



TOWN COUNCIL REGULAR MEETING AGENDA

Town Council Chambers
765 Lynn Street, Herndon, VA 20170

Tuesday, July 16, 2024 | 7:00 PM

1. Call to Order

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

3. Presentations/Reports/Comments

- a. Town Manager Report
- b. Councilmember Comments

4. Comments from the Audience

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

5. Public Hearings

- a. Ordinance 24-O-21 to approve and authorize the mayor to sign a third lease amendment between the town and T-Mobile Northeast, LLC to renew the lease term at the Spring Knoll Drive water tower
- b. Ordinance 24-O-22 to approve and authorize the mayor to sign a second franchise amendment between the Town and XO Virginia, LLC to extend the current term for an additional 10-years, update exhibit map, and amend notice information
- c. Ordinance 24-O-23 to amend the Fiscal Year (FY) 2025 Adopted Budget for the General Fund, Water and Sewer Fund, Chestnut Grove Cemetery Fund, Herndon Centennial Golf Fund, Capital Projects Fund, Storm Water Management Fund, and American Rescue Plan Act (ARPA) Fund

6. General

- a. Resolution 24-G-38 to authorize the Reserve of Fiscal Year (FY) 2024 funding for ongoing operations and maintenance, Capital Projects, ARPA Projects, and for Outstanding Encumbrances on June 30, 2024 for the FY 2025 Adopted Budget
- b. Request to consider Resolution 24-G-39 to award a donation to Stars and Stripes NOVA Committee in support of the 2024 Stars and Stripes NOVA Committee Charity Golf Tournament
- c. Request to consider Resolution 24-G-40 to approve a donation to the Global Beat Foundation in support of the Pakistan Day Celebration event
- d. Resolution 24-G-41 to amend the Community Cultural Festivals Policy Statement to increase the limit for funding requests to fifteen thousand dollars (\$15,000)

7. Consent

- a. Resolution 24-G-42 to adopt new *Standards for Traffic Calming and Crosswalks* and repeal the *Neighborhood Traffic Calming Guide* previously adopted by Resolution 11-G-45
- b. Ordinance 24-O-24 to amend Chapter 1 (GENERAL PROVISIONS), Sec. 1-16 (Standards for public improvements) to include new subsection (a)(4) *Standards for Traffic Calming and Crosswalks*
- c. Resolution 24-G-43 to affirm corrections to the Proffer Statement and Generalized Development Plan of Zoning Map Amendment ZMA #22-02, 13100 and 13150 Worldgate Drive and amend Ordinance 24-O-06
- d. Resolution 24-G-44 to approve the town's participation in the proposed settlement of opioid-related claims against Kroger and its related corporate entities, and to direct the Town Manager and/or Town Attorney to execute the documents necessary to effectuate participation in the settlement
- e. Ordinance 24-O-25 to amend Chapter 42 (MOTOR VEHICLES AND TRAFFIC), Article I (In General), Sec. 42-1 (Definitions) to correct numbering
- f. Resolution 24-G-45 to appoint members to the Herndon Youth Advisory Committee
- g. May 7, 2024 Town Council Work Session Minutes
- h. May 14, 2024 Town Council Regular Meeting Minutes
- i. May 21, 2024 Town Council Work Session Minutes

j. May 28, 2024 Town Council Regular Meeting Minutes

8. Closed Meeting

- a. A closed meeting as provided under Section 2.2-3711(A)(1) of the Code of Virginia pertaining to discussions of the resignation of the Town Manager

9. Adjournment

Interpretación en Español está disponible en esta sesión.

Agenda Item: Ordinance 24-O-21 to approve and authorize the mayor to sign a third lease amendment between the town and T-Mobile Northeast, LLC to renew the lease term at the Spring Knoll Drive water tower

Meeting Date: July 16, 2024

Category: Public Hearings

Prepared by: Tammy Chastain, Deputy Director of Public Works, Lesa Yeatts, Town Attorney

Description:

Third lease amendment extending the current lease term for existing cellular telecommunication equipment located on the Spring Knoll Drive water tower.

Background:

The original lease agreement between the Town and T-Mobile at the Spring Knoll Drive Water Tower is dated December 22, 2008 and was first amended on June 9, 2015, and subsequently on January 29, 2019. The current lease term expired on July 1, 2024.

The proposed 3rd Amendment dated June 11, 2024, allows for the renewal of the lease for three (3) additional renewal terms of five (5) years each, which would be effective July 1, 2024. Each renewal term will renew automatically, on the same terms and conditions of the original lease, unless T-Mobile provides the town with at least sixty (60) days prior written notice before the expiration of the then current term.

The notice for public hearing has been duly advertised in the *Fairfax County Times Newspapers* in the June 28 and July 5, 2024 editions.

Budget Impact:

The current rent as of July 1, 2024, is \$4,450.43 per month. As per the original Deed of Lease, the lease is subject to an annual 3% yearly escalation in rent.

Recommendation:

Staff recommends approval of the Ordinance authorizing the mayor to sign the 3rd Amendment to the Deed of Lease.

Attachments:

1. Ordinance (Proposed)
2. Lease Amendment
3. Legal Ad

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

ORDINANCE

JULY 16, 2024

Ordinance- **to approve and authorize the mayor to sign a third lease amendment between the town and T-Mobile Northeast, LLC to renew the lease term at the Spring Knoll Drive water tower.**

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

1. The Town Council approves the Third Amendment to Deed of Lease dated June 11, 2024. This instrument amends the original Deed of Lease dated December 22, 2008, as amended by the First Amendment dated June 9, 2015, and as amended by the Second Amendment dated January 29, 2019.
2. This instrument approves the addition of three renewal terms of five-years each that will become effective upon the expiration of the current term on July 1, 2024. Each five-year term will automatically renew.
3. In all other respects the original lease remains in effect.
4. The mayor is authorized to sign and deliver the lease amendment and any ancillary instruments necessary to evidence or effectuate the lease amendment, provided they are consistent with this ordinance and on such form approved by the Town Attorney.
5. This ordinance shall be in effect on and after the date of its adoption.

THIRD AMENDMENT TO DEED OF LEASE

This Third Amendment to Deed of Lease ("Third Amendment") is made this 11th day of June 2024 by and between **Town of Herndon, Virginia**, a municipal corporation, ("Town") and **T-Mobile Northeast LLC**, a Delaware limited liability company ("Lessee").

WHEREAS, Town and Lessee entered into that certain Deed of Lease dated December 22, 2008 as amended by the First Amendment to Deed of Lease dated June 9, 2015, and that Second Amendment to Deed of Lease dated January 29, 2019 (collectively referred to herein as the "Lease") whereby Town leased to Lessee a portion of the Town's property and space on the Spring Knoll Water Tower located at 828 Spring Knoll Drive, Herndon, Fairfax County, Virginia 20170 (the "Property"), and known as Site Number 7WAC201A to Lessee; and,

WHEREAS, Town and Lessee desire to amend the Lease as follows;

WHEREAS, Town and Lessee hereby affirm that, as of the date hereof: (i) no breach or default by Town or Lessee occurred; and (ii) the Lease, and all the terms, covenants, conditions, provisions and agreements thereof, except as expressly modified by this Third Amendment are in full force and effect, with no defenses or offsets thereto; and

NOW THEREFORE, in consideration of the mutual covenants contained in the Lease and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Town and Lessee hereby agree as follows:

1. All capitalized terms shall have the meaning ascribed to them in the Lease unless otherwise defined in this Third Amendment.
2. Renewal Terms. Upon the expiration of the current term on July 1, 2024, Lessee shall have the right to renew the Lease for three (3) additional renewal terms of five (5) years each. Each renewal term shall renew automatically, on the same terms and conditions of the Lease, unless Lessee provides at least sixty (60) days prior written notice before the expiration of the then current term that Lessee does not wish to exercise such renewal term.
3. Each of the parties represent and warrant that they have the right, power, legal capacity and authority to enter into and perform their respective obligations under this Third Amendment.
4. This Third Amendment will be binding on and inure to the benefit of the parties herein, their heirs, executors, administrators, successors-in-interest and assigns.

5. Town represents and warrants to Lessee that the consent or approval of a third party has either been obtained or is not required with respect to the execution of this Third Amendment.
6. Except as specifically amended herein, the remaining terms of the Lease shall remain in full force and effect. To the extent any provision contained in this Third Amendment conflicts with the terms of the Lease, the terms and provisions of this Third Amendment shall prevail.
7. This Third Amendment may be executed in duplicate counterparts, each of which will be deemed an original.

TOWN:

TOWN OF HERNDON, VIRGINIA

BY:

Sheila A. Olem, Mayor

DATE: _____

ATTEST:

Town Clerk

APPROVED AS TO FORM:

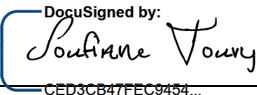


Lesa J. Yeatts, Town Attorney

Additional Signatures on Following Page

LESSEE:

T-MOBILE NORTHEAST LLC

BY:  DocuSigned by:
CED3CB47FEC9454...

NAME: Soufiane Toury

TITLE: Sr. Market Director

DATE: 5/29/2024

TMO
Leg
al
Digitally signed
by TMO Legal
Date: 2024.05.14
10:59:11 -0400

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, July 16, 2024, at 7:00 p.m. in the Herndon Council Chambers Building, located at 765 Lynn Street, Herndon on the following item:

Ordinance to approve and authorize the mayor to sign a third lease amendment between the town and T-Mobile Northeast, LLC to renew the lease term at the Spring Knoll Drive water tower.

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

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

Kirstyn Barr Jovanovich, Town Clerk

Note to Publisher:

Publish on June 28/July 5, 2024

Agenda Item: Ordinance 24-O-22 to approve and authorize the mayor to sign a second franchise amendment between the Town and XO Virginia, LLC to extend the current term for an additional 10-years, update exhibit map, and amend notice information

Meeting Date: July 16, 2024

Category: Public Hearings

Prepared by: Tammy Chastain, Deputy Director of Public Works, Lesa Yeatts, Town Attorney

Description:

Second Franchise Amendment proposal between the Town and XO Virginia, LLC for maintenance of existing telecommunication facilities.

Background:

The original franchise agreement between the Town and XO Virginia, LLC, which was acquired by Verizon in 2014, has been in place since July 14, 2004. The agreement was extended for an additional ten years on July 14, 2014.

The proposed Second Amendment extends the franchise agreement for an additional ten years, expiring on July 14, 2034. Even though there were no route changes, the exhibit map has been updated to a more legible format than the original. Notice addresses for the Town and for XO have also been updated.

The notice for public hearing has been duly advertised in the *Fairfax County Times Newspapers* in the June 28 and July 5, 2024 editions.

Budget Impact:

XO Virginia, LLC currently pays the Town public rights-of-way use fees per access line. The rights-of-way use fee varies per year and is governed by the Code of Virginia and determined annually by the Virginia Department of Transportation. This shall remain in effect for the term of this agreement. Payments made for Fiscal Year (FY) 2024: October 2023, \$9264.78, January 2024, \$9147.60, and April 2024, \$8,856.54.

Recommendation:

Staff recommends approval of the Ordinance as proposed.

Attachments:

1. Ordinance (Proposed)
2. Franchise Amendment No. 2
3. Legal Ad

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

ORDINANCE

JULY 16, 2024

Ordinance- **to approve and authorize the mayor to sign a second franchise amendment between the town and XO Virginia, LLC to extend the current term for an additional 10-years, update exhibit map, and amend notice information.**

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

1. The second franchise amendment between Town of Herndon and XO Virginia, LLC dated July 14, 2024, is approved. This instrument amends the original franchise agreement, effective date July 14, 2004, as amended by the first amendment, effective date September 30, 2014.
2. Beginning on July 14, 2024, the current term is hereby extended for an additional ten (10) years.
3. Exhibit "A" is deleted in its entirety and replaced with Exhibit "A" dated June 7, 2024.
4. Section 12 regarding notices is hereby amended to reflect the following address information:

Town of Herndon, Attention: Town Manager, 777 Lynn Street, Herndon, Virginia 20170, and to Franchisee at 600 Hidden Ridge, Irving, TX 75038, Attn: Franchise Manager.
5. In all other respects the original franchise agreement remains in effect.
6. The mayor is authorized to sign and deliver this second amendment and any related documents, on such a form approved by the Town Attorney, necessary to evidence or effectuate the agreement.
7. This ordinance shall be effective on and after the date of its adoption.

TOWN OF HERNDON, VIRGINIA

FRANCHISE AGREEMENT

TERMS AND CONDITIONS FOR USE OF TOWN'S RIGHT OF WAY

AMENDMENT NO. 2

This Amendment No.2 dated July 14, 2024, amends the Franchise Agreement with an effective date of July 14, 2004, as amended by the Amendment No. 1 with an effective date of September 30, 2014 between the TOWN OF HERNDON, a Virginia municipal corporation (the "Town") and XO Virginia, LLC, ("Franchisee"), having its principal place of business at One Verizon Way, Basking Ridge, NJ 07920.

1. Subject to all the terms and conditions contained in Franchise Agreement, the term of the Franchise Agreement is hereby extended for additional ten (10) years beginning on July 14, 2024.
2. Exhibit "A" is hereby deleted in its entirety and replaced with Exhibit "A" dated June 7, 2024.
3. Section 12 regarding notices is hereby amended to reflect the following address information: Town of Herndon, Attention: Town Manager, 777 Lynn Street, Herndon, Virginia 20170, and to Franchisee at 600 Hidden Ridge, Irving, TX 75038, Attn: Franchise Manager.
4. Except as specifically amended or modified herein, the terms and conditions of the Franchise Agreement will remain in full force and effect throughout the extended term.

TOWN OF HERNDON, VIRGINIA

XO VIRGINIA, LLC



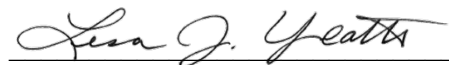
Shiela A. Olem, Mayor

Name: Dina Dye
Title: Associate Director Network
Regulatory/Real Estate

ATTEST:

Town Clerk

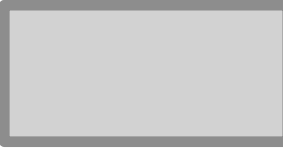
APPROVED AS TO FORM:

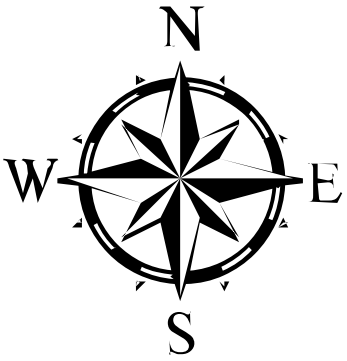


Lesa J. Yeatts, Town Attorney

XO Communications Services, LLC
Existing Fiber Routes
Herndon, VA



-  Aerial
-  Buried
-  Herndon



Data Source: VZB
Projection: GCS_WGS_1984
Map Created: 6/7/2024
Map Created By: Andres McDonnell

Town of Herndon, Virginia
Notice of Public Hearing

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Ordinance to approve and authorize the mayor to sign a second franchise amendment between the town and XO Virginia, LLC to extend the current term for an additional 10-years, update exhibit map, and amend notice information.

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

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Kirstyn Barr Jovanovich, Town Clerk

Note to Publisher:

Publish on June 28/July 5, 2024

Agenda Item: Ordinance 24-O-23 to amend the Fiscal Year (FY) 2025 Adopted Budget for the General Fund, Water and Sewer Fund, Chestnut Grove Cemetery Fund, Herndon Centennial Golf Fund, Capital Projects Fund, Storm Water Management Fund, and American Rescue Plan Act (ARPA) Fund

Meeting Date: July 16, 2024

Category: Public Hearings

Prepared by: Marjorie Sloan, Finance Director, Maria Lee, Budget Manager

Description:

The town's annual procedure at fiscal year-end is to set aside specific amounts from fund balance or net position for the outstanding encumbrances and reserves that exist on June 30 of the prior fiscal year, as described in the Town Council's annual reserve resolution and annual budget ordinance. Town Council's authorization of the Fiscal Year (FY) 2024 reserves and encumbrances are not appropriated or budgeted amounts for FY 2025 as defined in the Code of Virginia. Therefore, this budget amendment will recognize the designated reserves and outstanding encumbrances at June 30, 2024 as FY 2025 budget appropriations.

Background:

The notice for public hearing has been duly advertised in the *Fairfax County Times Newspapers* in the June 28 and July 5, 2024 editions.

Budget Impact:

Impacted funds have capacity either through grant revenues, grant commitments, unrestricted net positions (enterprise funds), or assigned fund balances, to support the reserves and encumbrances.

Recommendation:

Staff recommends approval of the attached Ordinance, as presented.

Attachments:

1. Ordinance (Proposed)
2. FY25 Budget Amendment 1 (Attachment A)
3. Legal Ad

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

ORDINANCE

JULY 16, 2024

Ordinance- **to amend the Fiscal Year (FY) 2025 Adopted Budget for the General Fund, Water and Sewer Fund, Chestnut Grove Cemetery Fund, Herndon Centennial Golf Fund, Capital Projects Fund, Storm Water Management Fund, and the American Rescue Plan Act (ARPA) Fund.**

The Town Council, in adopting this ordinance, has considered the Town Manager's recommended budget modifications as described in Attachment A, FY 2025 Budget Amendment Number 1.

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

1. The financial adjustments to the FY 2025 Budget, as described in Attachment A, Budget Amendment FY2025, Number 1 to this ordinance, are approved.
2. This ordinance shall be effective on and after the date of its adoption.

TOWN OF HERNDON, VIRGINIA
FY 2025 BUDGET AMENDMENT 1

The following appropriations and funding sources are proposed for amendment:

GENERAL FUND

Expenditure Appropriations	Amount	Revenue Budget	Amount
Estimated Outstanding Encumbrances at June 30, 2024	\$961,185	Use of Fund Balance	\$6,407,606
Authorized Reserves at June 30, 2024	5,446,421		
Total Expenditures Increase	\$6,407,606	Total Revenues Increase	\$6,407,606

CAPITAL PROJECTS FUND

Expenditure Appropriations	Amount	Revenue Budget	Amount
Estimated Outstanding Encumbrances at June 30, 2024	\$184,423	Use of Fund Balance	\$936,606
Authorized Reserves at June 30, 2024	752,183		
Total Expenditures Increase	\$936,606	Total Revenues Increase	\$936,606

WATER AND SEWER FUND

Expenditure Appropriations	Amount	Revenue Budget	Amount
Estimated Outstanding Encumbrances at June 30, 2024	\$1,477,232	Use of Net Position	\$1,477,232
Authorized Reserves at June 30, 2024	0		
Total Expenditures Increase	\$1,477,232	Total Revenues Increase	\$1,477,232

CHESTNUT GROVE CEMETERY FUND

Expenditure Appropriations	Amount	Revenue Budget	Amount
Estimated Outstanding Encumbrances at June 30, 2024	\$5,606	Use of Net Position	\$971,482
Authorized Reserves at June 30, 2024	965,876		
Total Expenditures Increase	\$971,482	Total Revenues Increase	\$971,482

HERNDON CENTENNIAL GOLF COURSE FUND

Expenditure Appropriations	Amount	Revenue Budget	Amount
Estimated Outstanding Encumbrances at June 30, 2024	\$21,556	Use of Net Position	\$1,769,120
Authorized Reserves at June 30, 2024	1,747,564		

Total Expenditures Increase	\$1,769,120	Total Revenues Increase	\$1,769,120
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STORM WATER MANAGEMENT FUND

Expenditure Appropriations	Amount	Revenue Budget	Amount
Estimated Outstanding Encumbrances at June 30, 2024	\$466,994	Use of Fund Balance	\$1,988,021
Authorized Reserves at June 30, 2024	1,521,027		
Total Expenditures Increase	\$1,988,021	Total Revenues Increase	\$1,988,021

AMERICAN RESCUE PLAN ACT FUND (ARPA)

Expenditure Appropriations	Amount	Revenue Budget	Amount
Estimated Outstanding Encumbrances at June 30, 2024	\$4,463,802	ARPA grant received	\$9,545,031
Authorized Reserves at June 30, 2024	5,081,229		
Total Expenditures Increase	\$9,545,031	Total Revenues Increase	\$9,545,031

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, July 16, 2024, at 7:00 p.m. in the Herndon Council Chambers Building, located at 765 Lynn Street, Herndon on the following item:

Ordinance to amend the Fiscal Year (FY) 2025 Adopted Budget for the General Fund, Water and Sewer Fund, Chestnut Grove Cemetery Fund, Herndon Centennial Golf Fund, Capital Projects Fund, Storm Water Management Fund, and American Rescue Plan Act (ARPA) Fund.

GENERAL FUND

Expenditure Appropriations	Amount	Revenue Budget	Amount
Estimated Outstanding Encumbrances at June 30, 2024	\$961,185	Use of Fund Balance	\$6,407,606
Authorized Reserves at June 30, 2024	5,446,421		
Total Expenditures Increase	\$6,407,606	Total Revenues Increase	\$6,407,606

CAPITAL PROJECTS FUND

Expenditure Appropriations	Amount	Revenue Budget	Amount
Estimated Outstanding Encumbrances at June 30, 2024	\$184,423	Use of Fund Balance	\$936,606
Authorized Reserves at June 30, 2024	752,183		
Total Expenditures Increase	\$936,606	Total Revenues Increase	\$936,606

WATER AND SEWER FUND

Expenditure Appropriations	Amount	Revenue Budget	Amount
Estimated Outstanding Encumbrances at June 30, 2024	\$1,477,232	Use of Net Position	\$1,477,232
Authorized Reserves at June 30, 2024	0		
Total Expenditures Increase	\$1,477,232	Total Revenues Increase	\$1,477,232

CHESTNUT GROVE CEMETERY FUND

Expenditure Appropriations	Amount	Revenue Budget	Amount
Estimated Outstanding Encumbrances at June 30, 2024	\$5,606	Use of Net Position	\$971,482
Authorized Reserves at June 30, 2024	965,876		
Total Expenditures Increase	\$971,482	Total Revenues Increase	\$971,482

HERNDON CENTENNIAL GOLF COURSE FUND

Expenditure Appropriations	Amount	Revenue Budget	Amount
Estimated Outstanding Encumbrances at June 30, 2024	\$21,556	Use of Net Position	\$1,769,120
Authorized Reserves at June 30, 2024	1,747,564		
Total Expenditures Increase	\$1,769,120	Total Revenues Increase	\$1,769,120

STORM WATER MANAGEMENT FUND

Expenditure Appropriations	Amount	Revenue Budget	Amount
Estimated Outstanding Encumbrances at June 30, 2024	\$466,994	Use of Fund Balance	\$1,988,021
Authorized Reserves at June 30, 2024	1,521,027		
Total Expenditures Increase	\$1,988,021	Total Revenues Increase	\$1,988,021

AMERICAN RESCUE PLAN ACT FUND (ARPA)

Expenditure Appropriations	Amount	Revenue Budget	Amount
Estimated Outstanding Encumbrances at June 30, 2024	\$4,463,802	ARPA grant received	\$9,545,031
Authorized Reserves at June 30, 2024	5,081,229		
Total Expenditures Increase	\$9,545,031	Total Revenues Increase	\$9,545,031

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

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Kirstyn Barr Jovanovich, Town Clerk

Note to Publisher:

Publish on June 28/July 5, 2024

Agenda Item: Resolution 24-G-38 to authorize the Reserve of Fiscal Year (FY) 2024 funding for ongoing operations and maintenance, Capital Projects, ARPA Projects, and for Outstanding Encumbrances on June 30, 2024 for the FY 2025 Adopted Budget

Meeting Date: July 16, 2024

Category: General

Prepared by: Marjorie Sloan, Finance Director, Maria Lee, Budget Manager

Description:

The Town Council authorized and appropriated monies for specific activities anticipated to occur during Fiscal Year (FY) 2024. Due to timing, delays, and status, some of these activities or projects were not completed by June 30, 2024, and will therefore need to be reauthorized and re-appropriated to continue. This request is an annual procedure.

The attached schedules provide detail supporting the recommended reserves and estimated encumbrances as of June 30, 2024.

Background:

N/A

Budget Impact:

Impacted funds have capacity either through grant revenues, grant commitments, unrestricted net positions (enterprise funds), or assigned fund balances (Capital Projects fund), to support the reserves and encumbrances.

Recommendation:

Staff recommends adoption of the attached Resolution, as presented.

Attachments:

1. Resolution (Proposed)
2. Schedules (Attachment A)

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

RESOLUTION

JULY 16, 2024

Resolution- to authorize the Reserve of Fiscal Year (FY) 2024 funding for ongoing operations & maintenance, Capital Projects, ARPA Projects, and for Outstanding Encumbrances on June 30, 2024 for the FY 2025 Adopted Budget.

The Town of Herndon closes its fiscal year (FY) on June 30, 2024. The FY 2024 Annual Budget, and subsequent amendments to the annual budget, authorized and appropriated various monies for specific activities which were expected to be concluded at the close of the fiscal year. It is the intent of the Town Council to reserve, encumber, and re-appropriate these funds into the next fiscal year.

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

1. The reserved or encumbered amounts for the fiscal year ended June 30, 2024 is established and re-appropriated as listed on the attached Schedules for Fiscal Year 2025 Budget.
2. This resolution is effective retroactively to June 30, 2024.

Schedule 1 – Operations & Maintenance Reserves

Fund	Dept	Amount	Description
General Fund	Community Development	\$900,000	Comprehensive Plan Costs
General Fund	Finance/IT/Comm/HPD	145,200	SW, Advisory Costs, Branding Initiative, Security
General Fund	Non-Departmental	3,995,500	Downtown Parking
General Fund	Public Works	405,721	Paving contract, TEIC, traffic controller install
Total O&M Reserves		\$5,446,421	

Schedule 2 – Capital Reserves

Fund	Account Number	Description	Amount
Capital Projects	015-08-86-000-491630	Sidewalks Trails & Bicycles	\$85,683
Capital Projects	015-08-86-000-491850	Sterling Road Improvements	204,000
Capital Projects	015-99-99-000-491900	Arts Center Project	462,500
Centennial Golf	007-04-22-000-480020	Master Plan Project & vehicles	1,747,564
Chestnut Grove Cemetery	003-03-39-000-480480	Expansion Project	965,876
Storm Water Mgt	015-08-80-000-491711	Stream Restoration North	608,386
Storm Water Mgt	015-99-99-000-490080	Stormwater Drain Improvement	912,641
Total Capital Reserves			\$4,986,650

Schedule 3 – ARPA Reserves

Fund	Description	Amount
ARPA	HCC Backlog (Maint & Repair)	\$228,967
ARPA	HMC Town Hall Backlog (Maint & Repair)	620,943
ARPA	IT Infrastructure	29,603
ARPA	Aquatics Center Program	118,031
ARPA	Tennis Court and Bubble	10,794
ARPA	Ball/Sports Field & Park Improvement	33,271
ARPA	Park Equipment Replacement	49,926
ARPA	HPD Parking Lot Expansion	145,761
ARPA	Convert of AutoCAD	27,320
ARPA	Town Shop Improvement – 1479 Backlog	37,380
ARPA	Town Hall, Square & Depot Improvement	213,313
ARPA	Fire Alarm System at HMC	617,587
ARPA	Town-wide Security Initiatives	328,137
ARPA	Underground Storage Tank	315,507
ARPA	Sewer Vehicle/Equipment	1,275
ARPA	Sewer Utility Master Plan	924,000
ARPA	Sewer Main Relining	344
ARPA	Water Utility Master Plan	1,105,827
ARPA	Water Facility Security Improvement	20,000
ARPA	DPW Vehicles/Equipment	5,836
ARPA	Cemetery Expansion	237,245
ARPA	Hunter's Creek Bridge Replacement	10,164
Total ARPA reserves		\$5,081,229

Schedule 4 – Estimated Outstanding Encumbrances- June 30, 2024

General Fund	\$961,185
Water & Sewer Fund	1,477,232
Chestnut Grove Cemetery Fund	5,606
Herndon Centennial Golf Course Fund	21,556
Capital Projects Fund	184,423
Storm Water Management Fund	466,994
ARPA Fund	4,463,802
Total Estimated Encumbrances	\$7,580,798

Agenda Item: Request to consider Resolution 24-G-39 to award a donation to Stars and Stripes NOVA Committee in support of the 2024 Stars and Stripes NOVA Committee Charity Golf Tournament

Meeting Date: July 16, 2024

Category: General

Prepared by: Marjorie Sloan, Finance Director, Kirstyn Jovanovich, Town Clerk

Description:

As directed by Town Council, this is a request to consider a cash donation to the Stars and Stripes NOVA Committee in support of their May 24, 2024 charity golf tournament held at the Herndon Centennial Golf Course. The Stars and Stripes NOVA Committee has requested a cash donation of \$3,848 to off-set the greens fees incurred during the May 24, 2024 golf tournament. Please see the attached materials for additional information on the donation request.

Community donation disbursements are at the discretion of Town Council.

During the Regular Meeting during which Council may take action on items before them, the Town Council may:

- Award a donation as requested or as amended;
- Deny award of the donation request;
- Other action deemed appropriate by Town Council.

Background:

The Stars and Stripes NOVA Committee held a golf tournament at Herndon Centennial Golf Course Memorial Day weekend on Friday, May 24, 2024. As with every tournament held at the town's course, staff provided support to the event organizers in planning and holding the event at the course. In addition to providing tournament support services, staff accommodated the organizer's requests and allowed an outside food vendor and band, which is not normally permitted as part of tournaments. In addition, at the organizer's request to reduce the rate for the charity tournament, staff reduced the greens fees rate within the policy limitations to the 25% discount resident rate. The town also donated range balls, and closed the course to the public from 7 am to 2 pm. As a result of this additional support, the town has contributed direct contributions and received indirect revenue impacts to the Golf Enterprise Fund as a result of the tournament:

Category	Potential Revenue (9a-2p)	Tournament Revenue (Actual)	Indirect Impact	Direct Impact
Player Revenue	\$9,712	\$3,848	\$5,864	\$740
Course Closure (7a-9a)			\$3,224	
Range Ball Donation				\$592
Subtotal			\$9,088	\$1,332

The **total estimated revenue impact** (including revenue loss and in-kind donation) for this event is **\$10,420**. Another potential impact that is not included in the above estimates include meal tax revenue loss from allowing an outside vendor to provide meals, as opposed to using the onsite food vendor for the tournament. The assumptions utilized in the above estimates include assuming a full tee sheet on a Friday of a holiday weekend and lower number of public players impacted by closure if the tournament was held on a Monday - Thursday, instead of a Friday/holiday weekend day.

During the Roundtable portion of the May 21, 2024 Town Council work session meeting, Councilmember del Aguila requested that the Town Council consider providing a cash donation to the Stars and Stripes NOVA Committee. Staff contacted representatives of the Stars and Stripes NOVA Committee to obtain information on the donation request; however, the requested information had not yet been received by the June work session for Council to consider the request. Since that time, staff has received the application and requested documentation for review and consideration by Town Council, which has been attached to this agenda item.

Under the Code of Virginia § 15.2-953, localities may appropriate public funds to any charitable institution or association, located within the locality's limits or outside the limits if the organization provides services to residents of the locality, and if such organizations are not controlled in whole or in part by any church or sectarian society. In addition, under Code of Virginia § 15.2-953, donations include the lawful provision of in-kind resources for any event sponsored by the donee.

Budget Impact:

Cash donation request is \$3,848; the Golf Course Enterprise Fund has an estimated revenue impact of \$10,420 as a result of hosting the tournament.

Recommendation:

Staff has no recommendation; donation disbursements are at the discretion of Town Council.

Attachments:

1. Donation Request (with Attachments)

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

RESOLUTION

JULY 16, 2024

**Resolution- to award a donation and disburse funds to Stars and Stripes
NOVA Committee in support of the 2024 Stars and Stripes NOVA
Committee Charity Golf Tournament.**

Under the Code of Virginia § 15.2-953, localities may appropriate public funds to any charitable institution or association, located within the locality's limits or outside the limits if the organization provides services to residents of the locality, and if such organizations are not controlled in whole or in part by any church or sectarian society. In addition, under Code of Virginia § 15.2-953, donations include the lawful provision of in-kind resources for any event sponsored by the donee.

As a result of the Stars and Stripes NOVA Committee's May 24, 2024 Golf Tournament held at the Herndon Centennial Golf Course, the Town experienced an estimated revenue impact (including revenue loss and in-kind donation) of \$10,420 from the Golf Course Enterprise Fund. The Town Council wishes to provide a cash donation in the amount of \$3,848 to off-set the greens fees incurred for the event, resulting in a total estimated financial impact of \$14,268.

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

1. A monetary donation of \$3,848 to the Stars and Stripes NOVA Committee in support of the 2024 Stars and Stripes NOVA Committee Charity Golf Tournament is approved.
2. The Town Manager is directed to appropriate and disburse funds from the General Fund, Council Initiatives funding included in the FY 2025 Adopted Budget.



Application Town of Herndon Area Charitable and Non-Profit Organizations Request for Town Funds

Section I – Organization Information

Organization Name: Stars and Stripes NOVA Committee

Mailing Address: 12913 Alton Square, Apt. 106, Herndon, VA 20170

Phone number: (347) 556-2219 E-mail address: Anton410@langerconsulting.org

Website address: <https://www.starsandstripesnovacommittee.org/index.html>

Name, Title, and Phone Number of Primary Contact: Kristin Ball, Committee Chair, (540) 818-1295

Name, Title, and Phone Number of Chief Executive Officer: Philip Langer, Chief Executive Officer, 347-556-2219

Employer Identification Number (if applicable): 872642312

Primary Purpose of the Organization and Description of its programs and services:

The Stars & Stripes NOVA Committee responds to the urgent needs of veterans, service members, first responders, and their families in Herndon and Northern Virginia. We are here to proudly serve those who serve us. The committee members, a diverse cohort of volunteers including veterans and direct military family members, understand that we must make new programs accessible to the ever-expanding number of veterans, service members, and first responders requiring support in Herndon and Northern Virginia.

Goals, Objectives and Accomplishments of the Organization. Describe how the organization benefits the citizens of the Town of Herndon.

The initiatives of Stars and Stripes NOVA Committee benefit the citizens of the Town of Herndon in many ways. In December 2023, for example, the Stars and Stripes NOVA Committee and its diverse group of volunteers held a food and clothing distribution in Herndon that provided 26,000 pounds of free food and clothing to 2,500 individuals. Please see the following link: <https://www.connectionnewspapers.com/news/2023/dec/06/food-lines-resemble-bread-lines-of-great-depression/>.

We are also in the process of creating a once-a-week soup kitchen to benefit the veterans and first responders in need in Herndon. When we receive enough donations, we will create an adaptive sports program to help veterans and first responders with PTSD and disabilities.

Section II – Donation Request Information

Requested Cash Donation: \$3,848

Purpose for which the donation will be used. Specifically describe the outcomes that will result from the expenditure of these town funds.

The amount requested would off-set the golf green fees assessed during the May 24, 2024, Stars and Stripes NOVA Committee Charity Golf Tournament at Herndon Centennial Golf Course. The goal of the tournament was to raise funds for the initiatives of Stars and Stripes NOVA Committee, which include an adaptive sports program for veterans in transition, the creation of a soup kitchen in Herndon, and our annual food and clothing distribution in December 2024. If Stars and Stripes NOVA Committee receives this requested cash donation, it allows us to use those monies raised on May 24 toward our initiatives rather than for greens fees. Stars and Stripes NOVA Committee is located in the Town of Herndon and our initiatives will directly affect the residents of the Town of Herndon.

Is this donation for a specific event? ☒ yes ☐ no If yes, please describe the event and how it benefits the citizens of the Town of Herndon.

The amount requested will cover the greens fees incurred during the Memorial Day Weekend Golf Tournament at Herndon Centennial Golf Course. We had 72 golfers participate in the event. The goal of the charity golf event was to raise funds for the initiatives of Stars and Stripes NOVA Committee as outlined above. Our initiatives will benefit families in need, veterans, and service members in the Town of Herndon. Many of the golf tournament participants expressed their positive impression of Herndon Centennial Golf Course, the Town of Herndon helping those less fortunate, and our motto, "No one left behind."

Date of Event (if applicable): Friday, May 24th, 2024

Section III – Attachments

Submit the following documents with your application. Applications are not considered complete until all required supporting documents are submitted.

☒ X IRS Determination Letter [501(c)(3)]

☒ X Up-to-date listing of names and affiliations of the principal officers and Board of Directors

☒ X IRS Form 990

☒ X Detailed Event Budget (if applicable)

☒ X Completed Vendor Set-up form

☒ X Completed W-9 form

Section IV - Authorization

I, Kristin Ball, do hereby certify that this application and related documentation is true to the best of my knowledge, information, and belief. I further agree that by signing this application, this agency agrees to abide by the Town of Herndon policies.

I acknowledge that membership or participation is open to all residents and businesses in the town without regard to race, color, religion, sex, or national origin.

I confirm that I am legally authorized to sign this application on behalf of the organization.

I understand that a donation can only be approved by the Town Council at a public meeting.

Signature: *Kristin F. Ball*

Date: 06/05/2024

Print Name: Kristin Ball

Title: Chair of the Stars and Stripes NOVA Committee



Department of the Treasury
Internal Revenue Service
Tax Exempt and Government Entities
P.O. Box 2508
Cincinnati, OH 45201

LANGER CONSULTING
C/O PHILIP LANGER
12913 ALTON SQUARE UNIT 106
HERNDON, VA 20170

Date:
03/18/2022
Employer ID number:
87-2642312
Person to contact:
Name: Customer Service
ID number: 31954
Telephone: 877-829-5500
Accounting period ending:
December 31
Form 990-PF required:
Yes
Effective date of exemption:
September 2, 2021
Addendum applies:
No
DLN:
26053459007772

Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

Organizations exempt under IRC Section 501(c)(3) are further classified as either public charities or private foundations. We determined you're a private foundation within the meaning of Section 509(a).

You're required to file Form 990-PF, Return of Private Foundation or Section 4947(a)(1) Trust Treated as Private Foundation, annually, whether or not you have income or activity during the year. If you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked.

If we indicated at the top of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

For important information about your responsibilities as a tax-exempt organization, go to www.irs.gov/charities. Enter "4221-PF" in the search bar to view Publication 4221-PF, Compliance Guide for 501(c)(3) Private Foundations, which describes your recordkeeping, reporting, and disclosure requirements.

Sincerely,

Stephen A. Martin
Director, Exempt Organizations
Rulings and Agreements

Form **990-EZ**Department of the Treasury
Internal Revenue Service**Short Form**
Return of Organization Exempt From Income Tax

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except private foundations)

Do not enter social security numbers on this form, as it may be made public.

Go to www.irs.gov/Form990EZ for instructions and the latest information.

OMB No. 1545-0047

2023**Open to Public
Inspection**

A For the 2023 calendar year, or tax year beginning , 2023, and ending , 20													
B Check if applicable: ☐ Address change ☐ Name change ☐ Initial return ☐ Final return/terminated ☐ Amended return ☐ Application pending	<table border="1" style="width:100%"><tr><td colspan="2">C Name of organization he 501c3 nonprofit</td><td>D Employer identification number he 872642312</td></tr><tr><td colspan="2">Number and street (or P.O. box if mail is not delivered to street address) he 12913 Alton Square</td><td>E Telephone number 347-556-2219</td></tr><tr><td colspan="2">Room/suite Unit 106</td><td>F Group Exemption Number he</td></tr><tr><td colspan="3">City or town, state or province, country, and ZIP or foreign postal code Herndon, VA 20170</td></tr></table>	C Name of organization he 501c3 nonprofit		D Employer identification number he 872642312	Number and street (or P.O. box if mail is not delivered to street address) he 12913 Alton Square		E Telephone number 347-556-2219	Room/suite Unit 106		F Group Exemption Number he	City or town, state or province, country, and ZIP or foreign postal code Herndon, VA 20170		
C Name of organization he 501c3 nonprofit		D Employer identification number he 872642312											
Number and street (or P.O. box if mail is not delivered to street address) he 12913 Alton Square		E Telephone number 347-556-2219											
Room/suite Unit 106		F Group Exemption Number he											
City or town, state or province, country, and ZIP or foreign postal code Herndon, VA 20170													
G Accounting Method: ☒ Cash ☐ Accrual Other (specify):		H Check ☐ if the organization is not required to attach Schedule B (Form 990). he											
I Website: www.starsandstripesnovacommittee.org													
J Tax-exempt status (check only one) — ☒ 501(c)(3) ☐ 501(c) () (insert no.) ☐ 4947(a)(1) or ☐ 527													
K Form of organization: ☐ Corporation ☐ Trust ☐ Association ☐ Other: nonprofit													
L Add lines 5b, 6c, and 7b to line 9 to determine gross receipts. If gross receipts are \$200,000 or more, or if total assets (Part II, column (B)) are \$500,000 or more, file Form 990 instead of Form 990-EZ \$													

Part I Revenue, Expenses, and Changes in Net Assets or Fund Balances (see the instructions for Part I) **he**Check if the organization used Schedule O to respond to any question in this Part I ☐

Revenue	1 Contributions, gifts, grants, and similar amounts received	1	25,800
	2 Program service revenue including government fees and contracts	2	0
	3 Membership dues and assessments	3	0
	4 Investment income	4	0
	5a Gross amount from sale of assets other than inventory	5a	0
	b Less: cost or other basis and sales expenses	5b	0
	c Gain or (loss) from sale of assets other than inventory (subtract line 5b from line 5a)	5c	0
	6 Gaming and fundraising events:		
	a Gross income from gaming (attach Schedule G if greater than \$15,000)	6a	0
	b Gross income from fundraising events (not including \$ of contributions from fundraising events reported on line 1) (attach Schedule G if the sum of such gross income and contributions exceeds \$15,000)	6b	1,375
c Less: direct expenses from gaming and fundraising events	6c	1,375	
d Net income or (loss) from gaming and fundraising events (add lines 6a and 6b and subtract line 6c)	6d	0	
7a Gross sales of inventory, less returns and allowances	7a	0	
b Less: cost of goods sold	7b	0	
c Gross profit or (loss) from sales of inventory (subtract line 7b from line 7a)	7c	0	
8 Other revenue (describe in Schedule O)	8	0	
9 Total revenue. Add lines 1, 2, 3, 4, 5c, 6d, 7c, and 8	9	25800	
Expenses	10 Grants and similar amounts paid (list in Schedule O)	10	0
	11 Benefits paid to or for members	11	0
	12 Salaries, other compensation, and employee benefits he	12	0
	13 Professional fees and other payments to independent contractors he	13	25,800
	14 Occupancy, rent, utilities, and maintenance	14	19,200
	15 Printing, publications, postage, and shipping	15	350
	16 Other expenses (describe in Schedule O) he	16	500
17 Total expenses. Add lines 10 through 16	17	45,850	
Net Assets	18 Excess or (deficit) for the year (subtract line 17 from line 9)	18	20,050
	19 Net assets or fund balances at beginning of year (from line 27, column (A)) (must agree with end-of-year figure reported on prior year's return)	19	0
	20 Other changes in net assets or fund balances (explain in Schedule O)	20	0
	21 Net assets or fund balances at end of year. Combine lines 18 through 20	21	0

For Paperwork Reduction Act Notice, see the separate instructions.

Cat. No. 106421

Form **990-EZ** (2023)

Part II Balance Sheets (see the instructions for Part II)

Check if the organization used Schedule O to respond to any question in this Part II ☐

		(A) Beginning of year	(B) End of year
22	Cash, savings, and investments	0 22	0
23	Land and buildings	0 23	0
24	Other assets (describe in Schedule O)	0 24	0
25	Total assets	0 25	0
26	Total liabilities (describe in Schedule O)	0 26	0
27	Net assets or fund balances (line 27 of column (B) must agree with line 21)	0 27	0

Part III Statement of Program Service Accomplishments (see the instructions for Part III)

Check if the organization used Schedule O to respond to any question in this Part III . . . ☐

What is the organization's primary exempt purpose?	nonprofit supporting veterans, first responders, families
--	---

Describe the organization's program service accomplishments for each of its three largest program services, as measured by expenses. In a clear and concise manner, describe the services provided, the number of persons benefited, and other relevant information for each program title.

Expenses
(Required for section 501(c)(3) and 501(c)(4) organizations; optional for others.)

28 Adaptive sports for disabled veterans and first responders, which includes collaborating with PGA Hope and Reston National Golf, among others, as well as bicycle program for disabled vets and first responders. The bicycle program collaborates with other NPOs like Green Lizard Foundation

8600 (Grants \$ 8600) If this amount includes foreign grants, check here ☐ 28a 8600

29 Mental health/PTSD and physical therapy to support disabled vets and first responders, We work collaboratively with other organizations such as Center for Vets in Transition and boxing prgm for Parkinsons

(Grants \$ 8600) If this amount includes foreign grants, check here ☐ 29a 8600

30 Food insecurity is a major crisis point in Northern Virginia. As of 2023, our organization implemented a Food and Clothing Distribution event in Herndon during the holidays. In 2023 distributed 26,000 lbs of food and free clothing. 2024 will see a creation of Soup Kitchen.

(Grants \$ 8600) If this amount includes foreign grants, check here ☐ 30a 8600

31 Other program services (describe in Schedule O)
 (Grants \$) If this amount includes foreign grants, check here ☐

Total program service expenses (add lines 28a through 31a)	32
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Part IV **List of Officers, Directors, Trustees, and Key Employees** (list each one even if not compensated—see the instructions for Part IV)

Check if the organization used Schedule O to respond to any question in this Part IV ☐

[illegible]

Part V Other Information (Note the Schedule A and personal benefit contract statement requirements in the instructions for Part V.) Check if the organization used Schedule O to respond to any question in this Part V ☐

	Yes	No
33 Did the organization engage in any significant activity not previously reported to the IRS? If "Yes," provide a detailed description of each activity in Schedule O		☒
34 Were any significant changes made to the organizing or governing documents? If "Yes," attach a conformed copy of the amended documents if they reflect a change to the organization's name. Otherwise, explain the change on Schedule O. See instructions		☒
35a Did the organization have unrelated business gross income of \$1,000 or more during the year from business activities (such as those reported on lines 2, 6a, and 7a, among others)?		☒
b If "Yes" to line 35a, has the organization filed a Form 990-T for the year? If "No," provide an explanation in Schedule O		☒
c Was the organization a section 501(c)(4), 501(c)(5), or 501(c)(6) organization subject to section 6033(e) notice, reporting, and proxy tax requirements during the year? If "Yes," complete Schedule C, Part III		☒
36 Did the organization undergo a liquidation, dissolution, termination, or significant disposition of net assets during the year? If "Yes," complete applicable parts of Schedule N		☒
37a Enter amount of political expenditures, direct or indirect, as described in the instructions	37a	0
b Did the organization file Form 1120-POL for this year?		☒
38a Did the organization borrow from, or make any loans to, any officer, director, trustee, or key employee; or were any such loans made in a prior year and still outstanding at the end of the tax year covered by this return?		☒
b If "Yes," complete Schedule L, Part II, and enter the total amount involved	38b	
39 Section 501(c)(7) organizations. Enter:		
a Initiation fees and capital contributions included on line 9	39a	
b Gross receipts, included on line 9, for public use of club facilities	39b	
40a Section 501(c)(3) organizations. Enter amount of tax imposed on the organization during the year under: section 4911: ; section 4912: ; section 4955:		
b Section 501(c)(3), 501(c)(4), and 501(c)(29) organizations. Did the organization engage in any section 4958 excess benefit transaction during the year, or did it engage in an excess benefit transaction in a prior year that has not been reported on any of its prior Forms 990 or 990-EZ? If "Yes," complete Schedule L, Part I	40b	☒
c Section 501(c)(3), 501(c)(4), and 501(c)(29) organizations. Enter amount of tax imposed on organization managers or disqualified persons during the year under sections 4912, 4955, and 4958		
d Section 501(c)(3), 501(c)(4), and 501(c)(29) organizations. Enter amount of tax on line 40c reimbursed by the organization		
e All organizations. At any time during the tax year, was the organization a party to a prohibited tax shelter transaction? If "Yes," complete Form 8886-T	40e	☒
41 List the states with which a copy of this return is filed: VA		
42a The organization's books are in care of: Philip Langer Telephone no. 347-556-2219 Located at: ZIP + 4 20170-5886		
b At any time during the calendar year, did the organization have an interest in or a signature or other authority over a financial account in a foreign country (such as a bank account, securities account, or other financial account)? If "Yes," enter the name of the foreign country: See the instructions for exceptions and filing requirements for FinCEN Form 114, Report of Foreign Bank and Financial Accounts (FBAR).	42b	☒
c At any time during the calendar year, did the organization maintain an office outside the United States? If "Yes," enter the name of the foreign country:	42c	☒
43 Section 4947(a)(1) nonexempt charitable trusts filing Form 990-EZ in lieu of Form 1041—Check here and enter the amount of tax-exempt interest received or accrued during the tax year	43	☐
44a Did the organization maintain any donor advised funds during the year? If "Yes," Form 990 must be completed instead of Form 990-EZ	44a	☒
b Did the organization operate one or more hospital facilities during the year? If "Yes," Form 990 must be completed instead of Form 990-EZ	44b	☒
c Did the organization receive any payments for indoor tanning services during the year?	44c	☒
d If "Yes" to line 44c, has the organization filed a Form 720 to report these payments? If "No," provide an explanation in Schedule O	44d	☒
45a Did the organization have a controlled entity within the meaning of section 512(b)(13)?	45a	☒
b Did the organization receive any payment from or engage in any transaction with a controlled entity within the meaning of section 512(b)(13)? If "Yes," Form 990 and Schedule R may need to be completed instead of Form 990-EZ. See instructions	45b	☒

46 Did the organization engage, directly or indirectly, in political campaign activities on behalf of or in opposition to candidates for public office? If "Yes," complete Schedule C, Part I

	Yes	No
46		☒

Part VI Section 501(c)(3) Organizations Only

All section 501(c)(3) organizations must answer questions 47–49b and 52, and complete the tables for lines 50 and 51.

