



HISTORIC DISTRICT REVIEW BOARD WORK SESSION AGENDA

Town Council Chambers
765 Lynn Street, Herndon, VA 20170

Wednesday, January 3, 2024 | 7:00 PM

1. Call to Order

2. Public Hearings

- a. APPLICATION FOR DEMOLITION, HDRB #23-017, to consider an application for a Certificate of Appropriateness for the demolition of an accessory structure in the rear yard of the single-family residential property located at 641 Nash Street
- b. APPLICATION FOR A REDUCTION IN SETBACK, HDRB #23-018, to consider an application for a reduction of the required secondary front yard building setback from 35 feet to 20 feet, in accordance with Sec. 78-60.3(e) of the Herndon District Overlay, on the single-family residential property located at 706 Main Drive

3. New Business

- a. Resolution to amend and restate the Bylaws of the Town of Herndon Historic District Review Board
- b. Discussion - Election of Officers

4. Comments

- a. Comments from the Staff Members
- b. Comments from the Board Members

5. Adjournment

Agenda Item: APPLICATION FOR DEMOLITION, HDRB #23-017, to consider an application for a Certificate of Appropriateness for the demolition of an accessory structure in the rear yard of the single-family residential property located at 641 Nash Street

Meeting Date: January 3, 2024

Category: Public Hearings

Prepared by: Tamsin Himes, Lead Planner/Design-Development, Bryce Perry, Deputy Director of Community Development

Description:

This is an application for a Certificate of Appropriateness for the demolition of an existing contributing accessory structure on a historic district property located at 641 Nash Street.

Background:

The accessory structure is a shed that was heavily damaged during its relocation, which was necessary to accommodate the reconstruction and expansion of the existing house on the property.

Fiscal Impact:

There is no fiscal impact to the town as a result of the work proposed with this application.

Recommendation:

Staff is withholding a recommendation at this time.

Attachments:

1. Staff Report
2. Images of Damaged Shed (Provided by Applicant)

STAFF REPORT

Agenda Item: HDRB #23-017, to consider an application for a Certificate of Appropriateness for the demolition of an accessory structure in the rear yard of the single-family residential property located at 641 Nash Street

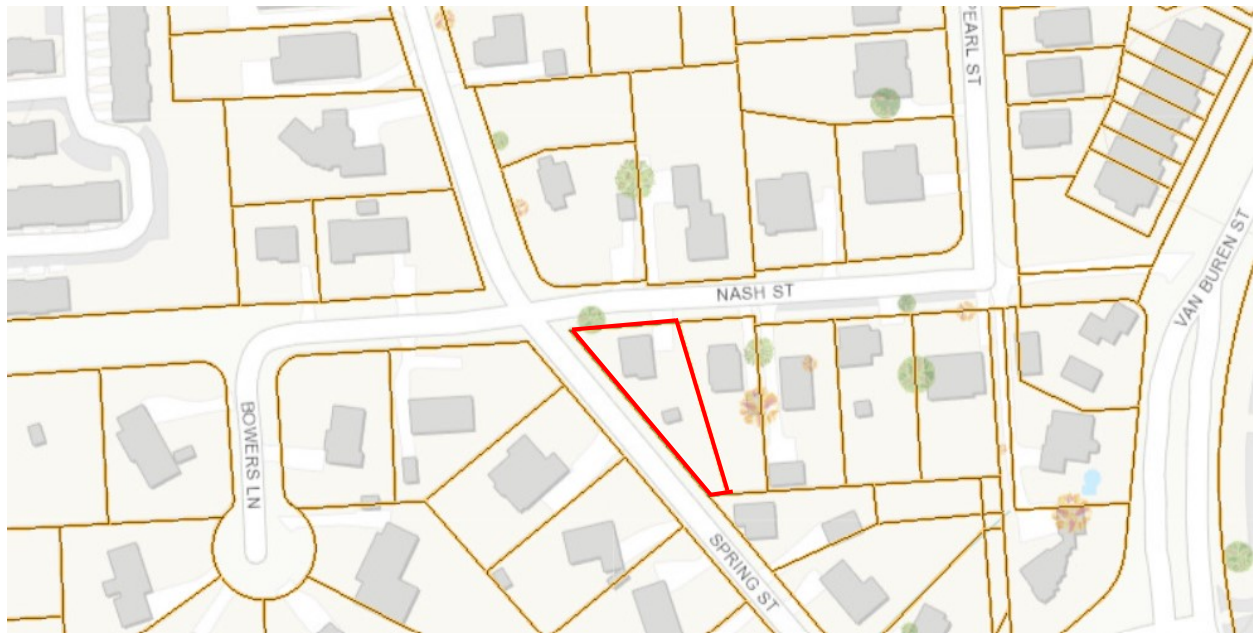
Meeting Date: January 3, 2024

Staff Contact: Bryce Perry, Deputy Director of Community Development
Tamsin Himes, Lead Planner – Development and Design

Summary Information:

Proposed Modification	Demolition		
Address	641 Nash Street		
Fairfax County Tax Map Number	0162 02 0139		
Owners	Francis Kenney Jr and Caitlin Kenney		
Applicant	Francis Kenney Jr		
Business/Organization	N/A		
Property Use	Residential		
Zoning District	R-10, Residential Single-Family District		
HDO Designation	Contributing		
Adjacent Zoning	North: R-10, Residential Single-Family District South: R-10, Residential Single-Family District East: R-10, Residential Single-Family District West: R-10, Residential Single-Family District		
Building Type(s)	One story shed	Date of Construction:	Pre-1937
Architectural Style(s)	Vernacular		
Exterior Material(s)	Wood lap siding, asphalt shingle roofing		
Neighborhood Design Profile	Single-family residential		
Comprehensive Plan Land Use Designation	Neighborhood Conservation		

Location Map:



Case Summary:

This case proposes the demolition of an accessory shed at a residential property at 641 Nash Street. The property has been the subject of previous HDRB (formerly Historic Preservation Review Board (HPRB)) applications for alterations to the primary structure. HPRB #19-08, which was an application for an addition to an existing structure, was approved by the HPRB in 2019, and an extension of the COA was granted in 2020. Approval of HPRB #19-08 included the relocation of the existing shed (subject of this application) to a new location on the same lot. It is the staff's understanding that in the process of relocating the shed, as approved in HPRB #19-08, the structure was damaged to an extent that prevents its further use, however, the circumstances of the shed's current condition were not explained by the applicant in the provided application materials.

Resource Description:

The subject of this application, an accessory shed, is considered contributing and can be seen in aerial images from the 1930s. The shed features wood lap siding, fixed glass wood windows, a solid wood door, and a traditional side gable roof form. The 1987 architectural survey describes the shed as a "1 story gable roof shed with exposed rafters and German siding. Ca. 1900-1915." The rear yard of 641 Nash Street where the shed is located abuts Spring Street and is highly visible from the right of way. The street view image below shows the shed in its previous location and condition before it was damaged during its relocation.



Applicable Design Guidance:

- Zoning Ordinance Section 78-60.3. - Heritage Preservation Overlay District (HP District)
- Town of Herndon Historic District Overlay Guidelines (Pages 124-127)

Staff Analysis:

1. **Ordinance and Guidelines Compliance.** Section 78-60.3(f)(4) includes the nine standards that must be met for the HDRB to approve a Certificate of Appropriateness for demolition. These standards are to be applied in addition to the Historic District Overlay Guidelines. The Board should be careful to consider and apply both the ordinance standards and the applicable guidelines as they review and assess this application. Additional information from the applicant is required for staff to complete an evaluation of compliance with the applicable standards and guidelines.

HDO Guidelines for Demolition. Staff has begun assessing the structure using the four questions from page 126 of the Guidelines that should be considered in the evaluation of demolition applications for contributing structures. These assessments are ongoing and dependent on additional information from the applicant.

- a. *Is the building structurally unsound, or would it require unreasonable repairs to be deemed salvageable?*

When viewed from the street, the shed appears heavily damaged and is misshaped from an apparent accident while relocating it onto a new concrete pad. The extent of the damage, however, is not detailed in the application nor

is there any information on what it would take to repair the structure. Additional images, documentation, and descriptions would help to make a determination on whether it is salvageable.

b. Will the removal of the building negatively impact the historic integrity of the district?

While the demolition of any contributing structure is significant and under any circumstance affects the Historic District as a whole, generally some smaller and simplistic accessory structures can be assessed with less rigidity than contributing primary structures. The primary structure on this property has undergone significant alterations that undermine its status as a contributing structure. Under those circumstances, the removal of the shed may have less ability to affect the historic integrity of the district.

c. How rare is the style or type of resource proposed for demolition?

There are numerous historic sheds and accessory structures associated with contributing structures in the Historic District, many of which bear similar general architectural features and forms. These are increasingly disappearing, however, and collectively are very important to the character of the district.

d. Is it in a visible or prominent location within the district?

