DPW #1 Regular Time	2	16	32	\$33	\$1,056	
	DPW #2 Regular Time	2	16	32	\$33	\$1,056	
	DPW #3 Regular Time	2	16	32	\$33	\$1,056	
	DPW #4 Regular Time	2	16	32	\$33	\$1,056	
	DPW #5 Regular Time	1	16	16	\$40	\$640	
*							\$4,864
	DPW #1 Overtime	7	16	112	\$54	\$6,048	
*							\$6,048
EQUIPMENT							
	769 (1TON TRUCK)	2	16	32	\$35.08	\$1,122.56	
	731T (2AXLE TRAILER)	2	16	32	\$24.84	\$794.88	
	967 (light tower)	4	16	64	\$7.97	\$510.08	
	112 (PICK UP TRUCK)	8	16	128	\$26.27	\$3,362.56	
*							\$5,790.08
MATERIALS							
		QUANTITY	# OF EVENTS	TOTAL QUANTITY	RATE	TOTAL COST	
	TRASH BAGS	32	16	384	\$0.42	\$161.28	
	RECYCLING BAGS	18	16	216	\$0.15	\$32.40	
	GREEN TRASHCANS	10	16	120	\$1.00	\$120.00	
	ZIP TIES	0.5	16	6	\$27.59	\$165.54	
	CONES	19	16	228	\$0.50	\$114.00	
	CROWD FENCING	10	16	10	5.00	\$50.00	
	SMALL TRASH CANS	6	16	72	\$1.00	\$72.00	
	RECYCLING CANS	9	16	108	1.00	\$108.00	
	NITRILE GLOVES	8	16	8	17.00	\$136.00	
	T-POSTS	38	16	608	2.00	\$1,216.00	
	SNOW FENCING	3.4	16	54.4	2.00	\$108.80	
*							\$2,284.02
FACILITY							
		# OF DATES	COST PER DATE			TOTAL COST	
*	TOWN GREEN	16	\$500			\$8,000	
*	HMC	1	\$113			\$113	
							\$8,113
						TOTAL COST OF TOWN SERVICES	\$39,474
						ACTUAL COST TO APPLICANT	\$0

EXHIBIT H

Special Permits

Pending

TEMPORARY LICENSE AGREEMENT

This Agreement ("Agreement") is made this 22nd day of April 2025 by and between DULLES REGIONAL CHAMBER OF COMMERCE, a Virginia corporation ("Chamber") and the TOWN OF HERNDON, VIRGINIA, a municipal corporation ("Town").

WHEREAS Chamber represents that they have a Special Event Contract to conduct Friday Night Live events in the Town of Herndon on May 2, 9, 16, 23, 30, June 6, 13, 20, 27, July 11, 18, 25, August 1, 8, 15, 22, of 2025 and that Chamber desires to use the Town's property for placement of portable toilets ("portalets") and an ice cooler machine;

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

Now therefore, the parties agree as follows:

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

Insurance limits shall not be less than the following amounts:

Commercial General Liability – Combined single limit of at least \$1,000,000 per occurrence and \$2,000,000 general aggregate. Policy shall be endorsed to name the Town as an additional insured.

7. The ice machine shall have a latching and locking system that is a permanently attached feature of the cooler and maintained in good condition. The locking system must maintain the appliance's air seal. The ice machine shall be properly locked whenever the ice machine is not supervised.

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

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

DULLES REGIONAL CHAMBER OF COMMERCE

APPROVED AS TO FORM:


Lesa J. Yeatts, Town Attorney

Page 157 of 157