Check if the organization used Schedule O to respond to any question in this Part VI ☐

47 Did the organization engage in lobbying activities or have a section 501(h) election in effect during the tax year? If "Yes," complete Schedule C, Part II

	Yes	No
47		☒

48 Is the organization a school as described in section 170(b)(1)(A)(ii)? If "Yes," complete Schedule E

48		☒
----	--	-------------------------------------

49a Did the organization make any transfers to an exempt non-charitable related organization?

49a		☒
-----	--	-------------------------------------

b If "Yes," was the related organization a section 527 organization?

49b		☒
-----	--	-------------------------------------

50 Complete this table for the organization's five highest compensated employees (other than officers, directors, trustees, and key employees) who each received more than \$100,000 of compensation from the organization. If there is none, enter "None."

(a) Name and title of each employee	(b) Average hours per week devoted to position	(c) Reportable compensation (Forms W-2/1099-MISC/1099-NEC)	(d) Health benefits, contributions to employee benefit plans, and deferred compensation	(e) Estimated amount of other compensation
NONE				

f Total number of other employees paid over \$100,000 0

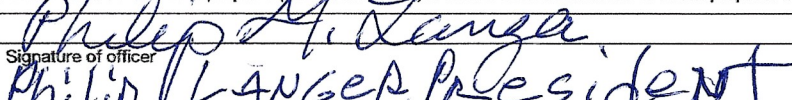
51 Complete this table for the organization's five highest compensated independent contractors who each received more than \$100,000 of compensation from the organization. If there is none, enter "None."

(a) Name and business address of each independent contractor	(b) Type of service	(c) Compensation
None		

d Total number of other independent contractors each receiving over \$100,000 0

52 Did the organization complete Schedule A? **Note:** All section 501(c)(3) organizations must attach a completed Schedule A ☒ Yes ☐ No

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.

Sign Here  Date 4/17/24
Signature of officer
Type or print name and title Philip M. Langer, President

Paid Preparer Use Only
Print/Type preparer's name Preparer's signature Date Check ☐ if self-employed PTIN
Firm's name Firm's EIN
Firm's address Phone no.

May the IRS discuss this return with the preparer shown above? See instructions ☐ Yes ☐ No

**SCHEDULE A
(Form 1040)**

Department of the Treasury
Internal Revenue Service

Itemized Deductions

Attach to Form 1040 or 1040-SR.

Go to www.irs.gov/ScheduleA for instructions and the latest information.

Caution: If you are claiming a net qualified disaster loss on Form 4684, see the instructions for line 16.

OMB No. 1545-0074

2023

Attachment
Sequence No. **07**

Name(s) shown on Form 1040 or 1040-SR

Langer Consulting DBA Stars & Stripes NOVA Committee

Your social security number

872642312

**Medical
and
Dental
Expenses**

Caution: Do not include expenses reimbursed or paid by others.

- | | | | |
|---|---|---|---|
| 1 | Medical and dental expenses (see instructions) | 1 | 0 |
| 2 | Enter amount from Form 1040 or 1040-SR, line 11 | 2 | 0 |
| 3 | Multiply line 2 by 7.5% (0.075) | 3 | 0 |
| 4 | Subtract line 3 from line 1. If line 3 is more than line 1, enter -0- | 4 | 0 |

**Taxes You
Paid**

5 State and local taxes.

a State and local income taxes or general sales taxes. You may include either income taxes or general sales taxes on line 5a, but not both. If you elect to include general sales taxes instead of income taxes, check this box ☐

5a 0

b State and local real estate taxes (see instructions)

5b 0

c State and local personal property taxes

5c 0

d Add lines 5a through 5c

5d 0

e Enter the smaller of line 5d or \$10,000 (\$5,000 if married filing separately)

5e 0

6 Other taxes. List type and amount: _____

6 0

7 Add lines 5e and 6

7 0

**Interest
You Paid**

Caution: Your mortgage interest deduction may be limited. See instructions.

8 Home mortgage interest and points. If you didn't use all of your home mortgage loan(s) to buy, build, or improve your home, see instructions and check this box ☐

a Home mortgage interest and points reported to you on Form 1098. See instructions if limited

8a 0

b Home mortgage interest not reported to you on Form 1098. See instructions if limited. If paid to the person from whom you bought the home, see instructions and show that person's name, identifying no., and address _____

8b 0

c Points not reported to you on Form 1098. See instructions for special rules

8c 0

d Reserved for future use

8d 0

e Add lines 8a through 8c

8e 0

9 Investment interest. Attach Form 4952 if required. See instructions

9 0

10 Add lines 8e and 9

10 0

**Gifts to
Charity**

Caution: If you made a gift and got a benefit for it, see instructions.

11 Gifts by cash or check. If you made any gift of \$250 or more, see instructions

11 0

12 Other than by cash or check. If you made any gift of \$250 or more, see instructions. You **must** attach Form 8283 if over \$500

12 0

13 Carryover from prior year

13 0

14 Add lines 11 through 13

14 0

**Casualty and
Theft Losses**

15 Casualty and theft loss(es) from a federally declared disaster (other than net qualified disaster losses). Attach Form 4684 and enter the amount from line 18 of that form. See instructions

15 0

**Other
Itemized
Deductions**

16 Other—from list in instructions. List type and amount: _____

16 0

**Total
Itemized
Deductions**

17 Add the amounts in the far right column for lines 4 through 16. Also, enter this amount on Form 1040 or 1040-SR, line 12

17 0

18 If you elect to itemize deductions even though they are less than your standard deduction, check this box ☐

For Paperwork Reduction Act Notice, see the Instructions for Form 1040.

Cat. No. 17145C

Schedule A (Form 1040) 2023

Order #:78380001

SHIP TO: Philip Langer
12913 Alton Square, Unit 106
Herndon, VA 20170



Dear Philip Langer:

Thank you for ordering your Fictitious Business Name filing from LegalZoom.

Your Certificate of Assumed or Fictitious Name has been filed with the Virginia State Corporation Commission, and you may now conduct business under Stars & Stripes Nova Committee. Enclosed is a copy of the filed Certificate of Assumed or Fictitious Name for your records.

Thank you again for choosing LegalZoom. We look forward to serving all of your legal document needs in the future. If you should have any questions concerning your document, please contact us at customercare@legalzoom.com.

Sincerely,

The LegalZoom Team

566602461

Fictitious Name - Fictitious Name Certificate

Entity Information

Entity Name: Langer Consulting

Entity Type: Nonstock Corporation

Fictitious Name

Fictitious Name: Stars & Stripes Nova Committee

Signature Information

Date Signed: 07/25/2023

Entity Name	Entity Type	Printed Name	Signature	Title
Langer Consulting	Nonstock Corporation	Philip Langer	Philip Langer	President

STARS AND STRIPES NOVA COMMITTEE

Names and Affiliations of the Principal Officers and Board of Directors

Executive Committee

- Chair: **Dr. Kristin Ball**, Retired Professor, [George Washington University](#)
- Deputy Chair, **Mr. Matt Kreider**, LEAD [Parsons Xtreme Golf, Fairfax, Virginia](#)
- **Mr. Phillip Langer**, Co-Chair, Chief of Staff: President & Founder, Co-Founder, Stars & Stripes NOVA Committee, Langer Consulting
- **2d Lt. Steven BoodSKI**, Co-Chair, Associate Director and Co-Founder, Stars & Stripes NOVA Committee, Langer Consulting

Ambassadors

- **Matt Fernandes**, General Manager [MISSION BBQ](#)
- **Halley Nguyen**, Community Ambassador, [MISSION BBQ](#)

Strategic Advisers

- **Mr. Dave Meyer**, Owner / Operator [Green Lizard Cycling](#) / [Green Lizard Foundation](#)
- **Amanda Blake**, Director of Operations, [Harris Teeter](#)
- **Olga Vlasenko**, Pharmacist, [Harris Teeter](#)
- **Wendy Bragg**, Director of Operations, [Giant Food](#), Herndon
- **Col Steve Zappalla**, Founder, Psychologist, *CVIT* Center for Veterans in Transition
- **Amanda Gertel**, Executive Assistant [AAFMAA](#)
- **Gen Mike Meese**, President [AAFMAA](#)
- **Stephanie Watson**, Social Media Administrator
- **Alan Dorow**, Managing Partner, [SiteWelder](#) - Website development and Hosting

Langer Consulting d/b/a Stars & Stripes
NOVA Committee Charity Golf Event
Herndon Centennial on May 24, 2024

Item	Price	# to Sell	Total
Expenses			
Golf Course (Golfers)	\$ 52.00	74	\$ 3,848.00
Egg Karne (drink cart plus sales of beers to golfers)	\$ 4.38	222	\$ 972.36
Corporate Yard Signs for Golf Course	\$ 7.37	16	\$ 118.00
Golf Balls for Guests (bought in dozens)	\$ 27.00	32	\$ 864.00
Stars & Stripes Nova Committee Banners	\$ 150.00	2	\$ 300.00
Pens & Magnets	\$ 0.60	500	\$ 300.00
Gift Tees	\$ 0.62	240	\$ 148.80
Wrist baands & Participant putting/Mulligan tickets	\$ 0.62	240	\$ 148.80
Golfers breakfasts	\$ 3.50	75	\$ 262.50
Golfer & Volunteer lunches	\$ 17.50	20	\$ 350.00
Trophy for Winning Team	\$ 80.00	1	\$ 80.00
Program (Yardage book) Graphics Design	\$ 700.00	1	\$ 700.00
Program Printing	\$ 3.00	50	\$ 150.00
Tournament Administration & Production (see line item below)			
(Estimated salaries of Stars & Stripes Nova Executive Committee members, Ambassadors, and Advisors)	\$ 1,071.42	14	\$ 14,999.88

**Estimated Event Budget Submitted
with Application**

Travel (see line item below)	\$ 500.00	1	\$ 500.00
(includes estimated mileage for Executive Committee members, Ambassadors, Advisors, and other volunteers)			
Postage/Printing/Delivery (see line item below)	\$ 200.00	1	\$ 200.00
(delivery of PXG golf balls, tees, wrist bands, printing of Golfers' agendas and flyers)			
Misc. (see line item below)	\$ 2,000.00	1	\$ 2,000.00
(Committee Meeting Expenses, Thank You Gifts, etc.)			
Total expenses			\$ 25,942.34
In-Kind Volunteers (volunteered time without pay)	0	28	0

From: [Kristin Froemling](#)
To: [Sloan, Marjorie](#)
Cc: [Philip Langer](#); kristin@langerconsulting.org
Subject: Re: Donation Request Package - Town of Herndon
Date: Thursday, June 20, 2024 9:46:59 AM
Attachments: [Golf Tourn Donations and Sponsors.pdf](#)
[Stars and Stripes NOVA Committee Charity Golf Tournament Budget FINAL.pdf](#)
[image001.png](#)

Good Morning

We have reworked the budget document to make it clearer. We are attaching a revised budget along with a document outlining the donations, sponsors, and volunteer hours. The line item for "Salaries" on the old budget is on the new document under "Volunteering." That amount represents the ESTIMATED monetary value (based on estimated salaries) of the time that the Executive Committee members, Ambassadors, and Strategic Advisors dedicated through volunteer work at the Stars & Stripes NOVA Committee Golf Event (both the six months of planning and the day of the event). They took time off from their jobs to volunteer for the event. *They have not and will not be monetarily compensated by Stars & Stripes NOVA Committee.*

As you can see from the attached document, we have had many sponsors and many expenses leading up to our charity golf tournament. We are asking for the donation to help us pay for the greens fees at Herndon Centennial. The money we are requesting will go right back into the Town of Herndon through our initiatives, such as buying food for a soup kitchen or for our annual food and clothing distribution. Both of those initiatives directly benefit the residents of Herndon.

There are rumors around town that Stars & Stripes NOVA Committee has received previously \$10,000 from the Town of Herndon. This is categorically false. We have never received funding (kind or in-kind) from the Town. If we had received money previously, we would not be asking for more money now.

Our charity golf tournament was a success. We believe we will greatly increase the number of teams who play next May. Our success benefits the residents of the Town of Herndon.

Thank you again for considering our request. If you have any additional questions, do not hesitate to contact me.

Respectfully,

Kristin F. Ball, Ph.D.
Chair, Stars and Stripes NOVA Committee

On Monday, June 17, 2024 at 03:17:07 PM EDT, Sloan, Marjorie <marjorie.sloan@herndon-va.gov> wrote:

Thank you for your donation request submission. I have completed an initial review of your materials and have two follow-up requests for you.

1. On your event budget, can you provide the event revenue in addition to the expenses you provided?
2. On your event budget, you listed salaries for committee members, ambassadors and advisors. Please provide a list of those receiving a payment under this line item.

Thanks so much.

Marjorie Sloan, CPA

Director of Finance

Town of Herndon

(o) 703-435-6898

(m) 571-459-6294

marjorie.sloan@herndon-va.gov



CONFIDENTIALITY NOTE: The information transmitted, including attachments, is intended only for the person(s) or entity to which it is addressed and may contain confidential and/or privileged material. Any review, re-transmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and destroy any copies of this information.

From: Kristin Froemling <kfroemling@yahoo.com>

Sent: Thursday, June 6, 2024 12:35 PM

To: Sloan, Marjorie <marjorie.sloan@herndon-va.gov>

Cc: Town Clerk <town.clerk@herndon-va.gov>; Philip Langer <anton410@langerconsulting.org>; del Aguila, Cesar <cesar.delaguila@herndon-va.gov>

Subject: Re: Donation Request Package - Town of Herndon

Good afternoon,

First I want to apologize for the delay in responding to your email. I was out of town and did not see your email until yesterday.

Second, thank you for the opportunity to apply for a donation from the Town of Herndon. Attached is our application along with all of the additional documents you require.

Philip Langer will be bringing to your office today the voided check from our Town of Herndon vendor application along with hard copies of our IRS paperwork (which is attached here).

Thank you again for your consideration. Have a great day!

Respectfully,

Kristin F. Ball, Ph.D.

Chair, Stars & Stripes NOVA Committee

On Thursday, May 30, 2024 at 05:18:08 PM EDT, Sloan, Marjorie <marjorie.sloan@herndon-va.gov> wrote:

Stars and Stripes NOVA Committee:

I have attached the materials required for your organization to request a donation from the Town of Herndon. Please complete the application and vendor forms and return them with the required documents as soon as possible for upcoming review by town staff and Town Council.

Thanks.

Marjorie Sloan, CPA

Director of Finance

Town of Herndon

(o) 703-435-6898

(m) 571-459-6294

marjorie.sloan@herndon-va.gov

Langer Consulting d/b/a Stars & Stripes NOVA
Committee Charity Golf Event Herndon Centennial on
May 24, 2024

Item	Price	# to Sell	Total
Expenses			
Golf Course (Golfers)	\$ 52.00	74	\$ 3,848.00
Egg Karne (drink cart plus sales of beers to golfers)	\$ 4.38	222	\$ 972.36
Corporate Yard Signs for Golf Course	\$ 7.37	16	\$ 118.00
Golf Balls for Guests (bought in dozens)	\$ 27.00	32	\$ 864.00
Stars & Stripes Nova Committee Banners	\$ 150.00	2	\$ 300.00
Pens & Magnets	\$ 0.60	500	\$ 300.00
Gift Tees	\$ 0.62	240	\$ 148.80
Wrist bands & Participant putting/Mulligan tickets	\$ 0.62	240	\$ 148.80
Golfers breakfasts	\$ 3.50	75	\$ 262.50
Golfer & Volunteer lunches	\$ 17.50	20	\$ 350.00
Trophy for Winning Team	\$ 80.00	1	\$ 80.00
Band (Blair Rich Project)	\$ 500.00	1	\$ 500.00
Postage/Printing/Delivery (see line item below)	\$ 350.00	1	\$ 350.00
(delivery of PXG golf balls, tees, wrist bands/printing of Event agendas and flyers)			
Misc. (see line item below)	\$ 2,000.00	1	\$ 2,000.00
(Committee Meeting Expenses, Thank You Gifts, etc.)			
Total expenses			\$ 10,242.46

Donations, In-Kind Donations, and Volunteering
Stars & Stripes NOVA Committee Charity Golf Tournament
May 24, 2024

Sponsors:

TOTAL SPONSOR DONATIONS: \$8,000

Charity Golf Tournament Earnings:

\$5662 – Entry Fees / Ticket Sales

\$4694 – Day-of-Event Purchases (Putting Challenge, Mulligans)

-\$70 – Amount Paid to Square (for credit card purchases)

TOTAL GOLF TOURNAMENT EARNINGS: \$10,286

In-Kind Donations:

Green Lizard Bicycle Shop/Foundation (\$14,000 bicycle for Hole-In-One Contest)

Green Lizard (not Stars & Stripes) maintains possession and ownership of the bicycle

\$4740 – Mission Barbeque (Free Lunch for event participants and Committee)

110 people on May 24 @ \$30/person=\$3,300

48 people at Stars & Stripes NOVA Committee meetings @\$30/person=\$1,440

\$100 – AAFMAA (4 VISA Cards of \$25 each)

\$50 – COSTCO (2 gift cards of \$25 each)

\$100 – TGIF (10 certificates for free desserts)

\$50 – Virginia Kitchen (\$50 certificate for meal)

\$25 – Lowe's (\$25 gift certificate)

\$250 – Chiropractor McNicholas (2 certificates for free sessions – each worth \$125)

\$60 – Golf House (free simulator session)

\$375 – PXG (3 certificates for free fittings – each worth \$125)

\$87.50 – Anita's (25 free breakfast burritos plus 10% discount on additional 75 burritos)

\$500 – Wegman's (free cases of water)

\$1500 – Harris Teeter (free water, snacks, etc.)

TOTAL IN-KIND DONATIONS: \$6,037.50

Volunteering

Committee Members (6 months of planning and meetings) – estimated \$40,000 in donated time

The line item for “Salaries” represents the ESTIMATED monetary value (based on salaries) of the time that the Executive Committee members, Ambassadors, and Strategic Advisors dedicated through volunteer work at the Stars & Stripes NOVA Committee Golf Event. They took time off from their jobs to volunteer for the event. They also traveled to the event at their own expense for gas and tolls.

They have not and will not be monetarily compensated by Stars & Stripes NOVA Committee.

Sitewelder (Web Design/ Administration) – estimated \$5,000 in donated time

Graphic Design (for banners and ads) – estimated \$700 in donated time

TOTAL VOLUNTEERING: \$45,700

Agenda Item: Request to consider Resolution 24-G-40 to approve a donation to the Global Beat Foundation in support of the Pakistan Day Celebration event

Meeting Date: July 16, 2024

Category: General

Prepared by: Marjorie Sloan, Finance Director, Kirstyn Jovanovich, Town Clerk

Description:

The Fiscal Year (FY) 2025 adopted budget includes donation funding for Pakistan and Juneteenth events that occur between July 1, 2024 and June 30, 2025. As a donation request to a non-profit organization, Town Council action is required to consider and take action on the donation to the requesting organization.

Community donation disbursements are at the discretion of Town Council.

The request includes a \$5,000 cash donation to Global Beats.

During the Regular Meeting during which Council may take action on items before them, the Town Council may:

- Award a donation as requested or as amended;
- Deny award of the donation request;
- Other action deemed appropriate by Town Council.

Background:

Update from July 9, 2024 Work Session

As has been the routine with other community donation requests, staff followed up with Global Beats and requested information on anticipated revenues associated with the planned event for which the organization was requesting a donation from the town. In response, it was indicated that there were no estimated event revenues; however, at the time of the release of the Council's meeting agenda, an updated budget had not yet been provided by the organization.

As Global Beat held a Pakistan event in October 2023 (FY 2024) utilizing funding from the Community Cultural Festivals Donation program, the 2024 event (FY 2025) does not qualify under the Community Cultural Festivals Donation program policy as it is not considered a new event. The FY 2025 budget includes a total donation amount of

\$10,000 identified for a Pakistan event and a Juneteenth event, should they be planned and executed by a qualified non-profit community organization within FY 2025. As the adopted budget does not identify the donation amounts allocated for each event or to what organization the donation should be awarded, Council consideration and action on the donation request is required.

The organization, Global Beats Foundation, is requesting a cash donation of \$5,000 in support of the Pakistan festival event to be held on August 18, 2024 at the Herndon Community Center. The request and supporting documentation is attached to this agenda item.

Under the Code of Virginia § 15.2-953, localities may appropriate public funds to any charitable institution or association, located within the locality's limits or outside the limits if the organization provides services to residents of the locality, and if such organizations are not controlled in whole or in part by any church or sectarian society. In addition, under Code of Virginia § 15.2-953, donations include the lawful provision of in-kind resources for any event sponsored by the donee.

Budget Impact:

Cash donation request, if awarded, will be disbursed from the FY 2025 Budget, Non-Departmental Expenditures - Community Donations. A waiver of Community Center facility rental fees would be considered lost revenue to the General Fund.

Recommendation:

Staff has no recommendation; donation disbursements are at the discretion of Town Council.

Attachments:

1. Resolution (Proposed)
2. Donation Request Application

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

RESOLUTION

JULY 16, 2024

**Resolution- to award a donation to Global Beat Foundation in support of the
Pakistan Heritage Day Celebration event.**

The Pakistan Festival event is being held at the Herndon Community Center on August 18, 2024, and is free and open to the public. The Global Beat Foundation is partially supporting the event.

Under the Code of Virginia § 15.2-953, localities may appropriate public funds to any charitable institution or association, located within the locality's limits or outside the limits if the organization provides services to residents of the locality, and if such organizations are not controlled in whole or in part by any church or sectarian society.

In addition, under Code of Virginia § 15.2-953, donations include the lawful provision of in-kind resources for any event sponsored by the donee.

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

1. A monetary donation of \$5,000 to Global Beat Foundation in support of the event, is approved.
2. The Town Manager is directed to appropriate and disburse funds from the Non-Departmental Expenditures - Community Donations funding included in the FY 2025 Adopted Budget.



**Application
Town of Herndon
Area Charitable and Non-Profit Organizations
Request for Town Funds**

Section I – Organization Information

Organization Name: The Global Beat Foundation _____

Mailing Address: 1509 Coat Ridge Road, Herndon VA 20170 _____

Phone number: 202-368-3019 _____ E-mail address: theglobalbeat@gmail.com _____

Website address: <https://www.theglobalbeat.org/> _____

Name, Title, and Phone Number of Primary Contact: Nuzaira Azam, President, cell: 202-368-3019 _____

Name, Title, and Phone Number of Chief Executive Officer: _____ As Above _____

Employer Identification Number (if applicable): _____

Primary Purpose of the Organization and Description of its programs and services:
Helping organize special days in the community, seminars, and discussions on current
affairs, media, and social issues. _____

Goals, Objectives, and Accomplishments of the Organization. Describe how the organization benefits the citizens of the Town of Herndon. _____

This is a charity-based Educational Organization. We have organized seminars and
workshops, discussions with State Department officials on South Asia, trained journalists working
in the remote areas of Pakistan, and published a book on veteran journalists in Pakistan who
struggled to save Press freedom. Our next project would be a book on South Asian women's
education and training issues in the US. Our programs reach out to the local community. _____

Section II – Donation Request Information

Requested Cash Donation: \$ 5,000

The purpose for which the donation will be used. Specifically, describe the outcomes that will result from the expenditure of these town funds.

It is a mini festival showcasing the culture of the country Pakistan that many Americans are not familiar with.

Is this donation for a specific event? ☒ yes ☐ no If yes, please describe the event and how it benefits the citizens of the Town of Herndon. Pakistan Day is the celebration of the independence day of Pakistan that took place in 1947 by the British. This event will exhibit Pakistani, culture, music, and food. It will show the diverse culture of South Asia. The town of Herndon has a large Pakistani population enjoying the diversity of this town. They are contributing their services to the town such as medical professionals, business owners, and IT professionals.

Date of Event (if applicable): Sunday, August 18, 2024

Section III – Attachments

Submit the following documents with your application. Applications are not considered complete until all required supporting documents are submitted.

- ☐ IRS Determination Letter [501(c)(3)]
 - ☐ Up-to-date listing of names and affiliations of the principal officers and Board of Directors
 - ☐ IRS Form 990
 - ☐ Detailed Event Budget (if applicable)
 - ☐ Completed Vendor Set-up form
 - ☐ Completed W-9 form
-

Section IV - Authorization

I, Nuzaira Azam, do hereby certify that this application and related documentation is true to the best of my knowledge, information, and belief. I further agree that by signing this application, this agency agrees to abide by the Town of Herndon policies.

I acknowledge that membership or participation is open to all residents and businesses in the town without regard to race, color, religion, sex, or national origin.

I confirm that I am legally authorized to sign this application on behalf of the organization.

I understand that a donation can only be approved by the Town Council at a public meeting.

Signature: Nuzaira Azam Date: 07/01/2024

Print Name: Nuzaira Azam

Title: President, The Global Beat Foundation

Budget for Pakistan Festival

1. Cultural performance:	\$500
2. Decoration:	\$500
3. Face painting & henna:	\$400
4. Lunch:	\$2,500
5. Dessert:	\$500
6. Tea:	\$200
7. Soda:	\$200
8. Paper product:	\$200
Total:	\$5,000

In kind: Cookies & cake

Listing of Board of Directors and Volunteers per <https://www.theglobalbeat.org/>.

Board of Directors

- Nuzaira Azam, President
- Asma Tirmizi
- Ghazala Azam
- Meriam Sabih
- Nadeem Hotiana
- Samina Mallick
- Zafar Iqbal
- Zafarul Azam

Volunteers

Our incredible team of volunteers assisting the GBF President are:

- Fatima Akhlaq
- Fouzia Ishtiaq
- Kanwal Bashir
- Faiz Rehman
- Firoza Salahuddin
- Nausheen Baig

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: JUL 10 2018

GLOBAL BEAT FOUNDATION
1509 COAT RIDGE RD
HERNDON, VA 20170-0000

Employer Identification Number:
82-3923521
DLN:
26053578002358
Contact Person:
CUSTOMER SERVICE ID# 31954
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
December 31
Public Charity Status:
170(b)(1)(A)(vi)
Form 990/990-EZ/990-N Required:
Yes
Effective Date of Exemption:
January 8, 2018
Contribution Deductibility:
Yes
Addendum Applies:
No

Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

Organizations exempt under IRC Section 501(c)(3) are further classified as either public charities or private foundations. We determined you're a public charity under the IRC Section listed at the top of this letter.

If we indicated at the top of this letter that you're required to file Form 990/990-EZ/990-N, our records show you're required to file an annual information return (Form 990 or Form 990-EZ) or electronic notice (Form 990-N, the e-Postcard). If you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked.

If we indicated at the top of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

For important information about your responsibilities as a tax-exempt organization, go to www.irs.gov/charities. Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

Letter 947

GLOBAL BEAT FOUNDATION

Sincerely,

Stephen A. Martin

Director, Exempt Organizations
Rulings and Agreements

Agenda Item: Resolution 24-G-41 to amend the Community Cultural Festivals Policy Statement, to increase the limit for funding requests to fifteen thousand dollars (\$15,000)

Meeting Date: July 16, 2024

Category: General

Prepared by: Kirstyn Jovanovich, Town Clerk

Description:

This is a request to amend the Community Cultural Festivals Policy Statement.

During the roundtable portion of the July 9, 2024 Town Council work session, the Town Council discussed the allowable amount for donation requests under the Community Cultural Festivals Policy Statement. By consensus, the Council requested staff to prepare an amendment to the policy statement to increase the donation limit from ten thousand dollars (\$10,000) to fifteen thousand dollars (\$15,000).

Since these changes are policy-based and not process-based, the requested amendment has been incorporated into the attached revised Policy Statement for the Council's consideration and action.

Background:

The Town Council appropriated funds in the FY 2025 Adopted Budget to monetarily support non-profit and not-for-profit organizations interested in establishing cultural community events within the Town of Herndon. The policy statement was adopted by Town Council Resolution 23-G-72 at the October 24, 2023 Regular Meeting, and amended at the January 9, 2024, Regular Meeting by Resolution 24-G-01.

Budget Impact:

The FY 2025 budget includes \$60,000 in funding for Community Cultural Festivals as applicable under this policy statement. Increasing the donation limit per event, assuming maximum donation award per event, will reduce the number of organizations that may receive a donation under this policy from 6 to 4 events per fiscal year.

Recommendation:

Policy amendments are at the discretion of Town Council.

Attachments:

1. Resolution (Proposed)
2. Amended Policy Statement

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

RESOLUTION

JULY 16, 2024

Resolution- to amend the Community Cultural Festivals Policy Statement to increase the limit for funding requests to fifteen thousand dollars (\$15,000).

The Town Council wishes to increase the allowable donation limits for events eligible to receive donations under the Community Cultural Festivals donation program from ten thousand dollars (\$10,000) to fifteen thousand dollars (\$15,000).

Under the Code of Virginia, localities may appropriate funds to any charitable or non-profit organization if the organization provides services to the residents of the locality and if such organizations are not controlled in whole or in part by any church or sectarian society.

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

1. The Community Cultural Festivals Policy Statement, dated July 16, 2024, as amended, is adopted.

**Town of Herndon
Community Cultural Festivals
Policy Statement, as amended
July 16, 2024**

Background

Town Council has expressed support in providing funding to encourage the development and hosting of Community Cultural Festivals within the Town of Herndon. Often referred to in discussions with Town Council as “mini-festivals,” the desire is to complement the town’s already robust community event opportunities, with focus placed on celebrating and sharing the cultures represented in the community.

This policy statement sets the foundation supporting donations for Community Cultural Festivals within the Town of Herndon. This policy framework will guide the staff’s development of necessary processes and procedures to fulfill the Town Council’s policy objectives as directed through this policy statement.

The objectives of this policy are to:

1. support a variety of events each year that celebrate and share the cultures represented in the community, are open and welcoming to all, and bridge parts of the Herndon community to meet and together build understanding and community;
2. serve as an economic driver to bring visitors to Herndon and support the local business community, in the downtown and in commercial centers throughout the Town; and
3. support and activate the Town of Herndon brand.

Available Funding

The Town Council may allocate funding for Community Cultural Festivals donation program through the annual budgeting process. Funding availability is subject to Town Council action.

Monetary Donations in Support of Community Cultural Festivals

The Town Council’s intention is to provide a monetary contribution, with limited provision of in-kind town services, in support of the establishment of Community Cultural Festivals within the town’s corporate limits. In-kind town services in support of Community Cultural Festivals are not guaranteed and are based on availability of staffing and resources.

For the purposes of this policy statement, *Community Cultural Festivals* are community-oriented events that are free and open to the public, may be held on public or private property, and celebrate and share the cultures represented in the Herndon community. For the purposes of this policy statement, Community Cultural Festivals shall not directly benefit any business or individual.

Program Qualifications and Guidelines

- Non-profit and not-for-profit organizations in good legal standing hosting or co-hosting a Community Cultural Festival may be eligible for a donation through this program. Individuals and businesses are not eligible for funding through this program; monies shall not be remitted to individuals, business entities, or announced candidates for political office. The Town does not promote or advocate political or religious events.
- To make a funding request, qualified applicants must complete an application process and provide a detailed total event budget estimate and an event description that describes why the proposed event is a new community cultural festival, and submit to the Town within the procedures' stated time frame applicable to the planned event size.
- Funding requests shall not exceed fifty percent (50%) of the total event budget or ~~ten thousand dollars (\$10,000)~~ **fifteen thousand dollars (\$15,000)**, whichever is less.
- Community Cultural Festival donation applications will be reviewed administratively by Town staff to ensure all special event and donation eligibility requirements are met. Approved disbursements for Community Cultural Festivals will be remitted to the non-profit or not-for-profit event host/co-host. The Town will not contract with or disburse funds directly to event vendors or contractors.
- Requests for funding for Community Cultural Festivals are open throughout the fiscal year (July 1 – June 30), subject to funding availability, and on a first come, first served basis. Once the fiscal year's allocated funding is appropriated, no additional donation requests will be considered for the fiscal year. Applications may be submitted up to one calendar year before the event date.
- Organizations may only receive a donation through this program for one new Community Cultural Festival per fiscal year. For the purposes of this policy, Community Cultural Festivals are considered new if (1) they have not been held within the town within the last five years and (2) have not received a donation through this program.
- The application process is administered and maintained by the Town Manager's Office, and the Town Manager has the authority to administratively update and revise the process and set applicable administrative fees, as appropriate.

Logo Use

- Organizations awarded funding for a Community Cultural Festival through this donation program may use, on a limited basis, the town logo on the event marketing materials, representing the Town as a donating organization.
- The Town may provide cross-marketing support for Community Cultural Festivals receiving monetary support from the Town through this program.

Agenda Item: Resolution 24-G-42 to adopt new *Standards for Traffic Calming and Crosswalks* and repeal the *Neighborhood Traffic Calming Guide* previously adopted by Resolution 11-G-45

Meeting Date: July 16, 2024

Category: Consent

Prepared by: Mike Shindledecker Transportation Engineer

Description:

Adopt new *Standards for Traffic Calming and Crosswalks* and repeal the old *Neighborhood Traffic Calming Guide*.

Background:

The Town previously adopted the Neighborhood Traffic Calming Guide in 2011, authored by the Town's Traffic Engineering Improvement Committee (TEIC). Staff recommends this guide be repealed and replaced with a new document that aligns with current Federal guidance and industry best practices, considering the advancements in methods and countermeasures over the past decade. In order to maintain a standard that keeps pace with the state of practice, this proposed resolution repeals Town Council Resolution 11-G-45, previously approved August 9, 2011, and adopts the new Standards for Traffic Calming and Crosswalks, dated June 2024. In order to implement and enforce the new standards, staff recommends that the Town Council take further action to approve an Ordinance to amend Chapter 1 (GENERAL PROVISIONS), Sec.1-16 (Standards for Public Improvements), to include new subsection (a)(4) to add the Standards for Traffic Calming and Crosswalks, as they may be amended from time to time, that will incorporate the new standards into the Town's Public Facilities Manual (PFM).

Following the adoption of the new standards as part of the Town's PFM, the Town Manager will direct staff to regularly review and update the standards when industry guidance and Federal standards are modified. This practice is consistent with other local and state practices where staff are provided discretion to maintain planning and design standards, most notably within the public right-of-way.

The new Standards for Traffic Calming and Crosswalks has been prepared by staff under the care of several professional transportation engineers and planners. The current June 2024 version of the standards has been reviewed and endorsed by TEIC and the Town Manager.

Budget Impact:

There is no immediate fiscal impact on the adoption of the new standards as they have already been developed by staff and the Town's engineering on-call consultant. Updates to the standards in future years may necessitate the retainage of professional services.

Recommendation:

Staff recommends approval of the attached Resolution to adopt new Standards for Traffic Calming and Crosswalks and repeal the Neighborhood Traffic Calming Guide previously adopted by Resolution 11-G-45. Staff also recommends the subsequent adoption of the Ordinance to amend Chapter 1 (GENERAL PROVISIONS), Sec.1-16 (Standards for Public Improvements), to include new subsection (a)(4) Standards for Traffic Calming and Crosswalks.

Attachments:

1. Resolution (Proposed)
2. Standards for Traffic Calming and Crosswalks
3. Resolution 11-G-45 (Adopted August 9, 2011)

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

RESOLUTION

JULY 16, 2024

Resolution- **to adopt new Standards for Traffic Calming and Crosswalks and
repeal the Neighborhood Traffic Calming Guide previously
adopted by Resolution 11-G-45.**

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

1. The new Standards for Traffic Calming and Crosswalks, dated June 2024, is adopted and the Town Manger is authorized to direct staff to regularly review and update the standards from time to time.
2. The Neighborhood Traffic Calming Guide, previously adopted by Resolution 11-G-45, is repealed.
3. This resolution shall be effective on the date of its adoption.

Standards for Traffic Calming and Crosswalks



Standards for Traffic Calming and Crosswalks

June 2024

Version 1.0



777 Lynn Street
Herndon, VA, 20170

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1 INTRODUCTION

Per Herndon’s 2030 Comprehensive Plan, the Town of Herndon (hereafter referred to as the “Town”) seeks to provide a transportation system that safely accommodates local traffic, facilitates alternative modes of transportation within the town, and provides safe streets that are friendly to pedestrians and bicyclists. The Town’s Department of Public Works (DPW) is responsible for the maintenance of streets within the Town boundary, except those which are privately maintained; however, private street owners are encouraged to reference this document and apply elements found herein for consistency across the Town’s transportation network. The Town, through the Traffic Engineering Improvement Committee (TEIC) and the departments of Public Works, Community Development, and Police, are responsible for processing resident concerns related to transportation safety and connectivity on Town-maintained streets.

This document standardizes the process by which community concerns are reviewed, the criteria utilized to determine if modifications or treatments are warranted, and the criteria utilized to select appropriate treatments. For the purposes of this document, traffic calming measures are defined as either physical features or policy measures designed to improve non-motorist safety, mobility, and comfort through the reduction of vehicle speeds. However, some traffic calming elements may also be used to improve roadway safety or operations as necessitated by deficient transportation network conditions. Crosswalk treatments include the provision of new marked crosswalks in locations where they currently do not exist, or the addition of features to an existing crosswalk intended to enhance non-motorist safety, mobility, and comfort. This document replaces the *Neighborhood Traffic Calming Guide*, approved by the Herndon Town Council in August 2011.¹ Other transportation measures which fall outside of these definitions, such as traffic control devices (e.g. stop signs), cut-through traffic restrictions, sidewalk improvements, or new transportation network connections are considered outside of the scope of this document.

1.1 Document Overview

This document is organized into the following chapters:

- **Chapter 1: Introduction**
- **Chapter 2: Process Overview** – Reviews the overall process for receiving and reviewing transportation-related concerns in the Town of Herndon.
- **Chapter 3: Basic Eligibility Requirements and Engineering Study Requirements** – Provides guidance on what locations are eligible for traffic calming measures and/or crosswalk treatments, and the information that should be collected as part of an engineering study if the location is deemed eligible.
- **Chapter 4: Evaluation Criteria** – Details the evaluation process to be utilized in the selection of appropriate traffic calming measures and/or crosswalk treatments.
- **Appendices** – Provides a toolbox of traffic calming measures and crosswalk treatments.
 - **Appendix A: Traffic Calming Measures** – Defines potential traffic calming measures and documents their advantages, disadvantages, effectiveness, and other considerations.
 - **Appendix B: Crosswalk Treatments** – Defines potential crosswalk treatments and documents their advantages, disadvantages, effectiveness, and other considerations.

1.2 How to Read this Document

Town of Herndon staff utilize this guidance to classify concerns, determine the extent of the concern, determine eligibility of mitigations related to the concern, determine appropriate traffic calming measures or crosswalk treatments for the location of concern (if applicable), and inform the selection of potential improvements. Town staff also utilize this document to consider improvements throughout the Town as part of typical safety audits, public works maintenance activities, and during planning activities.

Residents can utilize this guide to understand the process by which the Town intakes and evaluates transportation-related concerns such as traffic calming measures and crosswalk treatments. All readers can utilize this guidance to understand potential traffic calming measures or crosswalk treatments, their advantages and disadvantages, and the contexts in which each measure is appropriate.

1.3 Town Standards

The Town is subject to Federal requirements and State code, which cover topics such as accessibility and connections to State Highways. This includes the Final Ruling of the Pedestrian Right-of-Way Accessibility Guidelines (PROWAG), which is published in the Federal Register. The Town of Herndon owns and maintains all public roadways within its physical municipal limits. As such, the following documents have been adopted as the Town's standards for roadway design and markings within the public right-of-way:

- The *Manual on Uniform Traffic Control Devices* (MUTCD), published by the United States Department of Transportation Federal Highway Administration.²
- *A Policy on the Geometric Design of Highways and Streets* (the "Green Book"), published by the American Association of State Highway and Transportation Officials.³
- The *Town of Herndon Public Facilities Manual*, as described in Town of Herndon Code Section 1-15.

Where the above standards and guides lack detailed information, the Town will opt to follow the most current and applicable Virginia Department of Transportation (VDOT) standard or reference applicable industry guidance from the sources including, but not limited to the following:

- The Institute of Transportation Engineers
- The Transportation Research Board
- The National Association of City Transportation Officials

2 PROCESS OVERVIEW

This chapter describes the process through which a transportation concern is reviewed and addressed. Figure 1 provides a step-by-step diagram illustrating this process. At various steps in the process, the diagram references additional requirements or criteria documented in later chapters of this document. Following this process diagram is a narrative describing each individual step. Note that while the source of a transportation concern may vary (e.g. residents, business owners, or elected officials), Town staff will follow the same general intake and evaluation process. However, the approval and stakeholder engagement may vary based on the appropriate forum for communication.

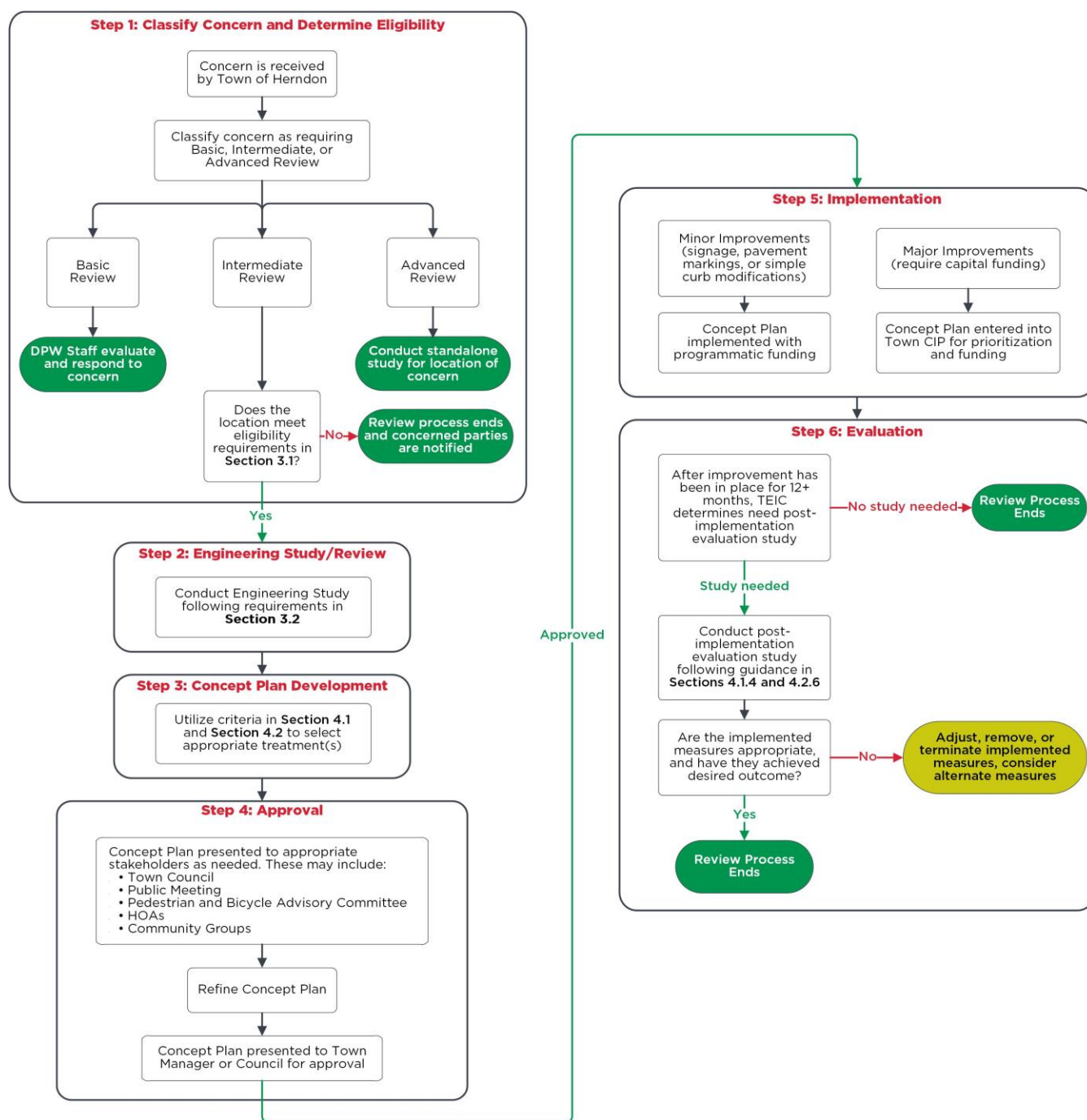


Figure 1: Process Flow Chart

2.1 Step 1 – Classify Concern and Determine Eligibility

Residents, community groups, or organizations may submit a transportation-related concern via e-mail, phone call, in-person meetings, or the Herndon on the Go App; however, staff will enter and track all concerns through the Town’s internal CityWorks system throughout the remainder of the process. Concerns may also be raised by staff as part of Town transportation planning efforts. Upon receipt of this submission, Town staff will conduct a preliminary review to classify the concern, define the issue or problem in the concern, determine eligibility, identify the study area, and determine the proper action. This may include a site visit to the location of concern. Staff may also contact the submitting party to clarify the concern and/or collect additional details.

Concerns will be classified under one of the following categories, based on the complexity of the identified concern:

- **Basic Review** – DPW staff evaluate the concern and take action based on the discretion of the Director of Public Works. Concerns that undergo a Basic Review can typically be addressed at the staff level without consultation with the TEIC.
- **Intermediate Review** – The identified concern is progressed through subsequent steps of the review process described in this guide, including conducting preliminary work and presenting findings to the TEIC, conducting an engineering study, and development of a concept plan.
- **Advanced Review** – The concern requires a level of review more detailed than what could be provided in the review process described in this guide. If an Advanced Review is required to address the identified concern, the TEIC would proceed with conducting a standalone Town study to address the identified concern. The study may consider the evaluation criteria in this guidance document to determine appropriate improvements, but shall use engineering judgement to determine which improvements are appropriate. Recommended measures may be implemented as part of the Town Capital Improvement Program (CIP). Improvements would undergo an interdepartmental review and would be presented to the Town Manager or Town Council for approval.

Concerns categorized as requiring a Basic Review will be addressed at the staff level and will not progress through the subsequent review steps described in this guide. Examples of concerns that would fall under the Basic Review category include those that could be addressed through minor staff-level actions, such as improvements to sight distances (e.g. tree pruning or sign sizes), warning signs, or changes to parking restrictions. Concerns categorized as requiring Advanced Review will require a standalone Town study to properly review and address the identified concerns. Examples of concerns that may require Advanced Review include (but are not limited to) corridor-wide speeding concerns (i.e. requiring consideration of countermeasures along an extended stretch of road) or pedestrian crossing concerns within school zones or near pedestrian generators. Once a concern is categorized as requiring Basic or Advanced Review, the review process is considered outside of the scope of this guide, but staff may utilize this document to consider potential improvements.

Based on the nature of the concern, staff will then identify a study area:

- **Traffic Calming** – Study area is likely to include the street segment identified in the initial communication, but may be expanded at the discretion of the Town engineer.
- **Crosswalk Treatments** – Study area is likely to focus on the intersection identified in the community concern. If the location is mid-block, the study area will include the entire street segment between the two nearest crosswalks. Adjacent or nearby intersections or street segments may be included if beneficial to the comprehensive review of the crossing concern.