641 Nash Street is prominently positioned at the intersection of Nash Street and Spring Street at an important gateway into the Historic District. The rear yard where the shed is located abuts Spring Street and is highly visible.

2. **Request for Additional Information.** Demolition cases should be carefully considered, and every effort should be made to review them thoroughly and completely. As with every case, the goal when considering a proposal should be to assess the project comprehensively and if possible, find a way to both meet the Guidelines and come to a conclusion that addresses the needs of the applicant. In this case, while demolition of the shed may eventually be deemed appropriate, a thorough evaluation cannot be completed until additional information is provided by the applicant. A detailed assessment of the condition of the structure is necessary to help understand the reasons why demolition is being proposed and why the shed is structurally unsound and contains components that are beyond repair. This assessment should be provided in writing by the applicant and include detailed full view and closeup interior and exterior images showing the condition and demonstrating the specific problems cited.

This assessment should also include documentation on the shed dimensions and materials. Staff cannot complete the evaluation of the case until this information is provided and is withholding a recommendation at this time for that reason.

Staff can coordinate with the applicant to ensure the appropriate information is provided in this assessment to allow for a complete review.

Staff Recommendation:

Staff is withholding a recommendation at this time.

Fiscal Impact:

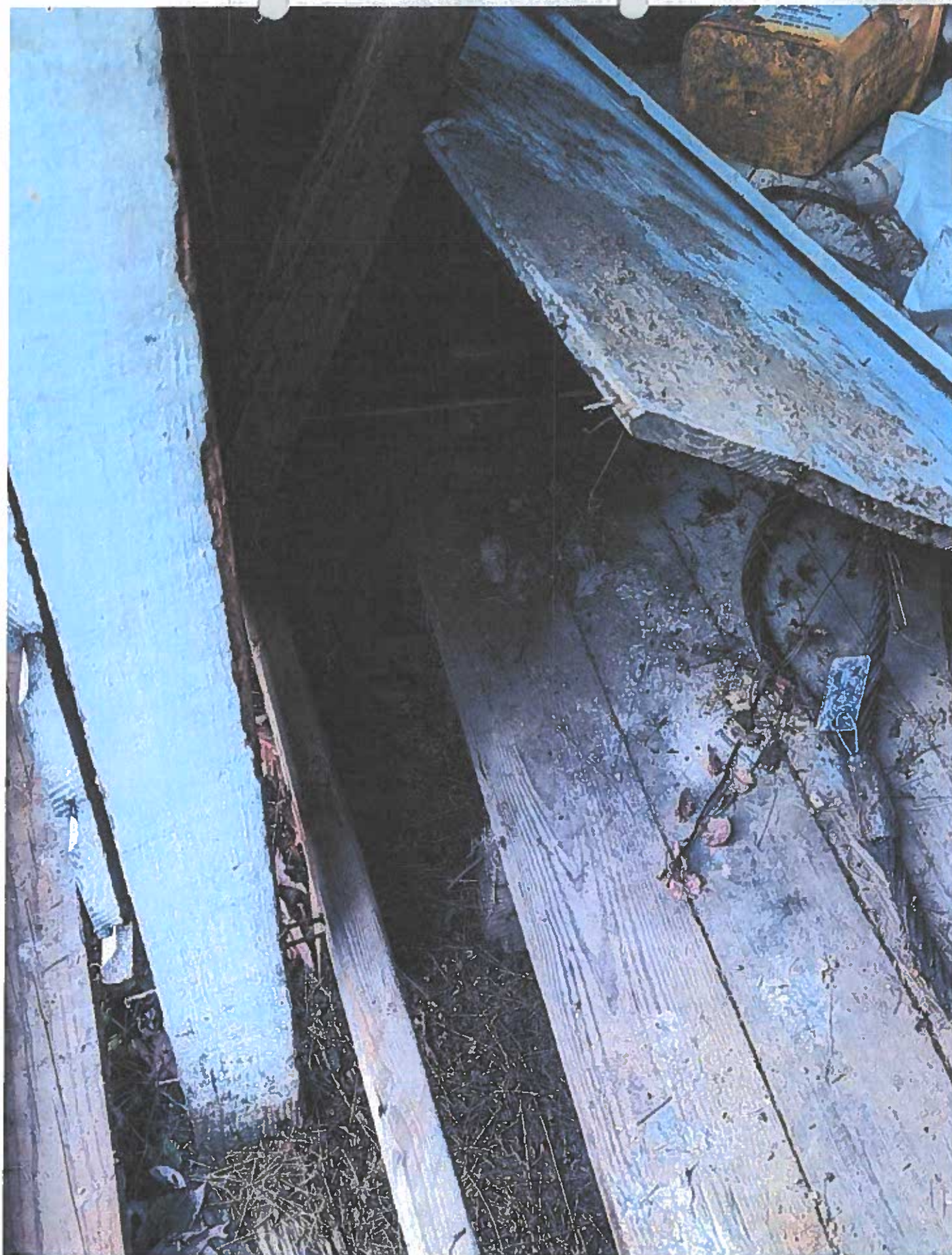
N/A

Historic District Review Board Alternatives:

1. Resolution to deny the application.
2. Resolution to approve the application as submitted.
3. Resolution to approve with condition(s).
4. Continuation of HDRB #23-017 to a future public hearing







Agenda Item: APPLICATION FOR A REDUCTION IN SETBACK, HDRB #23-018, to consider an application for a reduction of the required secondary front yard building setback from 35 feet to 20 feet, in accordance with Sec. 78-60.3(e) of the Herndon District Overlay, on the single-family residential property located at 706 Main Drive

Meeting Date: January 3, 2024

Category: Public Hearings

Prepared by: Tamsin Himes, Lead Planner/Design-Development, Bryce Perry, Deputy Director of Community Development

Description:

This is an application to reduce a secondary front setback for a historic district property located at 706 Main Drive.

Background:

The zoning ordinance permits a reduction in the front setback for single-family residential properties within the historic district with approval by the HDRB. This application requests a reduction from 35' to 20'. See the staff report for more information.

Fiscal Impact:

There is no fiscal impact to the town as a result of the work proposed with this application.

Recommendation:

Staff is withholding a recommendation at this time. See the staff report for more information.

Attachments:

1. Staff Report
2. Letter from Applicant
3. Property Survey

STAFF REPORT

Agenda Item: HDRB #23-018, to consider an application for a reduction of the required secondary front yard building setback from 35 feet to 20 feet, in accordance with Sec. 78-60.3(e) of the Herndon District Overlay, on the single-family residential property located at 706 Main Drive

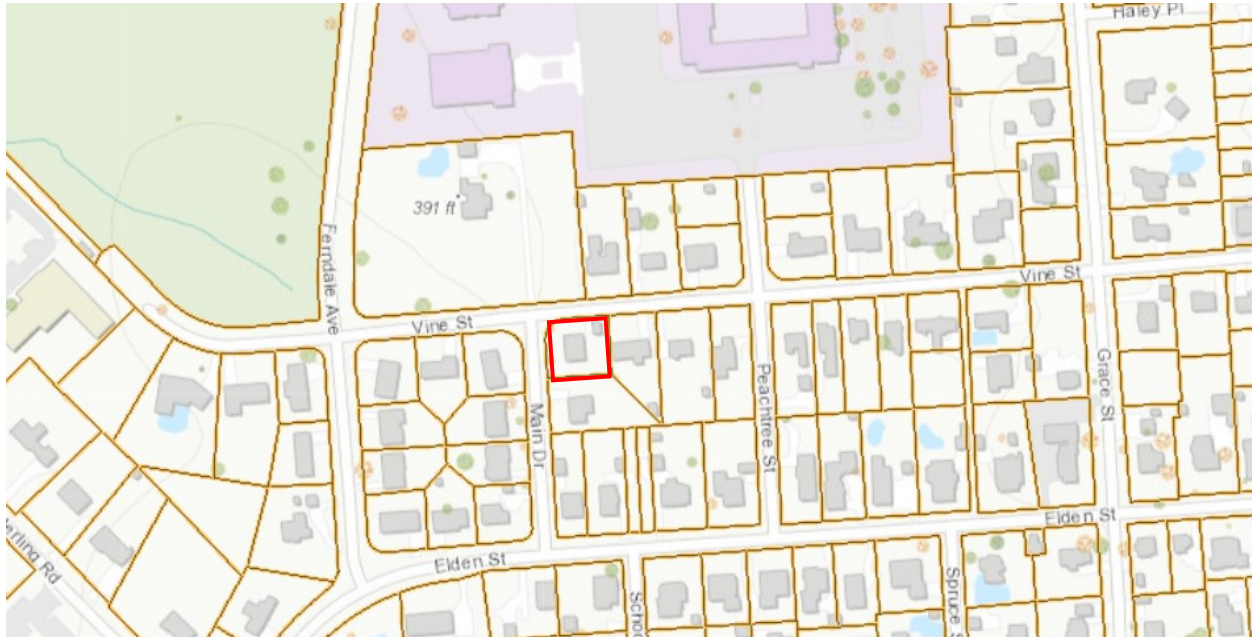
Meeting Date: January 3, 2024

Staff Contact: Tamsin Himes, Lead Planner – Development and Design

Summary Information:

Proposed Modification	Reduction in required setback from 35 feet to 20 feet		
Address	706 Main Drive		
Fairfax County Tax Map Number	0162 04 0030B		
Owners	Andrew Kelley and Georgia Aslin		
Applicant	David Fazio, M W Architects		
Business/Organization	n/a		
Property Use	Residential		
Zoning District	R-10, Residential Single-Family-10		
HDO Designation	Contributing		
Adjacent Zoning	North: R-10, Residential Single-Family-10 South: R-10, Residential Single-Family-10 East: R-10, Residential Single-Family-10 West: R-10, Residential Single-Family-10		
Building Type(s)	Two story residential	Date of Construction:	c.1927
Architectural Style(s)	Colonial Revival/English Cottage		
Exterior Material(s)	Brick		
Neighborhood Design Profile	The surrounding neighborhood is residential, both within the HDO and outside the HDO.		
Comprehensive Plan Land Use Designation	Neighborhood Conservation		

Location Map:



Resource Description:

The property at 706 Main Drive sits on the corner of Main Drive and Vine Street with two front setbacks. The property is improved with a two-story single-family detached house with clipped side gables, three prominent shed roof dormers, decorative door surround, and 9-over-9 double hung sash windows. The primary exterior material is yellow brick and asphalt roofing with siding cladding on the dormers. The property is also improved with a detached garage that sits to the rear of the house and faces Vine Street and features the same exterior materials and general style. A small two-story addition was constructed on the rear of the house in 2011. This property is unique in that it sits at the edge of the Historic District with a few adjacent properties also in the district.

Case Details & Proposal:

This application proposes a reduction in the secondary front setback along Vine Street from 35 feet to 20 feet as permitted under the town's Zoning Ordinance Section 78-60.3(e). No application for a rear addition has been submitted at this time, but it is the staff's understanding that this reduction in setback is in preparation for a rear addition to the main structure.

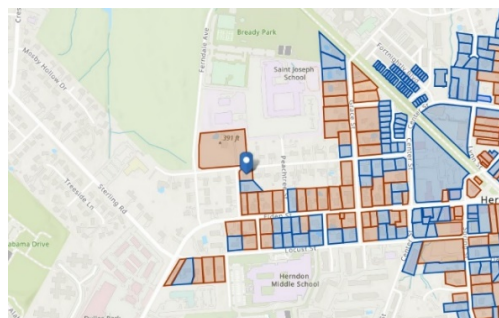
Applicable Design Guidance:

- Town Zoning Ordinance Section 78-60.3. - Heritage Preservation Overlay District (HP District)

Staff Analysis:

1. **Zoning Compliance.** Current zoning regulations require that properties zoned as R-10 – Residential Single-Family districts retain a front setback of 35 feet from the property line. This property is a corner lot and therefore has a front setback along Main Drive and a secondary front setback along Vine Street. Section 78-60.3 - Heritage Preservation Overlay District provides an option for residential property owners within the Historic District to apply for a reduction in front setback requirements to the HDRB. The HDRB may grant front setback reductions to as little as 20 feet.
2. **Provisions for Reduction in Setback.** Section 78-60.3 of the zoning ordinance (excerpt below) specifies the criteria for these reviews. The HDRB is to review a request for a reduction in setback using the following consideration:

“In the HDO, the front setback for a single-family detached dwelling may be reduced from 35 feet to a lesser amount but not less than 20 feet, in instances where the HDRB makes a finding that such reduction shall cause the subject structure to be more compatible with nearby contributing structures.”
3. **Existing Structure Status.** The existing house is situated 39.9 feet from Main Drive and 21.2 feet from Vine Street, as shown on the plat of survey (Attachment #2). The existing garage is entirely within the secondary front setback and abuts the Vine Street right-of-way. Both the house and the garage are legally nonconforming since they were both built before the existing secondary front setback requirements existed.
4. **Appropriateness of Setback Reduction.** A reduction in the secondary front setback would allow for a rear addition to the house that would align with its side façade along Vine Street. It would also reduce the level of nonconformity for the existing house. This case is somewhat unique from previous setback reduction cases the HDRB has reviewed given that the property is at the edge of the historic district and has few nearby contributing structures for comparison. No other contributing structures are on Main Drive and only one contributing structure is on Vine Street. That structure, the Bready House, is an entirely different type of property at 3 acres of land and the house is located 170’ from the street. The images below demonstrate the isolated location of 706 Main Drive.



The closest contributing structure is located at 910 Elden Street which sits on the corner of Elden Street and Main Drive. That property has a similar configuration to 706 Main Drive with a front setback along Elden Street and a secondary front setback along Main Drive, though the 910 Elden Street primary structure's nonconformity is even greater. The house on the property sits approximately 12' from Main Drive, well within the 35' required setback, and a detached rear garage abuts Main Drive, entirely within the setback. A similar condition exists on the same block at 900 Elden Street.

Since the contributing homes were all built prior to modern zoning laws, it's very common to have inconsistent and nonconforming building placements in relation to the streets in historic districts. Detached garages directly adjacent to the street and houses closer to the street than what current zoning setbacks would currently allow are both typical, especially as roads have widened over time.

5. **Suggested Conditions.** As no information has been provided for a future addition, staff suggests that any approval include conditions related to the future design and location of an addition. Staff does not believe the requested 20' setback is appropriate given that it would allow a rear addition that extends beyond the side façade of the existing contributing structure. There are also concerns regarding proximity to the garage. The zoning ordinance requires a minimum 10' separation between primary and accessory structures. Given those considerations, a setback reduction should not exceed 22.2' from the Vine Street right-of-way, which would require an addition to setback 1' from the existing side of the house. A broader condition clearly stating that the setback reduction does not in any way override other zoning requirements such as separation between accessory and primary structures, lot coverage, and building coverage would also be important.
6. **Staff Recommendation.** Staff is supportive of a setback reduction and believes that it can be considered to meet the considerations in Section 78-60.3, but is withholding a recommendation pending board discussion with the applicant regarding the suggested conditions.

Fiscal Impact:

N/A

Historic District Review Board Alternatives:

1. Resolution to deny the application.
2. Resolution to approve the application as submitted.
3. Resolution to approve with condition(s).
4. Motion to continue the review of this item to a future public hearing.

Staff Recommendation:

Staff is withholding a recommendation pending board discussion with the applicant regarding the suggested conditions.



November 20th, 2023

Herndon Historic District Review Board
765 Lynn Street
Herndon, Virginia 20170

Dear Board Members,

Please Accept this letter as part of the formal request for a Historic District Property Modification, at 706 Main Drive, Herndon VA. 20170. The existing structure located at the aforementioned address does not conform to the current setback requirements but will conform in entirety given that the property modification is approved.

I would like to request a reduction in the building set-back at 706 Main Drive, Herndon VA. 20170, from 35' to 20' in accordance with Zoning Ordinance Section 78-60.3. This reduction in setback is needed to allow for the home to conform with the property setbacks. If this request is approved, it will allow the existing home to conform to the new 20' setback.

Attached is the relevant property plat with the proposed 20' setback.

This setback reduction to 706 Main Drive, Herndon VA will add to the current aesthetics and value of the neighborhood. We also feel that this change will allow the home to better complement the vernacular of the surrounding structures. We would like to request that the Historic District Review Board review this application and approve the setback reduction. Please feel free to contact me at 571-430-0227 if there are any questions or if there might be an item that may be omitted from this application.

Thank you,

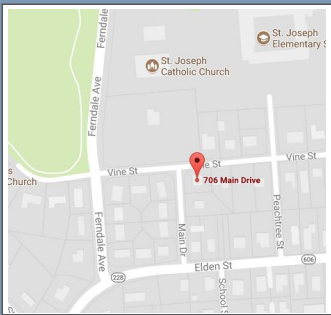
A handwritten signature in black ink, appearing to read 'David Fazio', is written over a light blue horizontal line.