Upon review and classification of the concern, staff will determine if traffic calming or crosswalk treatment criteria are specifically applicable to the location in question. Eligibility requirements will reference the following:

- **Traffic Calming** – Follow eligibility criteria outlined in Section 3.1.1.
- **Crosswalk Treatments** – Follow eligibility criteria outlined in Section 3.1.2.

If the location is deemed not eligible for traffic calming or crosswalk treatments, the review process ends and any parties who submitted the concern to the Town will be notified.

2.2 Step 2 – Engineering Study/Review

The TEIC will conduct an engineering study to collect relevant traffic data and inform the selection of appropriate traffic calming or crosswalk treatments. The study will include collection of traffic data and a field review at the location of concern; the data collection and field review will be conducted based on the nature of the concern:

- **Traffic Calming** – Follow engineering study guidelines outlined in Section 3.2.1
- **Crosswalk Treatments** – Follow engineering study guidelines outlined in Section 3.2.2

For studies that include multiple locations or encompass potential issues other than those noted above, the TEIC will evaluate what the appropriate scope of study is to study and address the concern(s).

2.3 Step 3 – Concept Plan Development

Under this step, the TEIC will review the results of the engineering study to identify the appropriate treatments for the study location and propose a plan to address concerns (if warranted and applicable).

For traffic calming concerns, the TEIC will use the evaluation criteria outlined in Section 4.1 to select the appropriate traffic calming treatment(s). The specific context of the location and engineering judgment shall then be used to select a specific measure or set of measures.

For crosswalk treatment concerns, the TEIC will use the evaluation criteria outlined in Section 4.2 to select the appropriate crosswalk treatment(s). The specific context of the location and engineering judgment shall then be used to select a specific treatment or set of treatments.

During this step, it may be determined that no treatments are appropriate or justified, at which point the review process ends. For example, if the engineering study for a traffic calming concern does not show speeding in excess of established thresholds, the TEIC may determine that no treatment is justified at the study location.

2.4 Step 4 – Approval

Upon selection of a concept plan for the study location, staff will present the plan to the appropriate body for review and approval. For plans that require significant adjustments to public infrastructure (such as parking restrictions, curb modifications, or signal adjustments), a public meeting will be held during concept development to solicit community input. Following this input and refinement of the concept, the plan will move to the appropriate approval level (Town Manager or Town Council).

2.5 Step 5 – Implementation

After approval of the concept plan, DPW will oversee the implementation of the proposed improvement measures based on funding and contractor availability. For minor improvements consisting primarily of signage, pavement markings, or simple modifications to curb such as curb ramps, staff will advance the plan through programmatic funding. For larger improvements where capital funding is required, staff will enter the project into the Town's Capital Improvement Program (CIP) for prioritization and funding.

2.6 Step 6 – Evaluation

After an improvement has been in place for more than one month, but less than six months, Town staff may conduct a post-implementation evaluation study depending on the extent of the problem identified at the location of concern. Whether a post-implementation evaluation study is conducted will be determined by the Town's TEIC. Guidance on evaluation studies is provided in Sections 4.1.4 and 4.2.6. If a study is conducted, staff will record the results of the post-implementation evaluation and summarize them in a report to the Town Manager. If it is determined that the implemented measures are not appropriate or have not achieved the desired outcome, Town staff may adjust, remove, or terminate such measures or consider alternate measures. If Town staff identifies a new safety concern due to an implemented measure, they may unilaterally make the decision to remove the measure.

3 BASIC ELIGIBILITY AND ENGINEERING STUDY REQUIREMENTS

3.1 Basic Eligibility Requirements

3.1.1 Traffic Calming

To be considered for traffic calming measures, the study location should meet the following conditions:

- Be a roadway maintained by the Town of Herndon
- Have a posted speed limit of 25 mph or less
- Have a maximum of 2 lanes of vehicular traffic
- Be classified as a local or collector road by the Town of Herndon
- Traffic calming measures have not been previously requested and studied in the past two (2) years at the study location

If a roadway does not meet these requirements, the structured review process ends. The Town's TEIC may consider an alternate process outside of the scope of this guidance document to address community concerns at the location of concern.

3.1.2 Crosswalk Treatments

To be considered for crosswalk treatments, the proposed crossing location should meet the following eligibility criteria:

- Be a roadway maintained by the Town of Herndon
- Crosswalk treatments have not been previously requested and studied in the past two (2) years at the study location
- An existing crosswalk is already provided at the location of concern (i.e. additional treatments are being considered to improve the existing crosswalk); OR
- A crosswalk has already been determined to be warranted through an outside process (i.e. additional treatments are being considered in addition to the provision of a crosswalk); OR
- If an existing crosswalk is not already provided at the location of concern, determine eligibility as follows:
 - If the location is at a signalized intersection, it is considered eligible.
 - If the location of concern is unsignalized, the location should:
 - Be at least 300 feet or more to nearest controlled crosswalk
 - Have adequate stopping sight distance of the entire crosswalk (or potential crosswalk) and its entry points, based on the most recent methodology for stopping sight distance calculations in the AASHTO Policy on Geometric Design of Highways and Streets; refer to Table 1 for stopping sight distances on level ground.
 - If the location does not have adequate stopping sight distance, crosswalk treatments may still be considered; however, any proposed treatments for the location should include mitigation measures to address the inadequate stopping sight distance.

Table 1: Stopping Sight Distance

Design Speed	Minimum Stopping Sight Distance*
25 mph	155 feet
30 mph	200 feet
35 mph	250 feet
40 mph	305 feet

* The minimum distance needed by drivers to see pedestrians and other potential obstacles on the road in time to come to a safe stop. In simpler terms, it is the distance required for a driver to see a hazard, such as a pedestrian in a crosswalk, and then have enough space to stop before reaching that point. This table is provided as a quick reference; distances shown are based on the AASHTO *Policy on Geometric Design of Highways and Streets*, 7th Edition and are for level roadways only.

Note that a crosswalk is not always marked with pavement markings, particularly on local and neighborhood streets; however, Town staff will still treat these locations as having existing crosswalks. If the location fails to meet eligibility requirements, the structured review process ends. However, Town staff may consider the subject location in a comprehensive planning process, development review process, or other planning activity if pedestrian safety and connectivity concerns are noted at the study location. Additionally, locations within school zones (within an a quarter mile of schools, or up to industry standard based on staff discretion), near pedestrian generators, or requiring consideration of new traffic control devices (such as traffic signals or stop signs) may require an Advanced Review or other separate study.

3.2 Engineering Study Data Collection Requirements

3.2.1 Traffic Calming Study Requirements

For an engineering study conducted in response to a traffic calming concern, the following data should be collected as it pertains to the specific need:

- Traffic volumes and speed data, typically collected over a 48-hour period on Tuesdays, Wednesdays, or Thursdays, during a week when public schools are in session, no holidays occur, and weather does not impact typical travel patterns
- Crash history of the study location for the most recently available 5-year period
- A site visit should be conducted to gather additional information specific to the study location, including:
 - Grade
 - Designation of the study location as an emergency, truck, or bus route
 - Sight distances and sight line issues
 - Roadway geometry, including widths
 - Posted speed limit
 - Observation of abnormal or undesirable driver behaviors or site conditions
 - Notable land uses such as schools, parks and recreation facilities, or commercial shopping centers

3.2.2 Crosswalk Treatment Study Requirements

For an engineering study conducted in response to a crosswalk treatment concern, the following data should be collected:

- Traffic volumes, collected over a 48-hour period on Tuesdays, Wednesdays, or Thursdays, during a week when public schools are in session, no holidays occur, and weather does not impact typical travel patterns
- Pedestrian volumes, collected over a 48-hour period on Tuesdays, Wednesdays, or Thursdays, during a week when public schools are in session, no holidays occur, and weather does not impact typical travel patterns. If the study location does not have an existing crosswalk, volumes should observe any crossings that occur within 300 feet in either direction from the location of concern. If the study location is near a bicycle facility, such as a trail or bike lane, and potential treatments may involve provision of bicycle crossing facilities, bicycle volumes should be collected in the same period.
- (Optional) Driver yield rates during peak hours, collected only for locations with an existing crosswalk and where driver yielding behavior has been identified as a concern
- Crash history of the study location for the most recently available 5-year period
- A site visit should be conducted to gather additional information specific to the study location, including:
 - Nearby pedestrian generators such as schools, hospitals, senior centers, shopping centers, parks, bus stops, or recreation centers
 - Distance to the nearest controlled crosswalk
 - Stopping sight distance
 - Presence of street lighting adjacent to the proposed crossing location
 - Roadway geometry, including number of lanes and presence of a raised median
 - Posted speed limit

4 EVALUATION CRITERIA

4.1 Traffic Calming

Once a study location is considered eligible for potential traffic calming measures based on the criteria outlined in Section 3.1.1, and an engineering study has been conducted in accordance with Section 3.2.1, the evaluation criteria discussed in this section will be used to identify appropriate traffic calming measures and inform the development of a concept plan for the study location. The decision tree in Figure 2 describes this evaluation process.

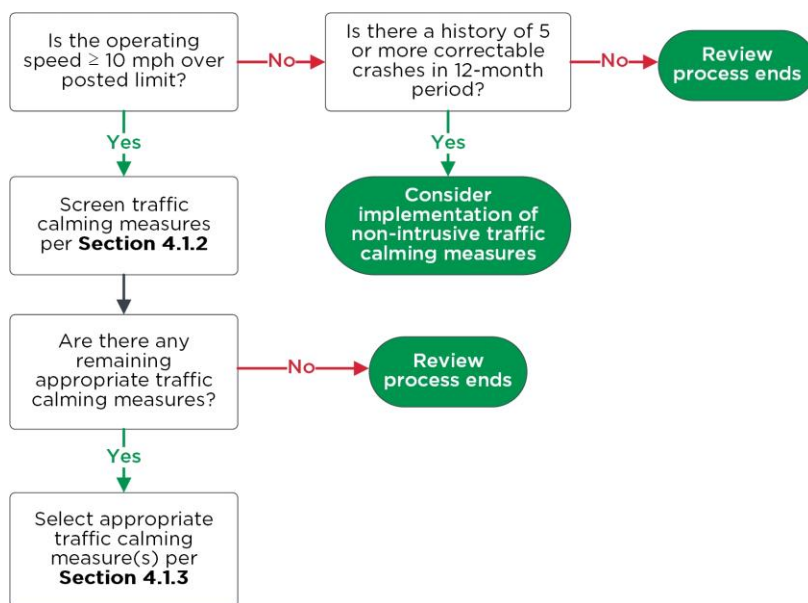


Figure 2: Traffic Calming Process Decision Tree

4.1.1 Potential Traffic Calming Measures

Potential traffic calming measures that could be utilized at the study location include the following, with detailed definitions provided in [Appendix A](#):

- Non-Intrusive Measures
 - Education
 - Enforcement
 - Pavement Markings
 - Warning Signs
 - Radar Speed Feedback Sign
 - Additional \$200 Fine Sign
- Vertical Measures
 - Speed Hump
 - Speed Cushion
 - Speed Table
 - Raised Intersection

- Horizontal and Narrowing Measures
 - Chicane
 - Median Island
 - Choker
 - Curb Extension
 - Traffic Circle

Detailed information on traffic calming measures, including descriptions, pictures, advantages/disadvantages, and effectiveness is provided in [Appendix A](#).

The following are **not** intended for and will not be used as traffic calming measures:

- Stop Signs – The placement of stop signs shall be determined in accordance with the Manual on Uniform Traffic Control Devices (MUTCD). The MUTCD indicates that stop signs shall not be used for speed control and, when used for purposes other than traffic control, they may cause more harm than good. As such, they are not included as a traffic calming measure in this guidance.
- Traffic Restrictions – Traffic restriction is the use of various methods to restrict vehicle travel through specific locations. This could include the placement of signage to restrict undesired movements (such as one-way such restricted turn movements), or placement of physical barriers to block undesired travel (such as half- or full-street closures). These measures are more appropriate for the restriction of cut-through traffic, which is not an objective of this guidance.
- Roundabouts – While roundabouts have documented traffic calming effects, the cost and scope of implementing a roundabout generally does not fit within the scope of improvements considered in this *Transportation Guidance*. If a roundabout is desired, a full intersection redesign and traffic study should be conducted. Mini-roundabouts (also called traffic circles) are included in this guidance as they provide a traffic calming effect but have a scope more appropriate and similar to the other measures discussed.

The elements above are intended to regulate traffic flow and provide guidance where motorist right-of-way must be controlled. The need for and use of these elements will be assessed in a separate study by the Town's TEIC using criteria detailed in the MUTCD.

Note that the above lists are not exhaustive, and the final selection of appropriate traffic calming measures will be at the professional judgement of the Town's engineer.

4.1.2 Initial Screening

The intent of this section is to describe the initial screening process to be used to remove from consideration any traffic calming measures that are not appropriate for the study location. The appropriateness of a particular measure depends on several factors, including the function of the street, operating speeds, volumes, and other context-specific characteristics of the study location.

The first step of the screening process is to identify and determine the extent of the problem to be addressed. For traffic calming measures, this includes determining the 85th percentile speed of vehicles on this segment, also referred to as the operating speed. The 85th percentile speed is the speed at which 85% of drivers drive at or below and 15% of drivers drive faster than. If the operating speed is less than 10 mph over the posted speed limit, then traffic calming measures are generally considered to not be justified and the review process ends. If otherwise justified, non-intrusive traffic calming measures may be considered at excepted locations where there is a history of crashes (guidance: 5 or more correctable crashes in a 12-month period), or repeated, observed, unsafe behaviors.

If the operating speed is 10 mph or more than the posted speed limit, Table 2 and Table 3 are used as initial screening tools to determine whether a particular traffic calming measure may be appropriate for the study location.

Table 2 is used as a screening tool to determine whether a particular traffic calming measure is considered appropriate for the study location given its classification, function, and daily vehicle volume. Certain traffic calming measures may be considered not appropriate for streets of a certain classification, or streets considered emergency routes, transit routes, or truck routes. For example, because speed humps can cause delay for emergency vehicles, they are generally not considered appropriate for routes frequently utilized by emergency vehicles, such as streets that provide access to a hospital or other emergency service locations. Guidelines were developed based on the results of studies listed in the FHWA Traffic Calming E-Primer⁴ as well as the guidance of other jurisdictions such as VDOT. Traffic calming measures are listed in Table 2 as one of three levels of appropriateness:

- May be appropriate
- Caution; could be inappropriate
- Likely inappropriate

Table 3 is used to screen traffic calming measures based on additional constraining factors, including:

- Grades – Certain traffic calming measures are not considered appropriate on steep grades or may limit the ability to drain stormwater on the roadway.
- Operating speeds – If the operating speed (the observed 85th percentile speed of vehicles at the study location) is over 45 mph, vertical measures such as speed humps or speed tables are not considered appropriate.
- Available curb-to-curb width – Some measures require a minimum amount of curb-to-curb width to be implemented while still being effective and leaving room for emergency vehicles.
- Measure location – Certain measures are appropriate for implementation only at intersections, a certain distance from an intersection, or along street segments.

Table 2: Traffic Calming Screening – Roadway Classification and Function

Roadway Classification and Function		Vehicles Per Day								
		≤500			500 - 4,000			≥4000		
Local	Standard	1	2	3	①	②	③	①		
		4	5	6	④	⑤	⑥			
		7	8	9	⑦	⑧	⑨	⑦	⑧	
	Emergency Access*	1		3	①		③	①		
			5	6		⑤	⑥			
		7	8		⑦	8		⑦	8	
	Bus Route*	1	2	3	①	2	③	①		
		4	5	6	4	⑤	⑥			
		7	8	9	⑦	8	9	⑦	8	
	Truck Access*	1	2	3	①		③	①		
		7	8		⑦	8		⑦	8	
Collector	Standard	1		3	①		③	①		
		4	5	6	④	⑤	⑥			
		7	8		⑦	⑧		⑦	⑧	
	Emergency Access*	1		3	①		③	①		
			5	6		⑤	⑥			
		7	8		⑦	8		⑦	8	
	Bus Route*	1		3	①		③	①		
		4	5	6	4	⑤	⑥			
		7	8		⑦	8		⑦	8	
	Truck Access*	1		3	①		③	①		
		7	8		⑦	8		⑦	8	

* If a roadway has multiple functions, screen measures based on all applicable functions.

- 1 Non-Intrusive Measures (Education, Enforcement, Pavement Markings, Signage)
- 2 Speed Hump
- 3 Speed Cushion
- 4 Speed Table
- 5 Raised Intersection
- 6 Chicane
- 7 Median Island or Choker
- 8 Curb Extension
- 9 Traffic Circle

In each combination of roadway classification, function, and vehicle volumes:

- Circled Number Signifies that the measure may be appropriate
- # Uncircled Number Signifies that the measure could be inappropriate and to use caution when considering
- Missing Number Signifies that the measure is likely inappropriate

Source: [FHWA - Traffic Calming ePrimer](#); [VDOT - Traffic Calming Guide for Neighborhood Streets](#)

Table 3: Traffic Calming Screening – Additional Considerations

Consideration					
Traffic Calming Measure	Grade	Operating Speed	Curb-to-Curb Width	Location (Segment vs. Intersection)	Other Considerations
Education	N/A	-	-	Segment	N/A
Enforcement				Segment or Intersection	
Pavement Marking			Can be utilized to narrow travelway on wider roadways	Segment or Intersection	
Radar Feedback Sign			-	Segment	
Additional \$200 Fine Sign				Segment	Use as a targeted measure for school zones, locations near senior living centers, and pedestrian activity centers
Speed Hump	Not appropriate for steep grades (>8%)	Not appropriate if operating speed is ≥45 mph		Segment	Place at a midblock location at least 150 feet from an unsignalized intersection and 250 feet from a signalized intersection. Must review impact on road drainage and may increase noise.
Speed Cushion				Segment	
Speed Table				Segment	
Raised Intersection	N/A	-		Intersection	N/A
Chicane	Not appropriate for steep grades (>8%)		Requires enough curb-to-curb width to install an effective chicane	Segment	Must review impact on road drainage; potential to add greenery/landscaping; impact to on-street parking
Median Island (Crosswalk Refuge)	N/A		Requires enough curb-to-curb width to install a median	Segment or Intersection (Can be utilized as a crosswalk refuge)	
Choker (Mid-Block Crossing)			Requires enough curb-to-curb width to install a choker	Segment; can be utilized to implement a mid-block crossing	
Curb Extension	N/A		-	Requires enough curb-to-curb width to install curb extensions	Segment or Intersection
Traffic Circle		-		Intersection	Must review impact on road drainage; potential to add greenery/landscaping; affects left turns on transit routes

Source: [FHWA - Traffic Calming ePrimer](#)

4.1.3 Measure Selection

After the initial screening of potential traffic calming measures for the location of concern has been completed, Town staff will select the most appropriate measure(s) for that location. Selection of appropriate measures will require consideration of several factors, including but not limited to:

- Cost of the measure(s)
- Effectiveness of the measure(s)
- Timeline to implement the measure(s)
- Operating speed
- Drainage impacts
- Sight lines
- Existing traffic calming measures already in place
- Snow removal and snow emergency routes
- Noise concerns
- Utility conflicts
- Other nearby or ongoing projects in the area

The Town will work amongst the Departments of Public Works, Community Development, Police, and with Fairfax County emergency services to identify the most appropriate measure based on the factors present at the study location. Information on the advantages, disadvantages, effectiveness, and special considerations for traffic calming measures is provided in [Appendix A](#).

4.1.4 Post-Implementation Evaluation

Town staff may elect to conduct a post-implementation evaluation study depending on the extent of the problem identified at the location of concern. Whether a post-evaluation study is conducted will be determined by the Town's TEIC; this document recommends that at minimum if the operating speed determined in the engineering study was 10 mph or more over the speed limit, or there is a history of speed related crashes in the study area, a post-evaluation study should be heavily considered.

In this study, Town staff may do the following:

- Conduct a site visit to the location of concern to observe road user behavior.
- Conduct a speed study, with data collected at times in which driver behavior is considered typical.
- Assess the measure's impact on emergency, transit, or public works maintenance vehicles.

If the study determines that the desired outcome has not been achieved or that the negative impacts outweigh the desired impacts, the TEIC may consider additional action at the subject location, such as implementation of additional or alternative traffic calming measures.

4.2 Crosswalk Treatments

Once a study location is considered eligible for potential crosswalk treatments based on the criteria outlined in Section 3.1.2, and an engineering study has been conducted in accordance with Section 3.2.2, the evaluation criteria discussed in this section will be used to identify appropriate crosswalk treatments and inform the development of a concept plan for the location of concern.

The crosswalk treatment evaluation is a three-step decision process that guides the consideration and selection of crosswalk treatment:

- **Safety Issue Identification:** This step involves recognizing and assessing safety issues associated with pedestrian crossings, laying the groundwork for targeted solutions to enhance pedestrian safety (Section 4.2.1).
- **Crosswalk Treatment Decision Tree:** This decision tree assists in determining the potential need for crosswalk treatments at an existing or a proposed crosswalk location based on a series of criteria (Section 4.2.2).
- **Crosswalk Treatment Screening and Selection:** If a marked crosswalk is justified, appropriate crosswalk treatments are screened and selected based on the safety issues identified and characteristics of the location of concern, among other considerations (Sections 4.2.3-4.2.5).

4.2.1 Safety Issue Identification

Prior to selection of crosswalk treatments, the specific safety issues at the location of concern should be identified. The following five (5) safety issues are crucial to identify and understand when selecting and implementing crosswalk treatments:

- **Conflicts at crossing locations** – Situations where pedestrians face challenges navigating roadways due to conflicts with vehicular traffic or other factors. These conflicts can arise from complex intersections, unclear right of way, or other designed-related issues that hinder the smooth and safe passage of pedestrians across roadways.
- **Excessive vehicle speed** – Vehicles traveling at speeds that exceed safe limits for pedestrian crossing, increasing the risk of accidents and reducing reaction time for both drivers and pedestrians.
- **Inadequate conspicuity/visibility** – Insufficient visibility for pedestrians and crosswalks, making it challenging for drivers to easily recognize and respond to the presence of pedestrians.
- **Drivers not yielding to pedestrian in crosswalks** – Situations when drivers fail to yield the right of way to pedestrians already in a crosswalk, posing a direct threat to pedestrian safety.
- **Insufficient separation from traffic** – A lack of physical or visual separation between pedestrians and vehicular traffic, increasing the likelihood of conflicts.

4.2.2 Crosswalk Treatment Decision Tree

The decision tree shown in Figure 3 serves as a tool in guiding the determination of whether a marked crosswalk is justified at the location of concern. This flowchart outlines a comprehensive decision-making process, directing users through various considerations to reach an informed conclusion. In some cases, a marked crosswalk may not be justified.

Various factors and criteria are taken into account at different crossing locations, including signal-controlled intersections, stop-controlled intersections, and mid-block locations. Each situation necessitates a tailored approach to ensure pedestrian safety.

- **Signal Controlled Intersections** – At intersections and mid-block crossings controlled by traffic signals or flashing beacons, marked crosswalks are recommended. These markings enhance visibility and safety for pedestrians. Generally, crosswalks should be marked across each intersection approach unless specific instances prohibit pedestrian travel.
 - In unique cases, such as T-intersections, engineering judgement may lead to the provision of one crosswalk instead of the typical two, aiming to minimize potential conflicts with left-turning vehicles.

- **Stop Controlled and Uncontrolled Intersections** – The decision to mark crosswalks is determined through Figure 3.
- **Mid-Block Locations** – The decision to mark crosswalks is determined through Figure 3.

Where a crosswalk is justified at an unsignalized or mid-block location, the decision tree leads users to subsequent sections of this guidance for screening and selection of potential crosswalk treatments. Prior to crosswalk treatment screening and selection, staff will determine if any of the safety issues listed above are applicable to the location of concern, as they will inform the ultimate selection of crosswalk treatments.

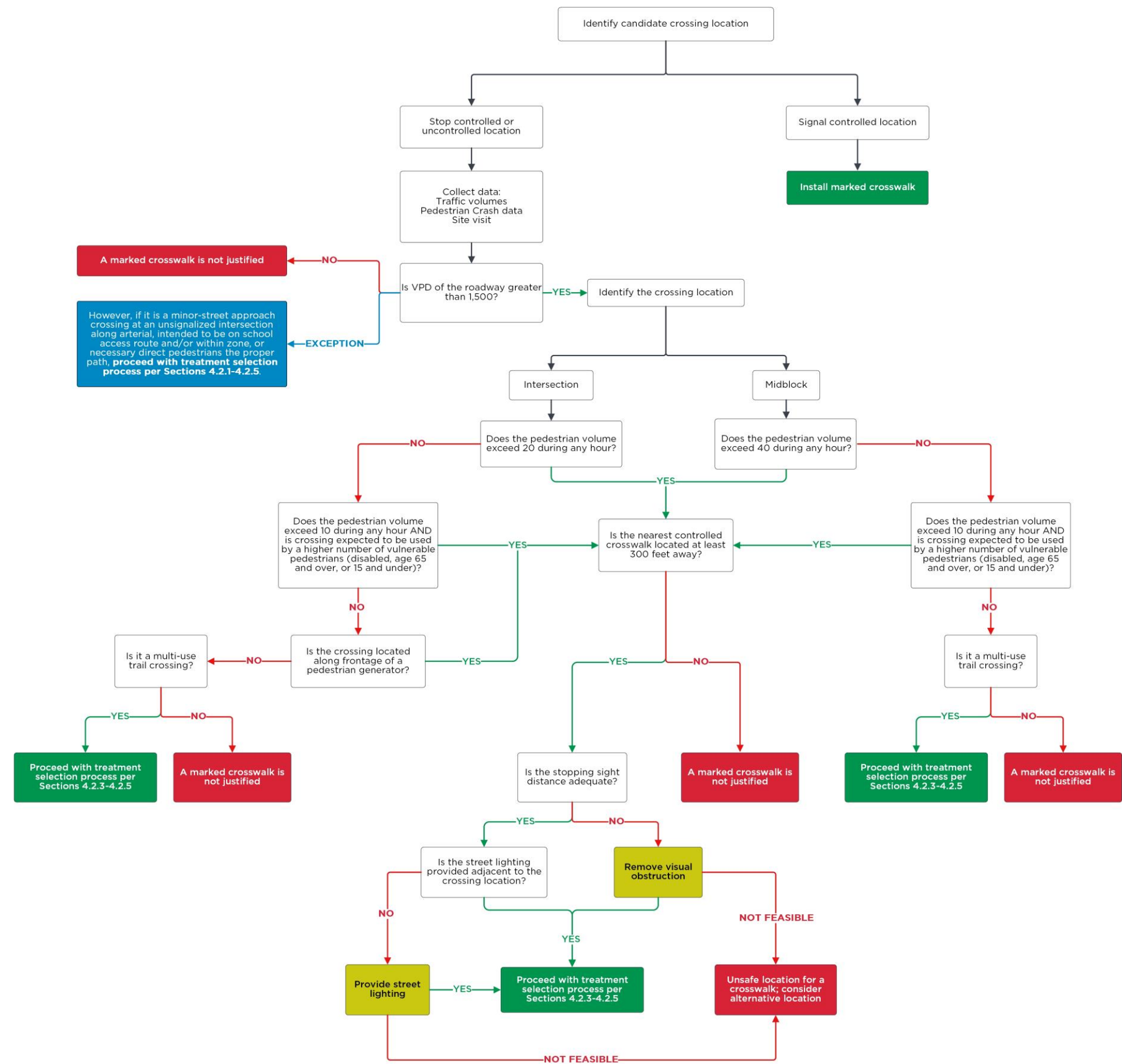


Figure 3: Crosswalk Treatment Decision Tree

4.2.3 Potential Crosswalk Treatments

Potential crosswalk treatments that could be utilized at the location of concern include the following, with detailed definitions provided in [Appendix B](#):

- Crosswalk visibility enhancements, including high-visibility crosswalk markings, adequate nighttime lighting levels, and crosswalk warning signs
- Raised Crosswalk
- Advance Stop Here For Pedestrian Sign and Stop Line
- In-Street Pedestrian Crossing Sign
- Curb Extension
- Pedestrian Refuge Island (Median Island)
- Pedestrian Hybrid Beacon (PHB)
- Road Diet
- Rectangular Rapid-Flashing Beacon (RRFB)

4.2.4 Crosswalk Treatment Screening

The intent of this section is to describe the screening process to remove from consideration any crosswalk treatments that are not appropriate for the location of concern. Table 4 and Table 5 are used as screening tools to determine whether a particular crosswalk treatment is appropriate. Table 5 identifies treatments that would be considered appropriate based on roadway configuration, posted speed limits, and vehicles per day (VPD).

Table 4, which is derived from Table 2 of the FHWA’s *Guide for Improving Pedestrian Safety at Uncontrolled Crossing Locations* (hereafter referred to as the “FHWA Guide”), identifies appropriate crosswalk treatments to address the safety issues identified in Section 4.2.1.

4.2.5 Crosswalk Treatment Selection

After the initial screening of potential crosswalk treatments, the TEIC will select the most appropriate crosswalk treatments for the location of concern. [Appendix B](#) provides comprehensive details on the description, advantages, disadvantages, safety benefits, and relative costs associated with each crosswalk treatment. Selection of appropriate treatments will require careful assessment of this information, as well as engineering judgment, funding availability, and construction feasibility. If traffic calming concerns have also been identified at the study location, the TEIC may elect to prioritize crosswalk treatments that also serve as traffic calming measures. Table 4 can be used to identify crosswalk treatments that would be considered appropriate for addressing traffic calming concerns, such as excessive vehicles speeds.

4.2.6 Post-Implementation Evaluation

It is at the discretion of the TEIC to determine whether a post-implementation evaluation is necessary based on the severity of the safety issues identified and the selected treatment(s). Depending on the extent and nature of the safety issues identified at the location of concern per Section 4.2.1, the following post-implementation studies should be conducted:

- **Conflicts at crossing locations** – Monitor the occurrence of conflicts at crossing locations by conducting field observations and reviewing incident reports. If conflicts persist or escalate, the TEIC may consider adjustments to the crosswalk design or traffic control measures.

- **Excessive vehicle speeds** – Conduct a speed study, with data collected at times in which driver behavior is considered typical. If speeds remain consistently high, the TEIC may choose to enhance crosswalk treatments (e.g., upgrading high-visibility crosswalk to RRFB, or RRFB to PHB, where appropriate) or implement additional traffic calming measures.
- **Inadequate conspicuity/visibility** – Evaluate the visibility of crosswalk markings and signage, especially during low-light conditions. If conspicuity issues persist, the TEIC may explore enhancement such as high-visibility striping, improved lighting, or additional signage.
- **Drivers not yielding to pedestrians in crosswalks** – Collect driver yield rates during peak hours on Tuesdays, Wednesdays, or Thursdays at any point in the year where no holidays occur, and weather does not impact typical travel patterns. If the driver yielding rate is not improved or is still consistently below the established threshold, HPD may consider implementing educational campaigns, enforcement measures, or alterations to the crosswalk design to encourage proper yielding.
- **Insufficient separation from traffic** – Assess the physical and visual separation between pedestrians and traffic. If insufficient separation persist, consider changes to crosswalk infrastructure such as curb extensions, refuge islands, or raised crosswalks, to enhance safety.

Table 4: Safety Issues Addressed by Crosswalk Treatments

Crosswalk Treatment	Safety Issue				
	<i>Conflicts at crossing locations</i>	<i>Excessive vehicle speed</i>	<i>Inadequate conspicuity/visibility</i>	<i>Drivers not yielding to pedestrians in crosswalks</i>	<i>Insufficient separation from traffic</i>
Crosswalk visibility enhancements	✓	✓	✓	✓	✓
High-visibility crosswalk markings	✓		✓	✓	
Improved nighttime lighting	✓		✓		
Advance Stop Here For Pedestrians sign and stop line	✓		✓	✓	✓
In-street Pedestrian Crossing sign	✓	✓	✓	✓	
Curb extension	✓	✓	✓		✓
Raised crosswalk	✓	✓	✓	✓	
Pedestrian refuge island	✓	✓	✓		✓
Pedestrian hybrid beacon (PHB)	✓	✓	✓	✓	
Road diet	✓	✓	✓		✓
Rectangular rapid-flashing beacon (RRFB)	✓		✓	✓	✓

Source: [FHWA – Guide for Improving Pedestrian Safety at Uncontrolled Crossing Locations](#)

Table 5: Crosswalk Treatment Selection Table

Roadway Configuration	Vehicle Per Day (VPD) and Posted Speed Limit											
	1,500 to 9,000 VPD			9,000 to 12,000 VPD			12,000 to 15,000 VPD			≥15,000 VPD		
	≤30 mph	35 mph	≥40 mph	≤30 mph	35 mph	≥40 mph	≤30 mph	35 mph	≥40 mph	≤30 mph	35 mph	≥40 mph
2 lanes with raised median	① 2 4 5 6	① 5 6 7 9	① 5 6 ⑦ ⑨	① 4 5 6	① 5 6 7 9	① 5 6 ⑦ ⑨	① 4 5 6	① 5 6 ⑦ 9	① 5 6 ⑦ ⑨	① 4 5 6 ⑦ 9	① 5 6 ⑦ 9	① 5 6 7 9
2 lanes w/o raised median	① 2 4 5 6	① 5 6 7 9	① 5 6 ⑦ ⑨	① 4 5 6	① 5 6 7 9	① 5 6 ⑦ ⑨	① 4 5 6	① 5 6 7 9	① 5 6 ⑦ ⑨	① 4 5 6 ⑦ 9	① 5 6 ⑦ 9	① 5 6 7 9
3 lanes with raised median	① 2 3 4 5	① ③ 5 7 9	① ③ 5 ⑦ ⑨	① 3 4 5 7 9	① ③ 5 ⑦ ⑨	① ③ 5 ⑦ ⑨	① 3 4 5 7 9	① ③ 5 ⑦ ⑨	① ③ 5 ⑦ ⑨	① ③ 4 5 7 9	① ③ 5 ⑦ ⑨	① ③ 5 ⑦ ⑨
3 lanes w/o raised median	① 2 3 4 5 6 7 9	① ③ 5 ⑥ 7 9	① ③ 5 ⑥ ⑦ ⑨	① 3 4 5 ⑥ 7 9	① ③ 5 ⑥ ⑦ ⑨	① ③ 5 ⑥ ⑦ ⑨	① 3 4 5 ⑥ 7 9	① ③ 5 ⑥ ⑦ ⑨	① ③ 5 ⑥ ⑧ ⑨	① ③ 4 5 ⑥ ⑦ 9	① ③ 5 ⑥ ⑧ ⑨	① ③ 5 ⑥ ⑧ ⑨
4+ lanes with raised median	① ③ 5 7 8 9	① ③ 5 7 8 9	① ③ 5 8 ⑨	① ③ 5 7 8 ⑨	① ③ 5 ⑦ 8 ⑨	① ③ 5 8 ⑨	① ③ 5 7 8 ⑨	① ③ 5 ⑦ 8 ⑨	① ③ 5 8 ⑨	① ③ 5 ⑦ 8 ⑨	① ③ 5 8 ⑨	① ③ 5 8 ⑨
4+ lanes w/o raised median	① ③ 5 7 8 9	① ③ 5 ⑥ 7 8 9	① ③ 5 ⑥ 8 ⑨	① ③ 5 ⑥ 7 8 9	① ③ 5 ⑥ ⑦ 8 ⑨	① ③ 5 ⑥ 8 ⑨	① ③ 5 ⑥ 7 8 9	① ③ 5 ⑥ ⑦ 8 ⑨	① ③ 5 ⑥ 8 ⑨	① ③ 5 ⑥ ⑦ 8 ⑨	① ③ 5 ⑥ 8 ⑨	① ③ 5 ⑥ 8 ⑨
Note: Each matrix cell indicates possibilities that may be appropriate for designated pedestrian crossings. Not all of the countermeasures listed in the matrix cell should necessarily be installed at a crossing location. Given the set of conditions in a cell, # Signifies that the countermeasure is a candidate treatment at a crossing location. ○ Signifies that the countermeasure should always be considered, but not mandated or required, based on engineering judgement of a crossing location. ● Signifies that the identified countermeasure should always occur in conjunction with crosswalk visibility enhancements. The absence of a number signifies that the countermeasure is generally not an appropriate treatment, but exceptions may be considered following engineering judgement. 1. High-visibility crosswalk markings, adequate nighttime lighting levels, and crossing warning signs 2. Raised crosswalk 3. Advance Stop Here For Pedestrian sign and stop line 4. In-street Pedestrian Crossing sign 5. Curb extension 6. Pedestrian refuge island 7. Rectangular rapid-flashing beacon (RRFB) 8. Road diet 9. Pedestrian hybrid beacon (PHB)												

Source: FHWA – Guide for Improving Pedestrian Safety at Uncontrolled Crossing Locations; VDOT – Pedestrian Crossing Accommodations at Unsignalized Approaches

A APPENDIX A – TRAFFIC CALMING MEASURES

A description, picture examples, advantages, disadvantages, effectiveness, and relative costs of each individual treatment are shown in this appendix. The advantages and disadvantages and costs are based on information from FHWA and VDOT. Cost estimates from these sources were adjusted for inflation to current-year (2024) dollars using the Bureau of Labor Statistics' Consumer Price Index (CPI). An additional 30% contingency was applied to the high end of these cost estimates to account for other potential uncertainties in the design and installation process. Costs for any individual improvement can vary depending on the size of the improvement, materials used, utility needs, and drainage, among other factors.

Traffic Calming Measures included in this Appendix:

- Non-Intrusive Measures
- Education
- Enforcement
- Pavement Markings
- Radar Speed Feedback Sign
- Additional \$200 Fine Sign
- Vertical Measures
- Speed Hump
- Speed Cushion
- Speed Table
- Raised Intersection
- Horizontal and Narrowing Measures
- Chicane
- Median Island
- Choker
- Curb Extension
- Traffic Circle

A.1 Education

Description

Education consists of raising motorists' awareness about traffic safety concerns. Options for education include, but are not limited to, the following:

- Literature distribution – The Town can provide flyers or other educational literature to HOAs, businesses, or other community groups.
- Radar speed feedback sign – Raises awareness of speeding to drivers. See radar speed feedback sign for more information.

Depending on the distribution strategy, the Town's TEIC may partner with HPD, the Town's Pedestrian and Bicycle Advisory Committee, Fairfax County Public Schools, or other community organizations.

Advantages

- Does not physically restrict driver maneuvers and thus does not impose speed reductions on emergency and transit vehicles.
- Does not affect drainage or sight distance and is not affected by excessive grading.
- Can be used with other forms of traffic calming.
- If the program uses the police or a radar speed feedback sign, then the advantages and disadvantages of using those apply here as well.

Disadvantages

- Effectiveness varies depending on the duration and extent of the education program. Even long and extensive programs are found to have limited effectiveness without the use of other traffic calming measures.
- Long term effects are not as well studied, but it is likely to lose its effect over time.⁵
- If the program uses the police or a radar speed feedback sign, then the advantages and disadvantages of using those apply here as well.

Effectiveness

- A reduction of approximately 1-1.5 mph in vehicle speeds.⁵

Approximate Cost

- Costs vary depending on the extent and duration of the program.

A.2 Enforcement

Description

Enforcement involves coordination with the Herndon Police Department to monitor traffic safety concerns and enforce as appropriate.

Advantages

- Does not require any change to the roadway or engineering design and thus can be implemented without imposing speed reductions on emergency and transit vehicles, affecting traffic flow, drainage, or sight distance.
- Can be temporarily placed.
- Limited capital cost to the Town.

Disadvantages

- Monitoring and enforcing speed limits on low-volume residential streets will be a lower priority for Herndon Police Department compared to arterial and collector roadways.
- Cannot be always in effect, only during times when a police officer is on duty.
- Require HPD staff time.

Effectiveness

- While police are actively on location, this method has traditionally been effective at keeping speeds at or below the speed limit. Studies have found that while speeds are low upstream of the police vehicle, after motorists pass the police vehicle, they quickly return to the measured operating speeds.⁶

Approximate Cost

- No capital cost to the Town, but uses police time and resources on this activity versus other priorities.

A.3 Pavement Markings

Description

Pavement markings use paint to visually change the look of the roadway without adapting any physical elements. This can include striping the shoulder or centerline to narrow the roadway. This can also include street marking installed on the pavement to supplement signage. Pavement marking treatments can be utilized anywhere along a roadway segment, or at intersections.



Source: [City of Alexandria](#) (left), Town of Herndon (right)

Advantages

- Does not physically restrict driver maneuvers and thus does not impose speed reductions on emergency and transit vehicles.
- Less costly than other methods and can be done with a repaving project.
- Involves measures that are easily recognizable by motorists.
- Can be easily removed if placed with temporary marking tape.
- Does not affect drainage or sight distance and is not affected by excessive grading. Depending on the implementation, it can be flexible in use.
- Lower maintenance costs when compared to other solutions.

Disadvantages

- New pavement markings are more expensive when eradication of previous pavement marking is required. Thus, it is recommended to pair this with a repaving project.
- Adds to maintenance costs for pavement markings.
- Visibility of markings may be reduced over time, particularly in locations where vehicle tires travel.

Effectiveness

- A reduction in vehicular speeds by 0.5 mph where shoulder markings are used to narrow the travel lane.⁷
- A reduction in vehicular speeds by 1-5 mph when parallel parking is added, and the vehicle travel lanes are narrowed.⁷

Approximate Cost

- Capital cost: approximately \$1.50-\$18 per linear foot of pavement marking/striping and \$140-\$2,200 per pavement marking symbol.⁸
- Cost of ongoing maintenance of pavement markings.

A.4 Radar Speed Feedback Sign

Description

A radar speed feedback sign combines a regulatory speed limit sign with a radar speed display sign that displays the real-time speed of an approaching vehicle. These signs can be portable and temporarily placed in a location. These are placed midblock.



Source: Town of Herndon

Advantages

- Does not physically restrict driver maneuvers and thus does not impose speed reductions on emergency and transit vehicles.
- Is somewhat easily removed and can be temporarily placed. Can be placed at alternate locations.
- Does not affect drainage and is not affected by excessive grading.
- Minimal maintenance costs and can be powered with a solar panel.

Disadvantages

- Residual effects are negligible when removed.
- Placement may be limited by availability of a power source in shaded areas.

Effectiveness

- A reduction of approximately 4 mph in vehicle speeds.⁹

Approximate Cost

- Capital cost: approximately \$9,500-\$12,000 per installation, depending on the power source.¹⁰
- Cost of ongoing maintenance of installed signage.

A.5 Additional \$200 Fine Sign

Description

An Additional \$200 Fine sign combines a regulatory speed limit sign with a sign that displays “\$200 Fine for Speeding.” The segment following this is subject to higher speeding fines. These are placed midblock and must be approved by the Town Manager. These signs should be used as a targeted measures in areas with vulnerable users such as school zones, locations near senior living centers, and pedestrian activity centers.



Source: [VDOT - Traffic Calming Guide for Neighborhood Streets](#)

Advantages

- Does not physically restrict driver maneuvers and thus does not impose speed reductions on emergency and transit vehicles.
- Does not affect drainage or sight distance and is not affected by excessive grading.
- Negligible maintenance costs.

Disadvantages

- Has negligible effects.

Effectiveness

- The effectiveness of this measure is unknown.

Approximate Cost

- Capital cost: approximately \$1,000 per sign. Typically at least four (4) signs per segment are needed, for a total cost of approximately \$4,000. This includes two (2) per direction, indicating the beginning and ending of the higher fine zone.¹⁰
- Cost of ongoing maintenance of installed signage.

A.6 Speed Hump

Description

A speed hump is a vertical deflection measure consisting of an elongated mound in the roadway pavement surface (or a removable installation) extending across the travel lane perpendicular to traffic flow. This is typically 3 inches in height and 12 feet in length. These are placed midblock at least 150 feet from an unsignalized intersection or 250 feet from a signalized intersection. Signage should accompany this measure to improve visibility during snow removal operations.



Sources: [FHWA – Traffic Calming ePrimer](#)

Advantages

- Self-enforcing.
- Involves measures that are easily recognizable by motorists.
- Can spread them out to have a lower impact on the roadway.

Disadvantages

- Impacts travel times of emergency and transit vehicles.
- Can increase noise as vehicles pass over the measure.
- Can affect drainage and should avoid placing on steep grades (>8%).
- If located in locations with limited sight distance, require additional warning signage.
- Can damage vehicles if they pass over it too fast. Should not be installed if operating speeds are over 45 mph.

Effectiveness

- A reduction of approximately 6-8 mph in vehicle speeds.¹¹
- Can result in volume reductions of 20-43% as a result of vehicle trips rerouting to other streets.¹² It should be noted that the Town does not install traffic calming measures to lower traffic volumes, but these are a noted side effect of this form of traffic calming.

Approximate Cost

- Capital cost: approximately \$2,500-\$6,500 per installation.¹³
- Cost of ongoing maintenance of the installed measure and any associated signage and striping.

A.7 Speed Cushion

Description

A speed cushion is a vertical deflection measure; it is a modified speed hump where openings are added to accommodate emergency or transit vehicles to cross the measure without experiencing vertical deflection and slowing down. These are placed midblock at least 150 feet from an unsignalized intersection or 250 feet from a signalized intersection.



Source:

[FHWA - Traffic Calming ePrimer](#) (left); [VDOT - Traffic Calming Guide for Neighborhood Streets](#) (right)

Advantages

- Self-enforcing.
- Does not impose speed reductions on emergency and transit vehicles.
- Produces less noise than speed humps from emergency and transit vehicles.
- Certain designs can be installed temporarily to reduce impact on roadway pavement structure.

Disadvantages

- Can increase noise as vehicles pass over the measure.
- May encourage passenger vehicles to cross into the opposing lane in an attempt to straddle the humps. A centerline strip may help discourage this.
- Depending on placement, may impact bicycle lanes.
- Should avoid placing on steep grades (>8%).
- If located in locations with limited sight distance, place warning signage. Can affect drainage, check design.

Effectiveness

- A reduction of approximately 5-7 mph in vehicle speeds.¹¹

Approximate Cost

- Capital cost: Approximately \$4,000-\$6,500 per installation.¹³
- Cost of ongoing maintenance of the installed measure and any associated signage and striping.

A.8 Speed Table

Description

A speed table is a vertical deflection measure; it is essentially a modified speed hump with a flat top long enough (in the direction of travel) to accommodate the wheel base of most passenger vehicles, allowing for a more comfortable experience than a speed hump. These are placed midblock at least 150 feet from an unsignalized intersection or 250 feet from a signalized intersection.



Source: [VDOT - Traffic Calming Guide for Neighborhood Streets](#)

Advantages

- Self-enforcing.
- Is more comfortable than speed humps or cushions.

Disadvantages

- Impacts travel times of emergency and transit vehicles.
- Can increase noise as vehicles pass over the measure, although to a lesser extent than speed humps.
- Should avoid placing on steep grades (>8%) and can affect drainage.
- If located in locations with limited sight distance, place warning signage.
- Can damage vehicles if they pass over it too fast. Should not be installed if operating speeds are over 45 mph.

Effectiveness

- A reduction of approximately 4-11 mph in vehicle speeds.¹¹
- Can result in volume reductions of 15-20% as a result of vehicle trips rerouting to other streets.¹² It should be noted that the Town does not install traffic calming measures to lower traffic volumes, but these are a noted side effect of this form of traffic calming.

Approximate Cost

- Capital cost: approximately \$3,500 - \$13,500 per installation.¹³
- Cost of ongoing maintenance of the installed measure and any associated signage and striping.

A.9 Raised Intersection

Description

A raised intersection is a vertical deflection measure which includes a flat, raised area covering an entire intersection with ramps on all approaches. It is essentially a speed table covering an entire intersection. These are installed at intersections.



Source: [FHWA - Traffic Calming ePrimer](#)

Advantages

- Self-enforcing.
- More comfortable than speed tables and speed humps.
- Provides traffic calming on all connecting streets at the intersection.
- Can be considered visually attractive.

Disadvantages

- Impacts travel times of emergency and transit vehicles.
- Expensive and less effective than other measures.
- Can increase noise as vehicles pass over the measure.
- If located in locations with limited sight distance, place warning signage. Can affect drainage, check design.

Effectiveness

- A reduction of approximately 0-1 mph in vehicle speeds.¹¹

Approximate Cost

- Capital cost: approximately \$19,500 - \$100,000 per installation, depending on the street width at the intersection to be raised, types of pavements or pavers used, utility conflicts, manholes, or other street elements.¹³
- Cost of ongoing maintenance of the installed measure and any associated signage and striping.

A.10 Chicane

Description

A chicane is a horizontal deflection measure which causes realignment on an otherwise straight street, causing all lanes to shift in one direction. Each chicane shifts lanes from one side to the other, causing vehicles to take a S-shaped path instead of going straight and encouraging drivers to slow down. This effect can be achieved with medians or curb extensions alternating on opposite sides of the street. These are installed midblock.



Source: [FHWA - Traffic Calming ePrimer](#)

Advantages

- Self-enforcing.
- Can provide streetscape enhancements and opportunities to install landscaping elements.
- Lower impact on emergency and transit vehicle travel times compared to vertical deflection methods.

Disadvantages

- Needs a certain amount of curb-to-curb width, which is typically taken from street parking or narrowing the travel lanes.
- May obstruct cyclists depending on location and design.
- Can make it difficult for snow removal, providing a fixed object in the roadway that vehicles can strike.
- Should avoid placing on steep grades (>8%).
- If located in locations with limited sight distance, place warning signage. Can affect drainage, check design.

Effectiveness

- A reduction of approximately 3-9 mph in vehicle speeds.¹¹

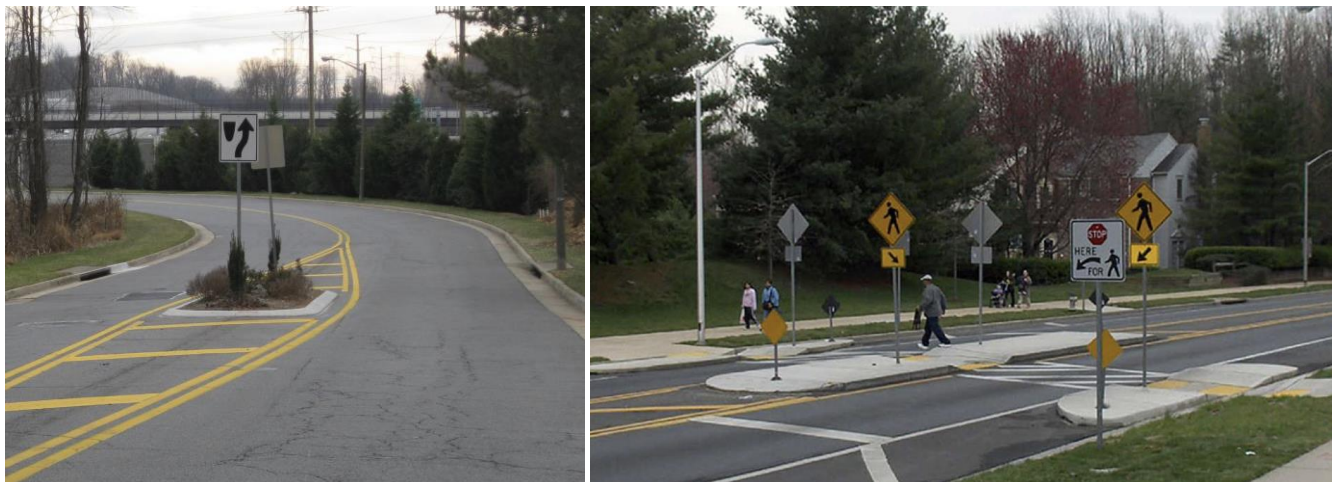
Approximate Cost

- Capital cost: approximately \$10,500 - \$42,000 per installation.¹³
- Cost of ongoing maintenance of the installed measure and any associated signage and striping.

A.11 Median Island

Description

A median island is an island placed in the middle of the street in order to narrow vehicular travel lanes, causing drivers to moderate their speeds at the narrower section. These can also be used as a crosswalk refuge for pedestrians. Median islands can be installed at intersections or midblock.



Source: [VDOT - Traffic Calming Guide for Neighborhood Streets](#) (left); [FHWA - Traffic Calming ePrimer](#) (right)

Advantages

- Self-enforcing.
- Provides for adding greenery and chances to improve the attractiveness of the street.
- Applying a crosswalk at the island can improve pedestrian safety compared to a standard crosswalk.
- Low impact on emergency and transit vehicle travel times.

Disadvantages

- Depending on design, could be difficult for cyclists.
- Can make it difficult for snow removal, providing a fixed object in the roadway that vehicles can strike.
- Needs a certain amount of curb-to-curb width, which is typically taken from street parking or narrowing the travel lanes.
- Can affect drainage.
- If located in locations with limited sight distance, place warning signage.

Effectiveness

- A reduction of approximately 1-8 mph in vehicle speeds.¹¹

Approximate Cost

- Capital cost: approximately \$2,000 - \$17,000 per installation.¹³
- Cost of ongoing maintenance of the installed measure, any associated signage and striping, and upkeep of any landscaping.

A.12 Choker

Description

A choker narrows the roadway by extending the curb out from both sides of the street, reducing the width of vehicular travel lanes and causing drivers to moderate their speeds at the narrower section. These are installed midblock and can be combined with on-street parking. This improvement also creates an opportunity to provide a midblock crosswalk, if warranted.



Source: Town of Herndon

Advantages

- Self-enforcing.
- Provides for adding greenery and chances to improve the attractiveness of the street.
- Provides protection for parking.
- Low impact on emergency and transit vehicle travel times.

Disadvantages

- Can be difficult for cyclists depending on design.
- Can make it difficult for snow removal, providing a fixed object in the roadway that vehicles can strike.
- Needs a certain amount of curb-to-curb width, which is typically taken from street parking or narrowing the travel lanes.
- If located in locations with limited sight distance, place warning signage.
- Can significantly affect drainage depending on location and design.

Effectiveness

- A reduction of approximately 1-4 mph in vehicle speeds.¹¹

Approximate Cost

- Capital cost: approximately \$2,000 - \$33,500 per corner.¹³
- Cost of ongoing maintenance of the installed measure, any associated signage and striping, and upkeep of any landscaping.

A.13 Curb Extension

Description

A curb extension narrows the roadway and shortens pedestrian crossings by extending the curb from the corners of intersections. This causes drivers to moderate their speeds at the narrower section, decreases the distance pedestrians must cross through vehicular traffic, and decreases curb radii, meaning vehicles need to slow down more to turn. These are installed at intersections or midblock and often combined with on-street parking. Curb extensions can be implemented using lower-cost materials, such as striping, flexible posts, and planters.



Source: Google Street View (left); Town of Herndon (right)

Advantages

- Self-enforcing.
- Shortens crossing distance for pedestrians, improving safety and makes intersection feel “pedestrianized”.
- Provides protection for parking and reduces the likelihood of illegal parking close to the intersection.
- Low impact on emergency and transit vehicle travel times.
- Greatly reduces speeds of turning vehicles.

Disadvantages

- Bus routes and bike lanes need additional considerations.
- Needs a certain amount of curb-to-curb width, which is typically taken from street parking or narrowing the travel lanes, or simply by reducing the curb radii.
- Emergency, transit, and truck access routes should provide appropriate turning radii.
- If located in locations with limited sight distance, place warning signage.
- Installation can affect drainage depending on design.

Effectiveness

- A reduction of approximately 1-3 mph in vehicle speeds.
- A reduction of approximately 6-8 mph in vehicle turning speeds.¹¹

Approximate Cost

- Capital cost: approximately \$2,000 - \$33,500 per corner.¹³
- Cost of ongoing maintenance of the installed measure, any associated signage and striping, and upkeep of any landscaping.

A.14 Traffic Circle

Description

A traffic circle is a raised island placed in an unsignalized intersection that forces motorists to use reduced speeds. This measure may not necessitate a redesign of the intersection as the island is typically small enough to leave room for vehicles to go around it in the existing right of way. However, site-specific conditions may require a more in-depth engineering evaluation. These are installed at intersections.



Source: [FHWA - Traffic Calming ePrimer](#)

Advantages

- Self-enforcing.
- Expected reduction in angle and turning collisions.
- Provides for adding greenery and chances to improve the attractiveness of the street.

Disadvantages

- Emergency and transit vehicles may have trouble navigating the traffic circle, mountable curbs may help with this.
- Bikes merge with traffic.
- Cannot be placed when bus routes turn left at the intersection.
- Should avoid placing on steep grades (although any intersection should not be placed on steep grades).
- If located in locations with limited sight distance, place warning signage. Can affect drainage, check design.

Effectiveness

- A reduction of approximately 4 mph in 85th percentile vehicle speeds.¹¹
- A reduction of 28% to 71% in average annual collisions.¹⁴

Approximate Cost

- Capital cost: approximately \$13,000 - \$42,000 per installation.¹³
- Cost of ongoing maintenance of the installed measure, and any associated signage and striping.
- Requires upkeep/maintenance of any landscaping within the traffic circle, if provided.

B APPENDIX B – CROSSWALK TREATMENTS

A description, picture examples, advantages, disadvantages, safety benefits, and relative costs of each individual treatment are shown in this Appendix. Costs are based on information from FHWA and VDOT. When cost estimates were available from these sources, they were adjusted for inflation to current-year (2024) dollars using the Bureau of Labor Statistics' Consumer Price Index (CPI). An additional 30% contingency was applied to the high end of these cost estimates to account for other potential uncertainties in the design and installation process. Costs for any individual improvement can vary depending on the size of the improvement, materials used, utility needs, and drainage, among other factors.

Crosswalk Treatments included in [Appendix B](#) are based on the list of countermeasures provided in FHWA's Guide:

- Crosswalk visibility enhancements, including the following five (5) countermeasures:
 - High-Visibility Crossing Markings
 - Improved Lighting
 - Advanced Stop Here For Pedestrian Sign and Stop line
 - In-Street Pedestrian Crossing Sign
 - Curb Extensions
- Raised Crosswalk
- Pedestrian Refuge Island (Median Island)
- Pedestrian Hybrid Beacon (PHB)
- Road Diet
- Rectangular Rapid-Flashing Beacon (RRFB)

B.1 High-Visibility Crossing Markings

Description

High-visibility crosswalks use patterns (the Town uses continental style markings or altered ladder-style markings at the Washington & Old Dominion trail crossings) that are visible to both the driver and pedestrian from farther away compared to traditional transverse line crosswalk. Use of high-visibility crosswalks should be prioritized in areas of higher pedestrian volume or in areas that have more frequent vulnerable population users such as school-aged children, seniors (65+), or physical disability (visual, auditory, or mobility). Examples may include school zones, the Downtown area, or the Transit-Oriented Core.



Source: Town of Herndon at the W&OD Trail (left), Town of Herndon (right)

Advantages

- Improved visibility enhances pedestrian safety.
- Relatively low implementation cost.

Disadvantages

- Slight increase in maintenance and installation cost compared to standard markings.
- Effectiveness depends on driver compliance.

Safety Benefits

- Up to 40% reduction in pedestrian injury crashes.¹⁵

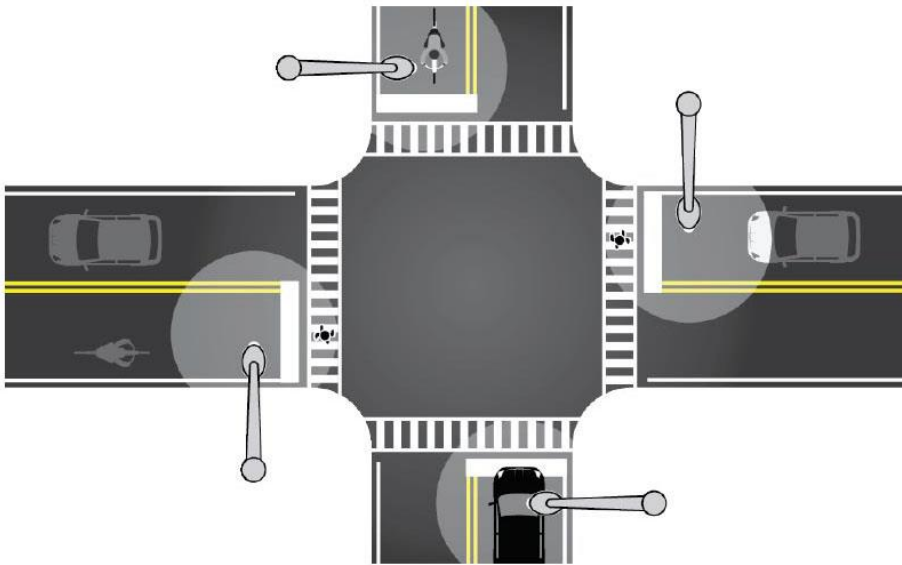
Approximate Cost

- Capital cost: approximately \$800-\$10,5000 per crosswalk.⁸
- Cost of ongoing maintenance of striping improvements.

B.2 Improved Lighting

Description

Improved crosswalk lighting is designed to help drivers see pedestrians more easily. Lighting should be placed in advance of a crosswalk to better light the front of the pedestrian and avoid silhouette lighting. The Federal Highway Administration *Lighting Handbook* suggests that an average vertical illuminance values of at least 10 lux should be maintained in the crosswalk in the direction of the approaching driver.



Source: [FHWA](#)

Advantages

- Improved visibility during low-light conditions enhances safety.
- Can deter crime and increase the sense of security.

Disadvantages

- Ongoing energy and maintenance costs.
- Requires reliable power sources and maintenance.

Safety Benefits

- Up to 42% reduction in pedestrian crashes.¹⁵

Approximate Cost

- Capital cost: approximately \$400 - \$25,000 per light fixture.⁸
- Cost of ongoing maintenance of the installed measure.

B.3 Advance Stop Here For Pedestrian Sign and Stop Line

Description

A “STOP Here for Pedestrians” sign is placed in advance of a marked crosswalk along with the stop line to indicate where a driver should stop for pedestrians.



Source: Google Street View

Advantages

- Clearly defines safe stopping points for drivers and improves visibility of crossing pedestrians.
- Enhances predictability in traffic flow.

Disadvantages

- Effectiveness relies on driver compliance.
- May not be as effective in complex intersections.
- Stop lines may be confusing to drivers if placed at uncontrolled crosswalk locations.

Safety Benefits

- Up to 25% reduction in pedestrian crashes.¹⁵

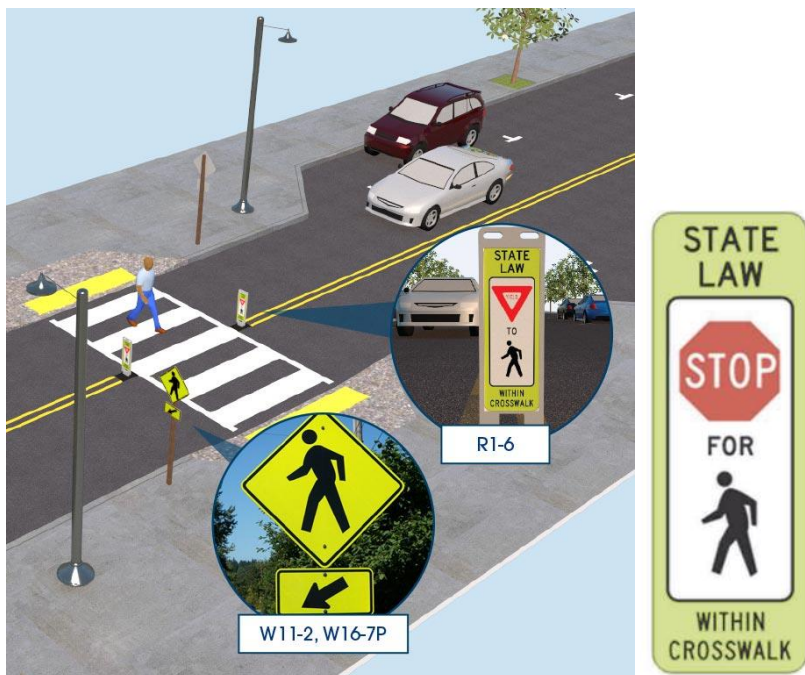
Approximate Cost

- Capital cost: approximately \$300 - \$1,000 per sign and \$100 - \$1,000 per advance stop bar.⁸
- Cost of ongoing maintenance of the installed measure.

B.4 In-Street Pedestrian Crossing Sign

Description

An in-street “STOP Here for Pedestrians” sign is placed in the middle of the road at a crossing and is often used in conjunction with refuge islands.



Source: [FHWA](#)

Advantages

- Provides visual cues for drivers and is easily noticeable.
- Relatively low-cost solution.

Disadvantages

- Effectiveness depends on driver compliance.
- May not stand out in busy or visually cluttered areas.
- Signs are frequently damaged when installed on a centerline without median.

Safety Benefits

- Up to 25% reduction in pedestrian crashes.¹⁵

Approximate Cost

- Capital cost: approximately \$300-\$450 per sign.⁸
- Cost of ongoing maintenance of the installed measure.

B.5 Curb Extension

Description

A curb extension narrows the roadway and crossings by extending the curbs from the corners of intersections. This causes drivers to moderate their speeds at the narrower section, decreases the distance pedestrians must cross through vehicular traffic, and decreases curb radii, meaning vehicles need to slow down more to turn. These are installed at intersections or midblock and often combined with on-street parking. These can be implemented using lower-cost materials, such as striping, flexible posts, and planters.



Source: [VDOT - Traffic Calming Guide for Neighborhood Streets](#) (left); Google Street View (right)

Advantages

- Self-enforcing.
- Shortens crossing distance for pedestrians, improving safety and makes intersection feel “pedestrianized”.
- Provides protection for parking and reduces the likelihood of illegal parking close to the intersection.
- Low impact on emergency and transit vehicle travel times.
- Greatly reduces speeds of turning vehicles.

Disadvantages

- Bus routes and bike lanes need additional considerations.
- Needs a certain amount of curb-to-curb width, which is typically taken from street parking or narrowing the travel lanes, or simply by reducing the curb radii.
- Emergency, transit, and truck access routes should provide appropriate turning radii.
- If located in locations with limited sight distance, place warning signage.
- Installation can affect drainage depending on design.

Effectiveness

- A reduction of approximately 1-3 mph in vehicle speeds.
- A reduction of approximately 6-8 mph in vehicle turning speeds.¹¹

Approximate Cost

- Capital cost: approximately \$2,000 - \$33,500 per corner.¹³
- Cost of ongoing maintenance of the installed measure, any associated signage and striping, and upkeep of any landscaping.

B.6 Raised Crosswalk

Description

A raised crosswalk is a variation of a speed table. The raised crosswalk is marked and signed as a pedestrian crossing. Raised crossings are often level with the street curb. This height makes pedestrians more visible to motorists and improves pedestrian's line of sight. Raised crosswalks can be installed midblock or at an intersection.



Source: [FHWA - Traffic Calming ePrimer](#) (left); [VDOT - Traffic Calming Guide for Neighborhood Streets](#) (right)

Advantages

- Self-enforcing.
- Provides improved visibility and safety for pedestrians.
- Enhances pedestrian environment at the crossing.
- Can increase the rate of motorists yielding to pedestrians crossing at the raised crosswalk.

Disadvantages

- Impacts travel times of emergency and transit vehicles.
- Can increase noise as vehicles pass over the measure, although to a lesser extent than speed humps.
- Should avoid placing on steep grades (>8%).
- If located in locations with limited sight distance, place warning signage. Can affect drainage, check design.
- Can damage vehicles if they pass over it too fast. Should not be installed if operating speeds are over 45 mph.

Effectiveness

- No studies available for raised crosswalks alone. Effectiveness is anticipated to be similar to speed tables.

Approximate Cost

- Capital cost: approximately \$3,500 - \$13,500 per installation, depending on the length, materials used, and drainage.¹³
- Cost of ongoing maintenance of the installed measure and any associated signage and striping.

B.7 Pedestrian Refuge Island (Median Island)

Description

A median island is an island placed in the middle of the street in order to narrow vehicular travel lanes, causing drivers to moderate their speeds at the narrower section. These can also be used as a crosswalk refuge for pedestrians. Median islands can be installed at intersections or midblock.



Source: [VDOT - Traffic Calming Guide for Neighborhood Streets](#) (left); Town of Herndon (right)

Advantages

- Self-enforcing.
- Provides for adding greenery and chances to improve the attractiveness of the street.
- Applying a crosswalk at the island can improve pedestrian safety compared to a standard crosswalk.
- Low impact on emergency and transit vehicle travel times.

Disadvantages

- Depending on design, could be difficult for cyclists.
- Can make it difficult for snow removal, providing a fixed object in the roadway that vehicles can strike.
- Needs a certain amount of curb-to-curb width, which is typically taken from street parking or narrowing the travel lanes.
- Can affect drainage.
- If located in locations with limited sight distance, place warning signage.

Effectiveness

- A reduction of approximately 1-8 mph in vehicle speeds.¹¹

Approximate Cost

- Capital cost: approximately \$2,000 - \$17,000 per installation.¹³
- Cost of ongoing maintenance of the installed measure, any associated signage and striping, and upkeep of any landscaping.

B.8 Pedestrian Hybrid Beacon (PHB)

Description

A PHB is a user-actuated traffic signal that illuminates when a pedestrian manually pushes a button. Upon activation, the signal illuminates a flashing yellow beacon, then changes to solid yellow to communicate to drivers to prepare to stop. The beacon changes to a steady red once it is safe for a pedestrian to cross, followed by a flashing red during the pedestrian clearance interval.



Source: [FHWA](#)

Advantages

- Offers controlled pedestrian crossings for increased safety.
- High visibility ensures clear signaling.

Disadvantages

- Higher installation and maintenance costs.
- May require education for drivers on proper usage.

Safety Benefits

- A reduction of approximately 55% in pedestrian crashes, 29% reduction in total crashes, and 15% reduction in serious injury and fatal crashes.¹⁶

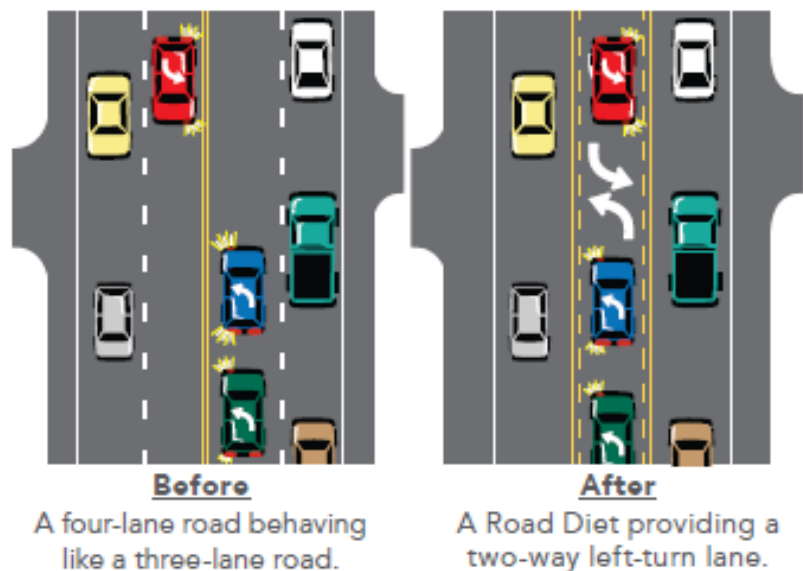
Approximate Cost

- Capital cost: approximately \$30,000 - \$230,500 per installation.⁸
- Cost of ongoing maintenance of signal equipment and any associated signage and striping.

B.9 Road Diet

Description

A road diet reconfigures the roadway by narrowing or repurpose wide or multiple travel lanes to improve pedestrian crossing safety. Typically, a road diet is implemented on a roadway with a current and future daily traffic of 25,000 or less.



Source: [FHWA](#)

Advantages

- Reduction of rear-end and left-turn crashes due to the dedicated left-turn lane.
- Reduced right-angle crashes as side street motorists cross three versus four travel lanes.
- Fewer lanes for pedestrians to cross.
- Opportunity to install pedestrian refuge islands, bicycle lanes, on-street parking, or transit stops.
- Traffic calming and more consistent speeds.
- A more community-focused, Complete Streets environment that better accommodates the needs of all road users.

Disadvantages

- Potential community concerns due vehicular capacity reduction.
- Impact on traffic flow may vary based on specific conditions.

Safety Benefits

- A reduction of approximately 19-47% in total crashes with 4-lane to 3-lane road diet conversions.¹⁷

Approximate Cost

- Capital cost varies depending on the extent of the roadway reconfiguration.
- Cost of ongoing maintenance of the installed measure, and any associated signage and striping.

B.10 Rectangular Rapid-Flashing Beacon (RRFB)

Description

A RRFB is a pedestrian-actuated conspicuity enhancement that consists of two rectangular-shaped LED lights flashing rapidly in a strobe-like pattern when activated by a pedestrian push a button.



Source: [FHWA](#)

Advantages

- Grabs driver attention effectively.
- Provides clear signaling for pedestrian crossings.
- Actuation occurs much faster than a PHB.

Disadvantages

- Higher installation and maintenance costs.
- May require a power source if solar power is insufficient.
- Requires proper education and understanding by drivers.

Safety Benefits

- Up to 47% reduction in pedestrian crashes.¹⁸
- Up to 98% increase in motorist yielding rates, depending on speed limit, number of lanes, crossing distance, and time of day.¹⁸

Approximate Cost

- Capital cost: approximately \$6,500 - \$94,000 per installation.⁸
- Cost of ongoing maintenance of signal equipment and any associated signage and striping.

REFERENCES

- ¹ https://herndon_redesign.prod.govaccess.org/home/showpublisheddocument/607/635838909802630000
- ² *Manual on Uniform Traffic Control Devices (MUTCD)*, published by the United States Department of Transportation Federal Highway Administration
- ³ *A Policy on the Geometric Design of Highways and Streets* (the “Green Book”), published by the American Association of State Highway and Transportation Officials
- ⁴ <https://highways.dot.gov/safety/speed-management/traffic-calming-eprimer>
- ⁵ <https://highways.dot.gov/media/15206>
- ⁶ https://www.researchgate.net/publication/245559162_Study_of_the_Impact_of_Police_Enforcement_on_Motorists'_Speeds
- ⁷ <https://www.fhwa.dot.gov/publications/research/safety/08067/>
- ⁸ <http://www.pedbikesafe.org/pedsafe/countermeasures.cfm>
- ⁹ https://rosap.ntl.bts.gov/view/dot/57513/dot_57513_DS1.pdf
- ¹⁰ <https://www.vdot.virginia.gov/media/vdotvirginiagov/about/programs/neighborhood-traffic/Traffic-Calming-Guide-For-Neighborhood-Streets.pdf>
- ¹¹ https://highways.dot.gov/sites/fhwa.dot.gov/files/2022-06/eng_ctm_spd_14.pdf
- ¹² https://highways.dot.gov/sites/fhwa.dot.gov/files/2022-06/eng_ctm_crsh_14.pdf
- ¹³ <https://www.ite.org/technical-resources/traffic-calming/traffic-calming-measures/>
- ¹⁴ <https://safety.fhwa.dot.gov/saferjourney1/library/pdf/toolsintro.pdf>
- ¹⁵ <https://highways.dot.gov/safety/proven-safety-countermeasures/crosswalk-visibility-enhancements>
- ¹⁶ <https://highways.dot.gov/safety/proven-safety-countermeasures/pedestrian-hybrid-beacons>
- ¹⁷ <https://highways.dot.gov/safety/proven-safety-countermeasures/road-diets-roadway-reconfiguration>
- ¹⁸ <https://highways.dot.gov/safety/proven-safety-countermeasures/rectangular-rapid-flashing-beacons-rrfb>

TOWN OF HERNDON, VIRGINIA

RESOLUTION

AUGUST 9, 2011

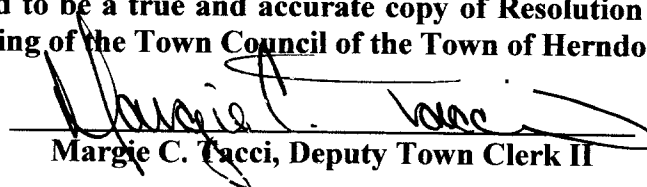
Resolution- Approval, Traffic Calming Policy.

WHEREAS, the Town Council desires to have a Traffic Calming Guide in place to slow the vehicles traveling on local residential and some collector streets in town; and

WHEREAS, the town staff developed the Traffic Calming Guide, a set policy by which the town staff would evaluate inquiries, comments, or complaints and establish a set of rules and procedures to calm the traffic on the town streets.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Herndon, Virginia, that it hereby approves the draft Traffic Calming Guide dated July 26, 2011, on file in the Office of the Town Clerk.

This is certified to be a true and accurate copy of Resolution 11-G-45 adopted at a legally convened meeting of the Town Council of the Town of Herndon on August 9, 2011.


Margie C. Tacci, Deputy Town Clerk II

The Traffic Calming Guide dated July 26, 2011, as approved on August 9, 2011, is attached for reference. A copy of the approved guide also is available on the Town's Web site.

11-G-45



NEIGHBORHOOD TRAFFIC CALMING GUIDE

Town of Herndon, Virginia

Prepared by the Town of Herndon Traffic
Engineering Improvement Committee
July 26, 2011

Approved by the Herndon Town Council
Resolution 11-G-45
August 9, 2011

STOP NEIGHBORHOOD SPEEDING

A little extra speed makes a big impact.

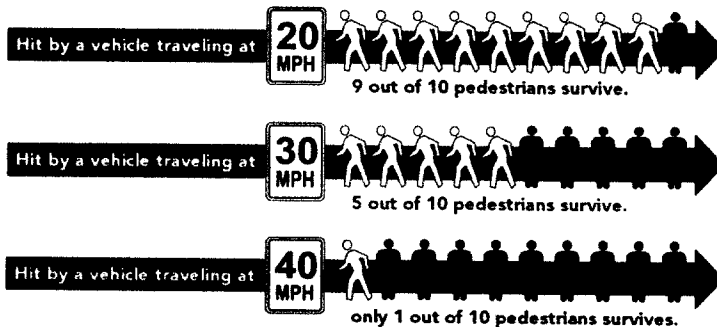


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INTRODUCTION

Traffic calming is the combination of physical and visual controls that reduce negative effects of excess motor vehicle speed, alter driver behavior and improve conditions for non-motorized street users.

In 1996, Herndon created a traffic engineering improvement committee (TEIC) to evaluate inquiries, comments, and complaints received from citizens concerning the management of traffic in town. Traffic calming was a fundamental element of the charter of the TEIC committee and continues today as an important tool for maximizing road safety. TEIC meets regularly to address traffic management problems and is comprised of police officers, transportation planners, traffic engineers and other town staff that offer a wide range of experience on transportation issues.

This guide outlines Herndon's policy and procedures by which citizens can request traffic calming measures in their neighborhoods. For purposes of this guide, traffic calming shall be designed to slow down vehicles traveling on public local residential streets, although certain collector streets that have characteristics of local residential streets may also qualify for traffic calming measures. Concerns regarding major arterial streets such as Elden Street and Herndon Parkway will be directed to the Department of Public Works (DPW) or Herndon's Police Department as appropriate.

TRAFFIC CALMING PROCESS

The traffic calming process has four major components: eligibility, education, enforcement, and engineering. Requests for traffic calming on neighborhood streets can come from civic associations or from citizens where no civic association exists.

Typically, requests to calm traffic involve concerns with vehicle speed. Therefore, as a first step, requests go to the Police Department (non emergency phone number 703-435-6846).

The request should include:

- street segment where speeding exists
- time of day speeding occurs
- type of vehicle (car, truck, bus, etc)
- perceived dangers to pedestrians, bicyclists and local residents

ELIGIBILITY

For a street to qualify for traffic calming, the criteria below must be met:

- Limited to two-lane public residential local / collector streets posted 25 mph
And one or more of the following:
- Traffic speed: 85th percentile speed is equal to or greater than 30 mph
- Accident history of at least 2 accidents in the past 12 months
- Enforcement history must show more than 15 traffic summonses issued in 10 hours of enforcement or 30 summonses in the most recent 6 months

A traffic volume/ speed study will be conducted to determine if the data supports the complaint. Data collection is normally performed on weekdays, September to May when public school is in session. Other considerations include proximity to schools, active pedestrian areas, availability of sidewalks, parking, etc. If the study finds that the request for traffic calming meets the eligibility criteria, then education and police enforcement through the *Traffic Safety Watch Program* will be initiated before undertaking more elaborate engineering solutions.

Streets that fail to meet the criteria are not eligible for traffic calming initiatives and the complainant(s) will be contacted and advised. Upon notification, a two year waiting period is required for re-evaluation; however, TEIC may waive the waiting period if it finds significant changes emerging in the study area.

Depending on complexity, expected timelines for speed study analyses, education and enforcement could take 1 to 3 months (when public school is in session) to assess results. An additional 1 to 3 months is estimated for TEIC to engineer and implement minor non physical controls. After installation, traffic speeds and volumes would be re-analyzed in the following 12 months to compare with those taken prior and may indicate whether or not adjustments are necessary. Generally, in place minor improvements will be assessed for a year to fully gauge their impact before major controls are considered.

TRAFFIC SAFETY WATCH PROGRAM

The Traffic Safety Watch Program (TSWP) is a multi-step program which encourages residents to take an active part in addressing neighborhood traffic issues. The TSWP, modeled after the Neighborhood Watch Program, utilizes groups of organized citizens to work with law enforcement to keep a trained eye and ear on their communities, while demonstrating their presence day and night. Activities of the TSWP include monitoring vehicles traveling faster than the posted speed limit, traffic volume, re-occurring traffic accidents, and pedestrian safety. The goal of TSWP is to significantly reduce or eliminate issues that compromise traffic safety.

TSWP Parameters and Process

- Complaint received and documented in a police report.
 - Community Complaint
 - Government referral
- Information gathering
 - Interview complainant
 - Speed and traffic studies
 - Accidents analysis, summonses issued

EDUCATION

Education is the first step for eligible streets and is comprised of several options the police use to raise neighborhood and motorist awareness about traffic safety concerns. Raising neighborhood and driver awareness may significantly reduce or eliminate the identified problem.

Education options include:

- Literature distribution – stopping of vehicles traveling 4 mph or more over the posted speed limit and issuing the drivers a warning along with an educational handout (Speed is Lethal). A survey form will also be completed.
- Speed trailers - used to educate and raise awareness by displaying the speed of the motorist, thereby promoting a change in driving behavior.
- Speed Watch - a speed monitoring program usually conducted by members of the Herndon Police Citizens Support Team (HPCST). Speeding vehicles' license numbers are recorded and a warning letter for any vehicle traveling 4 mph or more over the posted speed limit will be sent a warning letter- not a ticket- from the police department informing them of the violation and requesting that they obey posted speed limits.
- Community involvement - upon request, neighborhood signs stating "RESPECT OUR STREET – TRAFFIC SAFETY WATCH" or "ZERO SPEEDING TOLERANCE – TRAFFIC SAFETY WATCH" are available for residents to place in their front yards subject to Herndon Zoning temporary sign regulations.

ENFORCEMENT

Enforcement is another tool/option to address traffic safety concerns. While education of the motorist through heightened awareness may be all that is needed for most neighborhoods, some areas may require the police to monitor traffic safety concerns and enforce as appropriate.

ENGINEERING

Engineering is an option used only when education and enforcement do not reduce or eliminate the traffic safety concern. All streets meeting the eligible criteria will be forwarded for Traffic Engineering Improvement Committee review and a traffic calming recommendation. TEIC then determines the appropriate type and cost of traffic calming measures with the greatest likelihood to abate the problem. Minor non-physical improvements such as radar speed signs or other signs and pavement striping will be attempted and evaluated for 12 months before major physical changes to the street such as speed tables and chokers are undertaken. Following installation of any minor or major controls, traffic speeds and volumes will be analyzed to compare with those taken prior and may indicate whether or not adjustments are necessary.

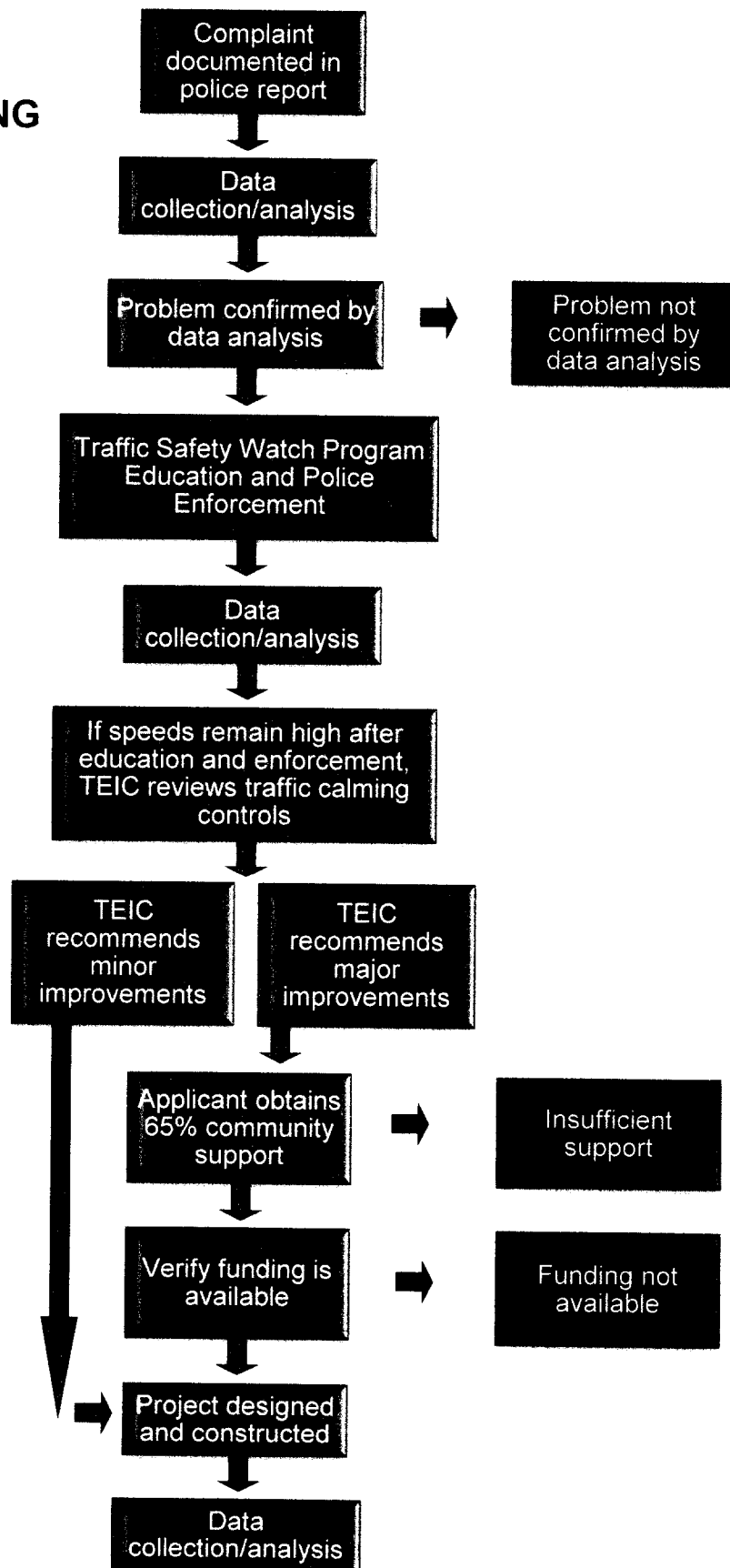
Traffic calming can often impact adjacent streets; therefore, if TEIC identifies major physical traffic calming controls are needed to address speeding, the applicant must obtain 65% support for the project within the impacted area as defined by TEIC and petition the town for the improvements (see petition form page 20). Upon 65% support for the project, funding is verified and design is initiated. If minor improvements such as signs and striping can be implemented, the 65% community support is not required, and the project would be scheduled for installation.

TRAFFIC VOLUMES

Traffic volumes will determine the appropriate traffic calming measures as follows:

- Fewer than 600 vehicles per day
 - Education
 - Enforcement
 - Minor non-physical measures
- 600- 4,000 vehicles per day
 - Education
 - Enforcement
 - Minor non-physical measures
 - Major physical measures
- More than 4,000 vehicles per day
 - Education
 - Enforcement
 - Minor non-physical measures
 - Network analysis or other alternative actions

TRAFFIC CALMING PROCESS FLOW CHART



TRAFFIC CALMING MEASURES- MINOR CONTROLS

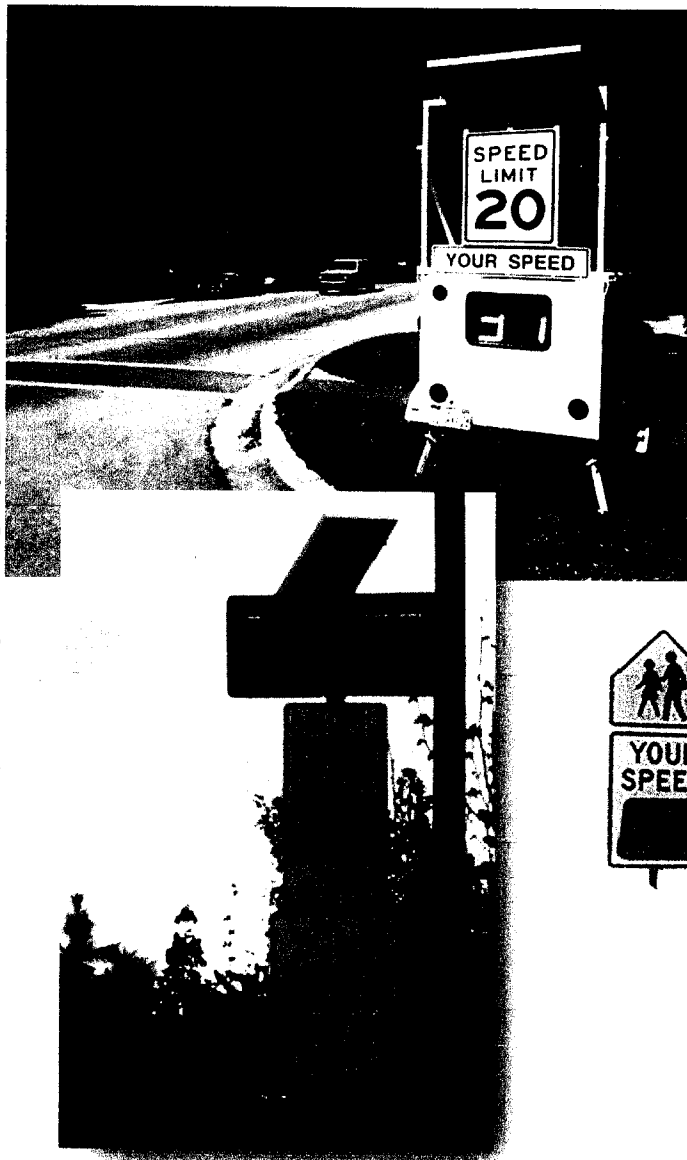
RADAR TRAILERS AND SPEED DISPLAY SIGNS

Description: Mobile radar trailers and permanently mounted radar signs remind motorists of their actual travel speed and are especially effective if the speed limit is also posted.

Advantages: Can be less expensive than long term police enforcement. Mobile signs can be relocated. Permanently mounted signs are especially effective in school zones. No impact to emergency response times.

Disadvantages: Only effective for one direction of travel. May only be effective for short distances

Cost: \$5,000 - \$10,000 per unit.



CENTERLINE AND EDGE STRIPING

Description: Can be used to delineate on-street parking and visually narrow travel lanes, thereby inducing drivers to reduce speed.

Advantages: Inexpensive. No impact to emergency response times. Can also be used to create bicycle lanes.

Disadvantages: Regular maintenance required.

Cost: \$2 - \$4 per linear foot



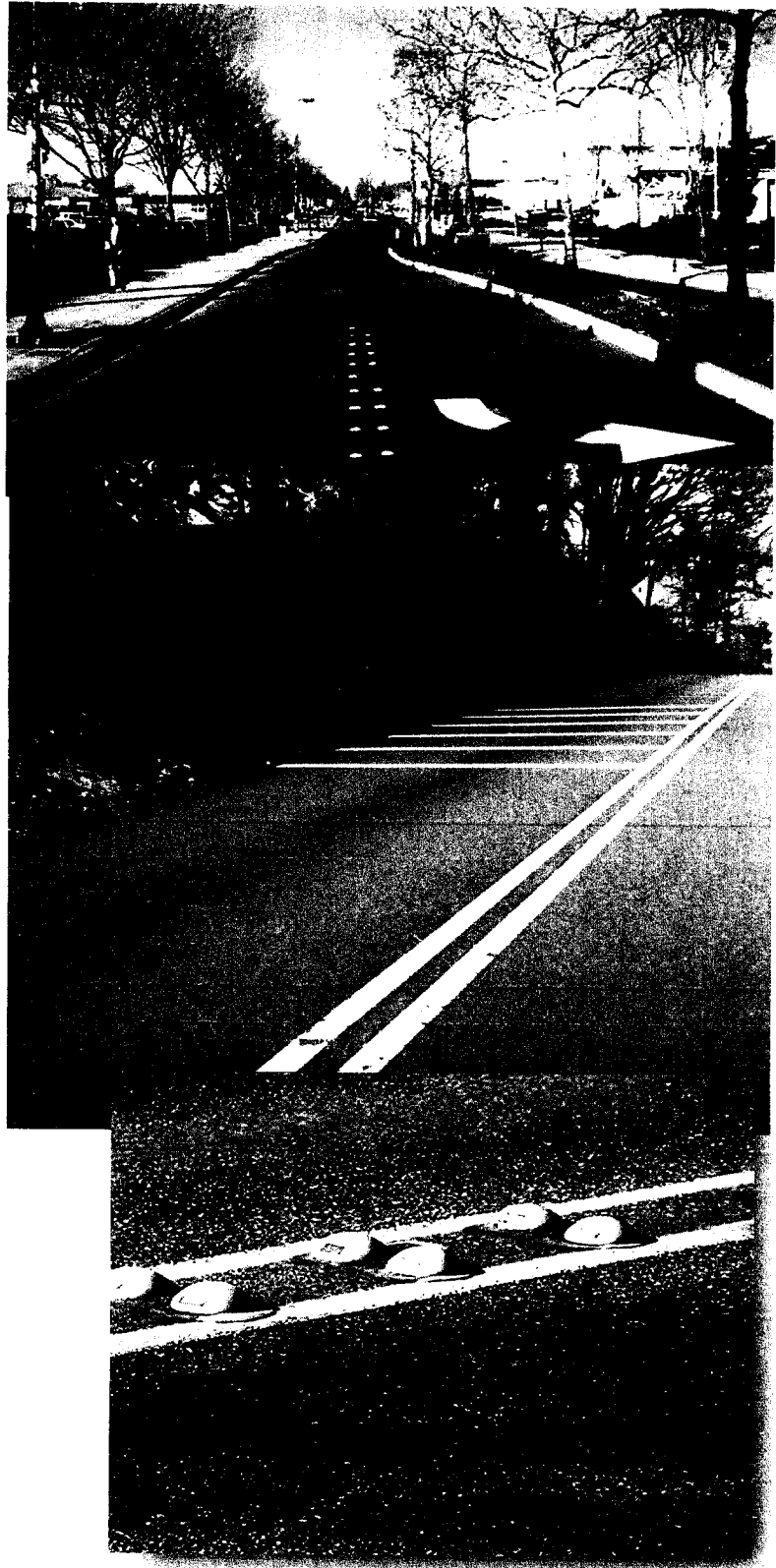
RAISED PAVEMENT MARKERS

Description: Markers of variable construction often reflectorized for enhanced visibility. If installed in series along the centerline or edge line, alerts the driver when deviating from the travel lane. Rumble strips placed laterally across the roadway provide advance warning of a potential danger ahead.

Advantages: Inexpensive. No impact to emergency response times.

Disadvantages: Subject to damage from snow plows. Noise and vibration.

Cost: \$2 - \$7 per marker.