David Fazio

EXACTA

NATIONAL INFORMATION TECHNOLOGY

Contact us at
Surveystars.com - Phone: 866-735-1916 - Fax: 866-744-2882



PROPERTY ADDRESS: 706 MAIN DRIVE

HERNDON, VIRGINIA 20170

SURVEY NUMBER: 1708.0140

FIELD WORK DATE: 8/4/2017

REVISION HISTORY: (REV.0 8/8/2017)

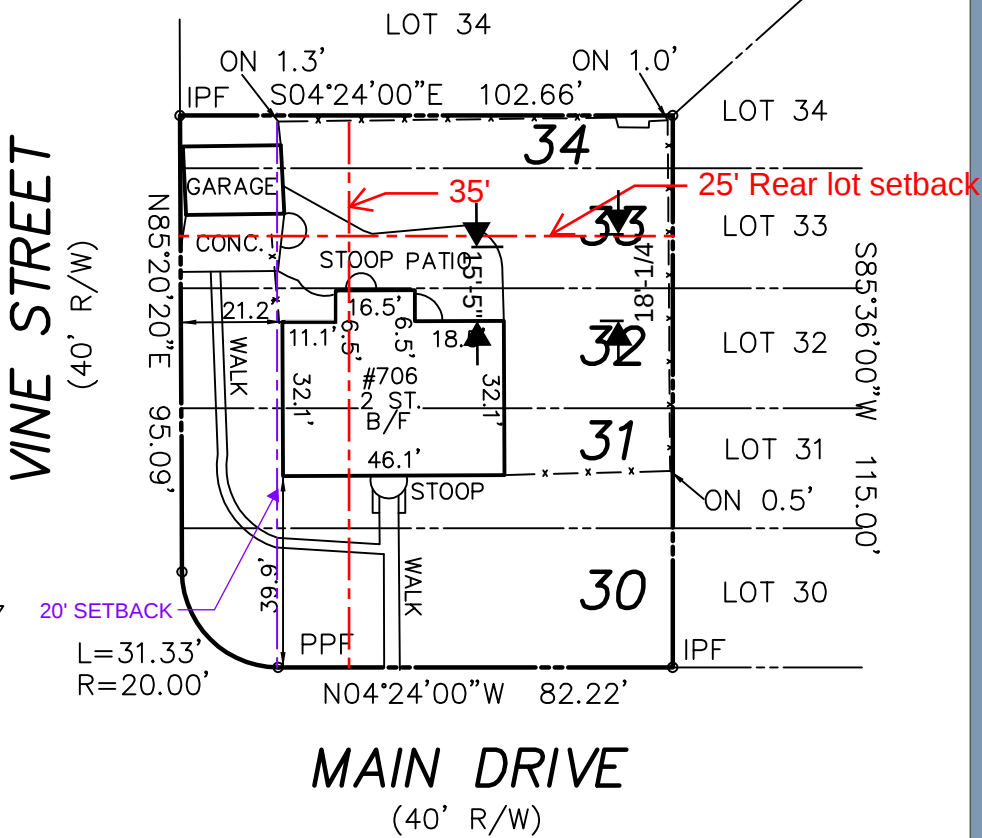
- 1.) NO TITLE REPORT FURNISHED.
- 2.) THIS SURVEY IS NOT TO BE USED AS A PLAT TO ESTABLISH PROPERTY LINES OR TO CONSTRUCT ANY PERMANENT STRUCTURES ON THE PROPERTY.
- 3.) FENCE LOCATIONS, IF SHOWN, ARE APPROXIMATE AND DO NOT CERTIFY AS TO OWNERSHIP.
- 4.) NO CORNER MARKERS SET.
- 5.) PLAT SUBJECT TO RESTRICTIONS OF RECORD.



LOCATION SURVEY
PART OF LOTS 30 THRU 34
ELWARDSTONE
FAIRFAX COUNTY, VIRGINIA
SCALE 1"=40' DATE 08-07-17



MERESTONE LAND SURVEYING PLLC
LAND SURVEYING & G.P.S. SERVICES
MERESTONE LAND SURVEYING PLLC
1229 GARRISONVILLE ROAD SUITE 105 STAFFORD, VA 22556
(540)752-9197 FAX (540)752-9198



POINTS OF INTEREST:
NONE VISIBLE

POWERED BY:



CLIENT NUMBER: 10087-17

DATE: 8/8/2017

BUYER: ANDREW KELLEY AND GEORGIA KELLEY

SELLER: PHILIP BRYANT STONE AND JENNIFER SNYDER STONE

CERTIFIED TO: ANDREW KELLEY AND GEORGIA KELLEY; SMART SETTLEMENTS, LLC

PREPARED BY:



THE MAP OF SURVEY OF THE HEREON DESCRIBED PROPERTY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY MADE UNDER THE SUPERVISION AND DIRECTION OF A VIRGINIA LICENSED SURVEYOR AND SAID SURVEY MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS FOR SURVEYS SET FORTH BY THE VIRGINIA BOARD OF PROFESSIONAL LAND SURVEYORS.

THIS IS A TWO PAGE DOCUMENT. THE ADVICE FOUND ON THE AFFIXED PAGE (PAGE 2 OF 2) IS AN INTEGRAL PART OF THE PLAT.

This document is not valid without all pages.

LEGAL DESCRIPTION:

PART OF LOTS NUMBERED 30-34, IN THE SUBDIVISION KNOWN AS ELWARDSTONE AS RECORDED IN DEED BOOK 20980 AT PAGE 1855 AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA.

JOB SPECIFIC SURVEYOR NOTES:

GENERAL SURVEYOR NOTES:

- 1. No title report has been furnished in creation of this plat
- 2. Fence Locations, if shown, are approximate, and land surveyor does not certify as to the owner ship of any fencing noted on survey.
- 3. No corner markers set unless a boundary survey was completed.
- 4. This entire survey was performed solely by MERESTONE LAND SURVEYING PLLC. Virginia Surveyor License Number 2489, located at 1229 Garrisonville Road, Suite 105, Stafford Virginia, 22556, whose phone number is 540-752-9197. Occasionally, Exacta MD Surveyors, Inc. will hire licensed and insured surveyors to perform surveys on their behalf. For this survey, MERESTONE LAND SURVEYING, PLLC performed this survey completely independent from Exacta MD Surveyors, Inc. MERESTONE LAND SURVEYING PLLC carries Errors and Omissions Insurance and accepts full responsibility for the entire contents of this survey.

LEGEND:

SURVEYORS LEGEND

LINE TYPES:

- BOUNDARY LINE
- EASEMENT
- DRIVEWAY/ROAD
- FENCING
- OVERHEAD WIRE
- STRUCTURE

LEGEND:

- IPF-IRON PIPE FOUND
- IRF-IRON ROD FOUND
- IRS- IRON ROD SET
- ER-ELECTRICIAL RISER
- TELE-TELEPHONE PEDESTAL
- A/W-AREAWAY
- B.E.-BASEMENT ENTRANCE
- PP-POWER POLE
- ADW-ASPHALT DRIVEWAY
- GDW-GRAVEL DRIVEWAY
- CDW-CONCRETE DRIVEWAY
- MH-MANHOLE
- SMH-SANITARY MANHOLE
- A/C-AIR CONDITIONING
- BRL-BUILDING RESTRICTION LINE
- FIOS-FIBER OPTICS UTILITY BOX
- TR/TRANS-TRANSFORMER
- CO-CLEANOUT
- WM-WATER METER
- WV-WATER VALVE
- R/W-RIGHT OF WAY
- CONC.-CONCRETE
- PAD-CONCRETE PAD

ELECTRONIC SIGNATURE:

In order to "Electronically Sign" all of the PDFs sent by STARS, you must use a hash calculator. A free online hash calculator is available at <http://www.fileformat.info/tool/md5sum.htm>
To Electronically Sign any survey PDF:
1. Save the PDF onto your computer.
2. Use the online tool at <http://www.fileformat.info/tool/md5sum.htm> to browse for the saved PDF on your computer.
3. Select the Hash Method as SHA.
4. Click Submit.
Your PDF is electronically signed if all of the characters in the SHA-1 code submitted by STARS matches the code which is produced by the hash calculator. If they match exactly, your PDF is electronically signed. If the codes do not match exactly, your PDF is not authentic.

PRINTING INSTRUCTIONS:

- 1. While viewing the survey in Adobe Reader, select the "Print" button under the "File" tab.
- 2. Select a printer with legal sized paper.
- 3. Under "Print Range", click select the "All" toggle.
- 4. Under the "Page Handling" section, select the number of copies that you would like to print.
- 5. Under the "Page Scaling" selection drop down menu, select "None."
- 6. Uncheck the "Auto Rotate and Center" checkbox.
- 7. Check the "Choose Paper size by PDF" checkbox.
- 8. Click OK to print.
- TO PRINT IN BLACK + WHITE:
1. In the main print screen, choose "Properties".
2. Choose "Quality" from the options.
3. Change from "Auto Color" or "Full Color" to "Gray Scale".

OFFER VALID ONLY FOR THE BUYER LISTED ON PAGE 1.





Historic District Review Board Work Session Agenda Item 3.a.

Agenda Item: Resolution to amend and restate the Bylaws of the Town of Herndon Historic District Review Board

Meeting Date: January 3, 2024

Category: New Business

Prepared by: Lauri Sigler, Deputy Town Attorney

Description:

The current Bylaws of the Historic District Review Board (HDRB) of the Town of Herndon, Virginia, were last amended and adopted on February 16, 2022. The Department of Community Development in coordination with the Town Clerk's Office and the Town Attorney's Office, initiated a project to review and revise the Bylaws of all the Town's board and commissions (HDRB, Architectural Review Board, Board of Zoning Appeals and Planning Commission) to provide for more consistency among the boards and commissions when possible, update terminology to be consistent with language in the Herndon Town Code and the Code of Virginia, update meeting procedure to reflect current practices and propose a new meeting attendance obligation to be consistent with the Town Council's plan to amend Town Code Sec. 2-5 - Code of ethics for the members of the town council and council appointed board and commission members.