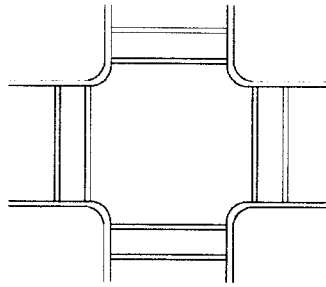
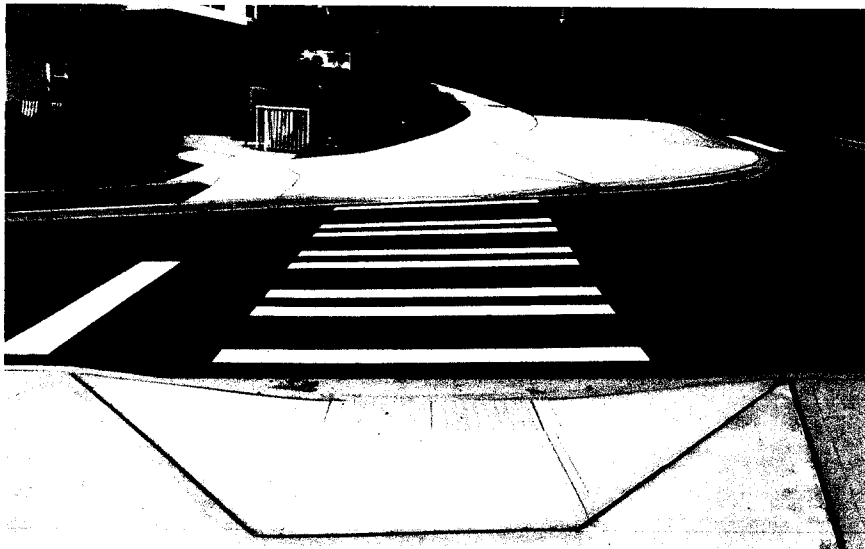
HIGH VISIBILITY CROSSWALKS

Description: High visibility crosswalks are white, high intensity retro reflective patterns. They can be combined with textured, colored pavement to increase driver awareness.

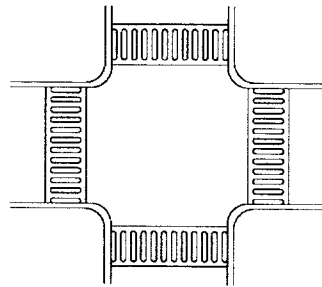
Advantages: Inexpensive. No impact to emergency response times.

Disadvantages: May provide pedestrians with a false sense of security when used at mid-block locations.

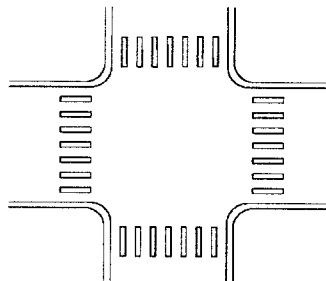
Cost: \$300 - \$500 per crosswalk per lane



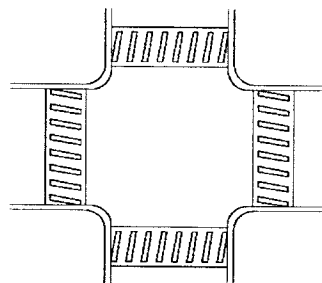
Standard



Ladder



Block



Diagonal

PAVEMENT MARKING LEGENDS

Description: On-pavement markings reinforce posted speed signs or special wording may remind motorists of particular conditions such as crosswalks and schools.

Advantages: Inexpensive. No interruption to emergency vehicles. Easy to implement. No increase in noise. No affect on vehicle operation.

Disadvantages: May not be effective in reducing speeds. Minor maintenance costs.

Cost: \$50 per letter or number.



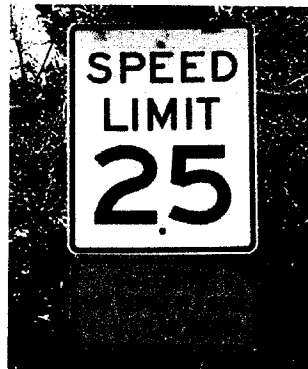
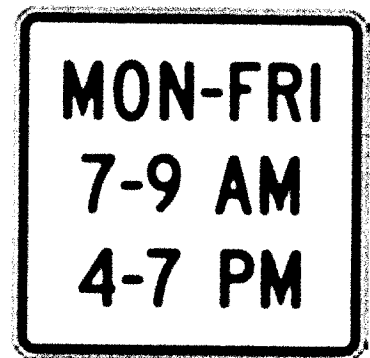
SIGNS

Description: Turn prohibition signs are posted to restrict movement through a given area and to limit travel in certain directions. Warning signs reinforce penalties associated with traffic violations.

Advantages: Inexpensive to install. Turn restrictions can be limited to certain hours.

Disadvantages: Turn restrictions may divert additional traffic onto nearby streets. Requires enforcement.

Cost: \$100 - \$200 per sign.



TRAFFIC CALMING MEASURES- MAJOR CONTROLS

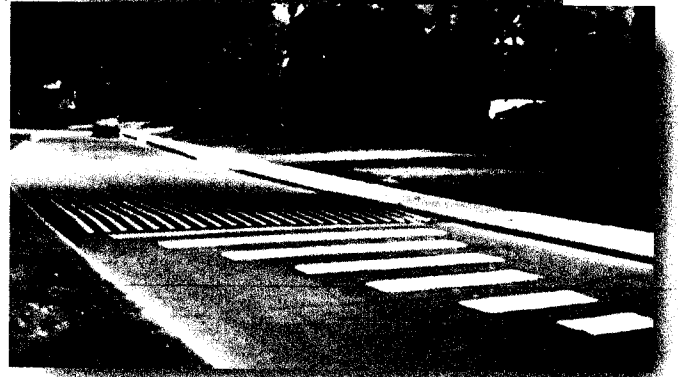
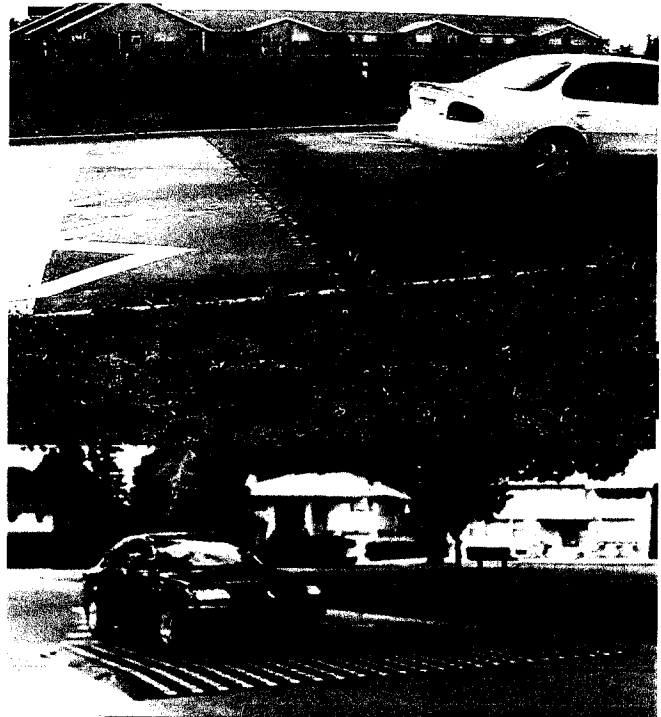
SPEED TABLES

Description: Typically 3-4 inches high and 14 to 22 feet long trapezoidal shape of variable materials covering the full width of roadway. The flat top is long enough for the wheelbase of a car to ride on and the ramps are sloped more gently than speed humps to allow higher speeds. Place no closer than 300 feet apart or 300 feet from stop signs or traffic signals.

Advantages: Commonly preferred over speed humps, yet effective for reducing speeds. Compatible with pedestrian and bicycle movements. May decrease cut through traffic.

Disadvantages: Can be expensive to build and maintain, and drainage must be carefully considered. Slows emergency vehicles. Vehicular damage and or injury to vehicle occupants may occur if crossed too fast.

Cost: \$3,000 - \$6,000 depending on materials.



RAISED CROSSWALKS

Description: Similar to speed tables with appropriate crosswalk markings and signage. Placement distance requirements are similar to speed tables.

Advantages: Effective at reducing speeds. Increases visibility of pedestrians and slows traffic at conflict point with pedestrians. May decrease cut through traffic.

Disadvantages: Can be expensive to build and maintain, and drainage must be carefully considered. Vehicular damage and or injury to vehicle occupants may occur if crossed too fast. Slows emergency vehicles.

Cost: \$3,500 - \$6,500 depending on materials.



CROSSWALK REFUGES

Description: Raised median in middle of roadway with a walkway cut providing protection from traffic.

Advantages: Reduces speeds, provides protection for crosswalk users.

Disadvantages: Maintenance. Potential snow plow damage.

Cost: \$5,000 - \$15,000



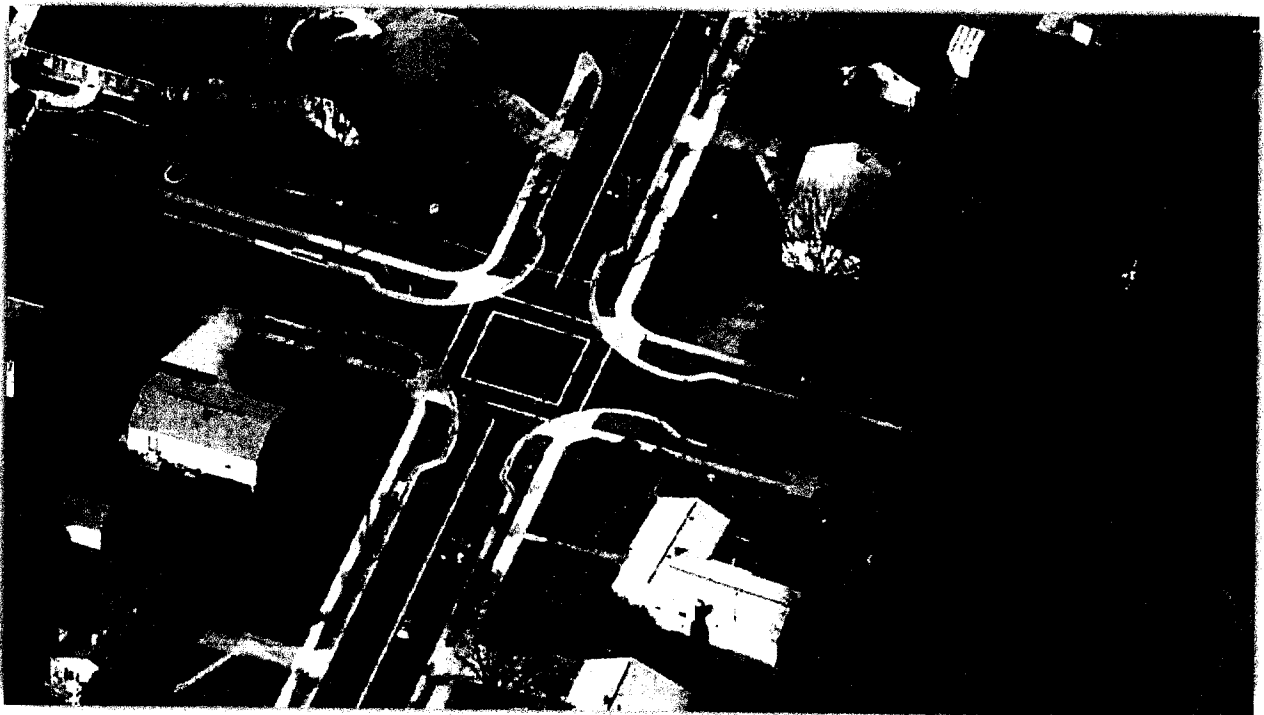
BUMPOUTS

Description: Narrows road width at intersections to reduce speeds and aid pedestrian crossings.

Advantages: Reduces speeds near intersections. Shortens distances for pedestrians crossing street. Increases green space. No impact to emergency response times.

Disadvantages: Turns are more difficult for large vehicles. Drainage must be carefully considered. Potential snow plow damage.

Cost: \$5,000 per corner



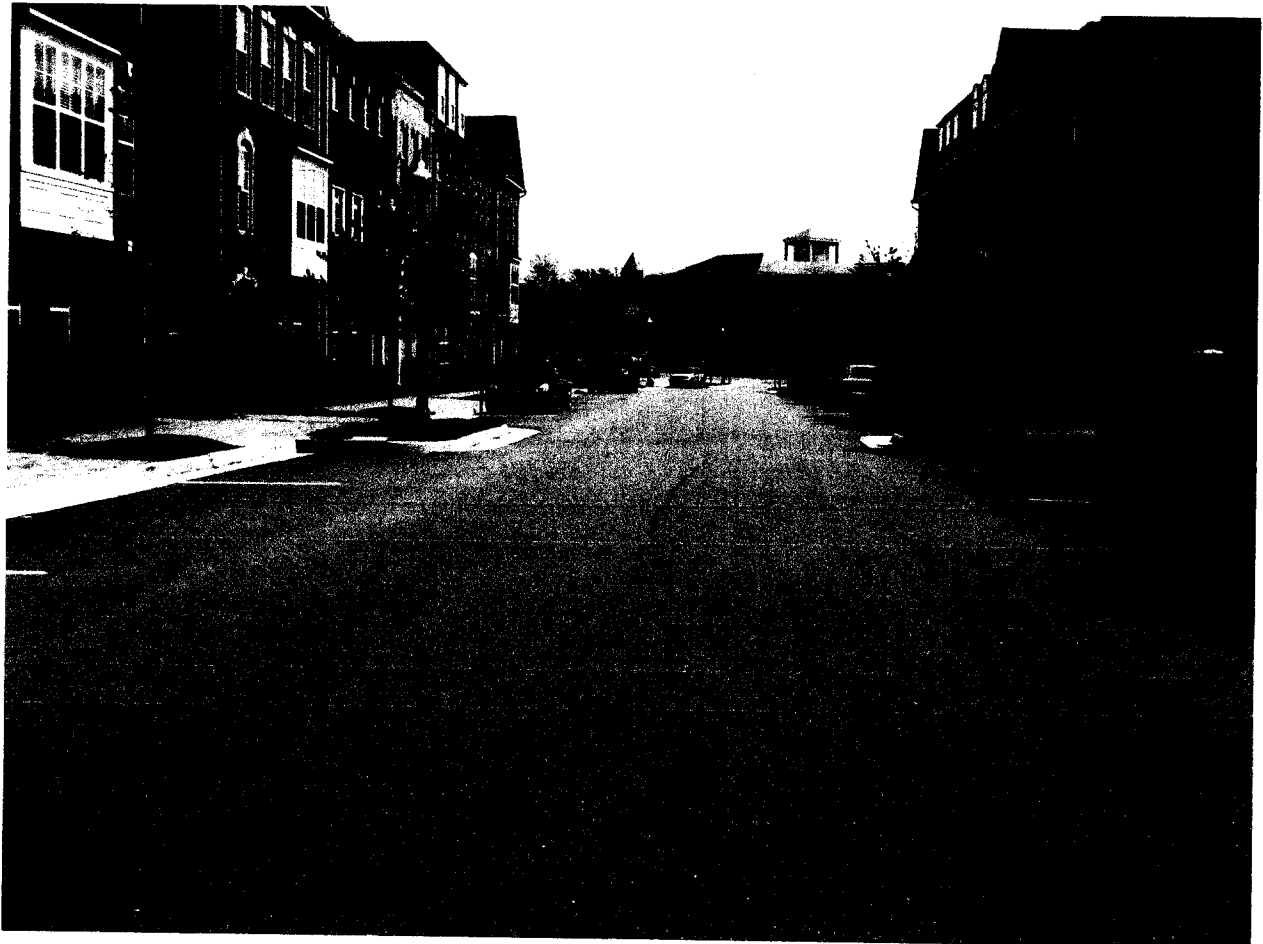
CHOKERS

Description: Used at mid block locations to narrow road width and reduce speeds.

Advantages: Reduces speeds. Increases green space. Creates safer pedestrian crossings. Provides some parking protection.

Disadvantages: Potential drainage problems. Potential snow plow damage. Lost parking spaces.

Cost: \$7,000 - \$10,000





HERNDON NEIGHBORHOOD TRAFFIC CALMING PETITION

On _____ between _____ and _____
Street Street Street

***Note: By signing this petition you accept the possibility that traffic calming may be built in front of your home.**

[illegible]

MODIFICATION AND REMOVAL

If a traffic calming measure is found to cause a hazardous condition, the Director of Public Works may unilaterally modify or remove the control. Otherwise, the process for removal of traffic calming is initiated by a petition from the community, similar to petitioning for the installation of traffic calming controls, with 65% of households seeking modifications and/or removal.

In general, traffic calming controls will not be removed before a full assessment of their effectiveness can be evaluated- usually one year. Any petitions for removal shall be reviewed by TEIC before a recommendation can be made to the Town Council, which will ultimately decide whether to modify or remove the controls. TEIC will compare speed and traffic volumes before and after the installation as well as review archives for the circumstances that brought about the initial concerns.

MULTI-WAY STOP SIGNS

Multi-way stop signs are traffic control devices primarily installed to assign right of way at intersections and are not considered to be traffic calming controls. While motorists may slow and stop at approaching intersections where stop signs are installed, studies have shown that beyond the intersection, speeds remain the same, and in some cases, motorists increase speed to make up for lost time. By contrast, traffic calming measures slow motorists along the length of the controls, not just at intersections.

Residents may request that a particular intersection be evaluated for all way stop control due to accident history, traffic volumes, pedestrian crossing safety, or sight distance issues.

ALTERNATIVE FUNDING OPTION

The Town of Herndon has limited resources and may not be able to address every community's engineering project; therefore, the Town will allow communities to implement a program at their own expense under the following circumstances:

- The traffic calming project must be approved by TEIC.
- The community provides funding to the Town for the project.
- DPW oversees the design, construction, and maintenance of the project.

FOR MORE INFORMATION

Questions and concerns may be directed to the Director of Public Works, Herndon Municipal Center, 777 Lynn Street, Herndon, VA 20170, phone 703-435-6856, email publicworks@herndon-va.gov. Please also visit the Town's website, <http://www.herndon-va.gov/>, for additional information.

Agenda Item: Ordinance 24-O-24 to amend Chapter 1 (GENERAL PROVISIONS), Sec. 1-16 (Standards for public improvements) to include new subsection (a)(4) *Standards for Traffic Calming and Crosswalks*

Meeting Date: July 16, 2024

Category: Consent

Prepared by: Mike Shindledecker Transportation Engineer

Description:

The proposed ordinance will amend Chapter 1 (GENERAL PROVISIONS), Sec. 1-16 (Standards for public improvements) to include a new subsection (a)(4) that incorporates the newly adopted *Standards for Traffic Calming and Crosswalks* dated June 2024, into the Town Code of Ordinances. The adoption of this ordinance will enable staff to enforce the new *Standards for Traffic Calming and Crosswalks* as part of the Town's Public Facilities Manual (PFM). These new standards will serve as a significant update to the Town's *Neighborhood Traffic Calming Guide* which was previously adopted by Town Council resolution 11-G-45 in August 2011.

Background:

Please review the information provided under the previous agenda item regarding the adoption of the new Standards for Traffic Calming and Crosswalks and repeal of the 2011 *Neighborhood Traffic Calming Guide*.

Budget Impact:

None.

Recommendation:

Staff recommends approval of the proposed Ordinance.

Attachments:

1. Ordinance (Proposed)

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

ORDINANCE

JULY 16, 2024

Ordinance- to amend Chapter 1 (GENERAL PROVISIONS), Sec. 1-16
 (Standards for public improvements), to include new subsection
 (a)(4) *Standards for Traffic Calming and Crosswalks*.

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

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

CHAPTER 1 (GENERAL PROVISIONS)

Sec. 1-16 - Standards for public improvements

(a) The following documents are adopted and incorporated by reference, except as otherwise provided in this section:

(4) *Standards for Traffic Calming and Crosswalks, Town of Herndon, June 2024, as amended, and as may be amended from time to time.*

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

Agenda Item: Resolution 24-G-43 to affirm corrections to the Proffer Statement and Generalized Development Plan of Zoning Map Amendment ZMA #22-02, 13100 and 13150 Worldgate Drive and amend Ordinance 24-O-06

Meeting Date: July 16, 2024

Category: Consent

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

Description:

This resolution will correct an inadvertent administrative error made by the property owner to Proffer 3.a and 3.b of the Proffer Statement dated March 18, 2024, approved with ZMA #22-02, which incorrectly limited maximum project floor area to 608,752 square feet of residential development when the proffer should have stated a maximum floor area of 610,151 square feet of residential development.

The same administrative error also appeared on Sheet 2 of 86 of the Generalized Development Plan entitled Worldgate prepared by Urban LTD, dated March 18, 2024, where the Gross Site Area was incorrectly stated as 449,447 square feet when it should have stated 453,958 square feet, and the GFA was incorrectly stated as 608,752 square feet when it should have stated 610,151 square feet which also resulted in errors to other calculations in the "Site Data Summary" table and the "Building Data Summary" table.

Background:

In a letter dated May 24, 2024, to the Zoning Administrator, the attorney representing the property owner informed the Town that in reviewing the approval documents for ZMA #22-02, they realized that the adopted Proffer Statement and General Development Plan (the "GDP") inadvertently referenced the incorrect maximum residential gross floor area (the "gfa" or "GFA") permitted for the Property. The letter apologized for the mistake and asked the Town to correct their inadvertent mistake. Although the means of correcting this mistake is different from what the property owner proposed, Town staff and the Town Attorney determined that the proposed resolution along with the attached amended Proffer Statement and GDP, will properly correct this matter.

ZMA #22-02 was a zoning map amendment in the PD-W, Planned Development - Worldgate zoning district with proffered conditions to allow the redevelopment of 13100

and 13150 Worldgate Drive (Fairfax County Tax Map Numbers 0161 02 0025 & 0163 02 0002A). The redevelopment will demolish two, six-story office buildings and a portion of the structured parking garage. The remaining portion of the parking garage will serve a new five-story building with 349 apartments. The eastern half of the site will have 49 four-story townhouses and 52 four-story stacked two-over-two residential units. The development will have both private and publicly accessible amenities, including a public trail connected to and expanding the existing trail network.

Budget Impact:

N/A

Recommendation:

Recommend adoption of the Resolution to affirm corrections to the Proffer Statement, Generalized Development Plan and amend Ordinance 24-O-06.

Attachments:

1. Resolution (Proposed)
2. Ordinance 24-O-06A, Amended
3. Proffer Variation Request Letter
4. Adopted Proffers (Redline Corrections)
5. Corrected Proffers (Signed)
6. Adopted GDP (Redline Corrections)
7. Corrected GDP

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

RESOLUTION

JULY 16, 2024

Resolution- to affirm corrections to the Proffer Statement and Generalized Development Plan of Zoning Map Amendment ZMA #22-02, 13100 and 13150 Worldgate Drive and amend Ordinance 24-O-06 to correct administrative errors.

The Town Council originally approved Zoning Map Amendment ZMA #22-02, by Ordinance 24-O-06 on March 26, 2024.

After the approval, the applicant realized there was an administrative error to Proffer 3.a and 3.b of the Proffer Statement dated March 18, 2024, approved with ZMA #22-02, which incorrectly limited maximum project floor area to 608,752 square feet of residential development when it should have stated a maximum floor area of 610,151 square feet of residential development.

Administrative errors also appeared on Sheet 2 of 86 of the Generalized Development Plan entitled Worldgate prepared by Urban LTD, dated March 18, 2024, where the Gross Site Area was incorrectly stated as 449,447 square feet when it should have stated 453,958 square feet, and the Gross Floor Area was incorrectly stated as 608,752 square feet when it should have stated 610,151 square feet which also resulted in errors to other calculations in the “Site Data Summary” table and the “Building Data Summary” table.

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

1. The Town Council affirms the corrections to Proffer 3.a and 3.b of ZMA #22-02, so that the limited maximum floor area is limited to 610,151 square feet of residential development.
2. The Town Council affirms the necessary change to Proffer 1.d to reference that the Generalized Development Plan entitled Worldgate prepared by Urban LTD dated March 18, 2024 has a revision date of May 22, 2024.
3. The Town Council affirms corrections to Sheet 02 of 86 of the Generalized Development Plan showing a Gross Site Area of 453,958 square feet, a maximum floor area of 610,151 square feet of residential development and corrected calculations to the “Site Data Summary” table and the “Building Data Summary” table.

24-G-43

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

ORDINANCE

MARCH 26, 2024

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

In adopting this Ordinance, the Town Council has considered the factors set out in 15.2-2284, Code of Virginia (1950) as amended.

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

1. The zoning of the property described below, lying in the Town of Herndon, Fairfax County, Virginia, is amended to allow multi-family and single-family attached residential uses in the PD-W, Planned Development-Worldgate zoning district as proposed in the Boston Properties / Wire Gill LLP / URBAN, LTD / KTG Y / Gorove Slade Associates, INC. Generalized Development Plan dated ~~March 18, 2024~~, **May 22, 2024**, the Proffer Statement dated March 18, 2024 **and revised May 22, 2024** of ZMA #22-02, and in accordance with Section 78-50.9 and 78-155.1 of the Town of Herndon Zoning Ordinance.

The property comprising of two parcels is shown in the above referenced Generalized Development Plan and described in the land records of Fairfax County in Deed Book 25544 on page 1450 (parcel 1) and Deed Book 25544 on page 1450 (parcel 2). The Fairfax County Tax Map Numbers are 0161 02 0025 and 0163 02 0002A and the total combined land area is 10.42 acres.

2. This rezoning shall be governed by this ordinance, the Town of Herndon Zoning Ordinance, the above referenced Proffer Statement for ZMA #22-02, and the above referenced Generalized Development Plan for ZMA #22-02. The Proffer Statement is included as an attachment to this ordinance. This Zoning Map Amendment is consistent with the adopted 2030 Comprehensive Plan of the Town of Herndon.
3. The Town Council approves the following modifications to the zoning regulations, as allowed under Section 78-50.2(d):

24-O-06A

- a. A modification to Section 78-100.2 to allow for a reduction in off-street parking spaces for the multi-family building in accordance with the associated parking study exhibit dated January 16, 2024 and the Generalized Development Plan for ZMA #22-02.
- b. A modification to Section 78-30.6(b)(1) to allow for a reduction in the street width along the frontage of single-family attached residential dwelling (townhouses) in accordance with the Generalized Development Plan for ZMA #22-02.
- c. A modification to Section 78-30.6(b)(2) to allow reduced widths for single-family attached residential dwelling (townhouses) in accordance with the associated exhibits dated November 1, 2023 and the Generalized Development Plan for ZMA #22-02.
- d. A modification to Section 78-30.6(b)(3)(c) to allow for longer spans without wall offsets along the facades of multi-family buildings in accordance with the associated exhibits dated November 1, 2023 and the Generalized Development Plan for ZMA #22-02.
- e. A modification to Section 78-110.3 to allow a reduction in site landscaping for multi-family and single-family attached (townhouse) residential dwellings in accordance with the Generalized Development Plan for ZMA #22-02.
- f. A modification to Section 78-110.5 to allow a reduction in the required vehicular use landscaping in accordance with the associated exhibit dated November 1, 2023 and the Generalized Development Plan for ZMA #22-02.
- g. A modification to Section 78-110.4 to allow a reduction in required perimeter buffer landscaping in accordance with the associated exhibit dated March 7, 2024 and the Generalized Development Plan for ZMA #22-02.
- h. A modification to Section 78-112 to allow for a deviation from the streetscape standards in accordance with the associated exhibit dated March 7, 2024 and the Generalized Development Plan for ZMA #22-02.
- i. A modification to Section 78-30.6(b)(3)(b) to allow single-family attached residential dwelling (townhouses) end units to have front entrances in accordance with the associated exhibits dated November 1, 2023 and the Generalized Development Plan for ZMA #22-02.

4. As to the modifications set out in item 3 above, the Town Council finds that such modifications will afford equal or greater assurance of meeting the goals of the zoning ordinance, Town of Herndon, Virginia, as set out in the preamble of that ordinance.

5. This ordinance shall be effective on and after its adoption.

[This Ordinance amends Ordinance 24-O-06 in accordance with Resolution 24-G-XX, adopted by the Herndon Town Council on DATE.]



Kenneth W. Wire
kwire@wiregill.com
703-677-3129

May 24, 2024

VIA EMAIL

David Stromberg, Zoning Administrator
Community Development Department
777 Lynn Street, Herndon, VA 20170

RE: Request for Minor Variation to Correct Proffer and GDP for
13150 and 13100 Worldgate Drive
Tax Map 016-1 ((02)) 0025 and 016-3 ((02)) 0002A (collectively the "Property")

Dear Dave:

As you are aware, my client, Boston Properties, received Town Council approval for Zoning Map Amendment ZMA #22-02 for 13100 and 13150 Worldgate Drive, on March 26, 2024. In reviewing the approval documents afterwards, we realize that the adopted Proffers and General Development Plan (the "GDP") inadvertently reference the incorrect maximum residential gross floor area (the "gfa" or "GFA") permitted for the Property.

Correct Maximum Residential Gross Floor Area

We respectfully request a minor variation to amend proffer #3a. and 3.b and Sheet #02 of the GDP as described immediately below, and as explained further below that.

- **"Uses" Proffer:**
 - #3.a should refer to a total maximum project floor area being limited to 610,151 square feet of GFA, not 608,752 square feet of GFA.
 - #3.b should refer to total residential development not exceeding 610,151 square feet of GFA, not 608,752 square feet of GFA.
- **GDP Sheet #02 Zoning Tabulations:**
 - Site Data Summary:
 - Site area should be 453,958 square feet or 10.42 acres, not 449,447 square feet or 10.32 acres.
 - Up to 610,151 square feet of gross floor area should be permitted, not 608,752 square feet.
 - Under "F.A.R." up to 610,151 square feet of gross floor area should be permitted, not 608,752 square feet.
 - Building Data Summary:
 - A total of 610,151 square feet of gross floor area should be permitted, not 610,000 square feet.

Explanation and Supporting Documents

We are requesting this correction due to an inadvertent mistake. We provided these incorrect numbers on the GDP sheet and proffers. The correct maximum residential GFA is 610,151 square feet and



Kenneth W. Wire
kwire@wiregill.com
703-677-3129

comes from your Zoning Administrator Decision ZAD #23-01 dated 01/27/2023 (Attachment A). As you recall, this was the maximum residential gross floor area you identified is available to the site, in response to our request. In addition, to aid you in your review, we have attached the originally approved Council Proffers (Attachment B) and GDP (Attachment C) along with redlines illustrating the correct maximum residential gross floor area for the Proffers (Attachment B.2) and GDP Sheet #02 (Attachment C.2). The actual document that we request Council consider is a signed and notarized Minor Variation Statement (Attachment D) that would supplement the already approved proffers and GDP.

We do apologize for this mistake and for the inconvenience. Should you have questions or require additional documentation, please let me know. Thank you for your consideration on this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'K. W. Wire', with a stylized flourish at the end.

Kenneth W. Wire
Wire Gill LLP

PROFFERS

Worldgate Development Plan Amendment and Proffer Condition Amendment

March 18, 2024

and Revised May 22, 2024

Pursuant to Section 15.2-2303 of the Code of Virginia (1950, as amended) and Section 78-50.8 of the Town of Herndon Zoning Ordinance, as amended (the “Zoning Ordinance”), the undersigned, for themselves and their successors and/or assigns (referred to hereafter, both collectively and, where appropriate, individually, as the “Applicant”), hereby proffers that the development (the “Development”) of the parcel that is the subject of this application, which is shown on the Fairfax County 2024 Tax Map as parcels 016-1 ((02)) 0025 and 016-3 ((02)) 0002A (the “Property”) shall be in substantial conformance with the conditions set forth below (the “Proffers”) if and only if Zoning Map Amendment # 22-02 is approved. Upon approval, these Proffers will supersede any and all previously approved proffers and development conditions and subsequent amendments associated with Worldgate Land Bays A1, and A2. The Application Property consists of individual Land Bays totaling approximately 10.42 acres.

1. DEVELOPMENT PLAN.

- a. The Applicant is permitted to maintain the existing office use on the property until such time as demolition permits are issued for the redevelopment of the property. The Applicant shall maintain the office buildings, parking structure and landscaping in their current condition until the permits are issued for the redevelopment.
- b. The Property shall be developed in substantial conformance with the development plan entitled Worldgate prepared by Urban LTD. dated March 18, 2024 (the “Development Plan,” “General Development Plan,” and/or “GDP”) and revised May 22, 2024, and these Proffers. It is understood by the Applicant that all other applicable regulations and policies governing land development within the Town of Herndon (the “Town”) shall apply to the Property and its development unless specifically modified by the language of this approval.
- c. Minor modifications of the Development Plan may be permitted without the need for an amendment to this approval when necessitated by final engineering or site design provided that the development is in substantial conformance with the Development Plan, these Proffers, and as approved by the Architectural Review Board (“ARB”), if applicable. Substantial conformity shall be determined as provided in the Zoning Ordinance.

- d. A preliminary subdivision plan is not required with the approval of the GDP. While not required with the approval of the Development Plan, the Applicant may proceed with the approval of a preliminary subdivision plan without the need to amend these Proffers, provided that the proposed preliminary subdivision does not adversely impact the ability of the site to develop in accordance with the Development Plan and these proffers.

2. ARCHITECTURE AND URBAN DESIGN

- a. The final architectural treatment and exterior design of all buildings within the Development Plan and in accordance with the Architectural Review Board approval(s) shall create a sense of identity and place through the use of unifying elements such as materials, textures, color, lighting, and landscaping as generally reflected in the materials and exhibits contained in the Development Plan and the Herndon Streetscape Manual.
- b. Architectural plans may be revised subsequent to the final approval of the Development Plan and pursuant to approval by the ARB.
- c. Development Phasing. The Applicant shall construct the streets and provide pedestrian improvements, and private amenities on the Property in conjunction with the development of each development phase in a manner that reflects the intent of that shown within the Phasing Exhibits contained in the Development Plan's Sheet #10A. Development may proceed first with either the multifamily phase or the townhouse phase (or portions thereof), or with both phases occurring at the same time, provided that each phase provides the phasing conditions depicted on the Phasing Exhibits and as described in the Transportation proffer #4.d below regarding bus stops.
 - i. Under either phase, the remaining portion of the multifamily garage will be finished and painted to be substantially similar to the existing exposed finished garage.
 - ii. Each phase of the project shall also comply with the minimum parking requirements, for that given phase, as approved under the requested parking modification.
 - iii. Adjustments to the phasing boundaries may be approved with the site plan approvals provided that the adjustments do not materially adversely affect the other phases.
 - iv. If one phase of the project is built, and the other phase of the project remains unbuilt 2 years after the last certificate of occupancy has been issued for the

first phase, the Applicant shall construct a more substantial fence around the unbuilt phase. The Applicant will obtain ARB approval of the fence prior to any such fence being installed.

d. Conceptual Open Space Plan.

- i. The Development Plan includes a conceptual open space plan for the Property as shown on Sheet 10 consisting of approximately 3.37 acres. The Applicant shall provide open space improvements generally consistent with the Development Plan concepts for streetscapes, plazas, courtyards and private amenity areas.
- ii. The Applicant shall preserve trees as generally consistent with Sheets 22-24.
- iii. The Applicant shall provide a public access easement and trail along the northern property line as generally shown on the Development Plan.
- iv. As part of each plan approval, more detailed landscape plans for each building phase shall be provided and subject to the review and approval of the ARB, provided that the detailed landscaping and hardscape plans are found to be in substantial conformance with the concepts included in the Development Plan.
- v. Construction of the amenities in the open space area located at the corner of Elden Street and Worldgate Drive requires the approval of a license agreement from the Town Council for encroachment into the right-of-way as shown on Sheet 28. If a license agreement is not approved, the Applicant may be permitted to redesign the amenities in this open space area at the time of site plan approval without the need for an amendment to this approval, provided that the amenities are in substantial conformity with the Development Plan as determined by the Zoning Administrator.

e. Interior Noise Attenuation. The Applicant shall submit a roadway noise study, prepared by a qualified acoustical consultant, at the time of each building permit submission to determine what if any noise attenuation measures are needed to achieve Day-Night Average Sound Levels (DNL) of no more than 45 dBA for interior residential uses. Based on the findings of the study, the Applicant shall incorporate the appropriate noise attenuation elements into the design and construction documents to achieve the recommended DNL for the applicable building(s) or portions thereof.

f. Streetscape Furnishings, Materials and Lighting. Streetscape furnishing, materials and lighting plans shall be provided as part of the site plan and shall be in substantial conformance with the Herndon Streetscape Manual and subject to review and

approval by the ARB. Unified and high-quality streetscape materials shall be provided and may include, but not be limited to, unit pavers, seat walls, tree space edging, lighting, benches, trash receptacles and other hardscape elements. These plans submitted as part of the site plan shall include general product information and approximate locations of furnishings and materials to be located in the streetscape between the building face and the curb.

- g. Design of Internal Streets and Alleyways. The internal streets and alleyways shall be installed as depicted in the Development Plan.
 - h. Existing Utilities Relocation. The Applicant shall relocate, at its expense, any existing utilities (and associated easements) necessary to accommodate the proposed development as shown on the Development Plan. The relocation shall be shown at the time of site plan approval as required by the Town. Any necessary utility relocation shall occur with construction of the Development and prior to issuance of any certificate of occupancy. Any existing utilities that are in conflict with or impede the placement, growth, or health of any street trees or trees on-site, may be relocated at the time of final site plan and in coordination with Town Staff. If relocation of an existing utility is not feasible or allowed by the utility provider, then any landscaping that is proposed within the Development Plan shall be relocated to a location on the Property in close proximity to where it was shown on the Development Plan after coordination with and the approval of the Town's Zoning Administrator. Proposed utilities shall not be placed in a location that impedes the placement, growth, and health of any tree on-site and within abutting public right-of-way.
 - i. Townhouse Architecture. The architecture of the townhouse and stacked townhouse units shall reflect the quality and architectural expression of the multifamily building.
 - j. Multifamily Garage Door. The multifamily loading bays will include roll-up garage doors. These doors will include a design aesthetic, materials, and colors coordinated with the surrounding architecture as generally depicted in the GDP.
 - k. HVAC Unit Screening. The Applicant will screen ground level exterior HVAC units facing Worldgate Drive and Wiltshire Lane, as generally depicted in the GDP.
3. USES. Unless modified by an amendment to the approved Development Plan, any use or combination of uses permitted in the PD-W may be established on the Property so long as the Project is in substantial conformance with the plans and notes on Development Plan Sheet 2 and the following:

- a. The total maximum project floor area is limited to ~~608,752~~610,151 square feet of GFA which is a 1.34 FAR based on a lot area of 453,958 square feet.
- b. Total residential development shall not exceed ~~608,752~~610,151 square feet of GFA.
- c. Subject to Zoning Ordinance Article IX, Temporary uses and Structures, the Applicant, or its designee, shall be permitted to operate or hold festivals, fairs farmers' markets, food trucks/carts or similar activities on the Property, within publicly-accessible privately-owned open spaces, pedestrian ways and private streets. Portions of the private street network may be closed for such activities, provided that alternate circulation, garage and parking access is maintained.

4. TRANSPORTATION.

- a. Right of Way Dedication. The Applicant shall dedicate the right-of-way along the Elden Street and Worldgate Drive frontage as shown on Sheet 6 of the Development Plan prior to the first site plan approval. The Applicant reserves future density credit from the Right-of-Way dedication in accordance with the terms and conditions of Zoning Ordinance Section 78-155.9 in effect as of the date of the approval of these Proffers. The open space at the corner of Worldgate Drive and Elden Street, though dedicated as Right-of-Way, will be maintained by the Applicant.
- b. Private Street and Utility Easements.
 - i. The Applicant will grant public vehicular access and utility easements over the project's internal streets shown on Development Plan sheets 6 and 7.
 - ii. These easements will enable the Applicant to close the street for the construction of future phases and street maintenance.
 - iii. Prior to Town approval of any site plan, the Applicant will make good faith efforts to acquire any necessary offsite easements for the offsite grading and temporary construction access from the immediately adjacent property owners for installation of offsite grading, curb tie-ins, vehicular directional arrows, and trail connections as shown on the Applicant's Offsite Permission Exhibit on GDP sheet #07B For the improvements at the corner of Worldgate and Wiltshire, the Applicant shall advise the Town of such acquisition efforts and shall, to the best of its ability, attempt to acquire such off-site easements without the need for eminent domain proceedings. Where easements necessary for these proffered improvements cannot be obtained, despite such good faith efforts, either (i) voluntarily through donation or proffer to the Town, or (ii) through purchase by the Applicant at a fair market value, the Applicant shall request that the Town acquire such

easements by appropriate eminent domain proceedings by the Town, with all costs associated with the eminent domain proceedings to be borne by the Applicant, including, but not limited to, land acquisition costs and appraisal fees. The initiation of such eminent domain proceedings is solely at the discretion of the Town. If the necessary off-site easements cannot be acquired by the Applicant and the Town chooses not to exercise its right of eminent domain, the Applicant shall be released from the obligation to acquire such easements and installation of the improvements. If the Town elects to defer its exercise of eminent domain, then the Applicant's proffer requiring such acquisition or installation shall likewise be deferred. It is understood by the Applicant that the Town may, in its sole discretion, seek off-site improvements from other landowners as development occurs.

- c. Streetscape Improvements. As shown on the Development Plan, the Applicant will construct the streetscape improvements along the Elden Street and Worldgate Drive frontages prior to the issuance of the first certificate of occupancy for the Project.
- d. Bus Stops.
 - i. Worldgate Drive. With the first phase of the development, prior to the issuance of the first certificate of occupancy, the Applicant shall relocate and make improvements to the existing bus stop on Worldgate Drive. Improvements include a concrete pad and bus shelter, a trash and recycling receptacle, and a bicycle rack per the standards found in the Herndon Streetscape Manual as identified in the bus shelter detail provided on Development Plan sheet 02.
 - ii. Elden Street. With the first phase of the development, prior to the issuance of the first certificate of occupancy, the Applicant shall make improvements to the existing bus stop on Elden Street. Improvements include a bus pull-off area, a rerouted sidewalk, a concrete pad, a trash and recycling receptacle, and a bicycle rack per the standards found in the Herndon Streetscape Manual as identified in the bus shelter detail provided on Development Plan sheet 02. The bus shelter shall be constructed within 5 years of the construction of the Elden Street bus pull-off area, or concurrent with construction of the multifamily building, whichever comes first.
- e. Northern Trail. As shown on the Development Plan, the Applicant will construct an onsite trail along the northern property line, and will connect the trail to the Elden Street public sidewalk and the existing Worldgate trail and pedestrian bridge in the northeast of the site. The onsite trail will include pedestrian lighting with either garage-mounted lights or landscaping lights, or a combination thereof. The

Applicant will make commercially reasonable efforts to obtain required permissions to construct the short offsite segment of sidewalk to connect the onsite trail with the existing offsite Worldgate trail. In the event the Applicant is unable to obtain offsite permissions to construct the small offsite trail segment, the Applicant will work with Town staff to design and construct a functionally equivalent alternative pedestrian bridge or other connection directly from the Applicant's property into Chandon Park.

- f. Transportation Demand Management. This Proffer sets forth the programmatic elements of a transportation demand management program (the "TDM Program") that shall be implemented by the Applicant to encourage the use of transit (Metrorail, Fairfax Connector, Metrobus, or other public transit service), other high-occupant vehicle commuting modes, walking, biking and teleworking, all in order to reduce peak hour automobile trips generated by the multifamily dwellings, stacked townhouse dwellings, and townhouse dwellings constructed on the Property. The proffered elements of the TDM Program will be implemented through a Transportation Demand Management Work Plan (the "TDM Work Plan") developed by the Applicant with input from and approval by the Town of Herndon Department of Community Development. This TDM Work Plan shall be submitted for approval prior to approval of the first site plan on the Property. It is the intent of this Proffer that the TDM Work Plan will be adapted over time to respond to the changing transportation related circumstances of the Property, the surrounding community and the region, as well as to technological and/or other improvements. The Applicant's TDM Work Plan has the objective of meeting the trip reduction goals for single occupancy vehicles measured at the peak AM/PM hours by 15%. The TDM Work Plan shall incorporate the elements listed or elements similar in purpose and form, as approved by the Town:
 - a. Appointment of a TDM Program Manager.
 - b. Contributions to resident Metro fare cards.
 - c. Contributions to Fairfax Connector, WMATA, or other public transit service approved by the Town.
 - d. Bicycle racks and bicycle share stations.
 - e. Bicycle storage rooms.
 - f. Tenant incentives to participate in yearly transportation management surveys.
 - g. Program monitoring to include surveys and/or vehicular traffic counts.

- h. Yearly reporting to Town staff on utilization of TDM Funds.

The results of surveys and/or vehicular traffic counts shall be provided to the Town as part of the Annual Reporting process. If the Annual Report demonstrates that the trip reduction goals are not being met, then the Applicant shall meet with the Town to review the TDM elements in place and to develop modifications to the TDM Work Plan to address the surplus of trips.

- g. Parking. Parking shall be provided in phases concurrent with development of the Property and in substantial conformance with the Development Plan and these proffers. Notwithstanding the above, Applicant reserves the right to provide parking at revised ratios as may be permitted at time of site plan by the Town of Herndon Zoning Ordinance or may seek future parking reductions for the Property as permitted by the Town of Herndon Zoning Ordinance, either of which shall not require a Development Plan amendment.
 - h. Townhouse Garages. The use of the Townhouse and Stacked Townhouse garages will not interfere with the parking of vehicles. This restriction must be disclosed in the COA documents. Prospective purchasers will be advised of this use restriction, in writing, prior to entering into a contract of sale. Additionally, information regarding the exact dimensions of the garages with a graphic depicting the area available for the parking will also be disclosed per the parameters in this proffer. The initial deeds of conveyance and COA governing documents will expressly contain these disclosures. A covenant setting forth these restrictions will be recorded among the land records of Fairfax County in a form approved by the Town Attorney prior to the sale of any lots and will run to the benefit of the COA and the Town Council. Notwithstanding the above, within the model unit for a particular phase, the Applicant will be entitled to use such garage space for a temporary sales office until such unit is sold. Prior to occupancy of such unit, the garage space must be converted to garage space and will be subject to this proffer.
 - i. Road A Design Details. The final design of Road A is subject to the review and approval of Town staff prior to Site Plan approval.
5. GREEN BUILDING.

- a. Residential Building Certifications. For the multifamily residential building and the stacked and conventional townhouses, the Applicant shall achieve either LEED v4 certification from U.S. Green Building Council, Multifamily Building certification from National Green Building Standard (NGBS), EarthCraft Multifamily certification, or an equivalent green building program as determined by the Town, within 3 years of the issuance of the first certificate of occupancy for each phase.
- b. The Applicant shall include, at the time of application for a building permit for each building, a list of specific credits or design elements incorporated into the building using the then current documentation of the selected green building program for the

multifamily building and each townhouse and stacked townhouse building.

- c. The Applicant shall meet with the Town following application for each site plan to coordinate green building strategies and priority credits, such priorities shall include evaluating green infrastructure for stormwater management and potential bird-friendly design features, and the installation of electric vehicle charging stations for at least 5% of the total parking spaces within the multifamily garage, with EV charging infrastructure for up to 10% of the total parking spaces within the multifamily garage.
- d. Low Impact Development. The Applicant will meet all required onsite stormwater management regulations, and in addition, shall provide LID (Low Impact Development) measures onsite at any development phase. The Applicant shall provide at least 2 LID measures on the property at the time of project completion, which may include but are not limited to, green roof areas, tree filters, and/or other LID features not listed here. The type and location of these features will be decided at the time of site plan to ensure the most effective and appropriate measures are chosen, and to accommodate limitations and constraints set by the final engineering of the property.

6. ENVIRONMENTAL.

- a. Planting Species Diversity. In order to promote biodiversity, 10% maximum of each species of deciduous shrubs, 10% maximum of each species of deciduous trees, 25% maximum of each species of evergreen shrubs, and 25% maximum of each species of evergreen trees shall be specified within any development phase.
- b. Refuse and Recycling Service. The Development shall be served by a private refuse and recycling service. For the multifamily building, any refuse and recycling containers brought from inside the building must be placed on the concrete pad for service, and removed in a timely manner after service.
- c. Multifamily Garage Paint. The Applicant shall paint the top floor of the garage with sun-reflecting paint to reduce the “heat island” effect.
- d. Manufactured Stormwater Devices. Manufactured stormwater filtration systems will be provided to meet BMP requirements.
- e. Tree Preservation Measures. Tree preservation will be provided on the Property as shown on the GDP Plan Sheets 22 -24.

7. UNIVERSAL DESIGN. The Applicant will offer the following Universal Design options in all townhouse and stacked townhouse units on the Property:

- a. At the time of initial purchase, for units that have not yet been constructed, each purchaser will be offered the following Universal Design options at no additional cost to the purchaser:
 - i. Blocking for reinforcement of bathroom fall grab bars;
 - ii. Front entrance doors that are a minimum of 36 inches wide;
 - iii. Electrical outlets that are at least 18 inches high off the floor;
 - iv. Light switches and thermostats that are a maximum of 48 inches off the floor;
 - v. Clear knee space under the kitchen sink; and
 - vi. Lever door handles instead of doorknobs.
- b. In addition to the Universal Design options offered pursuant to Proffer 7.a above, at the time of initial purchase, for units that have not yet been constructed, each purchaser will be offered the following additional Universal Design options at the purchaser's sole cost, which will include, but not necessarily be limited to:
 - i. A curb-less shower, or a shower with a maximum 2-inch high curb;
 - ii. Step-less entry for ground floor residential units from the garage to the house, to the extent permitted by the then current edition of the Virginia Statewide Building Code;
 - iii. A turning radius of 5 feet near the first-floor bathroom commode;
 - iv. ADA compliant grab bars in the bathroom; and
 - v. A first-floor bathroom console-style sink instead of a cabinet-style vanity.

8. CONTRIBUTIONS.

- a. Recreation/Community Amenities/Civic Facilities. Prior to the issuance of the last certificate of occupancy for the multifamily building and for the last townhome unit, the Applicant shall separately demonstrate that the value of any proposed recreational on-site amenities/community amenities/civic facilities for each product type are equivalent to a minimum of \$2,100.00 per residential unit, for that phase. The value calculation shall include the cost of amenities such as, but not limited to, benches and seating, outdoor seating and gathering areas, fitness centers, community rooms, swimming pools, decks, artwork, fire pits, trellises, etc. Project building materials are not included in the calculation. The Applicant shall submit the verification of the cost of these improvements to the Town as provided by its

general contractor. In the event it is demonstrated that the proposed facilities do not have sufficient value, the Applicant shall provide the remainder in a cash contribution to the Town of Herndon for use on recreational facilities in the Town of Herndon.

- b. Offsite Recreation Contribution. The Applicant shall make a per GFA square foot contribution payment of \$0.35 to the Town for offsite recreation improvements for multifamily residential GFA prior to the issuance of the first certificate of occupancy based on the actual GFA of the building for that phase. In addition, the Applicant shall make a per residential unit contribution payment of \$2,100.00 to the Town for offsite recreation improvements for the townhouse and stacked townhouse units prior to the first certificate of occupancy per building. Such funds shall be used for the improvements of Town recreational facilities in locations that logically serve the approved development.

- c. School Contribution.

- i. Per the Residential Development Criteria Implementation Motion adopted by the Fairfax County Board of Supervisors on January 7, 2003, as amended, the Applicant will use the Fairfax County Public Schools' School Impact Proffer Formula and Student Yield Ratio Update dated May 23, 2022, to determine the school contribution amount. Prior to the issuance of the first certificate of occupancy for that phase, the Applicant will contribute funds at the assumed rates below, multiplied by \$14,956.00 per student generated to the Board of Supervisors for transfer to the Fairfax County School Board to be used for capital improvements and capacity enhancements to schools that serve the Town of Herndon.

- 1. Multifamily units:

- a. 0.061 elementary school
 - b. 0.019 middle school
 - c. 0.028 high school

- 2. Townhouse units:

- a. 0.254 elementary school
 - b. 0.072 middle school
 - c. 0.141 high school

3. Stacked townhouse units:

- a. 0.202 elementary school
- b. 0.057 middle school
- c. 0.098 high school

ii. The contributions will be based on the actual number of residential units constructed, as the total amount may vary. Following approval of this Development Plan and prior to the Applicant's payment of the amount(s) set forth in this Proffer, if Fairfax County should modify the ratio of students per units of the amount of the contribution per student, the Applicant will pay the modified contribution amount for that phase of development to reflect the then current ratio and/or contribution.

iii. Prior to beginning construction, the Applicant will notify the Fairfax County Public Schools of the intended construction and anticipated completion date.

d. Public Safety Contribution. The Applicant shall contribute a total of \$28,000.00 to the Town of Herndon Police Department. The contribution shall be paid upon site plan approval.

9. DECLARATION OR OWNERS' ASSOCIATION. Prior to the issuance of the first certificate of occupancy for the townhouse phase of the project, the Applicant shall cause the recordation of one or more declarations creating an owners' association ("OA") and as necessary, condominium owners' associations ("COA") or declarations of covenants and agreements dealing with the governance of maintenance and operation of the townhouse phase of the Property or other governance documents which will legally bind the townhouse phase of the Property (collectively referred to as the "Governance Documents"). Such Governance Documents shall be prepared, be legally effective and recorded prior to the issuance of the first certificate of occupancy for the townhouse phase of the Property. The respective Governance Documents (including budgets provided in any offering or sale materials) shall specify the various proffer and maintenance obligations set forth in the Development plan and these Proffers, including the maintenance of certain streets, bicycle facilities, associated sidewalks and streetscapes, and site amenities such as, but not limited to, the recreation areas as well as funding, implementation and monitoring of the TDM program, all as related to the townhouse phase of the Property. Purchasers shall be advised in writing of these obligations, and other restrictions, prior to entering into a contract of sale, whether purchasing residential or commercial property. The Governance Documents shall be included in any offering, sale materials or contracts for any townhomes. Purchasers of land of buildings shall be advised of these obligations in the

contract of sale.

- a. Visitor Parking. The Governance Documents shall reserve the townhouse phase of the Property's on-street parking solely for the use of visitors to the townhouses and stacked townhouses. A separate recorded document shall specify that visitors to the multifamily building shall park within the multifamily parking structure.

10. MAINTENANCE. The Applicant shall maintain and replace in-kind all common area elements within the Development Pland during any development phase. Maintenance commitments include, but are not limited to:

- a. All plantings including trees, shrubs, perennials, and annuals;
- b. All associated irrigation elements;
- c. All hard surfaces;
- d. All streetscape furnishings including benches, bike racks, trash and recycling receptacles and non-standard structures;
- e. All lighting fixtures, poles and brackets;
- f. Snow removal;
- g. Leaf removal;
- h. Trash, recycling and litter removal;
- i. Decorative and structural retaining walls;
- j. Special drainage features, such a Low Impact Design facilities; and
- k. All open space amenities including horticultural care, maintenance of all water features, irrigation, lighting, furnishings, paving, and art.

11. METRORAIL TAX DISTRICT BUYOUT FOR FOR-SALE RESIDENTIAL USES. At least sixty days prior to registration with the Common Interest Community Board of any residential condominium documents that would change the use of all or any portion of the Property to a use that is not subject to the Phase II Dulles Rail Transportation Improvement District (the "Phase II District") tax, the Applicant shall provide a written notice to the Director of the Real Estate Division of the Fairfax County Department of Tax Administration advising that the Applicant intends to register such condominium documents for that portion of the Property. Prior to registering the condominium documents, the Applicant shall pay to Fairfax County a sum equal to the then-present value of Phase II District taxes estimated by the County to be lost as a result of that change in use.

12. ESCALATION. All monetary contributions required by these proffers, with the exception of the proffer relating to the public school contribution, shall escalate on a yearly basis from the base year of 2023 and change effective each January 1 thereafter, based on the Consumer Price Index as published by the Bureau of Labor Statistics, the U.S. Department of Labor for the Washington-Baltimore, MD-VA-DC-WV Consolidated Metropolitan Statistical Area (the “CPI”), as permitted by Virginia State Code Section 15.2-2303.3.3.
13. SUCCESSORS AND ASSIGNS. These proffers shall bind and inure to the benefit of the Applicant and his/her successors and assigns.
14. COUNTERPARTS. These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document and all of which taken together shall constitute but one and the same instrument.

TITLE OWNER/APPLICANT SIGNATURE TO FOLLOW ON THE NEXT PAGE:

AM WORLDGATE OWNER, LLC, a Delaware
limited liability company

Title Owner of 016-1 ((02)) 0025
and 016-3 ((02)) 0002A

By: ABXP WORLDGATE INVESTMENTS LLC,
a Delaware limited liability company, its sole
member

By: BXP WORLDGATE MEMBER LLC, a
Delaware limited liability company, its managing
member

By: BOSTON PROPERTIES LIMITED
PARTNERSHIP, a Delaware limited partnership,
its managing member

By: BOSTON PROPERTIES, INC., a Delaware
corporation, its general partner

By: _____
Name: Peter V. Otteni
Title: EVP, Co-Head of the Washington, DC
Region

DISTRICT OF COLUMBIA, to wit:

The foregoing instrument was acknowledged before me this ____ day of March, 2024,
by Peter V. Otteni, as Executive Vice President, Co-Head of the Washington, DC Region of Boston
Properties, Inc., a Delaware corporation, the general partner of Boston Properties Limited Partnership,
a Delaware limited partnership, the managing member of BXP Worldgate Member LLC, a Delaware
limited liability company, the managing member of ABXP Worldgate Investments LLC, a Delaware
limited liability company, the sole member of AM Worldgate Owner, LLC, a Delaware limited liability
company.

Notary Public

Notary Registration No: _____

My Commission Expires: _____

PROFFERS

Worldgate Development Plan Amendment and Proffer Condition Amendment

March 18, 2024

and Revised May 22, 2024

Pursuant to Section 15.2-2303 of the Code of Virginia (1950, as amended) and Section 78-50.8 of the Town of Herndon Zoning Ordinance, as amended (the “Zoning Ordinance”), the undersigned, for themselves and their successors and/or assigns (referred to hereafter, both collectively and, where appropriate, individually, as the “Applicant”), hereby proffers that the development (the “Development”) of the parcel that is the subject of this application, which is shown on the Fairfax County 2024 Tax Map as parcels 016-1 ((02)) 0025 and 016-3 ((02)) 0002A (the “Property”) shall be in substantial conformance with the conditions set forth below (the “Proffers”) if and only if Zoning Map Amendment # 22-02 is approved. Upon approval, these Proffers will supersede any and all previously approved proffers and development conditions and subsequent amendments associated with Worldgate Land Bays A1, and A2. The Application Property consists of individual Land Bays totaling approximately 10.42 acres.

1. DEVELOPMENT PLAN.

- a. The Applicant is permitted to maintain the existing office use on the property until such time as demolition permits are issued for the redevelopment of the property. The Applicant shall maintain the office buildings, parking structure and landscaping in their current condition until the permits are issued for the redevelopment.
- b. The Property shall be developed in substantial conformance with the development plan entitled Worldgate prepared by Urban LTD. dated March 18, 2024 (the “Development Plan,” “General Development Plan,” and/or “GDP”) and revised May 22, 2024, and these Proffers. It is understood by the Applicant that all other applicable regulations and policies governing land development within the Town of Herndon (the “Town”) shall apply to the Property and its development unless specifically modified by the language of this approval.
- c. Minor modifications of the Development Plan may be permitted without the need for an amendment to this approval when necessitated by final engineering or site design provided that the development is in substantial conformance with the Development Plan, these Proffers, and as approved by the Architectural Review Board (“ARB”), if applicable. Substantial conformity shall be determined as provided in the Zoning Ordinance.

- d. A preliminary subdivision plan is not required with the approval of the GDP. While not required with the approval of the Development Plan, the Applicant may proceed with the approval of a preliminary subdivision plan without the need to amend these Proffers, provided that the proposed preliminary subdivision does not adversely impact the ability of the site to develop in accordance with the Development Plan and these proffers.

2. ARCHITECTURE AND URBAN DESIGN

- a. The final architectural treatment and exterior design of all buildings within the Development Plan and in accordance with the Architectural Review Board approval(s) shall create a sense of identity and place through the use of unifying elements such as materials, textures, color, lighting, and landscaping as generally reflected in the materials and exhibits contained in the Development Plan and the Herndon Streetscape Manual.
- b. Architectural plans may be revised subsequent to the final approval of the Development Plan and pursuant to approval by the ARB.
- c. Development Phasing. The Applicant shall construct the streets and provide pedestrian improvements, and private amenities on the Property in conjunction with the development of each development phase in a manner that reflects the intent of that shown within the Phasing Exhibits contained in the Development Plan's Sheet #10A. Development may proceed first with either the multifamily phase or the townhouse phase (or portions thereof), or with both phases occurring at the same time, provided that each phase provides the phasing conditions depicted on the Phasing Exhibits and as described in the Transportation proffer #4.d below regarding bus stops.
 - i. Under either phase, the remaining portion of the multifamily garage will be finished and painted to be substantially similar to the existing exposed finished garage.
 - ii. Each phase of the project shall also comply with the minimum parking requirements, for that given phase, as approved under the requested parking modification.
 - iii. Adjustments to the phasing boundaries may be approved with the site plan approvals provided that the adjustments do not materially adversely affect the other phases.
 - iv. If one phase of the project is built, and the other phase of the project remains unbuilt 2 years after the last certificate of occupancy has been issued for the

first phase, the Applicant shall construct a more substantial fence around the unbuilt phase. The Applicant will obtain ARB approval of the fence prior to any such fence being installed.

d. Conceptual Open Space Plan.

- i. The Development Plan includes a conceptual open space plan for the Property as shown on Sheet 10 consisting of approximately 3.37 acres. The Applicant shall provide open space improvements generally consistent with the Development Plan concepts for streetscapes, plazas, courtyards and private amenity areas.
- ii. The Applicant shall preserve trees as generally consistent with Sheets 22-24.
- iii. The Applicant shall provide a public access easement and trail along the northern property line as generally shown on the Development Plan.
- iv. As part of each plan approval, more detailed landscape plans for each building phase shall be provided and subject to the review and approval of the ARB, provided that the detailed landscaping and hardscape plans are found to be in substantial conformance with the concepts included in the Development Plan.
- v. Construction of the amenities in the open space area located at the corner of Elden Street and Worldgate Drive requires the approval of a license agreement from the Town Council for encroachment into the right-of-way as shown on Sheet 28. If a license agreement is not approved, the Applicant may be permitted to redesign the amenities in this open space area at the time of site plan approval without the need for an amendment to this approval, provided that the amenities are in substantial conformity with the Development Plan as determined by the Zoning Administrator.

e. Interior Noise Attenuation. The Applicant shall submit a roadway noise study, prepared by a qualified acoustical consultant, at the time of each building permit submission to determine what if any noise attenuation measures are needed to achieve Day-Night Average Sound Levels (DNL) of no more than 45 dBA for interior residential uses. Based on the findings of the study, the Applicant shall incorporate the appropriate noise attenuation elements into the design and construction documents to achieve the recommended DNL for the applicable building(s) or portions thereof.

f. Streetscape Furnishings, Materials and Lighting. Streetscape furnishing, materials and lighting plans shall be provided as part of the site plan and shall be in substantial conformance with the Herndon Streetscape Manual and subject to review and

approval by the ARB. Unified and high-quality streetscape materials shall be provided and may include, but not be limited to, unit pavers, seat walls, tree space edging, lighting, benches, trash receptacles and other hardscape elements. These plans submitted as part of the site plan shall include general product information and approximate locations of furnishings and materials to be located in the streetscape between the building face and the curb.

- g. Design of Internal Streets and Alleyways. The internal streets and alleyways shall be installed as depicted in the Development Plan.
 - h. Existing Utilities Relocation. The Applicant shall relocate, at its expense, any existing utilities (and associated easements) necessary to accommodate the proposed development as shown on the Development Plan. The relocation shall be shown at the time of site plan approval as required by the Town. Any necessary utility relocation shall occur with construction of the Development and prior to issuance of any certificate of occupancy. Any existing utilities that are in conflict with or impede the placement, growth, or health of any street trees or trees on-site, may be relocated at the time of final site plan and in coordination with Town Staff. If relocation of an existing utility is not feasible or allowed by the utility provider, then any landscaping that is proposed within the Development Plan shall be relocated to a location on the Property in close proximity to where it was shown on the Development Plan after coordination with and the approval of the Town's Zoning Administrator. Proposed utilities shall not be placed in a location that impedes the placement, growth, and health of any tree on-site and within abutting public right-of-way.
 - i. Townhouse Architecture. The architecture of the townhouse and stacked townhouse units shall reflect the quality and architectural expression of the multifamily building.
 - j. Multifamily Garage Door. The multifamily loading bays will include roll-up garage doors. These doors will include a design aesthetic, materials, and colors coordinated with the surrounding architecture as generally depicted in the GDP.
 - k. HVAC Unit Screening. The Applicant will screen ground level exterior HVAC units facing Worldgate Drive and Wiltshire Lane, as generally depicted in the GDP.
3. USES. Unless modified by an amendment to the approved Development Plan, any use or combination of uses permitted in the PD-W may be established on the Property so long as the Project is in substantial conformance with the plans and notes on Development Plan Sheet 2 and the following:

- a. The total maximum project floor area is limited to 610,151 square feet of GFA which is a 1.34 FAR based on a lot area of 453,958 square feet.
- b. Total residential development shall not exceed 610,151 square feet of GFA.
- c. Subject to Zoning Ordinance Article IX, Temporary uses and Structures, the Applicant, or its designee, shall be permitted to operate or hold festivals, fairs farmers' markets, food trucks/carts or similar activities on the Property, within publicly-accessible privately-owned open spaces, pedestrian ways and private streets. Portions of the private street network may be closed for such activities, provided that alternate circulation, garage and parking access is maintained.

4. TRANSPORTATION.

- a. Right of Way Dedication. The Applicant shall dedicate the right-of-way along the Elden Street and Worldgate Drive frontage as shown on Sheet 6 of the Development Plan prior to the first site plan approval. The Applicant reserves future density credit from the Right-of-Way dedication in accordance with the terms and conditions of Zoning Ordinance Section 78-155.9 in effect as of the date of the approval of these Proffers. The open space at the corner of Worldgate Drive and Elden Street, though dedicated as Right-of-Way, will be maintained by the Applicant.
- b. Private Street and Utility Easements.
 - i. The Applicant will grant public vehicular access and utility easements over the project's internal streets shown on Development Plan sheets 6 and 7.
 - ii. These easements will enable the Applicant to close the street for the construction of future phases and street maintenance.
 - iii. Prior to Town approval of any site plan, the Applicant will make good faith efforts to acquire any necessary offsite easements for the offsite grading and temporary construction access from the immediately adjacent property owners for installation of offsite grading, curb tie-ins, vehicular directional arrows, and trail connections as shown on the Applicant's Offsite Permission Exhibit on GDP sheet #07B For the improvements at the corner of Worldgate and Wiltshire, the Applicant shall advise the Town of such acquisition efforts and shall, to the best of its ability, attempt to acquire such off-site easements without the need for eminent domain proceedings. Where easements necessary for these proffered improvements cannot be obtained, despite such good faith efforts, either (i) voluntarily through donation or proffer to the Town, or (ii) through purchase by the Applicant at a fair market value, the Applicant shall request that the Town acquire such

easements by appropriate eminent domain proceedings by the Town, with all costs associated with the eminent domain proceedings to be borne by the Applicant, including, but not limited to, land acquisition costs and appraisal fees. The initiation of such eminent domain proceedings is solely at the discretion of the Town. If the necessary off-site easements cannot be acquired by the Applicant and the Town chooses not to exercise its right of eminent domain, the Applicant shall be released from the obligation to acquire such easements and installation of the improvements. If the Town elects to defer its exercise of eminent domain, then the Applicant's proffer requiring such acquisition or installation shall likewise be deferred. It is understood by the Applicant that the Town may, in its sole discretion, seek off-site improvements from other landowners as development occurs.

- c. Streetscape Improvements. As shown on the Development Plan, the Applicant will construct the streetscape improvements along the Elden Street and Worldgate Drive frontages prior to the issuance of the first certificate of occupancy for the Project.
- d. Bus Stops.
 - i. Worldgate Drive. With the first phase of the development, prior to the issuance of the first certificate of occupancy, the Applicant shall relocate and make improvements to the existing bus stop on Worldgate Drive. Improvements include a concrete pad and bus shelter, a trash and recycling receptacle, and a bicycle rack per the standards found in the Herndon Streetscape Manual as identified in the bus shelter detail provided on Development Plan sheet 02.
 - ii. Elden Street. With the first phase of the development, prior to the issuance of the first certificate of occupancy, the Applicant shall make improvements to the existing bus stop on Elden Street. Improvements include a bus pull-off area, a rerouted sidewalk, a concrete pad, a trash and recycling receptacle, and a bicycle rack per the standards found in the Herndon Streetscape Manual as identified in the bus shelter detail provided on Development Plan sheet 02. The bus shelter shall be constructed within 5 years of the construction of the Elden Street bus pull-off area, or concurrent with construction of the multifamily building, whichever comes first.
- e. Northern Trail. As shown on the Development Plan, the Applicant will construct an onsite trail along the northern property line, and will connect the trail to the Elden Street public sidewalk and the existing Worldgate trail and pedestrian bridge in the northeast of the site. The onsite trail will include pedestrian lighting with either garage-mounted lights or landscaping lights, or a combination thereof. The

Applicant will make commercially reasonable efforts to obtain required permissions to construct the short offsite segment of sidewalk to connect the onsite trail with the existing offsite Worldgate trail. In the event the Applicant is unable to obtain offsite permissions to construct the small offsite trail segment, the Applicant will work with Town staff to design and construct a functionally equivalent alternative pedestrian bridge or other connection directly from the Applicant's property into Chandon Park.

- f. Transportation Demand Management. This Proffer sets forth the programmatic elements of a transportation demand management program (the "TDM Program") that shall be implemented by the Applicant to encourage the use of transit (Metrorail, Fairfax Connector, Metrobus, or other public transit service), other high-occupant vehicle commuting modes, walking, biking and teleworking, all in order to reduce peak hour automobile trips generated by the multifamily dwellings, stacked townhouse dwellings, and townhouse dwellings constructed on the Property. The proffered elements of the TDM Program will be implemented through a Transportation Demand Management Work Plan (the "TDM Work Plan") developed by the Applicant with input from and approval by the Town of Herndon Department of Community Development. This TDM Work Plan shall be submitted for approval prior to approval of the first site plan on the Property. It is the intent of this Proffer that the TDM Work Plan will be adapted over time to respond to the changing transportation related circumstances of the Property, the surrounding community and the region, as well as to technological and/or other improvements. The Applicant's TDM Work Plan has the objective of meeting the trip reduction goals for single occupancy vehicles measured at the peak AM/PM hours by 15%. The TDM Work Plan shall incorporate the elements listed or elements similar in purpose and form, as approved by the Town:

- a. Appointment of a TDM Program Manager.
- b. Contributions to resident Metro fare cards.
- c. Contributions to Fairfax Connector, WMATA, or other public transit service approved by the Town.
- d. Bicycle racks and bicycle share stations.
- e. Bicycle storage rooms.
- f. Tenant incentives to participate in yearly transportation management surveys.
- g. Program monitoring to include surveys and/or vehicular traffic counts.

- h. Yearly reporting to Town staff on utilization of TDM Funds.

The results of surveys and/or vehicular traffic counts shall be provided to the Town as part of the Annual Reporting process. If the Annual Report demonstrates that the trip reduction goals are not being met, then the Applicant shall meet with the Town to review the TDM elements in place and to develop modifications to the TDM Work Plan to address the surplus of trips.

- g. Parking. Parking shall be provided in phases concurrent with development of the Property and in substantial conformance with the Development Plan and these proffers. Notwithstanding the above, Applicant reserves the right to provide parking at revised ratios as may be permitted at time of site plan by the Town of Herndon Zoning Ordinance or may seek future parking reductions for the Property as permitted by the Town of Herndon Zoning Ordinance, either of which shall not require a Development Plan amendment.
- h. Townhouse Garages. The use of the Townhouse and Stacked Townhouse garages will not interfere with the parking of vehicles. This restriction must be disclosed in the COA documents. Prospective purchasers will be advised of this use restriction, in writing, prior to entering into a contract of sale. Additionally, information regarding the exact dimensions of the garages with a graphic depicting the area available for the parking will also be disclosed per the parameters in this proffer. The initial deeds of conveyance and COA governing documents will expressly contain these disclosures. A covenant setting forth these restrictions will be recorded among the land records of Fairfax County in a form approved by the Town Attorney prior to the sale of any lots and will run to the benefit of the COA and the Town Council. Notwithstanding the above, within the model unit for a particular phase, the Applicant will be entitled to use such garage space for a temporary sales office until such unit is sold. Prior to occupancy of such unit, the garage space must be converted to garage space and will be subject to this proffer.
- i. Road A Design Details. The final design of Road A is subject to the review and approval of Town staff prior to Site Plan approval.

5. GREEN BUILDING.

- a. Residential Building Certifications. For the multifamily residential building and the stacked and conventional townhouses, the Applicant shall achieve either LEED v4 certification from U.S. Green Building Council, Multifamily Building certification from National Green Building Standard (NGBS), EarthCraft Multifamily certification, or an equivalent green building program as determined by the Town, within 3 years of the issuance of the first certificate of occupancy for each phase.
- b. The Applicant shall include, at the time of application for a building permit for each building, a list of specific credits or design elements incorporated into the building using the then current documentation of the selected green building program for the

multifamily building and each townhouse and stacked townhouse building.

- c. The Applicant shall meet with the Town following application for each site plan to coordinate green building strategies and priority credits, such priorities shall include evaluating green infrastructure for stormwater management and potential bird-friendly design features, and the installation of electric vehicle charging stations for at least 5% of the total parking spaces within the multifamily garage, with EV charging infrastructure for up to 10% of the total parking spaces within the multifamily garage.
- d. Low Impact Development. The Applicant will meet all required onsite stormwater management regulations, and in addition, shall provide LID (Low Impact Development) measures onsite at any development phase. The Applicant shall provide at least 2 LID measures on the property at the time of project completion, which may include but are not limited to, green roof areas, tree filters, and/or other LID features not listed here. The type and location of these features will be decided at the time of site plan to ensure the most effective and appropriate measures are chosen, and to accommodate limitations and constraints set by the final engineering of the property.

6. ENVIRONMENTAL.

- a. Planting Species Diversity. In order to promote biodiversity, 10% maximum of each species of deciduous shrubs, 10% maximum of each species of deciduous trees, 25% maximum of each species of evergreen shrubs, and 25% maximum of each species of evergreen trees shall be specified within any development phase.
- b. Refuse and Recycling Service. The Development shall be served by a private refuse and recycling service. For the multifamily building, any refuse and recycling containers brought from inside the building must be placed on the concrete pad for service, and removed in a timely manner after service.
- c. Multifamily Garage Paint. The Applicant shall paint the top floor of the garage with sun-reflecting paint to reduce the “heat island” effect.
- d. Manufactured Stormwater Devices. Manufactured stormwater filtration systems will be provided to meet BMP requirements.
- e. Tree Preservation Measures. Tree preservation will be provided on the Property as shown on the GDP Plan Sheets 22 -24.

7. UNIVERSAL DESIGN. The Applicant will offer the following Universal Design options in all townhouse and stacked townhouse units on the Property:

- a. At the time of initial purchase, for units that have not yet been constructed, each purchaser will be offered the following Universal Design options at no additional cost to the purchaser:
 - i. Blocking for reinforcement of bathroom fall grab bars;
 - ii. Front entrance doors that are a minimum of 36 inches wide;
 - iii. Electrical outlets that are at least 18 inches high off the floor;
 - iv. Light switches and thermostats that are a maximum of 48 inches off the floor;
 - v. Clear knee space under the kitchen sink; and
 - vi. Lever door handles instead of doorknobs.
- b. In addition to the Universal Design options offered pursuant to Proffer 7.a above, at the time of initial purchase, for units that have not yet been constructed, each purchaser will be offered the following additional Universal Design options at the purchaser's sole cost, which will include, but not necessarily be limited to:
 - i. A curb-less shower, or a shower with a maximum 2-inch high curb;
 - ii. Step-less entry for ground floor residential units from the garage to the house, to the extent permitted by the then current edition of the Virginia Statewide Building Code;
 - iii. A turning radius of 5 feet near the first-floor bathroom commode;
 - iv. ADA compliant grab bars in the bathroom; and
 - v. A first-floor bathroom console-style sink instead of a cabinet-style vanity.

8. CONTRIBUTIONS.

- a. Recreation/Community Amenities/Civic Facilities. Prior to the issuance of the last certificate of occupancy for the multifamily building and for the last townhome unit, the Applicant shall separately demonstrate that the value of any proposed recreational on-site amenities/community amenities/civic facilities for each product type are equivalent to a minimum of \$2,100.00 per residential unit, for that phase. The value calculation shall include the cost of amenities such as, but not limited to, benches and seating, outdoor seating and gathering areas, fitness centers, community rooms, swimming pools, decks, artwork, fire pits, trellises, etc. Project building materials are not included in the calculation. The Applicant shall submit the verification of the cost of these improvements to the Town as provided by its

general contractor. In the event it is demonstrated that the proposed facilities do not have sufficient value, the Applicant shall provide the remainder in a cash contribution to the Town of Herndon for use on recreational facilities in the Town of Herndon.

- b. Offsite Recreation Contribution. The Applicant shall make a per GFA square foot contribution payment of \$0.35 to the Town for offsite recreation improvements for multifamily residential GFA prior to the issuance of the first certificate of occupancy based on the actual GFA of the building for that phase. In addition, the Applicant shall make a per residential unit contribution payment of \$2,100.00 to the Town for offsite recreation improvements for the townhouse and stacked townhouse units prior to the first certificate of occupancy per building. Such funds shall be used for the improvements of Town recreational facilities in locations that logically serve the approved development.

- c. School Contribution.

- i. Per the Residential Development Criteria Implementation Motion adopted by the Fairfax County Board of Supervisors on January 7, 2003, as amended, the Applicant will use the Fairfax County Public Schools' School Impact Proffer Formula and Student Yield Ratio Update dated May 23, 2022, to determine the school contribution amount. Prior to the issuance of the first certificate of occupancy for that phase, the Applicant will contribute funds at the assumed rates below, multiplied by \$14,956.00 per student generated to the Board of Supervisors for transfer to the Fairfax County School Board to be used for capital improvements and capacity enhancements to schools that serve the Town of Herndon.

- 1. Multifamily units:

- a. 0.061 elementary school
 - b. 0.019 middle school
 - c. 0.028 high school

- 2. Townhouse units:

- a. 0.254 elementary school
 - b. 0.072 middle school
 - c. 0.141 high school

3. Stacked townhouse units:

- a. 0.202 elementary school
- b. 0.057 middle school
- c. 0.098 high school

ii. The contributions will be based on the actual number of residential units constructed, as the total amount may vary. Following approval of this Development Plan and prior to the Applicant's payment of the amount(s) set forth in this Proffer, if Fairfax County should modify the ratio of students per units of the amount of the contribution per student, the Applicant will pay the modified contribution amount for that phase of development to reflect the then current ratio and/or contribution.

iii. Prior to beginning construction, the Applicant will notify the Fairfax County Public Schools of the intended construction and anticipated completion date.

d. Public Safety Contribution. The Applicant shall contribute a total of \$28,000.00 to the Town of Herndon Police Department. The contribution shall be paid upon site plan approval.

9. DECLARATION OR OWNERS' ASSOCIATION. Prior to the issuance of the first certificate of occupancy for the townhouse phase of the project, the Applicant shall cause the recordation of one or more declarations creating an owners' association ("OA") and as necessary, condominium owners' associations ("COA") or declarations of covenants and agreements dealing with the governance of maintenance and operation of the townhouse phase of the Property or other governance documents which will legally bind the townhouse phase of the Property (collectively referred to as the "Governance Documents"). Such Governance Documents shall be prepared, be legally effective and recorded prior to the issuance of the first certificate of occupancy for the townhouse phase of the Property. The respective Governance Documents (including budgets provided in any offering or sale materials) shall specify the various proffer and maintenance obligations set forth in the Development plan and these Proffers, including the maintenance of certain streets, bicycle facilities, associated sidewalks and streetscapes, and site amenities such as, but not limited to, the recreation areas as well as funding, implementation and monitoring of the TDM program, all as related to the townhouse phase of the Property. Purchasers shall be advised in writing of these obligations, and other restrictions, prior to entering into a contract of sale, whether purchasing residential or commercial property. The Governance Documents shall be included in any offering, sale materials or contracts for any townhomes. Purchasers of land or buildings shall be advised of these obligations in the

contract of sale.

- a. Visitor Parking. The Governance Documents shall reserve the townhouse phase of the Property's on-street parking solely for the use of visitors to the townhouses and stacked townhouses. A separate recorded document shall specify that visitors to the multifamily building shall park within the multifamily parking structure.
10. MAINTENANCE. The Applicant shall maintain and replace in-kind all common area elements within the Development Pland during any development phase. Maintenance commitments include, but are not limited to:
 - a. All plantings including trees, shrubs, perennials, and annuals;
 - b. All associated irrigation elements;
 - c. All hard surfaces;
 - d. All streetscape furnishings including benches, bike racks, trash and recycling receptacles and non-standard structures;
 - e. All lighting fixtures, poles and brackets;
 - f. Snow removal;
 - g. Leaf removal;
 - h. Trash, recycling and litter removal;
 - i. Decorative and structural retaining walls;
 - j. Special drainage features, such a Low Impact Design facilities; and
 - k. All open space amenities including horticultural care, maintenance of all water features, irrigation, lighting, furnishings, paving, and art.
11. METRORAIL TAX DISTRICT BUYOUT FOR FOR-SALE RESIDENTIAL USES. At least sixty days prior to registration with the Common Interest Community Board of any residential condominium documents that would change the use of all or any portion of the Property to a use that is not subject to the Phase II Dulles Rail Transportation Improvement District (the "Phase II District") tax, the Applicant shall provide a written notice to the Director of the Real Estate Division of the Fairfax County Department of Tax Administration advising that the Applicant intends to register such condominium documents for that portion of the Property. Prior to registering the condominium documents, the Applicant shall pay to Fairfax County a sum equal to the then-present value of Phase II District taxes estimated by the County to be lost as a result of that change in use.

12. ESCALATION. All monetary contributions required by these proffers, with the exception of the proffer relating to the public school contribution, shall escalate on a yearly basis from the base year of 2023 and change effective each January 1 thereafter, based on the Consumer Price Index as published by the Bureau of Labor Statistics, the U.S. Department of Labor for the Washington-Baltimore, MD-VA-DC-WV Consolidated Metropolitan Statistical Area (the "CPI"), as permitted by Virginia State Code Section 15.2-2303.3.3.
13. SUCCESSORS AND ASSIGNS. These proffers shall bind and inure to the benefit of the Applicant and his/her successors and assigns.
14. COUNTERPARTS. These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document and all of which taken together shall constitute but one and the same instrument.

TITLE OWNER/APPLICANT SIGNATURE TO FOLLOW ON THE NEXT PAGE:

AM WORLDGATE OWNER, LLC, a Delaware
limited liability company

Title Owner of 016-1 ((02)) 0025
and 016-3 ((02)) 0002A

By: ABXP WORLDGATE INVESTMENTS LLC,
a Delaware limited liability company, its sole
member

By: BXP WORLDGATE MEMBER LLC, a
Delaware limited liability company, its managing
member

By: BOSTON PROPERTIES LIMITED
PARTNERSHIP, a Delaware limited partnership,
its managing member

By: BOSTON PROPERTIES, INC., a Delaware
corporation, its general partner

By: 
Name: Peter V. Otteni
Title: EVP, Co-Head of the Washington, DC
Region

DISTRICT OF COLUMBIA, to wit:

The foregoing instrument was acknowledged before me this 15th day of July, 2024, by Peter V. Otteni, as Executive Vice President, Co-Head of the Washington, DC Region of Boston Properties, Inc., a Delaware corporation, the general partner of Boston Properties Limited Partnership, a Delaware limited partnership, the managing member of BXP Worldgate Member LLC, a Delaware limited liability company, the managing member of ABXP Worldgate Investments LLC, a Delaware limited liability company, the sole member of AM Worldgate Owner, LLC, a Delaware limited liability company.


Notary Public

Notary Registration No: N/A

My Commission Expires: 10/14/26



1. THE PROPERTY IS IDENTIFIED AS FAIRFAX COUNTY TAX MAP NUMBER: 0161-02-0025, AND 0163-02-0002A. THE PROPERTIES ADDRESSES ARE LOCATED IN 13150 WORLDGATE DR AND 13100 WORLDGATE DR, HERNDON, VA 20170.
2. PARCELS # 0161-02-0025 AND 0163-02-0002A ARE CURRENTLY ZONED PD-W.
3. THE BOUNDARY INFORMATION SHOWN HEREON WAS COMPILED BY URBAN, LTD DATED SEPTEMBER, 2022.
4. THE TOPOGRAPHY SHOWN ON THIS APPLICATION WAS OBTAINED FROM FIELD RUN SURVEY COMPILED BY URBAN, LTD DATED SEPTEMBER, 2022 AND COUNTY GIS TOPOGRAPHY.
5. THE PROPERTY SHOWN ON THIS GDP PLAN IS LOCATED IN THE DRANESVILLE DISTRICT.
6. THIS PROPOSED DEVELOPMENT IS IN CONFORMANCE WITH THE COMPREHENSIVE PLAN AND ALL APPLICABLE ORDINANCES, REGULATIONS AND ADOPTED CONDITIONS, EXCEPT AS NOTED HEREIN.
7. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO FLOODPLAINS AND NO RESOURCE PROTECTION AREAS ON THE SUBJECT PROPERTY.
8. THIS SITE CURRENTLY HAS PUBLIC SEWER, GAS AND WATER AVAILABLE.
9. UTILITY LOCATIONS SHOWN ARE APPROXIMATE. THE PROPOSED LOCATION IS SUBJECT TO CHANGE BASED ON FINAL DESIGN AND COORDINATION WITH PUBLIC WORKS.
10. INDIVIDUAL UTILITY PLANS AND PROFILES WILL BE SUBMITTED DURING THE SITE PLAN STAGE FOR CONSTRUCTION PURPOSES.
11. THERE ARE NO KNOWN BURIAL SITES OR EXISTING GRAVES FOUND ON THIS SITE.
12. THERE ARE NO HAZARDOUS OR TOXIC SUBSTANCES ON THIS SITE. IF ANY SUBSTANCES ARE FOUND, THE METHODS FOR DISPOSAL SHALL ADHERE TO COUNTY, STATE, OR FEDERAL LAW.
13. IN ACCORDANCE WITH PARAGRAPH 4 OF SECTION 16-403 OF THE ZONING ORDINANCE, MINOR MODIFICATIONS TO THE SIZE, DIMENSIONS, FOOTPRINTS, AND LOCATION OF BUILDINGS, PARKING SPACES, AND SIDEWALKS MAY OCCUR WITH FINAL ENGINEERING AND DESIGN. NOTWITHSTANDING THAT WHICH IS SHOWN OR DESCRIBED ON THIS GDP, THE APPLICANT RESERVES THE RIGHT TO MAKE MINOR MODIFICATIONS TO THE LOCATION AND CONFIGURATION OF THE APPROVED DEVELOPMENT AND ALL COMPONENT PARTS OF THE SAME BASED ON FINAL ENGINEERING AND/OR REQUIREMENT IMPOSED IN CONNECTION WITH ANY POST ZONING APPROVALS, PROVIDED THE SAME ARE IN SUBSTANTIAL CONFORMANCE WITH THIS GDP.
14. STORMWATER MANAGEMENT IS PROVIDED OFFSITE THROUGH DRY AND WET PONDS THAT CURRENTLY SERVE THE EXISTING SITE. BEST MANAGEMENT PRACTICES HAVE BEEN PROVIDED THROUGH THE USE OF TWO PROPOSED JELLYFISH FILTERS.
15. THE SUBJECT APPLICATION PROPOSES DEDICATION OF RIGHT-OF-WAY FOR FUTURE IMPROVEMENTS ALONG WORLDGATE DRIVE AND ELDEN STREET.
16. THERE ARE UTILITY EASEMENTS GREATER THAN OR EQUAL TO 25' IN WIDTH FOUND WITHIN THE SUBJECT PROPERTY.
17. ALL AREAS IDENTIFIED AS FIRE LANES, FIRE DEPARTMENT TURNAROUNDS, FIRE DEPARTMENT ACCESS AREAS OR OTHER RESTRICTED AREAS WILL HAVE BOLLARDS, PAINT, SIGNAGE AND OTHER REQUIRED IDENTIFICATION INSTALLED AS REQUIRED PRIOR TO STRUCTURE OCCUPANCY. EMERGENCY ACCESS LANES MAY BE MODIFIED PER SITE PLAN REVIEW.
18. EXTERIOR FACE MATERIALS MAY EXTEND NO MORE THAN 6" FROM CURRENT BUILDING FOOTPRINT WHICH WILL REDUCE ANY SETBACK SHOWN ON THE GDP.
19. SITE AMENITIES TO BE PROVIDED. SEE SHEET 27
20. THE APPLICANT RESERVES THE RIGHT TO SHIFT GFA BETWEEN BUILDINGS. THE TOTAL GFA FOR THE DEVELOPMENT WILL NOT EXCEED THAT LISTED ON THE GDP.
21. PROPOSED DETAILED GRADING WILL BE PROVIDED AT THE TIME OF SITE PLAN DEMONSTRATING THAT ALL DISTURBED AREA IN THE ROW DRAINS INTO THE ROW.
22. THE PUBLIC ACCESSIBLE TRAIL ALONG THE NORTHERN PROPERTY LINE WILL BE DESIGNED TO MEET ADA STANDARDS.
23. ANY EXISTING UTILITIES THAT ARE IN CONFLICT OR IMPEDES THE PLACEMENT, GROWTH, AND HEALTH OF ANY STREET TREES ON-SITE MUST BE RELOCATED. PROPOSED UTILITIES SHALL NOT BE PLACED IN A LOCATION THAT IMPEDES THE PLACEMENT, GROWTH, AND HEALTH OF ANY TREES ON-SITE AND WITHIN ABUTTING PUBLIC-RIGHT OF WAY.
24. APPLICANT WILL PROVIDE AN EASEMENT FOR THE ON-SITE STORM WATER OUTFALL ORIGINATING FROM THE PROPERTY TO THE NORTH PRIOR TO FINAL SITE PLAN APPROVAL.
25. THE FOLLOWING ARE THE OWNERS OF THE PARCELS INCLUDED IN THIS ZONING APPLICATION:

- A. PARKING REDUCTION
- B. LOT FRONTAGE
- C. TOWNHOUSE UNIT WIDTH
- D. MULTIFAMILY WALL OFFSET
- E. LANDSCAPE PLANTINGS
- F. VEHICULAR AREA PLANTINGS
- G. PERIMETER BUFFER
- H. SPECIAL STREETSCAPE AREA PLANTINGS
- I. TOWNHOUSE END UNIT ENTRANCES

Diagram illustrating the building footprint and setbacks for a proposed building. The building footprint is shown with dimensions: 42' (TYP) width and 22' depth. The setbacks are indicated: 1' side yard (min) on the left, 5' front yard (min) at the bottom, and 0' side yard (interior unit condition) on the right. A 20' setback is shown from the right side of the building to the right side yard. A 5' front yard is indicated at the bottom. A 'COND' label is at the top right.

Diagram illustrating a building footprint (50' x 24' x 24') with setbacks. The setbacks are labeled as 1' SIDE YARD (MIN), 5' FRONT YARD (MIN), and 0' SIDE YARD (INTERIOR UNIT CONDITION). The building footprint is shown with dimensions 50' (TYP) and 24' x 24'. Arrows indicate the setbacks from the property lines.