The most substantive amendment to the Bylaws can be found in ARTICLE I, BOARD MEMBERS, subsection (e.) REMOVAL. In accordance with Town Code Sec. 78-150.4, the current Bylaws state that any HDRB member may be removed by the Town Council for malfeasance, misfeasance or nonfeasance in office. A new provision is proposed to be added to this subsection as follows: "Notwithstanding the foregoing provision, a member of the HDRB may be removed from office by the Town Council without limitation if the member is absent from any three consecutive meetings of the HDRB or is absent from any four meetings of the HDRB within any twelve-month period, beginning upon the date of the HDRB member's assumption in office."

This language about attendance already appears in the Bylaws for the Planning Commission, and the Town Council has requested that all members of council appointed Boards and Commissions be subject to this same standard to be consistent with each other. Note that this language is permissive and states that a member *may* be removed, not *shall* be removed. The expectation of the Town Council is that Bylaws of the Historic District Review Board, Architectural Review Board, Board of Zoning Appeals would be amended to reflect attendance requirements similar to those being considered for Town Council.

This expectation was recently expressed by the Town Council when they requested staff to bring forward an Ordinance amending Sec. 2-5, the Town's Code of Ethics, to reflect the responsibility Town Council members have and members of council appointed Boards and Commissions have to faithfully and regularly attend meetings of their body. This ordinance amendment will be considered at the first set of Town Council meetings in January 2024. The proposed amendment to Sec. 2-5 specifies the ethical responsibility of Town Council members as public officials to regularly attend council meetings and specifies that Town Council members who fail to attend four (4) consecutive meetings or 25% of work sessions, regular meetings, and special meetings in a 12-month period without good cause are subject to censure by the Town Council for dereliction of their duties. This amendment further specifies that members of council appointed boards and commissions continue to be subject to the rules of attendance proscribed by the Code of Virginia, Herndon Town Code, and their applicable Bylaws.

Another substantive amendment can be found in ARTICLE IV, MEETINGS where subsections have been amended to be consistent with the language in Town Code Sec. 2-1, regarding the scheduling of Town Council meetings including the rescheduling of meetings due to unforeseen circumstances.

Changes to the Article regarding the conduct of persons appearing before the board (proposed ARTICLE VII) now includes the language about maintaining proper decorum which now more closely mirrors direction given in opening remarks at the Regular Town Council meeting.

In the Article regarding voting and transaction of business (proposed ARTICLE VII) the order of business has changed slightly but these changes will be implemented across all Boards and Commission.

Pursuant to Article IX. of the current Bylaws, a proposal for a modification to the Bylaws must be submitted to the board at a regular meeting and then scheduled for consideration and action at the next regular meeting. The revisions to the Bylaws are being introduced to the board at this work session for discussion and will be formally submitted again at the January 17, 2024, regular meeting for further review and discussion. This item will also be placed on the agenda for the February 21, 2022, regular meeting for consideration of the revisions and a final vote.

Background:

N/A

Fiscal Impact:

None

Recommendation:

Recommend approval of the Resolution to amend and restate the Bylaws of the Town of Herndon Historic District Review Board.

Attachments:

1. Resolution (Proposed)
2. HDRB Redline Proposed Bylaws
3. HDRB Proposed Bylaws

**TOWN OF HERNDON, VIRGINIA
HISTORIC DISTRICT REVIEW BOARD**

RESOLUTION

FEBRUARY 21, 2024

**Resolution- to amend and restate the Bylaws of the Town of Herndon Historic
District Review Board.**

BE IT RESOLVED by the Historic District Review Board of the Town of Herndon,
Virginia that:

1. The Historic District Review Board Bylaws are amended and restated
as outlined in the attached.

Town of Herndon, Virginia
Historic District Review Board

By-Laws

Introduction



**HISTORIC DISTRICT
REVIEW BOARD
BYLAWS
DRAFT AMENDMENTS
INTRODUCTION**

This Historic District Review Board (*HDRB*) is established pursuant to §*Sec.* 78-150.4 of the *Code of the Town of Herndon* (Town Code-).

**ARTICLE I-
BOARD MEMBERS**

a. COMPOSITION/QUALIFICATIONS OF MEMBERS. ~~The Historic District Review Board~~ (“*In accordance with Town Code Sec. 78-150.4, the HDRB*”) shall ~~consist~~*be composed* of ~~SEVEN (7)~~*seven* members, five ~~(5)~~ of whom shall be members of the ~~Town’s~~*town’s* Architectural Review Board (ARB), along with two ~~(2)~~ additional members. At least one of the two *additional* members of the HDRB who ~~is~~*are* not on the ARB shall have a demonstrated interest, competence, or knowledge in historic preservation and at least one member shall be an architect or an architectural historian and have appropriate professional qualifications to qualify as an expert in the area of historic preservation. No more than two of the members on the combined ARB/ HDRB with *the required* professional qualifications ~~to qualify as~~*for* an expert in the area of historic preservation *architect or an architectural historian* may be non-residents of the Town. The other members on the combined ARB/ HDRB shall be Town residents. The *five* ARB members serving on the HDRB shall be appointed pursuant to ~~section~~*Town Charter Section 7.4:1(b) of the Town’s Charter.*). The two additional members shall be appointed by Town Council pursuant to ~~§78-150.4 of the Herndon Town Code~~ *Sec. 78-150.4.*

b. TERM. ~~The~~*In accordance with Town Code Sec. 78-150.4, the* term of office of the *five* ARB members serving on the HDRB shall be concurrent with their membership on the ARB. The terms of the two additional HDRB members shall be three ~~(3) years~~*years. Any member is eligible for reappointment.*

c. RESIGNATION. Any member who resigns from the HDRB prior to the end of their term shall do so in writing to the ~~chair~~*Chair*. The effective date of such resignation shall be the date of the letter to the ~~chair~~*Chair*, unless another date is stated within the letter of resignation.

d. VACANCIES. ~~Vacancies~~*In accordance with Town Code Sec. 78-150.4, vacancies* occurring for reasons other than expiration of terms shall be filled for the period of the unexpired term ~~by appointment by the Town Council for the unexpired term only. Any member is eligible for reappointment.~~*in the same manner as the original appointment.*

e. REMOVAL. ~~Any~~*In accordance with Town Code Sec. 78-150.4, any* member may be removed by the Town Council for malfeasance, misfeasance or nonfeasance in office. *Notwithstanding the foregoing provision, a member of the HDRB may be removed from office by the Town Council without limitation if the member is absent from any three consecutive meetings of the HDRB or is absent from any four meetings of the HDRB within any twelve-month period, beginning upon the date of the HDRB member's assumption of office. In such an event, a successor shall be appointed by the Town Council for the unexpired portion of the term of the member who was removed.*

f. COMPENSATION. ~~All members of the~~*In accordance with Town Code Sec. 78-150.4, HDRB shall receive monthly* ~~members' compensation in an amount approved, if any, shall be fixed by resolution of the Town Council.~~*members' compensation in an amount approved, if any, shall be fixed by resolution of the Town Council.*

g. TRAINING. *In accordance with Town Code Sec. 78-150.4, newly appointed members of the HDRB shall be offered training by the Virginia Department of Historic Resources within two years of appointment.*

ARTICLE II. ELECTION AND DUTIES OF OFFICERS ~~OF THE HDRB~~

a. ~~a.—ELECTION OF CHAIR/VICE CHAIR. The HDRB shall~~*OFFICERS. In accordance with Town Code Sec. 78-150.4, the HDRB shall elect a Chair and Vice Chair. Elections of officers shall occur annually at its first public hearing* ~~the HDRB's regular meeting in January, elect. Elections shall be conducted through the HDRB's usual voting process from its appointed members a.~~*the HDRB's regular meeting in January, elect. Elections shall be conducted through the HDRB's usual voting process from its appointed members a.*

~~a.b.~~ *TERMS. In accordance with Town Code Sec. 78-150.4, the term of office of the Chair and a Vice Chair whose terms shall be for one (1) year or until a successor takes office. If the office of Chair becomes vacant, the Vice Chair automatically becomes Chair and the office of Vice Chair becomes vacant. The HDRB shall then, after a new member has been appointed, then* elect from its appointed members a new Vice Chair. If the office of Chair becomes vacant at a time when there is no Vice Chair, the HDRB shall elect from its current members both a Chair and a Vice Chair.

~~b.c.~~ *b.——DUTIES OF CHAIR. TheIn accordance with Town Code Sec. 78-150.4, the Chair shall preside over all hearings and meetings of the HDRB, withdecide points of order on procedure with the assistance of the Parliamentarian, and take such action as shall be necessary to preserve the order and integrity of proceedings before the HDRB. The Chair shall have* the same powers and duties as the other members *of the HDRB*, with vote but no veto power. ~~He~~*The Chair* shall be the official head of the HDRB and shall perform such other duties not inconsistent with ~~his~~*their* office including being informed of any official communication and reporting about such to the HDRB at the next regular HDRB meeting.

~~e.d.~~ *e.——DUTIES OF VICE- CHAIR. TheIn accordance with Town Code Sec. 78-150.4, the Vice- Chair shall act in the absence or inability of the Chair to act, serve as an aide to the Chairand, represent the Chair upon request.*

~~d.e.~~ *d.——CHAIR PRO TEM. InIn accordance with Town Code Sec. 78-150.4, in the absence of boththe ChairmanChair and the Vice-Chairmen Chair, the longest serving most senior HDRB member of the HDRB shall act as Chair and shall have powers of the chairChair.*

ARTICLE III- DESIGNATION AND DUTIES OF STAFF

~~The~~*In accordance with Town Code Sec. 78-150.4, the* Zoning Administrator or ~~his~~*their* designee, *in addition to any regular duties*, shall serve as the professional staff to the HDRB. The duties of such staff shall include the preparation and presentation of applications before the HDRB, preparation of ~~draft~~*meeting* minutes, preparation and compilation of a written record of the official actions of the HDRB (~~minutes~~), which shall be posted on the Town's website and filed in the ~~office~~*Department* of the ~~Zoning Administrator at 777 Lynn Street~~*Community Development*, and preparation of official correspondence to and from the HDRB as directed by the Chair.

ARTICLE IV- MEETINGS

a. ~~REGULAR MEETINGS. The HDRB shall~~ *MEETING SCHEDULE. In accordance with Town Code Sec. 78-150.4, the HDRB may* meet in regular session on the third Wednesday of each month, *and in work sessions on the first Wednesday of each month* at 7:00 p.m. at 765 Lynn Street, Herndon, Virginia. ~~In the event such date falls on a legal holiday, the meeting shall be held on the fourth Wednesday of the month unless otherwise provided by resolution of the HDRB. The HDRB may also meet~~ *or* at such other times or places *time and place* within the boundaries of the Town of Herndon ~~that the HDRB designates~~ *as may be fixed* by duly adopted resolution.

b. *POSTPONED OR CANCELED.* Should the conduct of a regular meeting be unnecessary due to a lack of applications *items* for consideration ~~or~~, impossible due to the inability to obtain a quorum, or due to weather or other conditions *condition* such that it is hazardous for members to attend the regular meeting, as declared in writing by the chair, ~~the regular meeting shall be continued to the next regular meeting day at 7:00 p.m. at 765 Lynn Street, Herndon, Virginia. The press~~ *Chair, the meeting may be postponed or canceled and notice of such postponement or cancelation and the rescheduled date, shall be notified as promptly as possible. All published by staff. All public* hearings and other matters previously advertised shall be conducted at the ~~continued~~ *rescheduled* meeting and no further advertisement is required, *unless required by law.*

c.

b. ~~REGULAR WORK SESSIONS AND SPECIAL MEETINGS. The HDRB shall meet in regular work session on the first Wednesday of each month at 7:00 p.m. at 765 Lynn Street, Herndon, Virginia. In the event such date falls on a legal holiday, the meeting shall be held on the second Wednesday unless otherwise provided by the resolution of the HDRB.~~ *SPECIAL MEETINGS.* Special meetings or additional work sessions of the HDRB may be called when necessary by the Chair *or any two members upon written request to the staff*, and notice shall be provided at least ~~five business days~~ *24 hours* in advance to members, the public, and the press.

a. ~~ed.~~ PUBLIC HEARINGS. Public hearings are *scheduled during regular meetings, are* open to the public, and ~~citizens~~ *members of the public* are encouraged to speak. *The purpose of public hearings is to receive testimony from the public.* ~~Members of the HDRB are not expected to respond to general questions. Response to questions shall be made at~~

~~the discretion of the Chair.~~

Notice of public ~~hearing~~*hearings* shall be provided in accordance with *the* Code of Virginia and the ~~Herndon~~ Town Code and may be supplemented with additional notices as deemed appropriate by the HDRB or staff.

~~Sign-in forms, if deemed necessary by the Chair, shall be completed by persons desiring to speak, listing printed name, phone number, and address of the person desiring to speak, and application number of the issue to be addressed.~~

~~Members of the public or their representatives desiring to address the HDRB shall proceed to the appointed place, clearly state their names and addresses, and shall be subject to the following time limitations: 10 minutes total for the applicant and any of the applicant's representatives; 3 minutes per individual for all others. The Chair may, at personal discretion, allow additional time for speakers.~~

~~Members of the HDRB shall limit their comments to ensure public participation without HDRB interference. At the completion of each presentation, members of the HDRB shall have an opportunity to ask questions or clarify points made during the speaker's presentation.~~

~~(d)~~*e.* ORDER OF PUBLIC HEARING.

i. •

Presentation by staff summarizing the item.

ii. •

Presentation by the applicant.

iii. •

Testimony of ~~citizens~~*members of the public* desiring to speak.

iv. •

Concluding comments by the applicant; *questions by HDRB members*, if the Chair determines such are necessary; ~~questions by HDRB members.~~

v. *

Concluding comments by staff; *questions by HDRB members*, if the Chair determines such are necessary; ~~questions by HDRB members.~~

vi. *

Public hearing closed by the Chair.

vii. *

Motion

viii. *

Discussion by HDRB members.

ix. *

Vote (roll call *(or other means if deemed necessary by the Chair)*)

f. CONTINUED DELIBERATION OF PUBLIC HEARING ITEMS. At the completion of the hearing on each item, the HDRB shall proceed with its deliberation on that item and members shall have an additional opportunity for discussion, and then a vote if deemed necessary by the Chair shall be taken. Continuing an item to another meeting shall only occur upon motion, second, and vote of the HDRB properly made and the motion shall specify the date when the item will again be considered.

~~(e)g.~~ *ELECTRONIC PARTICIPATION IN MEETINGS. In accordance with Town Code Sec. 2-4, a* member of the HDRB may participate in a meeting that is not a public hearing from a remote location ~~only pursuant to the requirements set forth in Sec. 2-4 of the Code of the Town of Herndon.~~

ARTICLE V.VI
CONDUCT OF THE *BOARD* MEMBERS OF THE HISTORIC DISTRICT
REVIEW BOARD

~~b.a.~~ *Section 2-5 of the Code of the* **CODE OF ETHICS.** ~~Town of Herndon~~ *Code Sec. 2-5,* “Code of Ethics for the Members of the Town Council and Council Appointed Board and Commission Members” is hereby incorporated by reference and members of the HDRB shall so govern their actions.-

b. ENCOURAGE PUBLIC PARTICIPATION. Members of the HDRB shall limit their comments to ensure public participation without HDRB interference. At the completion of each presentation, members of the HDRB shall have an opportunity to ask questions or clarify points made during the speaker's presentation.

c. BOARD RESPONSE. Members of the HDRB are not expected to respond to general questions. Response to questions shall be made at the discretion of the Chair.

ARTICLE VI. ~~VII~~
CONDUCT OF PERSONS
APPEARING BEFORE THE ~~HISTORIC~~ HISTORIC DISTRICT REVIEW
BOARD

a. ***PUBLIC ATTENDANCE.** During all public hearings and other regular meetings of the HDRB, the public may be present, and a specific time shall be reserved for receipt of public comments. At **all** other times, the public shall remain silent unless specifically invited by a member of the HDRB and permitted by the Chair to provide comment.*

~~Comments should be addressed to the item before the HDRB. If a comment is irrelevant, inflammatory, or prejudicial, the Chair may instruct the members to "disregard" the comment, which nevertheless remains in the public record.~~

*b. **PROPER DECORUM.** During all HDRB proceedings, members of the public have the obligation to maintain proper decorum. Individuals should be respectful, clear, and concise, and demonstrate integrity in comments and actions. The use of profane, vulgar, obscene, or threatening remarks is not permitted and may result in removal from the meeting. Individuals should refrain from participating unless recognized by the Chair; this includes booing, clapping, and cheering.*

*c. **TIME AND PLACE.** Members of the public, applicants, or their representatives desiring to address the HDRB shall proceed to the appointed place, clearly state their name and address, and shall be subject to the following time limitations: ten minutes total for the applicant, including any of the applicant's representatives; three minutes per individual for all others. The Chair may, at their discretion, allow additional time for speakers.*

*d. **SIGN-IN.** Sign-in forms, if deemed necessary by the Chair, shall be completed by persons desiring to speak, listing printed name, phone number, address of the person*

desiring to speak, and application of the issue to be addressed.

e. WRITTEN COMMENTS AND TESTIMONY. Written comments may be submitted at least twenty-four hours prior to the meeting to ensure distribution to the HDRB members in time for review. Any written comments and testimony received shall become part of the public record.

f. WORK SESSIONS. During all work sessions of the HDRB, the public may be present but shall remain silent unless specifically invited by the Chair of the HDRB to provide comment. Formal rules of procedure may be suspended for HDRB work sessions.