BUILDING	USE	NUMBER OF UNITS	BUILDING GROSS FLOOR AREA (SF)	BUILDING HEIGHT (# OF STORIES) (FT)
BUILDING 1	TOWNHOUSE DWELLINGS	7 UNITS	18,000	43' (4 STORIES)
BUILDING 2	TOWNHOUSE DWELLINGS	8 UNITS	20,000	43' (4 STORIES)
BUILDING 3	TOWNHOUSE DWELLINGS	7 UNITS	18,000	43' (4 STORIES)
BUILDING 4	TOWNHOUSE DWELLINGS	6 UNITS	17,900	43' (4 STORIES)
BUILDING 5	TOWNHOUSE DWELLINGS	7 UNITS	18,000	43' (4 STORIES)
BUILDING 6	TOWNHOUSE DWELLINGS	4 UNITS	10,100	43' (4 STORIES)
BUILDING 7	TOWNHOUSE DWELLINGS	5 UNITS	11,500	43' (4 STORIES)
BUILDING 8	TOWNHOUSE DWELLINGS	5 UNITS	11,500	43' (4 STORIES)
BUILDING 9	STACKED TOWNHOUSE	8 UNITS	36,400	43' (4 STORIES)
BUILDING 10	STACKED TOWNHOUSE	7 UNITS	29,000	43' (4 STORIES)
BUILDING 11	STACKED TOWNHOUSE	6 UNITS	24,600	43' (4 STORIES)
BUILDING 12	STACKED TOWNHOUSE	5 UNITS	21,000	43' (4 STORIES)
BUILDING M1	MULTI FAMILY UNITS	359 UNITS (66 STUDIOS, 173 1BR, 31 1BR+DEN, 89 2BR+)	374,151	72' (5 STORIES)

TO BE SUPPLIED AND
INSTALLED BY CONTRACTOR

TOTAL PARKING PROVIDED = 735 SPACES

Revised: 8/4/2015

	EXISTING WATER LINE		ROAD SIGN
	PROPOSED WATER LINE		EX. POWER POLE
	EX. FIRE HYDRANT	$\times 363.2$	EXISTING SPOT ELEVATION
	PROP. FIRE HYDRANT	$+25.60$	PROP. SPOT ELEVATION
	EXISTING WATER METER		CG-6 CG-6R SPILL AND TRANSITION CURB AND GUTTER
	PROPOSED WATER METER		PROPOSED CURB
	EXISTING WATER VALVE		MAIN BUILDING ENTRANCE
	PROPOSED WATER VALVE		EX. STREET LIGHTS
	EXISTING STORM DRAIN		PROP. STREET LIGHTS
	PROPOSED STORM DRAIN		PROPOSED CG-12
	EXISTING SANITARY SEWER		EXISTING TREE
	PROPOSED SANITARY SEWER		PROPOSED TREE
	EXISTING GAS LINE		WATER FITTING IDENTIFIER
	PROPOSED GAS LINE		LOADING AREA
	EXISTING GAS VALVE		BENCHMARK
	PROPOSED GAS VALVE		TEST PIT REQUIRED
	EXISTING OVERHEAD WIRE		PROJECTED TRAFFIC COUNT
	EXISTING LIGHTING		OVERLAND RELIEF
	EXISTING FENCE		PROPOSED
	PROPOSED FENCE		EXISTING
	EXISTING TREE LINE		SF
	EXISTING CONTOURS		SF
	PROPOSED CONTOURS		GROSS SQUARE FEET
	PROPOSED PHASE LINE		NSF
	PROPOSED LIMITS OF CLEARING & GRADING		T.B.F
	EXISTING WETLANDS		TO BE REMOVED
	PROP. RET. WALL		FF
			V
			FINISHED FLOOR
			VISITOR PARKING SPACE
			STANDARD, COMPACT, AND HANDICAP PARKING SPACE DESIGNATOR
			LOADING SPACE
			100 YR FLOOD PLAIN

Scale: NOT TO SCALE

GENERAL NOTES

- THE PROPERTY IS IDENTIFIED AS FAIRFAX COUNTY TAX MAP NUMBER: 0161-02-0025, AND 0163-02-0002A. THE PROPERTIES ADDRESSES ARE LOCATED IN 13150 WORLDGATE DR AND 13100 WORLDGATE DR, HERNDON, VA 20170.
- PARCELS # 0161-02-0025 AND 0163-02-0002A ARE CURRENTLY ZONED PD-W.
- THE BOUNDARY INFORMATION SHOWN HEREON WAS COMPILED BY URBAN, LTD DATED SEPTEMBER, 2022.
- THE TOPOGRAPHY SHOWN ON THIS APPLICATION WAS OBTAINED FROM FIELD RUN SURVEY COMPILED BY URBAN, LTD DATED SEPTEMBER, 2022 AND COUNTY GIS TOPOGRAPHY.
- THE PROPERTY SHOWN ON THIS GDP PLAN IS LOCATED IN THE DRANESVILLE DISTRICT.
- THIS PROPOSED DEVELOPMENT IS IN CONFORMANCE WITH THE COMPREHENSIVE PLAN AND ALL APPLICABLE ORDINANCES, REGULATIONS AND ADOPTED CONDITIONS, EXCEPT AS NOTED HEREIN.
- TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO FLOODPLAINS AND NO RESOURCE PROTECTION AREAS ON THE SUBJECT PROPERTY.
- THIS SITE CURRENTLY HAS PUBLIC SEWER, GAS AND WATER AVAILABLE.
- UTILITY LOCATIONS SHOWN ARE APPROXIMATE. THE PROPOSED LOCATION IS SUBJECT TO CHANGE BASED ON FINAL DESIGN AND COORDINATION WITH PUBLIC WORKS.
- INDIVIDUAL UTILITY PLANS AND PROFILES WILL BE SUBMITTED DURING THE SITE PLAN STAGE FOR CONSTRUCTION PURPOSES.
- THERE ARE NO KNOWN BURIAL SITES OR EXISTING GRAVES FOUND ON THIS SITE.
- THERE ARE NO HAZARDOUS OR TOXIC SUBSTANCES ON THIS SITE. IF ANY SUBSTANCES ARE FOUND, THE METHODS FOR DISPOSAL SHALL ADHERE TO COUNTY, STATE, OR FEDERAL LAW.
- IN ACCORDANCE WITH PARAGRAPH 4 OF SECTION 16-403 OF THE ZONING ORDINANCE, MINOR MODIFICATIONS TO THE SIZE, DIMENSIONS, FOOTPRINTS, AND LOCATION OF BUILDINGS, PARKING SPACES, AND SIDEWALKS MAY OCCUR WITH FINAL ENGINEERING AND DESIGN. NOTWITHSTANDING THAT WHICH IS SHOWN OR DESCRIBED ON THIS GDP, THE APPLICANT RESERVES THE RIGHT TO MAKE MINOR MODIFICATIONS TO THE LOCATION AND CONFIGURATION OF THE APPROVED DEVELOPMENT AND ALL COMPONENT PARTS OF THE SAME BASED ON FINAL ENGINEERING AND/OR REQUIREMENT IMPOSED IN CONNECTION WITH ANY POST ZONING APPROVALS, PROVIDED THE SAME ARE IN SUBSTANTIAL CONFORMANCE WITH THIS GDP.
- STORMWATER MANAGEMENT IS PROVIDED OFFSITE THROUGH EXISTING DRY AND WET PONDS THAT CURRENTLY SERVE THE EXISTING SITE. BEST MANAGEMENT PRACTICES HAVE BEEN PROVIDED THROUGH THE USE OF TWO PROPOSED JELLYFISH FILTERS.
- THE SUBJECT APPLICATION PROPOSES DEDICATION OF RIGHT-OF-WAY FOR FUTURE IMPROVEMENTS ALONG WORLDGATE DRIVE AND ELDEN STREET.
- THERE ARE UTILITY EASEMENTS GREATER THAN OR EQUAL TO 25' IN WIDTH FOUND WITHIN THE SUBJECT PROPERTY.
- ALL AREAS IDENTIFIED AS FIRE LANES, FIRE DEPARTMENT TURNAROUNDS, FIRE DEPARTMENT ACCESS AREAS OR OTHER RESTRICTED AREAS WILL HAVE BOLLARDS, PAINT, SIGNAGE AND OTHER REQUIRED IDENTIFICATION INSTALLED AS REQUIRED PRIOR TO STRUCTURE OCCUPANCY. EMERGENCY ACCESS LANES MAY BE MODIFIED PER SITE PLAN REVIEW.
- EXTERIOR FACE MATERIALS MAY EXTEND NO MORE THAN 6" FROM CURRENT BUILDING FOOTPRINT WHICH WILL REDUCE ANY SETBACK SHOWN ON THE GDP.
- SITE AMENITIES TO BE PROVIDED. SEE SHEET 27
- THE APPLICANT RESERVES THE RIGHT TO SHIFT GFA BETWEEN BUILDINGS. THE TOTAL GFA FOR THE DEVELOPMENT WILL NOT EXCEED THAT LISTED ON THE GDP.
- PROPOSED DETAILED GRADING WILL BE PROVIDED AT THE TIME OF SITE PLAN DEMONSTRATING THAT ALL DISTURBED AREA IN THE ROW DRAINS INTO THE ROW.
- THE PUBLICLY ACCESSIBLE TRAIL ALONG THE NORTHERN PROPERTY LINE WILL BE DESIGNED TO MEET ADA STANDARDS.
- ANY EXISTING UTILITIES THAT ARE IN CONFLICT OR IMPEDES THE PLACEMENT, GROWTH, AND HEALTH OF ANY STREET TREES ON-SITE MUST BE RELOCATED. PROPOSED UTILITIES SHALL NOT BE PLACED IN A LOCATION THAT IMPEDES THE PLACEMENT, GROWTH, AND HEALTH OF ANY TREES ON-SITE AND WITHIN ABUTTING PUBLIC-RIGHT OF WAY.
- APPLICANT WILL PROVIDE AN EASEMENT FOR THE ON-SITE STORM WATER OUTFALL ORIGINATING FROM THE PROPERTY TO THE NORTH PRIOR TO FINAL SITE PLAN APPROVAL.
- THE FOLLOWING ARE THE OWNERS OF THE PARCELS INCLUDED IN THIS ZONING APPLICATION:

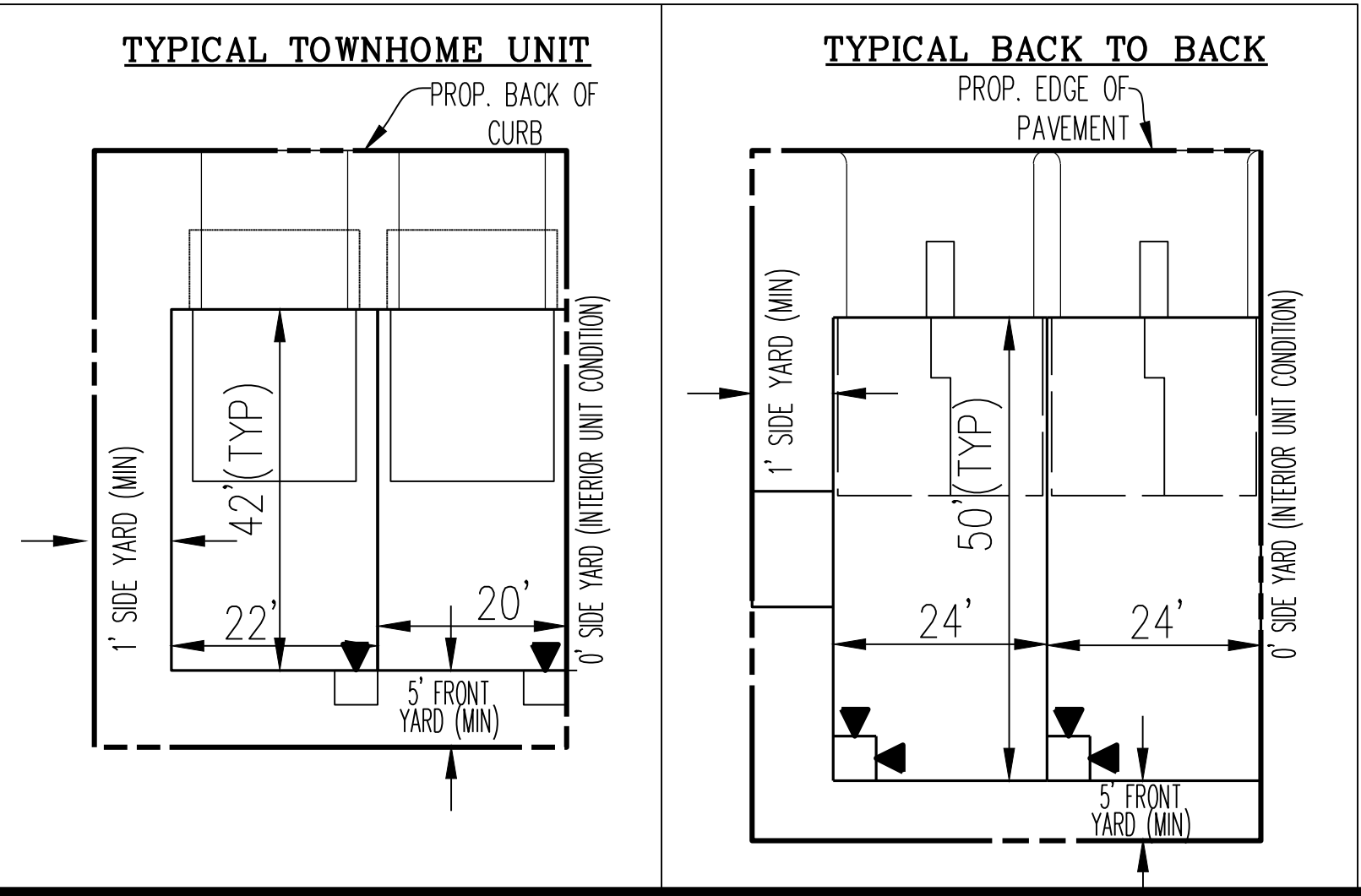
MAP # 0161-02-0025
AM WORLDGATE OWNER LLC,
5404 WISCONSIN AVE
SUITE 1150
CHEVY CHASE, MD 20815

MAP # 0163-02-0002A
AM WORLDGATE OWNER LLC,
5404 WISCONSIN AVE
SUITE 1150
CHEVY CHASE, MD 20815

WAIVERS AND MODIFICATIONS

- A. PARKING REDUCTION
- B. LOT FRONTAGE
- C. TOWNHOUSE UNIT WIDTH
- D. MULTIFAMILY WALL OFFSET
- E. LANDSCAPE PLANTINGS
- F. VEHICULAR AREA PLANTINGS
- G. PERIMETER BUFFER
- H. SPECIAL STREETSCAPE AREA PLANTINGS
- I. TOWNHOUSE END UNIT ENTRANCES

TYPICAL LOT DETAIL [N.T.S.]



ZONING TABULATIONS
(PER TOWN OF HERNDON ZONING ORDINANCE)

SITE AREA DATA:	
EXISTING SITE AREA:	5.45 AC OR 237,372 S.F. (T.M. 016-3-02-0002A) 4.97 AC OR 216,586 S.F. (T.M. 016-1-02-0025)
GROSS SITE AREA:	10.42 AC OR 453,958 S.F.
ROW DEDICATION ON WORLDGATE DRIVE:	0.08 AC OR 3,432 S.F.
ROW DEDICATION ON ELDEN STREET:	0.02 AC OR 1,079 S.F.
TOTAL NET SITE AREA:	10.32 AC OR 449,447 S.F.

ZONING:	
EXISTING ZONING:	PD-W
PROPOSED ZONING:	PD-W

USE:	
EXISTING USE:	-GENERAL MED/HIGH RISE OFFICE
PROPOSED USE:	-MULTI-FAMILY DWELLING -TOWNHOUSE DWELLINGS -STACKED TOWNHOUSE

SITE DATA SUMMARY

GROSS SITE AREA	453,958 SF OR 10.42 AC
GFA	UP TO 610,151 SF
F.A.R.	= 1.34 (610,151 SF / 453,958 SF)
UNITS	UP TO 460 UNITS
DENSITY	= 44.14 (460 UNITS / 10.42 AC)
OPEN SPACE	= 32% (146,900 SF OR 3.37 AC)*

*SEE SHEET 10 FOR OPEN SPACE EXHIBIT

BUILDING DATA SUMMARY

BUILDING USE	BUILDING GROSS FLOOR AREA (SF)	# OF UNITS
TOWNHOUSE DWELLINGS	UP TO 125,000	UP TO 49 UNITS
STACKED TOWNHOUSE	UP TO 111,000	UP TO 52 UNITS
MULTI-FAMILY DWELLINGS	UP TO 374,151	UP TO 359 UNITS
TOTAL	UP TO 610,151*	UP TO 460 UNITS*

* ASSUMES MOST INTENSIVE OPTION

BUILDING DATA

BUILDING	USE	NUMBER OF UNITS	BUILDING GROSS FLOOR AREA (SF)	BUILDING HEIGHT (# OF STORIES) (FT)
BUILDING 1	TOWNHOUSE DWELLINGS	7 UNITS	18,000	43' (4 STORIES)
BUILDING 2	TOWNHOUSE DWELLINGS	8 UNITS	20,000	43' (4 STORIES)
BUILDING 3	TOWNHOUSE DWELLINGS	7 UNITS	18,000	43' (4 STORIES)
BUILDING 4	TOWNHOUSE DWELLINGS	6 UNITS	17,900	43' (4 STORIES)
BUILDING 5	TOWNHOUSE DWELLINGS	7 UNITS	18,000	43' (4 STORIES)
BUILDING 6	TOWNHOUSE DWELLINGS	4 UNITS	10,100	43' (4 STORIES)
BUILDING 7	TOWNHOUSE DWELLINGS	5 UNITS	11,500	43' (4 STORIES)
BUILDING 8	TOWNHOUSE DWELLINGS	5 UNITS	11,500	43' (4 STORIES)
BUILDING 9	STACKED TOWNHOUSE	8 UNITS	36,400	43' (4 STORIES)
BUILDING 10	STACKED TOWNHOUSE	7 UNITS	29,000	43' (4 STORIES)
BUILDING 11	STACKED TOWNHOUSE	6 UNITS	24,600	43' (4 STORIES)
BUILDING 12	STACKED TOWNHOUSE	5 UNITS	21,000	43' (4 STORIES)
BUILDING M1	MULTI FAMILY UNITS	359 UNITS (66 STUDIOS, 173 1BR, 31 1BR+DEN, 89 2BR+)	374,151	72' (5 STORIES)

BIKE RACK DETAIL

COMPANY: AMERICAN BICYCLE SECURITY COMPANY
401 S BECKWITH RD,
SANTA PAUL, CA 93060
P.H 805.937.6888
WWW.AMERBIKE.COM

PRODUCT NAME: BIKE RACK
PRODUCT # RAL9005
COLOR: STAINLESS

TO BE SUPPLIED AND
INSTALLED BY CONTRACTOR

IMAGE NOT TO SCALE

PARKING & LOADING TABULATIONS

MULTIFAMILY (BUILDING M1)

REQUIRED:	1 SPACE PER UNIT (66 UNITS PROPOSED)
STUDIOS:	1.5 SPACES PER UNIT (173 UNITS PROPOSED)
1 BEDROOM:	2 SPACES PER UNIT (31 UNITS PROPOSED)
1 BEDROOM + DEN:	2 SPACES PER UNIT (31 UNITS PROPOSED)
2 BEDROOM OR MORE:	2 SPACES PER UNIT (89 UNITS PROPOSED)

TOTAL REQUIRED =566 SPACES

PROVIDED =498 SPACES

TOWNHOMES (BUILDING 1-12)

REQUIRED: 2.33 SPACES PER UNIT (49 UNITS PROPOSED)
=115 SPACES

PROVIDED =115 SPACES (INCLUDES 17 SURFACE SPACES)

STACKED TOWNHOMES (BUILDING 9-12)

REQUIRED: 2.33 SPACES PER UNIT (52 UNITS PROPOSED)
=122 SPACES

PROVIDED: =122 SPACES (INCLUDES 18 SURFACE SPACES)

OVERALL PARKING SUMMARY

TOTAL PARKING REQUIRED =803 SPACES

TOTAL PARKING PROVIDED =735 SPACES

MINIMUM STORMWATER INFORMATION FOR REZONING, SPECIAL EXCEPTION,
SPECIAL PERMIT AND DEVELOPMENT PLAN APPLICATIONS

The following information is required to be shown or provided in all zoning applications, or a waiver request of the submission requirement with justification shall be attached. Note: Waivers will be acted upon separately. Failure to adequately address the required submission information may result in a delay in processing this application.

This information is required under the following Zoning Ordinance Sections:

Special Permits (Sect. 8-011 2J & 2L)	Special Exceptions (Sect. 9-011 2J & 2L)
Cluster Subdivision (Sect. 9-615 1G & 1N)	Commercial Revitalization Districts (Sect. 9-622 2A (12) & (14))
Development Plans PRC District (Sect. 16-302 3 & 4L)	PRC Plan (Sect. 16-303 1E & 1 O)
FDP P Districts (Sect. 16-502 1A (6) & (17))	Amendments (Sect. 18-202 10F & 10I)

- ☒ 1. Plat is at a minimum scale of 1"=50' (Unless it is depicted on one sheet with a minimum scale of 1"=100')
- ☐ 2. A graphic depicting the stormwater management facility(ies) and limits of clearing and grading accommodate the stormwater management facility(ies), storm drainage pipe systems and outlet protection, pond spillways, access roads, site outfalls, energy dissipation devices, and stream stabilization measures as shown on Sheet(s) 06-07 AND 11-13. If infiltration is proposed the soils should be tested for suitability prior to submission of the development plan and results of the infiltration test provided as part of the description of the facility.

☐ 3. Provide:	Facility Name/Type and No. (E.g. dry pond, infiltration trench, underground vault, etc.)	On-site area served (acres)	Off-site area served (acres)	Drainage area (acres)	Footprint area (sf)	Storage volume (cf)	If pond, dam height (ft.)
EXISTING OFFSITE DRY POND							
EXISTING OFFSITE WET POND							
Totals:							

- ☐ 4. Onsite drainage channels, outfalls and pipe systems are shown on Sheet(s) 06-07. Pond inlet and outlet pipe systems are shown on Sheet(s) 11-13.
- ☐ 5. Maintenance access (road) to stormwater management facility(ies) are shown on Sheet(s) 11-13. Type of maintenance access road surface noted on the plat is _____ (asphalt, geoblock, gravel, etc.)
- ☐ 6. Landscaping and tree preservation in and near the stormwater management facility is shown on Sheet(s) N/A.
- ☐ 7. Stormwater management and BMP narratives including Virginia Runoff Reduction Spreadsheet and descriptions of how detention and best management practices requirements will be met are provided on Sheet(s) 13.
- ☐ 8. A description of existing conditions of each numbered site outlet extended downstream from the site to a point which is at least 100 times the site area or which has a drainage area of at least one square mile (640 acres) is provided on Sheet(s) 12. If the outfall is proposed to be improved off-site it should be specifically noted.
- ☐ 9. A detailed description and analysis of how the channel protection requirements and flood protection requirements of each numbered outfall will be satisfied per Stormwater Management Ordinance and Public Facilities Manual are provided on Sheet(s) 12.
- ☐ 10. Existing topography with maximum contour intervals of two (2) feet and a note as to whether it is an air survey or field run is provided on Sheet(s) 04.
- ☐ 11. A submission waiver is required for N/A.
- ☐ 12. Stormwater management is not required because N/A.

14

Revised: 8/4/2015

LEGEND:

—W—	EXISTING WATER LINE	—	ROAD SIGN
—W—	PROPOSED WATER LINE	—	EX. POWER POLE
—H—	EX. FIRE HYDRANT	× 363.2	EXISTING SPOT ELEVATION
—H—	PROP. FIRE HYDRANT	+25.60	PROP. SPOT ELEVATION
WM	EXISTING WATER METER	CG-6	CG-6R
WM	PROPOSED WATER METER	CG-6	CG-6R
WV	EXISTING WATER VALVE	—	PROPOSED CURB
WV	PROPOSED WATER VALVE	—	MAIN BUILDING ENTERANCE
—	EXISTING STORM DRAIN	—	EX. STREET LIGHTS
—	PROPOSED STORM DRAIN	—	PROP. STREET LIGHTS
—	EXISTING SANITARY SEWER	—	PROPOSED CG-12
—	PROPOSED SANITARY SEWER	—	EXISTING TREE
—G—	EXISTING GAS LINE	—	PROPOSED TREE
—G—	PROPOSED GAS LINE	—	WATER FITTING IDENTIFIER
GV	EXISTING GAS VALVE	—	LOADING AREA
GV	PROPOSED GAS VALVE	—	BENCHMARK
—	EXISTING OVERHEAD WIRE	—	TEST PIT REQUIRED
—	EXISTING LIGHTING	—	PROJECTED TRAFFIC COUNT
—	PROPOSED LIGHTING	—	OVERLAND RELIEF
—	EXISTING FENCE	—	PROP. EX. SF
—	PROPOSED FENCE	—	EX. SF
—	EXISTING TREE LINE	—	NSF
—	EXISTING CONTOURS	—	T.B.R.
—	PROPOSED CONTOURS	—	FF
—	PROPOSED PHASE LINE	—	V
—	PROPOSED LIMITS OF CLEARING & GRADING	—	S, C, HC
—	EXISTING WETLANDS	—	—
—	PROP. RET. WALL	—	—

GENERAL NOTES & DETAILS

WORLDGATE
GENERALIZED DEVELOPMENT PLAN
DRANESVILLE DISTRICT
TOWN OF HERNDON, VIRGINIA

DATE: NOV. 2022

SCALE: N/A

SHEET
02
OF
86

FILE No.
RZ-13126

Agenda Item: Resolution 24-G-44 to approve the town's participation in the proposed settlement of opioid-related claims against Kroger and its related corporate entities, and to direct the Town Manager and/or Town Attorney to execute the documents necessary to effectuate participation in the settlement

Meeting Date: July 16, 2024

Category: Consent

Prepared by: Lesa Yeatts, Town Attorney

Description:

Town participation in the proposed settlement of opioid-related claims against Kroger and its related corporate entities.

Background:

As a part of the nationwide settlement of opioid claims, the Town participated in the Virginia settlement in 2021 with opioid distributors McKesson, Cardinal Health, and AmerisourceBergen, and with opioid manufacturer Johnson & Johnson. In 2023, the town also participated in the Virginia settlement with opioid manufacturers, Teva and Allergan, and retail pharmacy chains, Walmart, CVS, and Walgreens.

This Resolution is before you for approval of the Town's participation in a new settlement against Kroger, and for authorization of the Town Manager and Town Attorney to sign the documents necessary to effectuate the Town's participation in the settlement.

The amount of funds that will flow to Virginia and its localities from this settlement depends on maximizing participation by as many local government subdivisions as possible. Herndon is being asked to approve the settlement and submit participation forms because, due to the structure of the settlement agreement, towns above a certain population threshold must approve the settlement and submit participation forms in order to maximize the overall recovery for the Commonwealth and its subdivisions.

Participating towns are not eligible to receive direct shares from the settlement funds. However, we may be able to apply for, request, or receive funds for opioid abatement programs through the county. Our participation will help to maximize the recovery for all of Virginia's counties, including Fairfax.

Budget Impact:

Although it is unlikely that the town will receive any funds from the settlement, a positive financial impact of accepting this settlement is anticipated for the entire Commonwealth.

Recommendation:

Staff recommends adoption of the Resolution as proposed.

Attachments:

1. Resolution (Proposed)

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

RESOLUTION

JULY 16, 2024

Resolution- to approve the town’s participation in the proposed settlement of opioid-related claims against Kroger and its related corporate entities, and to direct the Town Manager and/or Town Attorney to execute the documents necessary to effectuate participation in the settlement.

The opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its counties, cities, and towns by adversely impacting the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services.

The Commonwealth of Virginia and its counties, cities, and towns, including the Town of Herndon, have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of the Commonwealth and the Town of Herndon.

Settlement proposals have been negotiated that will cause Kroger to pay a billion dollars nationwide to resolve opioid-related claims against them.

The Town Attorney has reviewed the available information about the proposed settlements and has recommended that the Town participate in the settlements.

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

1. The town’s participation in the proposed settlement of the opioid-related claim against Kroger and its related corporate entities is approved.
2. The Town Council directs the Town Manager and/or Town Attorney to execute the documents necessary to effectuate the town’s participation in the settlement, including the required release of claims against Kroger.

Agenda Item: Ordinance 24-O-25 to amend Chapter 42 (MOTOR VEHICLES AND TRAFFIC), Article I (In General), Sec. 42-1 (Definitions) to correct numbering

Meeting Date: July 16, 2024

Category: Consent

Prepared by: Lesa Yeatts, Town Attorney, Lauri Sigler, Deputy Town Attorney

Description:

Numbering correction to Town Code Sec. 42-1.

Background:

Chapter 42 was most recently amended with the approval of Ordinance 22-O-03, on January 25, 2022. This proposed ordinance corrects an administrative numbering error that occurred when the ordinance was codified by the code publisher, which will align Sec. 42-1 with Sec. 78-100.9(b)(5) c. & d. of the zoning ordinance and references made to 42-1 therein.

Budget Impact:

N/A

Recommendation:

Staff recommends approval of the Ordinance as proposed.

Attachments:

1. Ordinance (Proposed)

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

ORDINANCE

JULY 16, 2024

Ordinance- **to amend Chapter 42 (MOTOR VEHICLES AND TRAFFIC), Article I (In General), Sec. 42-1 (Definitions) to correct numbering.**

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

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

CHAPTER 42 (MOTOR VEHICLES AND TRAFFIC)

Article I. In General

Sec. 42-1. Definitions.

Commercial vehicle.

(8) ~~Any vehicle with three or more axles.~~ **Reserved.**

(9) Any vehicle with three or more axles.

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

Agenda Item: Resolution 24-G-45 to appoint members to the Herndon Youth Advisory Committee

Meeting Date: July 16, 2024

Category: Consent

Prepared by: Kirstyn Jovanovich, Town Clerk

Description:

The Town Council re-established the Herndon Youth Advisory Committee and must consider and appoint individuals to serve on the Committee. The appointment term will coincide with the Fairfax County Public Schools 2024-2025 academic year.

Background:

N/A

Budget Impact:

N/A

Recommendation:

Recommend approval of the resolution as presented.

Attachments:

1. HYAC Resolution (Proposed)
2. HYAC Establishing, Resolution (Adopted)

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

RESOLUTION

JULY 16, 2024

Resolution- to appoint members to the Herndon Youth Advisory Committee.

On January 9, 2024, the Town Council re-established the Herndon Youth Advisory Committee by Resolution 24-G-02. The Town Council appointed Vice Mayor Clark Hedrick to serve as the Council liaison to the Committee by Resolution 24-G-11.

The Committee will consist of 14 members comprised of (1) a Town Council liaison, (2) a representative from an alternative learning institute, and (3) twelve middle or high school students who either (a) live in the Town of Herndon, or (b) attend classes at Herndon Middle or High Schools.

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

1. The Town Council appoints the following qualified individuals to serve as members of the Herndon Youth Advisory Committee for a term that coincides with the Fairfax County Public Schools 2024-2025 academic year, from August 19, 2024 through June 13, 2025:

- Joe Asku
- Zach Calsetta
- Daniela Contreras
- Ethan Fabro
- Stanley Joseph
- Zoe Kimsey
- Emilia Korsvall
- Natalie Nossal
- Claire O'Connor
- Rexford Richardson
- Adrianna Rideout
- Prisha Sharma
- Autumn Smith

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

RESOLUTION

JANUARY 9, 2024

Resolution- to establish the Town of Herndon Youth Advisory Committee.

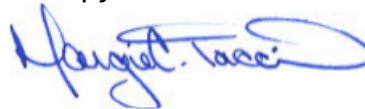
At the November 8, 2023 work session, the Herndon Town Council directed the formation of the Herndon Youth Advisory Committee (HYAC) to serve as a link between the Town of Herndon and the youth of the community.

The mission of HYAC will be to advise the Herndon Town Council on activities, issues, and decisions relating to youth in the Town and to advocate for legislation that caters to the interests and desires of Herndon's diverse youth population.

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

1. the Herndon Youth Advisory Committee as outlined in "Herndon Youth Advisory Committee Establishing Guidelines", is created.
2. the Town Clerk is requested to solicit applications from interested youth and bring forward applications for the Town Council's consideration for appointments to begin with the 2024-2025 school year.

A Copy – Teste:



Margie C. Tacci
Deputy Town Clerk



MOTION: del Aguila
SECOND: Scherff
RE: **RESOLUTION 24-G-02**
ACTION: **Adopted**

Votes

Ayes: Hedrick, Alam, del Aguila, Dhakal, LeBlanc, Scherff, Mayor Olem

Nays: None

Absent from Vote: None

Absent from Meeting: None

**Town of Herndon, VA
Herndon Youth Advisory Committee
Establishing Guidelines**

January 9, 2024

Mission:

As Herndon grows in population, diversity, and a maturing youth constituency, it will take the leadership of our youth, along with the continued cooperation from the Town of Herndon, to ensure that our community remains a desirable place for everyone to reside and enjoy.

The mission of the Herndon Youth Advisory Committee (HYAC) will be to advise the Herndon Town Council on activities, issues, and decisions relating to youth in the Town and to advocate for legislation that caters to the interests and desires of our diverse youth population.

Purpose:

The youth gaining their education in Herndon today will be leading change in our community for decades to come. To augment their participation and leadership in our Town, HYAC will serve as a link between the Herndon Town Council, local school officials—including school board members and school principals—as well as other adult leaders and its youth.

The Herndon Youth Advisory Committee will:

- work with elected officials, school officials, and other adult leaders to promote awareness, safety, and involvement among our youth;
- collaborate to identify and propose solutions on issues of importance; and
- ensure that youth needs and interests are considered in decisions that affect the entire community.

Objectives:

- provide input on needs to make Herndon a place where youth can thrive;
- provide youth perspectives to the Herndon Town Council, other elected officials and other adult leaders;
- provide recommendations on decision-making processes related to issues that impact youth;
- discuss current events involving youth and assist in upcoming events;
- learn about local government and identify legislation and policies that impact youth;
- recommend ways to resolve issues and concerns involving youth;
- review youth programs and policies to ensure set goals are achieved;

- partner with local, national, and international youth organizations;
- attend public hearings, community meetings, and other events;
- maintain an understanding of community needs; and
- participate in community outreach and service projects.

Member Composition:

Members of HYAC will be appointed by Herndon Town Council and initially consist of:

1. a member of the Herndon Town Council to serve as a liaison to work with HYAC;
2. a representative from an alternative learning institute; and
3. twelve (12) middle or high school students who either 1) live in the Town of Herndon; or 2) attend classes at Herndon Middle or Herndon High Schools, who are:
 - in good standing in the community; and
 - have:
 - an interest in developing leadership skills;
 - an interest in community service and motivation to work as a volunteer for the government; and a general knowledge and understanding of community needs; and
 - an ability to express ideas and solutions regarding youth issues and concerns; interact constructively with peers in a group setting; and a willingness to engage in community outreach with diverse populations.

A chair will be selected by the members of HYAC. Town staff will be designated as an ex-officio member to serve as primary staff.

Members will serve one-year terms to coincide with the academic school year and will meet up to four times per term. All meetings will be legally convened in compliance with town and state law requirements.

Additional members may be added as needed.

Agenda Item: May 7, 2024 Town Council Work Session Minutes

Meeting Date: July 16, 2024

Category: Consent

Prepared by: Kirstyn Jovanovich, Town Clerk

Description:

This is a request to approve the May 7, 2024 Town Council Work Session Minutes.

Background:

N/A

Budget Impact:

N/A

Recommendation:

Recommend approval as presented.

Attachments:

1. May 7, 2024 Draft Work Session Minutes

**HERNDON TOWN COUNCIL
Work Session Minutes
Tuesday, May 7, 2024**

1. Call to Order

Mayor Olem called the May 7, 2024, Town Council work session meeting to order at 6:30 p.m. in the Hoover Conference Room of the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia. In attendance were: Mayor Sheila Olem; Vice Mayor Clark Hedrick (arrived at 6:57 p.m.) and Councilmembers Naila Alam, Cesar del Aguila, Pradip Dhakal, Keven LeBlanc, and Donielle M. Scherff.

Mayor Olem determined there was a quorum of six Councilmembers present, with Vice Mayor Hedrick having not yet arrived.

2. 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 an intergovernmental matter.

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

Councilmember del Aguila moved that the Council convene in a closed meeting to discuss the following as permitted by Section 2.2-3711(A)(8), consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, relating to an intergovernmental matter. Councilmember Scherff seconded the motion, which carried by a 6-0 roll call vote. The vote was: Councilmembers Alam, del Aguila, Dhakal, LeBlanc, Scherff; and Mayor Olem voting "Aye." Vice Mayor Hedrick having not yet arrived.

The Council went into closed meeting at 6:31 p.m.

Mayor Olem noted for the record that Vice Mayor Hedrick arrived at 6:57 p.m.

Councilmember Dhakal 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, Dhakal, LeBlanc, Scherff; Vice

Mayor Hedrick and Mayor Olem voting “Aye.”

The Council came out of closed meeting at 7:08 p.m.

Councilmember LeBlanc moved to certify that, to the best of each member's knowledge, in the closed meeting just concluded, nothing was discussed except the matter or matters (1) specifically identified in the motion to convene in closed meeting and (2) lawfully permitted to be discussed in a closed meeting under the provisions of the Virginia Freedom of Information Act as cited in that motion.

Motion seconded by Councilmember Dhakal and carried by unanimous roll call vote. The vote was: Councilmembers Alam, del Aguila, Dhakal, LeBlanc, Scherff; Vice Mayor Hedrick and Mayor Olem voting “Aye.”

Aye: 7

Nay: 0

Absent: 0

Recess

At 7:10 p.m. Mayor Olem called a brief recess, and at 7:15 p.m. the meeting reconvened in the Herndon Council Chambers, all members present, and with Mayor Olem presiding.

Work Session Meeting

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Kirstyn Barr Jovanovich, Town Clerk; Chief Maggie DeBoard, Herndon Police Department; Anne Papa, Chief Communications Officer; Lisa Gilleran, Director of Community Development; Marjorie Sloan, Director of Finance; Tanya Kendrick, Director of Human Resources; Page Kalapasev, Director of Information Technology; Scott Robinson, Director of Public Works; Mike Mueller, Golf Course General Manager; Lauri Sigler, Deputy Town Attorney; John Irish, Deputy Director of Public Works; Bryce Perry, Deputy Director of Community Development; David Stromberg, Zoning Administrator; Mike Shindeldecker, Transportation Engineer; Maria Lee, Budget Manager; and Amanda Kertz, Chief Deputy Town Clerk.

Mayor Announcements

Mayor Olem announced that Council had previously met in a closed meeting, with all members present, pursuant to State Code requirements. Mayor Olem reminded those present of the meeting decorum.

Mayor Olem stated that due to the cancelation of the April 9, 2024, meeting, the first public hearing on the proposed FY 2025 budget was held on April 23, 2024,

and the second budget public hearing will be next week on May 14, 2024. She encouraged citizens to submit their comments on the budget for the record. Mayor Olem stated that the Parks and Recreation 2024 Summer Brochure is now available for summer classes and summer camps. She encouraged those interested to visit the Town's website for more information.

Comments and Disclosures for the Record

Mayor Olem asked Amanda Kertz, Chief Deputy Town Clerk, if she received comments for the record or Transactional Disclosure Declarations from Council.

Ms. Kertz stated that comments were provided to Council and entered into the record on: Public Hearing Item (a), Ordinance to amend Chapter 66 (STREETS, SIDEWALKS AND CERTAIN OTHER PUBLIC PLACES), Article VI (Encroachments Over and Upon Public Rights-of-Way), to reduce the fees for use of public sidewalk, public right-of-way, or public shared parking from \$10.00 to no more than \$7.50 per square foot; Public Hearing Item (b), Resolution to approve Special Exception SE #24-01 - Hunters Creek Bridge Floodplain Overlay; and Public Hearing Item (c), (numerals 1 through 4), the Fiscal Year 2025 Proposed Budget.

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

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

3. Public Hearings

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

David Stromberg, Zoning Administrator, presented the staff report, and stated that the proposed ordinance to reduce the fees for outdoor dining was requested at the April 16, 2024 Town Council work session. Mr. Stromberg stated that the

amendment to allow outdoor dining on public property was enacted by the previous Town Council on April 22, 2022. He reviewed the existing ordinance requirements, which included meeting the Americans with Disability Act (ADA), Virginia ABC, and other state, local, and federal law requirements. Currently, the fee is \$10 per square foot, per term, which for street parking spaces is valid from March 1 to November 30, and for sidewalks and public shared parking spaces, the permit is valid through December 31. The maximum allowed is two spaces per establishment, and the restroom requirement per the building code must be met. Mr. Stromberg discussed the locations where businesses can apply for an outdoor dining permit, the design requirements for accessibility and safety, and discussed the fees that nearby jurisdictions charge for outdoor dining.

Mr. Stromberg stated that many localities have allowed their pilot programs for outdoor dining to expire, but there are a few jurisdictions in the area that still allow rental of on-street parking spaces. He noted that the City of Alexandria and the Town of Leesburg close several downtown streets to vehicle traffic during certain days of the year. The proposed amendment, as requested by the Town Council at the April 16, 2024, work session, is to reduce the fee to no more than \$7.50 per square foot to obtain an outdoor dining permit. The staff does not have a recommendation and is seeking feedback from the Council and the public.

There was discussion among the Council and staff on the outdoor dining ordinance, including: (1) similar programs in other jurisdictions, (2) how outdoor dining has been used in the Town, (3) existing requirements for businesses, (4) enforcement, (5) potential revenue generation from the program, and (6) considering an ad hoc committee of business owners to discuss the ordinance.

Responding to Councilmember LeBlanc, Mr. Stromberg stated that he did not have the estimated revenue projection for the outdoor dining program at that time.

Following Mr. Stromberg's response, William H. Ashton II, Town Manager, reviewed the assumptions that must be made to provide an estimate of revenue generated from outdoor dining. Because of the potential room for error, he was not comfortable making those projections at that time. He indicated staff can provide average numbers, but it cannot factor in where someone was sitting and the weather conditions, among other factors.

Councilmember Scherff stated that she would like to convene an ad hoc committee of business owners to discuss the outdoor dining ordinance.

Councilmember del Aguila proposed reducing the fee to \$1.00 per square foot and allowing up to four spaces per business, where it was possible.

There was discussion among Council and staff on changes to the outdoor dining program, including: (1) parking space availability if the number of spaces allowed

under the program increases, (2) amount of vehicle versus pedestrian traffic, (3) consideration of making some streets in the downtown one-way traffic, (4) parking enforcement, (5) request to look at Fairfax County's outdoor dining regulations, (6) how many spaces should be allowed per business, and (7) creating a pilot program from May through September 2024.

As part of the suggestion for a pilot program, Councilmember Scherff stated that she would like to implement the program this summer, and she would like an ad hoc committee of businesses to be created as soon as possible.

During the discussion, Councilmember del Aguila asked to study the impact of traffic flow during the pilot program.

During the discussion, Vice Mayor Hedrick stated he would like restaurants to provide data on how the outdoor spaces are being used during the pilot program.

Responding to Vice Mayor Hedrick, Mr. Ashton stated that it may be difficult to estimate revenue received from outdoor dining because other factors cannot be controlled, as he had mentioned earlier during the discussion of this item. He thought that revenue information provided by restaurants could give the Town a ballpark estimate of what is occurring.

Responding to questions from Lesa Yeatts, Town Attorney, Councilmember Scherff stated that she can provide a sketch of the data she is requesting from staff related to this ordinance.

Following discussion, staff was requested to draft an outdoor dining pilot program to include the following: (1) reduce the fee to \$1.00 per square foot for the first two spaces, and \$5.00 per square foot for the next two spaces, (2) allow up to four spaces per business, (3) not to exceed 30 percent of the block or in a public shared parking lot will be used for outdoor seating, (4) end around September 30, 2024, to be evaluated by the incoming Economic Development Director, and (5) consider permanent changes to be implemented next year based on the success of the program.

b. Resolution to approve Special Exception SE #24-01 - Hunters Creek Bridge Floodplain Overlay

David Stromberg, Zoning Administrator, presented the staff report, highlighting the location and flood map, existing bridge and proposed bridge, and flood study results - which show a reduction in stream elevation in several locations. Mr. Stromberg reviewed the required steps for the bridge, including permitting review by the Army corps of Engineers and the Town Council. He stated that for construction, the Town is riding Fairfax County contract with Creative Composites Group and explained the next required steps for the project. Staff and the Planning Commission recommend approval of the proposed resolution, approving the

special exception, as presented.

There was discussion among the Council and staff on this item, including: (1) project timeline, (2) potential interim solutions for the bridge, (3) improvements to the floodplain area, and (4) landscaping.

Responding to Councilmember LeBlanc, Mike Shindledecker, Transportation Engineer, reviewed staff's considerations in seeking a temporary solution for the bridge. Following research, staff determined that any type of solution would require the same permit review through the Army Corps of Engineers and the Town, so they decided to proceed with the permanent bridge. Mr. Shindledecker discussed where the Town has posted signs for alternative places to cross the creek, both near the creek and on the Town's website.

c. FY 2025 Proposed Budget

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

[Note: These items were continued from the April 23, 2024, meetings.]

Mayor Olem stated that the four public hearings on the agenda are related to the FY 2025 proposed budget. The public hearings were continued at the Council's April 23, 2024 meeting. She recognized Lesa Yeatts, Town Attorney, who outlined the voting processes for next week's public hearing.

Mayor Olem recognized William H. Ashton II, Town Manager, for his comments. Mr. Ashton stated that since he provided the budget presentation at the Council's last work session and regular meeting, he is not planning to go through the full presentation next week. He stated that the budget team is available to answer any questions about the material they presented previously. Staff recommends approval of these items at the May 14, 2024, Town Council meeting.

There was discussion among Council and staff about the proposed FY 2025 Budget, specifically concerning identifying a Juneteenth event and Pakistani event as a separate funding line item, versus including funding these events as part of the total amount allocated for community cultural festivals.

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

Marjorie Sloan, Director of Finance, presented the staff report, stating that the proposed resolution is an amendment to the General Fund and American Rescue Plan Act (ARPA) Fund of the Fiscal Year (FY) 2024 adopted budget. Ms. Sloan reviewed the proposed changes, which include: (1) \$700,000 in increases to personnel, offset by favorable FY 2024 tax revenues and the funds not being used for the Herndon Festival, (2) \$130,000 increase in outside counsel fees, offset by favorable FY 2024 tax revenues, (3) \$15,000 in Herndon Police Department expenditures, offset by Federal and State seized assets, and (4) \$36,361 for Herndon Police Department expenditures, which is offset by insurance proceeds received by the Town. Ms. Sloan paused the presentation for questions on the General Fund portion of the budget amendment.

There was discussion among Council and staff on the General Fund budget amendment.

Continuing the presentation, Ms. Sloan highlighted the proposed changes to the American Rescue Plan Act (ARPA) Fund, which she stated are offset by the money previously allocated to that fund from the original ARPA grant. This includes ARPA funding now being used for the Hunters Creek Bridge Replacement discussed earlier that evening. Staff recommends approval of the proposed ordinance, as presented, amending the FY 2024 adopted budget.

There was discussion among the Council and staff on the ARPA Fund amendment, including: (1) details on the projects being proposed for ARPA funding, (2) deadline to encumber the ARPA funds by December 31, 2024, and (3) upcoming projects at the Herndon Community Center.

Responding to the Town Council, Scott Robinson, Director of Public Works, stated that the proposed \$350,000 listed under ARPA as "HCC backlog" was primarily going toward addressing maintenance at the aquatic center for the Herndon Community Center.

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

David Stromberg, Zoning Administrator, presented the staff report and stated that the proposed zoning text amendment (ZOTA) will adjust several development

application fees for inflation, rounded to the nearest dollar. He reviewed the proposed fee changes, including: land use applications, design review applications (Architectural Review and Historic District Review Boards), Board of Zoning Appeals applications (variance and appeals), site plan and subdivision review applications, and miscellaneous administrative zoning reviews. Mr. Stromberg stated that this ZOTA was initiated by the Town Council at its March 26, 2024, meeting. The Planning Commission discussed this item at its April 2024 meetings and recommended approval. Staff also recommends approval of the proposed ordinance, as presented.

There was no discussion on this item.

4. General

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

John Irish, Deputy Director of Public Works, presented the staff report and stated that the proposed amendment will adjust Building Permit Fees for inflation, as authorized under the State Code and the Virginia Uniform Statewide Building Code. The fees primarily compensate Town staff for their work on building application items. Two other items relate to inspections by the Building Official and adding a reference from the State Code about amusement park device regulations. Mr. Irish stated that staff compared the fees to neighboring municipalities and determined that the town's current fee schedule is generally below the area's average. Staff recommends approval of the proposed ordinance as presented.

There were brief comments from Council on this item.

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

5. Consent

- a. Ordinance to amend and reenact Chapter 54 (PERSONNEL), Article I (In General), Section 54-3 (Definitions)**
- b. Resolution to Award Contract #24-06, Production and Printing of the Annual Herndon Town Calendar**

- c. **Resolution to authorize the vacation of a portion of a waterline easement on property at 255 Exchange Place, Herndon, Virginia, Tax Map No. 0164 10 0001C**
- d. **Resolution to approve a Temporary License Agreement between the Town and JOTT, INC., to use a designated public space in the alley adjacent to Jimmy's Old Town Tavern for outdoor seating during a two-day event.**

There was no discussion on the Consent Agenda items.

6. **Discussion**

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

Mayor Olem recognized Councilmember Scherff to begin the discussion item. Councilmember Scherff stated that this is a continuation of the Council's discussion at the April 2, and April 16, 2024, Town Council work sessions. That evening, she would like to discuss staff support for events, with a goal of modernization for the Dulles Regional Chamber of Commerce's event, Friday Night Live!

Councilmember Scherff stated that this was not about a single partner, but about all Town event partners. She wants to discuss opportunities to open events to those that do not feel comfortable speaking publicly. She referenced data she requested from staff and how she wanted to use that data to work with new event partners more effectively. She thanked Councilmember LeBlanc for providing his notes on Wintermarkt to the Council.

There was discussion among Council and staff about the Town partnering with organizations on events, including: (1) success and difficulties faced by recent event organizers, e.g. Wintermarkt and Juneteenth, (2) process of applying to hold events in Town, (3) importance of providing clear instructions and guidance to groups hosting events in Town, with an offer from Councilmember LeBlanc to provide this information, (4) staff communication during the event application process, and (5) consideration of an "inclusion audit," which was discussed at the last strategic planning meeting.

There was discussion among the Council and staff about the Dulles Regional Chamber of Commerce (the Chamber) involvement in Town events, including: (1) suggestion for newer groups to work with more established organizations, like the Chamber, in planning events, (2) recent interactions between the Town and the Chamber, (3) importance of utilizing more than one partner for Town events, (4) incorporating new organizations as event partners, (5) how to reflect diversity and promote inclusion through events, (6) making processes equally accessible and consistent, and (7) potential impacts to processes when new Councils take office.

Councilmember Scherff stated, in summary, that she understood from the discussion that the Council: (1) is seeking new partners that could work beside or in concert with existing partners, (2) is providing equal access to Town resources to all groups, (3) requested consideration of an inclusion audit to ensure that the Town is seeing and listening to the community, and (4) is listening to community partners together.

After further discussion, Councilmember Scherff stated, in summary, that she understood the short-term requests of the Council to be: (1) posting a video series that accompanies the application for hosting events in Town, explaining the event processes, and (2) holding conversations among the Town Council about seeking equitable access in everything that they do as a group.

Mayor Olem encouraged her colleagues to have discussions with local organizations, like Friday Night Live!, to help clarify any misunderstandings, and to prevent misperceptions.

Councilmember Scherff stated, for the record, that she has invited the Chamber to attend a Town Council work session meeting. She stated that to this date they have elected not to do so.

There were further comments from the Council about how to best work with organizations in the Town.

7. Roundtable

Councilmember Le Blanc: congratulated the Elden Street Tea Shop on the Tea Festival held that past weekend at Lake Anne Plaza in Reston.

Councilmember LeBlanc stated that he is working with the Stars and Stripes NOVA Foundation on an upcoming golf event at the Herndon Golf Course. He said it will be on Friday, May 24, 2024, and he stated that sponsorship and participation spots are still available.

Councilmember del Aguila asked if in-kind services are being offered to the Stars and Stripes NOVA Foundation for the golf event that Councilmember LeBlanc mentioned.

William H. Ashton II, Town Manager, stated that since the golf course rates set by the Town Council restrict what he can offer to the group, he is offering the lowest rate possible to them for the event. He clarified that since this money comes out of an Enterprise Fund, there are more restrictions on it, and it is approached differently than if the funding came out of the General Fund.

Councilmember Scherff: stated that she received two emails from individuals who found foil with fentanyl in a hallway in the Town. She asked the Herndon Police

Department to distribute a press release on what to look for, and what to do if fentanyl is found, since it is dangerous for the community.

Councilmember del Aguila: stated that he attended the Que Pasa Festival in Richmond last weekend, which he said is the organization that is sponsoring the Latino Festival in Herndon. He enjoyed the event, and it gave him an idea of what to expect for the Herndon event.

Councilmember del Aguila stated that he received an email indicating that a dumpster was blocking the Electric Vehicle (EV) station in the Herndon Municipal Center parking lot.