ARTICLE ~~VII~~-VIII VOTING AND TRANSACTION OF BUSINESS

~~a. a.~~—PARLIAMENTARY AUTHORITY. Parliamentary procedure at *all* HDRB meetings shall be governed by the most recent edition of Robert's Rules of Order, newly revised, as applicable to boards, except to the extent set out otherwise in these bylaws, *Town Code*, or the Code of Virginia. The Town Attorney ~~is~~, *or their designee, shall be* Parliamentarian of the HDRB.

~~b. b.~~—QUORUM. ~~A~~*In accordance with Town Code Sec. 78-150.4, a* quorum shall consist of four members of the HDRB and no action of the HDRB shall be valid unless authorized by a majority vote of those present and voting. *Any member who knows they will be absent from or will have to abstain from any matter shall notify the Chair and staff at least twenty-four hours prior to the meeting of such fact.*

c. LACK OF QUORUM. If a quorum is not present at the time set for the meeting, the Chair shall wait until there is a quorum. If no quorum is present after a reasonable time, at the discretion of the Chair, and there appears to be no prospect that a quorum will assemble with additional reasonable time, then the Chair shall call the meeting to order, announce the absence of a quorum, and entertain a motion to adjourn.

~~b.d.~~ *VOTING. All members of the HDRB shall be entitled to vote.* Unless otherwise specified by the Chair, actions shall be by oral vote with the vote of each member recorded in the minutes.

~~e.e.~~—SUSPENSION OF THE RULES. No rule of the HDRB shall be suspended without the concurrence of three-fourths of the members present and such suspension shall be limited to the meeting then in progress.

~~d.f.d.~~—AGENDA. The activities at any ~~regular~~ meeting of the HDRB shall be in accordance

with a formal *an* agenda. Such *an* agenda shall be distributed to the HDRB and made available to the public prior to each meeting.

e.g. e. ~~ORDER OF BUSINESS (Regular Meeting~~ *REGULAR MEETING*). At regular meetings of the HDRB, business shall be conducted in the following manner:

1. Call to ~~order and roll call~~ *Order*
 - ~~Approval of minutes of the last meeting(s)~~
2. *Election of Officers, when necessary*
3. *Staff Comment*
4. Board ~~comment period~~ *Comment*
 - ~~Staff comment period~~
 - ~~Citizen comment period~~
5. Public hearings *Comment*
 - ~~Special items deferred from previous meetings~~
6. *Public Hearings*
7. *Regular Business*
 - ~~New Business~~
 - ~~Staff Reports~~
 - ~~Committee Reports~~
 - ~~HDRB Reports and requests~~
 - ~~Future Business~~
8. *Consent (includes minutes)*
9. Adjournment

f.h.f. ~~ORDER OF BUSINESS (Special Meetings~~ *WORK SESSIONS AND SPECIAL MEETINGS*). The order of business at special meetings shall be in accordance with the agenda set by the Chair for such ~~special~~ meetings.

g.i. g. ~~AMENDMENTS TO AGENDA~~. Agendas may be amended ~~and/or items added or deleted from the agenda by~~ majority concurrence of the members *present*.

~~ARTICLE VIII.~~ *IX*

SEPARABILITY

Should any article of the HDRB bylaws be found to be void, the remaining articles shall remain in effect.

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ARTICLE ~~IX~~-X MODIFICATION OF BYLAWS

Modification of these bylaws shall be approved by the HDRB in *a* regular session~~meeting~~. Proposals for modification shall be submitted to the HDRB at a regular meeting and shall be scheduled for consideration and action at the next regular meeting. ~~An~~*In accordance with Town Code Sec. 78-150.4, an* affirmative vote of a majority of the entire HDRB shall be required to modify the bylaws.

**HISTORIC DISTRICT
REVIEW BOARD
BYLAWS
*DRAFT AMENDMENTS***

INTRODUCTION

This Historic District Review Board (HDRB) is established pursuant to Sec. 78-150.4 of the Code of the Town of Herndon (Town Code).

**ARTICLE I
BOARD MEMBERS**

- a. **COMPOSITION/QUALIFICATIONS OF MEMBERS.** In accordance with Town Code Sec. 78-150.4, the HDRB shall be composed of seven members, five of whom shall be members of the town's Architectural Review Board (ARB), along with two additional members. At least one of the two additional members of the HDRB who are not on the ARB shall have a demonstrated interest, competence, or knowledge in historic preservation and at least one member shall be an architect or an architectural historian and have appropriate professional qualifications to qualify as an expert in the area of historic preservation. No more than two of the members on the combined ARB/ HDRB with the required professional qualifications for an architect or an architectural historian may be non-residents of the Town. The other members on the combined ARB/ HDRB shall be Town residents. The five ARB members serving on the HDRB shall be appointed pursuant to Town Charter Section 7.4:1(b). The two additional members shall be appointed by Town Council pursuant to Town Code Sec. 78-150.4.
- b. **TERM.** In accordance with Town Code Sec. 78-150.4, the term of office of the five ARB members serving on the HDRB shall be concurrent with their membership on the ARB. The terms of the two additional HDRB members shall be three years. Any member is eligible for reappointment.
- c. **RESIGNATION.** Any member who resigns from the HDRB prior to the end of their term shall do so in writing to the Chair. The effective date of such resignation shall be the date of the letter to the Chair, unless another date is stated within the letter of resignation.
- d. **VACANCIES.** In accordance with Town Code Sec. 78-150.4, vacancies occurring for reasons other than expiration of terms shall be filled for the period of the unexpired term in the same manner as the original appointment.

e. **REMOVAL.** In accordance with Town Code Sec. 78-150.4, any member may be removed by the Town Council for malfeasance, misfeasance or nonfeasance in office. Notwithstanding the foregoing provision, a member of the HDRB may be removed from office by the Town Council without limitation if the member is absent from any three consecutive meetings of the HDRB or is absent from any four meetings of the HDRB within any twelve-month period, beginning upon the date of the HDRB member's assumption of office. In such an event, a successor shall be appointed by the Town Council for the unexpired portion of the term of the member who was removed.

f. **COMPENSATION.** In accordance with Town Code Sec. 78-150.4, HDRB members' compensation, if any, shall be fixed by resolution of the Town Council.

g. **TRAINING.** In accordance with Town Code Sec. 78-150.4, newly appointed members of the HDRB shall be offered training by the Virginia Department of Historic Resources within two years of appointment.

ARTICLE II ELECTION AND DUTIES OF OFFICERS

a. **ELECTION OF OFFICERS.** In accordance with Town Code Sec. 78-150.4, the HDRB shall elect a Chair and Vice Chair. Elections of officers shall occur annually at the HDRB's regular meeting in January. Elections shall be conducted through the HDRB's usual voting process from its appointed members.

b. **TERMS.** In accordance with Town Code Sec. 78-150.4, the term of office of the Chair and Vice Chair shall be one (1) year. If the office of Chair becomes vacant, the Vice Chair automatically becomes Chair and the office of Vice Chair becomes vacant. The HDRB shall, after a new member has been appointed, then elect from its appointed members a new Vice Chair. If the office of Chair becomes vacant at a time when there is no Vice Chair, the HDRB shall elect from its current members both a Chair and a Vice Chair.

c. **DUTIES OF CHAIR.** In accordance with Town Code Sec. 78-150.4, the Chair shall preside over all meetings of the HDRB, decide points of order on procedure with the assistance of the Parliamentarian, and take such action as shall be necessary to preserve the order and integrity of proceedings before the HDRB. The Chair shall have the same powers and duties as the other members of the HDRB, with vote but no veto power. The Chair shall be the official head of the HDRB and shall perform such other duties not inconsistent with their office including being informed of any official communication and reporting about such to the HDRB at the next regular HDRB meeting.

d. **DUTIES OF VICE CHAIR.** In accordance with Town Code Sec. 78-150.4, the Vice Chair

shall act in the absence or inability of the Chair to act, serve as an aide to the Chair, represent the Chair upon request.

e. CHAIR PRO TEM. In accordance with Town Code Sec. 78-150.4, in the absence of the Chair and the Vice Chair, the longest serving most senior HDRB member shall act as Chair and shall have powers of the Chair.

ARTICLE III DESIGNATION AND DUTIES OF STAFF

In accordance with Town Code Sec. 78-150.4, the Zoning Administrator or their designee, in addition to any regular duties, shall serve as the professional staff to the HDRB. The duties of such staff shall include the preparation and presentation of applications before the HDRB, preparation of meeting minutes, preparation and compilation of a written record of the official actions of the HDRB, which shall be posted on the Town's website and filed in the Department of Community Development, and preparation of official correspondence to and from the HDRB as directed by the Chair.

ARTICLE IV MEETINGS

a. MEETING SCHEDULE. In accordance with Town Code Sec. 78-150.4, the HDRB may meet in regular session on the third Wednesday of each month, and in work sessions on the first Wednesday of each month at 7:00 p.m. at 765 Lynn Street, Herndon, Virginia or at such other time and place within the boundaries of the Town of Herndon as may be fixed by resolution.

b. POSTPONED OR CANCELED. Should the conduct of a meeting be unnecessary due to a lack of items for consideration, impossible due to the inability to obtain a quorum, or due to weather or other condition such that it is hazardous for members to attend the meeting, as declared in writing by Chair, the meeting may be postponed or canceled and notice of such postponement or cancelation and the rescheduled date, shall be published by staff. All public hearings and other matters previously advertised shall be conducted at the rescheduled meeting and no further advertisement is required, unless required by law.

c. SPECIAL MEETINGS. Special meetings or additional work sessions of the HDRB may be called when necessary by the Chair or any two members upon written request to the staff, and notice shall be provided at least 24 hours in advance to members, the public, and the press.

d. **PUBLIC HEARINGS.** Public hearings are scheduled during regular meetings, are open to the public, and members of the public are encouraged to speak. The purpose of public hearings is to receive testimony from the public. Notice of public hearings shall be provided in accordance with the Code of Virginia and the Town Code and may be supplemented with additional notices as deemed appropriate by the HDRB or staff.

e. **ORDER OF PUBLIC HEARING.**

- i. Presentation by staff summarizing the item
- ii. Presentation by the applicant
- iii. Testimony of members of the public desiring to speak
- iv. Concluding comments by the applicant; questions by HDRB members, if the Chair determines such are necessary
- v. Concluding comments by staff; questions by HDRB members, if the Chair determines such are necessary
- vi. Public hearing closed by the Chair
- vii. Motion
- viii. Discussion by HDRB members
- ix. Vote roll call (or other means if deemed necessary by the Chair)

f. **CONTINUED DELIBERATION OF PUBLIC HEARING ITEMS.** At the completion of the hearing on each item, the HDRB shall proceed with its deliberation on that item and members shall have an additional opportunity for discussion, and then a vote shall be taken. Continuing an item to another meeting shall only occur upon motion, second, and vote of the HDRB properly made and the motion shall specify the date when the item will again be considered.

g. **ELECTRONIC PARTICIPATION IN MEETINGS.** In accordance with Town Code Sec. 2-4, a member of the HDRB may participate in a meeting that is not a public hearing from a remote location.

ARTICLE VI CONDUCT OF THE BOARD MEMBERS

a. **CODE OF ETHICS.** Town Code Sec. 2-5, “Code of Ethics for the Members of the Town

Council and Council Appointed Board and Commission Members” is hereby incorporated by reference and members of the HDRB shall so govern their actions.

b. **ENCOURAGE PUBLIC PARTICIPATION.** Members of the HDRB shall limit their comments to ensure public participation without HDRB interference. At the completion of each presentation, members of the HDRB shall have an opportunity to ask questions or clarify points made during the speaker's presentation.

c. **BOARD RESPONSE.** Members of the HDRB are not expected to respond to general questions. Response to questions shall be made at the discretion of the Chair.

ARTICLE VII
CONDUCT OF PERSONS
APPEARING BEFORE THE HISTORIC DISTRICT REVIEW BOARD

a. **PUBLIC ATTENDANCE.** During all public hearings and other regular meetings of the HDRB, the public may be present, and a specific time shall be reserved for receipt of public comments. At all other times, the public shall remain silent unless specifically invited by a member of the HDRB and permitted by the Chair to provide comment.

b. **PROPER DECORUM.** During all HDRB proceedings, members of the public have the obligation to maintain proper decorum. Individuals should be respectful, clear, and concise, and demonstrate integrity in comments and actions. The use of profane, vulgar, obscene, or threatening remarks is not permitted and may result in removal from the meeting. Individuals should refrain from participating unless recognized by the Chair; this includes booing, clapping, and cheering.

c. **TIME AND PLACE.** Members of the public, applicants, or their representatives desiring to address the HDRB shall proceed to the appointed place, clearly state their name and address, and shall be subject to the following time limitations: ten minutes total for the applicant, including any of the applicant's representatives; three minutes per individual for all others. The Chair may, at their discretion, allow additional time for speakers.

d. **SIGN-IN.** Sign-in forms, if deemed necessary by the Chair, shall be completed by persons desiring to speak, listing printed name, phone number, address of the person desiring to speak, and application of the issue to be addressed.

e. **WRITTEN COMMENTS AND TESTIMONY.** Written comments may be submitted at least twenty-four hours prior to the meeting to ensure distribution to the HDRB members

in time for review. Any written comments and testimony received shall become part of the public record.

f. **WORK SESSIONS.** During all work sessions of the HDRB, the public may be present but shall remain silent unless specifically invited by the Chair of the HDRB to provide comment. Formal rules of procedure may be suspended for HDRB work sessions.

ARTICLE VIII VOTING AND TRANSACTION OF BUSINESS

a. **PARLIAMENTARY AUTHORITY.** Parliamentary procedure at all HDRB meetings shall be governed by the most recent edition of Robert's Rules of Order, newly revised, as applicable to boards, except to the extent set out otherwise in these bylaws, Town Code, or the Code of Virginia. The Town Attorney, or their designee, shall be Parliamentarian of the HDRB.

b. **QUORUM.** In accordance with Town Code Sec. 78-150.4, a quorum shall consist of four members of the HDRB and no action of the HDRB shall be valid unless authorized by a majority vote of those present and voting. Any member who knows they will be absent from or will have to abstain from any matter shall notify the Chair and staff at least twenty-four hours prior to the meeting of such fact.

c. **LACK OF QUORUM.** If a quorum is not present at the time set for the meeting, the Chair shall wait until there is a quorum. If no quorum is present after a reasonable time, at the discretion of the Chair, and there appears to be no prospect that a quorum will assemble with additional reasonable time, then the Chair shall call the meeting to order, announce the absence of a quorum, and entertain a motion to adjourn.

d. **VOTING.** All members of the HDRB shall be entitled to vote. Unless otherwise specified by the Chair, actions shall be by oral vote with the vote of each member recorded in the minutes.

e. **SUSPENSION OF THE RULES.** No rule of the HDRB shall be suspended without the concurrence of three-fourths of the members present and such suspension shall be limited to the meeting then in progress.

f. **AGENDA.** The activities at any meeting of the HDRB shall be in accordance with an agenda. Such an agenda shall be distributed to the HDRB and made available to the public prior to each meeting.

g. **ORDER OF BUSINESS (REGULAR MEETING).** At regular meetings of the HDRB,

business shall be conducted in the following manner:

1. Call to Order
2. Election of Officers, when necessary
3. Staff Comment
4. Board Comment
5. Public Comment
6. Public Hearings
7. Regular Business
8. Consent (includes minutes)
9. Adjournment

h. ORDER OF BUSINESS (WORK SESSIONS AND SPECIAL MEETINGS). The order of business at special meetings shall be in accordance with the agenda set by the Chair for such meetings.

i. AMENDMENTS TO AGENDA. Agendas may be amended by majority concurrence of the members present.

ARTICLE IX SEPARABILITY

Should any article of the HDRB bylaws be found to be void, the remaining articles shall remain in effect.

ARTICLE X MODIFICATION OF BYLAWS

Modification of these bylaws shall be approved by the HDRB in a regular meeting. Proposals for modification shall be submitted to the HDRB at a regular meeting and shall be scheduled for consideration and action at the next regular meeting. In accordance with Town Code Sec. 78-150.4, an affirmative vote of a majority of the entire HDRB shall be required to modify the bylaws.

Agenda Item: Discussion - Election of Officers

Meeting Date: January 3, 2024

Category: New Business

Prepared by: Aaron Zoellick, Clerk of Boards and Commissions

Description:

In accordance with the Historic District Review Board Bylaws and Herndon Town Code Section 78-150.4, the HDRB holds its election of officers annually at the first public hearing (regular meeting) of the Board in January. The Board will nominate and elect from its members a Chair and Vice Chair and designate a Secretary and Parliamentarian for one-year terms at the January 17, 2024 HDRB regular meeting.

Background:

N/A

Fiscal Impact:

None

Recommendation:

This is a discussion item; no staff recommendation.

Attachments:

1. Resolution (Proposed)

**TOWN OF HERNDON, VIRGINIA
HISTORIC DISTRICT REVIEW BOARD**

RESOLUTION

JANUARY 17, 2024

**Resolution - to elect the Officers and designate the Parliamentarian and
Secretary of the Historic District Review Board.**

BE IT RESOLVED by the Historic District Review Board of the Town of Herndon, Virginia
that:

1. _____ is elected Chair for a one-year term effective January
17, 2024.
2. _____ is elected Vice Chair for a one-year term effective
January 17, 2024.
3. The Director of Community Development or their designee is designated
as Secretary for a one-year term effective January 17, 2024.
4. The Town Attorney or their designee is designated as Parliamentarian
for a one-year term effective January 17, 2024.