Anne Papa, Chief Communications Officer, stated she understood that it is because the dumpster needed to be there over the weekend when Friday Night Live! is being held. Mr. Ashton stated that staff will work on relocating the dumpster, so the EV station is not blocked.

Councilmember del Aguila stated that he received an invitation from Delegate Irene Shin's office for a "Herndon Community Update" that was recently held in the Council Chambers. He questioned why the whole Council was not asked to appear, and he asked about the process for requesting the use of the Council Chambers.

Mr. Ashton stated that the Town allows elected officials who represent Herndon to host community updates in the Council Chambers.

Responding to Councilmember del Aguila's question about the process for holding an event in the Council Chambers, Kirstyn Barr Jovanovich, Town Clerk, stated that Delegate Shin's office requested to hold the event through the Town Manager's office, who reserved the room. She did not see an issue with Councilmembers reserving the room for a community meeting.

Mayor Olem stated that it was an update meeting about the Virginia General Assembly legislative session from Senator Boysko, Delegate Shin, and Fairfax County Dranesville District Supervisor Bierman.

There was discussion among the Council about the community update meeting, how the information was distributed, and the elected officials who were invited to participate in the event.

Councilmember del Aguila asked for an update on the Town's rebranding process.

Ms. Papa stated she is waiting for the go ahead from procurement to begin working with the consultant, which she believes will start in June.

Councilmember Alam: stated she will be attending a conference in Washington, DC that Thursday for an Asian American Pacific Islander Month event at the White House.

Councilmember Dhakal: discussed several events he recently attended, including: (1) Northern Virginia Tea Festival with Elden Street Tea Shop, (2) Big Truck Days at the Town Shop, (3) Herndon Farmers' Market Opening Day, (4) an event organized by Herndon Elementary and Middle Schools related to gang prevention, and (5) Friday Night Live! kick-off with his family.

Councilmember Dhakal shared that he received an email request from former Mayor Mike O'Reilly, who asked for a lifetime pass to the Herndon Centennial Golf Course. It was Mr. O'Reilly's understanding that the mayor before him received the lifetime golf pass, and he asked the Town Council to consider providing it to him as well. Councilmember Dhakal stated he told Mr. O'Reilly that he would bring this up to the Council.

Vice Mayor Hedrick: no comments.

Mayor Olem: discussed several events she recently attended, including: (1) Farmers Market Opening Day, (2) Friday Night Live! kick-off, and (3) performance at NextStop Theatre.

Mayor Olem offered kudos to the Herndon Police Department and the Department of Public Works for being fully staffed.

William H. Ashton II, Town Manager: recognized Jonathan Fransell, Civil Engineer, and congratulated him on graduating with his Master's Degree in Public Administration (MPA) from George Mason University this spring. Mr. Fransell also received the prestigious John D.R. Cole Outstanding Masters of Public Administration Student Award, which is provided to only one student from the MPA program. Mr. Ashton said that he was proud of Mr. Fransell's achievements at GMU and with the Town.

Mr. Ashton stated that he will be out of town Thursday and Friday of this week and stated that Town Clerk Kirstyn Barr Jovanovich will be Acting Town Manager.

8. Adjournment

There being no further business, Mayor Olem adjourned the May 7, 2024 Town Council Work Session at 10:06 p.m.

Amanda E.M. Kertz
Chief Deputy Town Clerk

Minutes approved by Town Council: _____

Agenda Item: May 14, 2024 Town Council Regular Meeting Minutes

Meeting Date: July 16, 2024

Category: Consent

Prepared by: Kirstyn Jovanovich, Town Clerk

Description:

This is a request to approve the May 14, 2024 Town Council Regular Meeting Minutes.

Background:

N/A

Budget Impact:

N/A

Recommendation:

Recommend approval as presented.

Attachments:

1. May 14, 2024 Draft Meeting Minutes

HERNDON TOWN COUNCIL
Regular Meeting Minutes
Tuesday, May 14, 2024

1. Call to Order

Mayor Olem called the Tuesday, May 14, 2024, Town Council Regular Meeting to order at 7:00 p.m. in the Town Council Chambers, 765 Lynn Street, Herndon, Virginia. In attendance were: Mayor Sheila Olem; Vice Mayor Clark Hedrick; and Councilmembers Naila Alam, Cesar del Aguila, Pradip Dhakal, and Donielle M. Scherff.

Councilmember Keven LeBlanc was absent.

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Kirstyn Barr Jovanovich, Town Clerk; Chief Maggie DeBoard, Herndon Police Department; Lisa Gilleran, Director of Community Development; Marjorie Sloan, Director of Finance; Page Kalapasev, Director of Information Technology; Scott Robinson, Director of Public Works; Bryce Perry, Deputy Director of Community Development; Mike Mueller, Golf Course General Manager; Maria Lee, Budget Manager; Amanda Kertz, Chief Deputy Town Clerk; and Mike Shindledecker, Transportation Manager.

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

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

Determination of a Quorum

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

Mayor Announcements

Mayor Olem stated that the second public hearing on the FY 2025 Proposed Budget will be held that evening. She appreciated those who provided comments and looked forward to additional comments later that evening.

Mayor Olem reviewed the following upcoming events: (1) Bike to Work Day on Friday, May 17, 2024, where the Town's Parks and Rec Department, with support

from The Green Lizard, will host a pit stop in downtown Herndon near the W&OD Trail, and (2) Memorial Day Holiday on Monday, May 27, 2024, stating that Town offices will be closed. The American Legion Post 184 will host a Memorial Day Ceremony at 10:00 am, along with the Avenue of Flags (weather permitting), at Chestnut Grove Cemetery.

3. Presentations/Reports/Comments

a. Proclamation to Recognize May as Asian American, Native Hawaiian, and Pacific Islander Heritage Month

Mayor Olem recognized Councilmembers Dhakal and Alam to read the Proclamation to Recognize May as Asian American, Native Hawaiian, and Pacific Islander Heritage Month into the record.

b. Proclamation to Recognize Nepali American Heritage Day

Mayor Olem recognized Councilmember Dhakal to read the Proclamation to Recognize May 28, 2024, as Nepali American Heritage Day into the record.

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

c. Town Manager Report

William H. Ashton II, Town Manager, stated that at last week's work session, he mentioned that he recently attended the George Mason University (GMU) Masters in Public Administration graduation dinner. One of the Town employees who was part of the program, Jonathan Fransell, Civil Engineer in the Public Works Department, received the prestigious John D.R. Cole Outstanding Master of Public Administration Student Award, which is given to only one student in the entire program. The individual is nominated by the faculty for having the highest GPA, along with the best analytical and speaking skills. Mr. Ashton stated that it takes an individual with immense talent to demonstrate the varied skill sets recognized to achieve this award. He stated that he is proud of Mr. Fransell's achievements both at GMU and the Town, and he looks forward to his continued success and contributions to Herndon.

d. Councilmember Comments

Councilmember Scherff: provided comments on the proclamations to recognize Asian American, Native Hawaiian, and Pacific Islander Heritage Month and Nepali American Heritage Day, and welcomed those in attendance that evening.

Councilmember Alam: provided comments on the proclamations to recognize Asian American, Native Hawaiian, and Pacific Islander Heritage Month and Nepali American Heritage Day, and welcomed those in attendance that evening. She

stated she was honored to recently attend an event hosted by Vice President Harris recognizing Asian American, Native Hawaiian, and Pacific Islander Heritage Month.

Councilmember del Aguila: thanked those in attendance for coming to the meeting that evening. He stated there are items in the proposed budget that he believes demonstrate the Town Council's commitment to equity and inclusion. He hoped that those in attendance that evening would attend next year's meeting to recognize these important designations again. In the spirit of unity and inclusion, he stated that in 122 days, Herndon will have a Latino Festival, and he invited those present to attend.

Councilmember Dhakal: stated that he is honored and blessed to read the proclamations honoring Asian American, Native Hawaiian, and Pacific Islander Heritage Month and Nepali American Heritage Day, which shared comments on fostering inclusion, inclusivity, and appreciation for the diverse community. He thanked those in attendance, the Town Council, and stated he is grateful for the Herndon community for accepting him and electing him as one of their representatives. He believes that there is much more to be done to achieve equity and inclusivity, and he thought that having recognitions like those held that evening is helpful in achieving those outcomes.

Councilmember Dhakal discussed several events he recently attended, including: (1) event at the White House on Saturday, May 11, 2024, at the invitation of the President and First Lady, (2) event with Virginia Senator Salim and the America Nepal Society on Saturday, May 11, 2024, (3) Northern Virginia Tea Festival at the Elden Street Tea Shop in Reston, on Saturday, May 4, 2024; he congratulated Rachel Eisenfeld on an enjoyable event, (4) recent event at Herndon Middle and Herndon High School to spread awareness of gang activities, (5) tree planting for Earth Day/Arbor Day on Friday, April 26, 2024; Herndon was named a Tree City USA for the 35th year in a row, (6) Herndon Elementary School Heritage Night; which showcased the Town's diversity, and (7) Chairman McKay's Spring Social held prior to tonight's meeting; where he enjoyed speaking with Chairman McKay. Councilmember Dhakal also wished the mothers in attendance a Happy Mother's Day, which was celebrated that past Sunday.

Councilmember Dhakal stated that he is working with the Model Nepali Society Herndon to plan a multicultural festival in Herndon on Saturday, August 17, 2024, and he is looking forward to the event.

Councilmember Dhakal thanked those that have submitted comments on the proposed FY 2025 budget. He provided comments on the budget process and how the Council incorporated feedback from the public.

Vice Mayor Hedrick: provided comments on the proclamations to recognize Asian American, Native Hawaiian, and Pacific Islander Heritage Month and Nepali American Heritage Day, and welcomed those in attendance that evening.

Vice Mayor Hedrick stated that last week was Public Service Recognition Week, and he expressed his appreciation to the Town staff. He stated that May 12 to May 18, 2024, is National Police Week, and he indicated that there is a police memorial in downtown Washington, DC this week, with many law enforcement families present. He said that the officers at the Herndon Police Department (HPD) were honored at the HPD Recognition Dinner on April 27, 2024, and he thanked the police officers for all they do in the community.

Mayor Olem: thanked Councilmembers Alam and Dhakal for reading the proclamation to recognize this month as Asian American, Native Hawaiian, and Pacific Islander Heritage Month, and thanked Councilmember Dhakal, for requesting and reading the proclamation honoring Nepali American Heritage Day. She provided brief comments on the proclamations and encouraged everyone to learn as much as they can about other cultures.

Mayor Olem stated that she enjoyed attending the following community events over the past two weeks: (1) Arbor Day Tree Planting Ceremony on Friday, April 26, 2024, at Haley Smith Park; where she presented a proclamation honoring Earth Day/Arbor Day, (2) Herndon Police Department (HPD) Awards Dinner on Saturday, April 27, 2024; she expressed appreciation to HPD; (3) Farmers Market opening day on Thursday, May 2, 2024, and (4) the first two Friday Night Live! events on Friday, May 3 and May 10, 2024. She thanked the Department of Public Works (DPW) and HPD staff for their efforts at FNL, especially when it was raining.

Mayor Olem encouraged those interested to check the Town's website for more information on events, stating that there is often entertainment for children at the Herndon Farmers' Market on Thursday.

Comments and Disclosures for the Record

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

Ms. Kertz stated that comments were entered into the record on: (1) Public Hearing Item (a), Ordinance 24-O-10 to amend Chapter 66, Article VI, to reduce the fees for use of public sidewalk, public right-of-way, or public shared parking; (2) Public Hearing Item (b), Resolution 24-G-25 Special Exception SE #24-01 - Hunters Creek Bridge; and (3) Public Hearing Item (c), (numerals 1 through 4), the Fiscal Year 2025 Proposed Budget.

Additionally, Mayor Olem, Vice Mayor Hedrick, and Councilmembers Dhakal and LeBlanc entered Signed Transactional Disclosure Declarations into the record on Public Hearing Item (c), numerals 3 and 4 - Resolution 24-G-26, Fiscal Planning Resolution, and Ordinance 24-O-13 to Appropriate funds for Fiscal Year 2025 - relating to the proposed community donations included in the FY 2025 Proposed Budget. The statements indicate that they are able to participate in the discussions fairly, objectively, and in the public interest. The signed disclosure statements have been entered into the record with the Town Clerk and Town Attorney.

The Clerk did not receive additional comments or disclosures on any other items included on tonight's agenda.

4. Comments from the Audience

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

The following members of the audience provided comments on the proclamations to recognize Asian American, Native Hawaiian, and Pacific Islander Heritage Month, and Nepali American Heritage Day:

- Shamalee Howe, 2112 Golf Course Drive, Reston: shared that 20 percent of Fairfax County's community is Asian American;
- Guna Luitel, former Herndon resident, (no address given);
- Harry Sharma, (no address given) Herndon: asked the Town to invest in roads and education, and called attention to electing Asian Americans at the federal level;
- Chiranjivi Lamichhane, 488 Virginia Avenue, Herndon;
- Sunita Subedi 7676 Helmsdale Place, Manassas;
- Namrata Paudel, 132 Herndon Mill Circle, Herndon;
- Soma Romesh, 112 Tway Lane, Herndon: provided comments on behalf of the Harraskeet Foundation, and discussed the Herndon Diversity, Equity, and Inclusion Committee (HDEIC), a committee that he serves on;
- Mohan Yadav, 24575 Pommel Terrace Sterling;

- Prem Sangraula, 6800 Van Peak Drive, McLean: requested the Town Council's assistance in running Nepalese schools, or other types of schools, for communities in the Town; and
- Adrian Pokharel, 8835 Calbera Court, Gainesville: stated that he is running for office in the 10th Congressional District of Virginia.

The following individuals provided comments on the proclamations to recognize Asian American, Native Hawaiian, and Pacific Islander Heritage Month and Nepali American Heritage Day, along with other subjects:

- Stevan Porter 905 Vine Street, Herndon: provided comments on destination businesses and events, expressing excitement about upcoming events and the Lego store that is opening in Herndon. He asked that the Town promote the many large and small events that happen every week.
- Steven Mitchell, 1291 Monroe Street, Herndon: provided comments on diversity in the community, and talked about destination retail in the downtown.

5. **Public Hearings**

- a. **Ordinance 24-O-10 to amend Chapter 66 (STREETS, SIDEWALKS AND CERTAIN OTHER PUBLIC PLACES), Article VI. (Encroachments Over and Upon Public Rights-of-Way), Division 2 (Outdoor Seating Administrative Encroachments), Sec. 66-133 (Same - Requirements), to reduce the fees for use of public sidewalk, public right-of-way, or public shared parking from \$10.00 per square foot to no more than \$7.50 per square foot**

A Certificate of Publication was filed from the Editor of the Fairfax County Times Newspapers, showing that notice of said public hearing item had been duly advertised in the Friday, May 10, 2024 issue.

Mayor Olem opened the public hearing and recognized William H. Asthon II, Town Manager, for the staff report. He stated that following discussion of the outdoor seating ordinance at the April 2, 2024, work session, the Town Council directed staff to bring forward a Town Code amendment to lower the fees for use of the public sidewalk, public right-of-way, or public shared parking from \$10.00 to no more than \$7.50 per square foot per term. Mr. Ashton reviewed the: (1) current outdoor dining ordinance, (2) available locations for outdoor dining in the downtown, (3) existing parameters for outdoor dining, and (4) potential changes to the ordinance.

During last week's work session, the Council directed staff to develop a pilot program that would decrease the cost per square foot and increase the number of public shared parking spaces that can be used for outdoor seating. However,

these proposed changes were not included in the legal advertisement that was issued for this public hearing. Mr. Ashton stated that staff is developing the pilot program, as directed by Council, and plans to bring this to the Council for consideration and action at the next work session and regular meeting. The pilot program will include the fees and number of spaces as directed by the Council, outline what will be measured, and determine how those measurements will be evaluated.

Mr. Ashton stated that since this public hearing had been duly advertised, staff is advising the Council to hold the public hearing as scheduled, but not to take action that evening, with the understanding that staff is bringing forward the pilot program to the next set of Town Council meetings.

There was discussion among the Council and staff on this item, including: (1) parameters of the pilot program, (2) space limitations for outdoor dining, (3) metrics and data evaluation to be conducted, (4) requesting the Economic Development Director to put together an ad hoc committee of business owners to gather their feedback, (5) taking action on reducing the price per square foot that evening, and (6) businesses being able to remain in the pipeline if they apply for an outdoor dining permit while the pilot program is being developed.

Responding to Councilmember del Aguila, Lesa Yeatts, Town Attorney, stated that the Council could reduce the outdoor dining fees up to the advertised rate of \$7.50 per square foot that evening. She clarified that in order to begin the pilot program, the Council will have to repeal the existing outdoor dining ordinance at a future meeting. She stated that any change in fees made that evening would only be in effect until the ordinance is repealed, and the pilot program is adopted.

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

- Steve Mitchell, 1291 Monroe Street, Herndon: asked to be kept informed of the process to help staff understand the business impacts.
- Stevan Porter, 905 Vine Street, Herndon: asked for an analysis of the parking and traffic impacts and for staff to reach out to non-restaurant businesses during the pilot program.

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

Councilmember del Aguila moved to amend Ordinance 24-O-10 to amend Chapter 66 (STREETS, SIDEWALKS AND CERTAIN OTHER PUBLIC PLACES), Article VI (Encroachments Over and Upon Public Rights-of-Way), Division 2 (Outdoor Seating Administrative Encroachments), Sec. 66-133 (Same - Requirements), to reduce the fees for use of public sidewalk, public right-of-way, or public shared

parking from \$10.00 per square foot to ~~no more than \$7.50 per square foot~~ \$1.00 per square foot.

Motion seconded by Councilmember Dhakal.

There was discussion among Council and staff after the motion was on the floor, including: (1) pilot program process, (2) action on the ordinance that evening being limited to fees, due to advertising requirements, and (3) time it takes to undertake ordinance changes.

Responding to Vice Mayor Hedrick, Mr. Ashton indicated that he can advise businesses about the forthcoming pilot program, and they can remain in the pipeline if they apply for outdoor dining permits before the program begins.

Councilmember Scherff stated, for the record, that if businesses want to use the outdoor dining program - through the pilot and beyond - it will be more revenue than the Town has now from outdoor dining. She appreciated the staff and Council working on this so quickly, because she has heard from the public that they are fatigued with the amount of time it takes to get matters approved.

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

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

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, May 3, and May 10, 2024, issues.

Mayor Olem opened the public hearing and recognized Bryce Perry, Deputy Director of Community Development, for the staff report. Mr. Perry reviewed: (1) location on the flood plain and flood map, (2) the existing bridge, which was closed in October 2023 when it was determined to be structurally unsound, (3) proposed bridge replacement and stream restoration efforts, (4) flood study results, which did not show any rise or expansion of the flood zone, and (5) steps to replace the bridge, several of which are currently in process. He stated that the Town is able to ride the County's contract for the vendor, Creative Composite Group, for the bridge replacement. At their April 22, 2024, meeting, the Planning Commission recommended approval of the special exception. Staff also recommends approval of the proposed resolution, as presented.

There was discussion among the Council and staff on this item, including the: (1) bridge being funded through ARPA, (2) steps to replace the bridge, including approval of the project by the Army Corps of Engineers, (3) safety issues that

necessitated the bridge replacement, and (4) Town's pedestrian bridge replacement program.

The public hearing was held, and the following individuals provided testimony, requesting urgency for the bridge replacement and expressing concern about the condition of the pedestrian trails near the bridge:

- Marge Shapira, 1109 Iron Ridge Court, Herndon: asked the Council if they had seen the bridge, and she expressed concern for the area under the bridge.

Responding to Mayor Olem's request, William H. Ashton II, Town Manager, stated that staff will follow up with Ms. Shapira.

- Halle Giuliano, 657 Old Hunt Way, Herndon: asked the Pedestrian and Bicycle Advisory Committee (PBAC) to take a look at the condition of the paths in her neighborhood and near Runnymede Park.
- David Azer, 663 Old Hunt Way, Herndon: expressed concern about the traffic flow from Herndon Parkway to Queens Row Street.
- Dennis Clark, 662 Old Hunt Way, Herndon, President of Hunters Creek Swim and Racquet Club.
- Ruston Spurlock 695 Old Hunt Way, Herndon.
- Mike MacFarlane, Member of the Town of Herndon Planning Commission and PBAC: expressed concerns about having easy access to bridge crossings.
- Marie Buck, 1109 Trapper Crest Court, Herndon: expressed concern about the trail's detour onto Herndon Parkway.

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

Councilmember Scherff moved to approve Resolution 24-G-25 to approve Special Exception SE #24-01 - Hunters Creek Bridge Floodplain Overlay, as presented.

Motion seconded by Councilmember del Aguila.

There was discussion among Council and staff after the motion was on the floor, including: (1) alternative stream crossings; which Mike Shindeldecker, Traffic Engineer, explained are listed on the trail and on the Town's website, (2) condition of the current bridge, which will be removed and replaced, (3) estimated timeline for the bridge replacement, (4) request to staff to provide regular updates on the project, (5) potential ways to try and expedite the process, such as talking to

Congressional officials, and (6) improving pedestrian trail conditions.

Responding to Councilmember del Aguila, Mr. Ashton indicated that he will work with the Department of Public Works staff to determine the conditions of the trails that citizens spoke about that evening. He said that he could update the Council and the public.

Councilmember del Aguila thought it would be helpful to conduct an analysis of this project, to see how the Town could improve its processes. He said he would bring up this topic at a future work session or Strategic Planning meeting.

Mayor Olem indicated that she has spoken with Dranesville District Supervisor Bierman about the conditions of the parks owned by Fairfax County in Herndon, and she suggested that they contact him on this issue. She also said she would be happy to pass the information on about the bridge replacement to Congressman Connolly's office.

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

c. FY 2025 Proposed Budget

- i. Ordinance 24-O-11 to amend Chapter 74 (UTILITIES), Article II (Sewers and Sewage Disposal), Division 5 (Sanitary Sewer System Rates and Charges), Section 74-262 (Schedule of Rates); and Article III (Water), Division 2 (Service), Subdivision II (In-Town Service Charges), Section 74-326 (Schedule of Charges), to increase the service and usage charges for sanitary sewer and water, effective for meter readings taken on or after July 1, 2024**

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, March 29, Friday, April 12, and Friday, May 3, 2024, issues. Courtesy copies were published in the Friday, April 5, Friday April 19, and Friday, May 10, 2024 issues.

- ii. Ordinance 24-O-12 to Levy Taxes on Real Estate and Manufactured Homes, and Other Subjects for the Fiscal Year 2025 Budget**

A Certificate of Publication were filed from the Editor of the Fairfax County Times Newspapers, showing that notice of said public hearing item had been duly advertised in the Friday, March 22, 2024 issue.

iii. Resolution 24-G-26 to adopt a Fiscal Planning Resolution for the Fiscal Year 2025 Budget for the Town of Herndon

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, March 29, April 12, and May 3 editions, with courtesy copies published in the Friday, April 5, April 19, and May 10, 2024 issues.

iv. Ordinance 24-O-13 to appropriate funds to implement the Fiscal Year 2025 Budget for the Town of Herndon, establishing the Pay Plan, and reserving on-going and Capital Funding for this Fiscal Year

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, March 29, April 12, and May 3 editions, with courtesy copies published in the Friday, April 5, April 19, and May 10, 2024, issues.

[Note: These items were continued from the April 23, 2024, meeting.]

Mayor Olem resumed the four budget public hearings listed on the agenda, which had been opened and continued at the Council's meeting on April 23, 2024. She recognized Lesa Yeatts, Town Attorney, who outlined the voting requirements for the FY 2025 budget public hearing items.

Mayor Olem recognized William H. Ashton II, Town Manager, who addressed several questions about the real estate tax assessments which Fairfax County provided to him on Monday. He provided an overview of the following as related to the County's tax assessments: (1) average real estate tax assessment values increase; approximately 4.65 percent, (2) decline in commercial real estate tax assessments, approximately a 4.64 percent decrease, (3) properties that experienced a substantial increase in real estate assessment value, and (4) similar valuation increases across different types of housing in the Town. Mr. Ashton stated that the budget team is available to answer any questions about the materials they presented. Staff recommends approval of the FY 2025 budget items, as presented.

**Public Hearing and Vote on
Ordinance 24-O-11, Water and Sewer**

Mayor Olem resumed the public hearing and called for comments from the audience. Seeing no comments, Mayor Olem closed the public hearing and moved to Council level for discussion and action.

Councilmember Dhakal moved to Approve Ordinance 24-O-11 to amend Chapter 74 (UTILITIES), Article II (Sewers and Sewage Disposal), Division 5 (Sanitary Sewer System Rates and Charges), Section 74-262 (Schedule of Rates); and

Article III (Water), Division 2 (Service), Subdivision II (In-Town Service Charges), Section 74-326 (Schedule of Charges), to increase the service and usage charges for sanitary sewer and water, effective for meter readings taken on or after July 1, 2024, as presented.

Motion seconded by Councilmember Alam.

There were brief comments from Council.

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

**Public Hearing and Vote on
Ordinance 24-O-12, Tax Levy**

Mayor Olem resumed the public hearing and called for comments from the audience. Seeing no comments, Mayor Olem closed the public hearing and moved to Council level for discussion and action.

Councilmember Scherff moved to Approve Ordinance 24-O-12 to Levy Taxes on Real Estate and Manufactured Homes, and Other Subjects for the Fiscal Year 2025 Budget, as presented.

Motion seconded by Councilmember del Aguila.

There were brief comments from Council, including: (1) inflationary and other pressures on the FY 2025 budget, and (2) expressing concern for residents that are seeing large rate and tax increases.

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

**Concurrent Public Hearings on
Resolution 24-G-26, the Fiscal Planning Resolution; and
Ordinance 24-O-13, the Appropriation Ordinance.**

Mayor Olem stated that Council must take separate action on the concurrent public hearing on the Fiscal Planning Resolution and the Appropriation Ordinance and stated the Council would take separate action on each item.

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

Vote on
Resolution 24-G-26

Councilmember Dhakal moved to Approve Resolution 24-G-26 to adopt a Fiscal Planning Resolution for the Fiscal Year 2025 Budget for the Town of Herndon, as presented.

Motion seconded by Councilmember Scherff.

There were brief comments from Council.

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

Vote on
Ordinance 24-O-13

Councilmember Dhakal moved to Approve Ordinance 24-O-13 to appropriate funds to implement the Fiscal Year 2025 Budget for the Town of Herndon, establishing the Pay Plan, and reserving on-going and Capital Funding for this Fiscal Year, as presented.

Motion seconded by Councilmember Alam.

There were brief comments from Council.

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

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

A Certificate of Publication was filed from the Editor of the Fairfax County Times Newspapers, showing that notice of said public hearing item had been duly advertised in the Friday, May 10, 2024 issue.

Mayor Olem opened the public hearing and recognized Marjorie Sloan, Director of Finance, who presented the staff report on the proposed amendment to the General and ARPA Funds of the FY 2024 adopted budget. Ms. Sloan reviewed the proposed costs, which include: (1) \$700,000 in increases to personnel, offset by favorable FY 2024 tax revenues, (2) \$130,000 increase in outside counsel fees, offset by favorable tax revenues, (3) \$15,000 in Herndon Police Department expenditures, offset by Federal and State seized assets, and (4) \$36,361

increased Herndon Police Department expenditures, offset by insurance proceeds received.

Ms. Sloan highlighted the proposed appropriations for the ARPA fund. She stated that staff looked at the Town's project schedules, and they were able to adjust the ARPA Fund appropriations so that all the funding is spent by the deadline at the end of the year. As part of this request, staff was able to establish a new project in the ARPA fund for the Hunters Creek Bridge at \$510,057. Staff recommends approval of the proposed ordinance, as presented, amending the FY 2024 adopted budget.

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

Councilmember Dhakal moved to approve Ordinance 24-O-14 to amend the Fiscal Year (FY) 2024 Adopted Budget for the General Fund and American Rescue Plan Act (ARPA) Fund, as presented.

Motion seconded by Councilmember del Aguila.

There were brief comments from Council.

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

e. Ordinance 24-O-15 to amend Chapter 78 (ZONING), Article XV (Decision-Making Authorities, Application Review, and Permitting), Section 78-152.2(b)(3) (Fees for Development Applications) to adjust development fees for inflation to current rates

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, May 3, and May 10, 2024 issues.

Mayor Olem opened the public hearing and recognized Bryce Perry, Deputy Director of Community Development, for the staff report and stated that the proposed text amendment will adjust development application fees for inflation, rounded to the nearest dollar. He stated that development application fees include land use applications (rezoning and special exception), design review applications (Architectural and Historic District Review Boards), Board of Zoning Appeals applications, site plan and subdivision review applications, and miscellaneous administrative zoning reviews. The Planning Commission discussed this item at its April meetings and recommended approval at their meeting on April 22, 2024.

Staff and the Planning Commission recommend approval of the proposed ordinance, as presented.

Mr. Perry stated that staff is planning to bring back a full assessment of the Town's zoning ordinance fees later this year, which staff is looking to coordinate with the review of the FY 2026 budget.

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

Councilmember Scherff moved to Approve Ordinance 24-O-15 to amend Chapter 78 (ZONING), Article XV (Decision-Making Authorities, Application Review, and Permitting), Section 78-152.2(b)(3) (Fees for Development Applications) to adjust development fees for inflation to current rates, as presented.

Motion seconded by Councilmember Alam.

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

6. Consent

- a. **Ordinance 24-O-16 to amend Chapter 10 (BUILDINGS AND BUILDING REGULATIONS), Article III. (Permits and Inspections), Division 2 (Building Fees), Division 3 (Fire Protection Systems), Division 4 (Mechanical), Division 5 (Plumbing and Gasfitting), and Division 6 (Electrical) to clarify and adjust permit and inspection fees in various sections for inflation to current rates and to create Division 7 (Amusement Device)**
- b. **Ordinance 24-O-17 to amend and reenact Chapter 54 (PERSONNEL), Article I (In General), Section 54-3 (Definitions)**
- c. **Resolution 24-G-27 to award Contract IFB #24-06, Production and Printing of the Annual Herndon Town Calendar**
- d. **Resolution 24-G-28 to authorize the vacation of a portion of a waterline easement on property at 255 Exchange Place, Herndon, Virginia, Tax Map No. 0164 10 0001C**
- e. **Resolution 24-G-29 to approve a Temporary License Agreement between the Town and JOTT, INC., to use a designated public space in the alley adjacent to Jimmy's Old Town Tavern for outdoor seating during a two-day event.**
- f. **March 19, 2024 Town Council Work Session Minutes**

g. March 26, 2024 Town Council Meeting Minutes

On motion of Councilmember del Aguila, seconded by Vice Mayor Hedrick, the Consent Agenda items were approved and carried by a 6-0 roll call vote, as presented, without comment. The vote was: Councilmembers Alam, del Aguila, Dhakal, Scherff, and Vice Mayor Hedrick and Mayor Olem voting "Aye." Councilmember LeBlanc was absent.

7. Adjournment

There being no further business, Mayor Olem adjourned the May 14, 2024 Town Council Regular Meeting at 9:26 p.m.

Amanda E.M. Kertz
Chief Deputy Town Clerk

Minutes approved by Town Council : _____

[Note: Approved resolutions and ordinances are filed in the Town Clerk's office]

Agenda Item: May 21, 2024 Town Council Work Session Minutes

Meeting Date: July 16, 2024

Category: Consent

Prepared by: Kirstyn Jovanovich, Town Clerk

Description:

This is a request to approve the May 21, 2024 Town Council Work Session Minutes.

Background:

N/A

Budget Impact:

N/A

Recommendation:

Recommend approval as presented.

Attachments:

1. May 21, 2024 Draft Work Session Minutes

HERNDON TOWN COUNCIL
Work Session Minutes
Tuesday, May 21, 2024

1. Call to Order

Mayor Olem called the May 21, 2024, Town Council work session meeting to order at 7:00 p.m. in the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia. In attendance were: Mayor Sheila Olem; Vice Mayor Clark Hedrick; and Councilmembers Cesar del Aguila and Pradip Dhakal.

Councilmembers Naila Alam, Keven LeBlanc, and Donielle M. Scherff were absent.

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Kirstyn Barr Jovanovich, Town Clerk; Chief Maggie DeBoard, Herndon Police Department; Marjorie Sloan, Director of Finance; Scott Robinson, Director of Public Works; Page Kalapasev, Director of Information Technology; Mike Mueller, Golf Course General Manager; Lauri Sigler, Deputy Town Attorney; John Irish, Deputy Director of Public Works; David Stromberg, Zoning Administrator; John Verdin, Capital Projects Program Manager; and Margie Tacci, Deputy Town Clerk.

Determination of a Quorum

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

Mayor Announcements

Mayor Olem stated that May 19 to May 25, 2024, is National Public Works Week, and she expressed appreciation to Public Works Director Scott Robinson and the Public Works staff for all their efforts throughout the year. She stated that public works contribute to advancing and enhancing our quality of life. Public works professionals provide essential services that lead to healthier, happier, more vibrant communities and make our communities dynamic places to live and work.

2. Public Hearings

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

John Verdin, Capital Projects Program Manager, presented the staff report, stating that 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 Annual Operating Budget. The proposed program of capital improvements is integrated into the overall financial planning of the Town, and it was reviewed and recommended for approval by the Planning Commission on January 23, 2024.

Mr. Verdin reviewed the following related to the proposed CIP, highlighting the use of American Rescue Plan (ARPA) funds: (1) 11 projects that have been or will be completed in FY 2024, (2) 36 projects proposed to be included in the CIP, their categories, and requested funding, (3) four new CIP projects and requested funding, which are: (a) Ferndale Avenue Improvements, (b) Herndon Police Department (HPD) secure gate, (c) HPD Station Infrastructure Improvements, and (d) lead and copper rule revision compliance, (4) FY 2025 CIP portion of the budget; costs and funding, and (5) proposed FY 2026 to FY 2030 CIP categories and costs, which total approximately \$187.9 million. Staff recommends approval of the proposed CIP, as presented.

There was discussion among the Council and staff on the CIP, including funding sources for: (1) proposed new CIP projects; specifically (a) Ferndale Avenue Improvements, and (b) lead and copper compliance, (2) water and sewer projects; what amount is funded by fees versus CIP funds, (3) applying for grant funding for CIP projects, and (4) use of ARPA funds.

3. General

a. Resolution to adopt the Town of Herndon Streeterly Pilot Program

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

Mayor Olem stated that the first two general items are being presented concurrently, and recognized David Stromberg, Zoning Administrator, for the staff report on these items. Mr. Stromberg stated that the Streeterly Pilot Program is an improvement to the existing outdoor dining program, and it incorporates several of the changes recommended by the Council during the past two work session meetings. The proposed resolution establishes a Streeterly Pilot Program within the downtown, memorializes the fee change adopted by Ordinance 24-O-10 at the May 14, 2024 Town Council meeting, and increases the number of parking spaces

available for outdoor seating. In order to establish and implement the pilot program, Chapter 66, Section 66-1 must be amended, and Article VI, Divisions 1 and 2, must be repealed. The Streeterly Pilot Program will supersede the current regulations regarding outdoor seating found in Chapter 66 once those are repealed. Mr. Stromberg provided an overview of the Streeterly Pilot Program, including the: (1) proposed fees of \$1.00 per square foot for the first two parking spaces, and \$5.00 per square foot for the third and fourth spaces, (2) increasing the number of on-street public and public shared parking spaces from two to four, and (3) maximum of 30 percent of the block can be used for streeterly spaces.

Mr. Stromberg discussed the requirements remaining from the current outdoor dining ordinance, including: (1) compliance with state and federal laws, (2) liability insurance requirement, (3) application fee, (4) encroachment agreement, and (5) being current on taxes and fee payments.

Mr. Stromberg reviewed the locations available for the Streeterly Pilot Program and stated that the Director of Economic Development will engage a group of business owners to evaluate the program. The term of the Streeterly Pilot Program will begin with the adoption of the resolution and will continue through November 30, 2024. Staff recommends approval of the proposed resolution and the subsequent ordinance, which will allow the Pilot Program to be enacted.

There was discussion among the Council and staff on the proposed pilot program, including: (1) parameters of the Streeterly Program, (2) parking availability in the downtown, (3) Economic Development Director working with all downtown businesses, including non-restaurants, (4) review of traffic flow and patterns, and (5) considering street closures to make the downtown more pedestrian friendly.

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

John Irish, Deputy Director of Public Works, presented the staff report, stating that the proposed resolution endorses the revised East Elden Street Improvements and Widening project and requests the Virginia Department of Transportation (VDOT) to proceed with a revised design for the VDOT-administered project. In January 2024, VDOT advised staff that the cost of the project would increase significantly, from \$71 million to \$89 million, with an additional obligation to the Town of approximately \$24 million. Staff reviewed the project for potential cost savings and found that removing the undergrounding of utilities from the scope of the project was feasible and would reduce the cost. The utilities will remain overhead but will be relocated as necessary to complete the road surface improvements associated with the project. Staff recommends approval of the proposed resolution, as presented.

Following Mr. Irish's comments, Mr. Ashton discussed the meeting where VDOT told the Town about the increased project costs, and he reviewed how staff was able to pivot to remove the underground utilities to proceed with the other planned improvements.

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

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

David Stromberg, Zoning Administrator, presented the staff report, stating that the proposed initiating resolution allows staff to bring draft language to the Planning Commission for their review and to gather public input. With this being a more complicated zoning ordinance text amendment (ZOTA), he thought that it may take some time before this item came back to the Town Council for review. The proposed ZOTA will establish the first two zoning districts for the recently adopted Transit-Related Growth (TRG) Small Area Plan. Staff recommends approval of the proposed initiating resolution, as presented.

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

4. **Consent**

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

There was brief discussion among the Council and staff on the proposed resolution concerning the ARPA Fund.

5. **Roundtable**

Councilmember Dhakal: provided comments on the upcoming Memorial Day holiday and thanked those that lost their lives in service of our country.

Councilmember Dhakal offered kudos to the Department of Public Works (DPW) staff during National Public Works Week.

Councilmember Dhakal asked about the lifetime golf pass he requested for former mayor Mike O'Reilly, requesting the Council's feedback on the matter.

There was discussion among the Council and staff about providing a lifetime golf pass to Mr. O'Reilly, including how it could be funded.

William H. Ashton II, Town Manager, stated that the Council is not able to fund a lifetime pass, as they cannot bind future Councils to authorize those funds.

Responding to Vice Mayor Hedrick, Mike Mueller, General Manager of the Golf Course, stated that he did not have the information at that time, but he could provide the cost of an annual pass to the Council.

Councilmember Dhakal stated that once the amount for the annual pass was known, the Council can decide if they want to fund the pass for Mr. O'Reilly through the end of the year.

Councilmember del Aguila: thanked the Town Manager for responding to a recent email he sent about the Stars and Stripes NOVA Committee golf tournament, which is occurring on Friday. He asked staff if it were possible to provide the organization with a donation, and if so, he asked if the Council would consider providing them with a cash donation.

Lesa Yeatts, Town Attorney, stated that under the State Code, the Town may make appropriations of public funds to charitable organizations, but there are several rules and regulations governing the awarding of funds. She outlined the documentation the organization must provide that is vetted by the Finance Department, and she stated that the group must either be located in the Town or directly benefit Town of Herndon residents. If the donation amount is above \$5,000, there are additional requirements from the IRS that must be met.

Responding to Councilmember del Aguila, Mr. Ashton stated that if the organization meets the legal criteria, the Council must pass a resolution authorizing the funds. He indicated that staff could work on a resolution to consider a donation to the organization, if staff receives the required paperwork that Ms. Yeatts outlined.

Vice Mayor Hedrick: no comments.

Mayor Olem: provided comments on the upcoming Memorial Day holiday and encouraged everyone to attend the observance at Chestnut Grove Cemetery on Monday that is hosted by the local American Legion.

Mayor Olem stated that she works with a number of groups that conduct fundraisers. She pointed out that there are a number of large corporate sponsors listed as supporting the upcoming Stars and Stripes NOVA golf tournament.

Following comments from Councilmember del Aguila about the potential donation, Ms. Yeatts clarified that a resolution to consider a donation to the Stars and Stripes NOVA committee could be brought forward at the next Town Council work session in June.

William H. Ashton II, Town Manager: provided comments and personal reflections on Memorial Day, stating that it is an important and solemn day to remember those that have lost their lives in service to our nation. He encouraged everyone to take time and reflect on Memorial Day, and to also remember those individuals from the armed forces who have taken their own lives.

Mr. Ashton stated that in recognition of Public Works Week, HCTV is assisting Town staff in creating short public service videos highlighting members of DPW staff. He looked forward to seeing the videos, which he said will be posted on social media.

Mayor Olem stated that she has a handbook that reflects how the presence of the military in Virginia impacts the entire state, and she offered to share it with anyone who is interested.

6. Adjournment

There being no further business, Mayor Olem adjourned the May 21, 2024 Town Council Work Session at 8:01 p.m.

Amanda E.M. Kertz
Chief Deputy Town Clerk

Minutes approved by Town Council : _____

Agenda Item: May 28, 2024 Town Council Regular Meeting Minutes

Meeting Date: July 16, 2024

Category: Consent

Prepared by: Kirstyn Jovanovich, Town Clerk

Description:

This is a request to approve the May 28, 2024 Town Council Regular Meeting Minutes.

Background:

N/A

Budget Impact:

N/A

Recommendation:

Recommend approval as presented.

Attachments:

1. May 28, 2024 Draft Meeting Minutes

**HERNDON TOWN COUNCIL
Regular Meeting Minutes
Tuesday, May 28, 2024**

1. Call to Order

Mayor Olem called the May 28, 2024, Town Council regular meeting to order at 5:43 p.m. in the Hoover Conference Room of the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia. In attendance were: Mayor Sheila Olem; Vice Mayor Clark Hedrick; and Councilmembers Cesar del Aguila (arrived at 6:09 p.m.), Pradip Dhakal, Keven LeBlanc, and Donielle M. Scherff.

Councilmember Alam was absent.

Mayor Olem determined there was a quorum of five Councilmembers present, with Councilmember Alam absent, and Councilmember del Aguila having not yet arrived.

2. Closed Meeting

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

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

Councilmember LeBlanc moved that the Council convene in a closed meeting to discuss the following as permitted by Section 2.2-3711(A)(1) of the Code of Virginia pertaining to discussion of a specific public employee relative to an annual performance review. Vice Mayor Hedrick seconded the motion, which carried by a 5-0 roll call vote. The vote was: Councilmembers Dhakal, LeBlanc, Scherff, and Vice Mayor Hedrick and Mayor Olem voting "Aye." Councilmembers Alam and del Aguila were absent.

The Council went into Closed Meeting at: 5:43 p.m.

Councilmember del Aguila arrived at the closed meeting at 6:09 p.m. Vice Mayor Hedrick moved to come out of the closed meeting. Motion seconded by Councilmember LeBlanc and carried by a 6-0 roll call vote. The vote was:

Councilmembers del Aguila, Dhakal, LeBlanc, Scherff, and Vice Mayor Hedrick and Mayor Olem voting “Aye.” Councilmember Alam was absent.

The Council came out of closed meeting at 7:17 p.m.

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

Aye: 6
Nay: 0
Absent: 1

Recess

At 7:17 p.m. Mayor Olem called a brief recess, and at 7:24 p.m., the Town Council Regular Meeting reconvened in the Herndon Council Chambers, six members present and Mayor Olem presiding. Councilmember Alam was absent.

Regular Meeting

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Kirstyn Barr Jovanovich, Town Clerk; Chief Maggie DeBoard, Police Corporal Colin Springer, and Police Officer Katherine Navarro-Reyes, Herndon Police Department; Lisa Gilleran, Director of Community Development; Marjorie Sloan, Director of Finance; Page Kalapasev, Director of Information Technology; Scott Robinson, Director of Public Works; John Irish, Deputy Director of Public Works; John Verdin, Capital Projects Program Manager; and David Stromberg, Zoning Administrator.

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

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

Mayor Announcements

Mayor Olem welcomed four students from Herndon High School, who are participating in this year's Town of Herndon Externship Program. Over the last week, these students have been working with each department to learn about local government at the Town of Herndon.

Mayor Olem stated that the 2025 Herndon Town Calendar Photo Competition is underway. The date to submit photo entries of pictures from around the Town of Herndon for next year's calendar to Arts Herndon is Monday, June 3, 2024. She encouraged those interested to contact Arts Herndon or any member of the Town Council for more information.

Mayor Olem stated that Fairfax Circuit Court opened its first satellite location with select services available at the Cathy Hudgins Community Center in Reston. Services will be available from 9:00 am to noon on the second Tuesday of the month. More information is available on the Fairfax County government's website.

4. Presentations/Reports/Comments

a. Town Manager Report

William H. Ashton II, Town Manager, welcomed the Herndon High School students, stating it was the second year of the internship program at the Town and it has been successful.

Mr. Ashton stated that a question was recently asked about the breakdown of new water and sewer projects versus replacements. He reviewed the statistics of the water and sewer capital projects, stating that overall, approximately 60 percent of the water and sewer projects are maintenance and about 40 percent are new projects. He indicated he would send the information out to the residents that raised this concern.

b. Councilmember Comments

Councilmember del Aguila: requested an update on trails capital improvement projects and requested a work session discussion on what it would take to identify how to accelerate the maintenance of the Town's trails, recognizing budget constraints.

Mr. Ashton stated that staff is working on a Master Trails Project for the CIP and recognized the Directors of Parks and Recreation, Bob Williams, and Public Works, Scott Robinson, for working on this endeavor. He indicated that staff works on the Sugarland Run Trails as stream restoration takes place, and Representative Connolly reached out about federal funds available to help fund trail maintenance in Runnymede Park. He would welcome a work session discussion on the trails in Town and stated that it can be placed on a future work session agenda.

Councilmember del Aguila provided comments on the recent Stars and Stripes NOVA Golf Tournament fundraiser, stating he thought this aligned with the

Strategic Plan in holding events for organizations that may be newer to the Town and in making Herndon a destination.

Councilmember Dhakal: welcomed the students from Herndon High School and provided comments on the importance of youth being engaged in local government. He indicated that the Herndon Advisory Committee of the Harraseeket Foundation is working on a pilot program called "Imagining Your Future" that is dedicated to the students at Herndon High School. He said the soft launch would start in June, with a full launch when the school year begins in August.

Councilmember Dhakal discussed several events he recently attended, including: (1) Stars and Stripes NOVA Committee Golf Tournament Fundraiser; he expressed appreciation to the organization and to the Green Lizard Foundation, who contributed to the event's success, (2) Memorial Day Observance at Chestnut Grove Cemetery; he expressed concern that the Town Council did not issue a proclamation in recognition of the Memorial Day Holiday, (3) Northern Virginia cricket tournament, and (4) encouraged those interested to attend the Reston Pride event on Saturday, June 1, 2024.

Councilmember LeBlanc: stated that he was pleased to be back on the dais after a few weeks of international travel obligations.

Councilmember LeBlanc discussed several past and upcoming events, including: (1) Memorial Day Observance at Chestnut Grove Cemetery, (2) Stars and Stripes NOVA Committee Golf Tournament Fundraiser; stating that he helped sponsor and support the event, (3) recognized NextStop Theatre's recent "Lion King Kids Program" with Herndon and Dranesville Elementary Schools, (4) stated that he will be at Reston Pride on Saturday, June 1, 2024, as a member of the LGBTQ+ community, and (5) encouraged everyone to attend the Herndon Pride Event that following Saturday, June 8, 2024, at Arts Herndon, which he has helped to coordinate.

Councilmember LeBlanc stated that the Town's rebranding initiative is underway. The Town is working with various community members to gather input through the branding consultant.

Councilmember Scherff: offered congratulations to Herndon High School students on their upcoming graduation.

Councilmember Scherff provided information on upcoming events, including: (1) Herndon Youth Baseball Day at Bready Park on Saturday, June 1, 2024, and (2) Juneteenth Event on Saturday, June 15, 2024, which she stated will be a family-friendly, full day of activities. The event starts at noon, includes a ticketed beer tasting event, and ends with a free cabaret jazz concert at Arts Herndon.

Vice Mayor Hedrick: attended the Northern Virginia Transportation Authority

(NVTa) Planning Coordination Advisory Committee (PCAC) meeting this past Thursday, stating that the NVTa is in the process of updating their Six-Year Plan. The plan determines the projects that receive funding through NVTa in Northern Virginia. The plan is open for public comment, and he encouraged individuals to provide their comments.

Vice Mayor Hedrick discussed several events he recently attended, including (1) Stars and Stripes NOVA Committee Golf Tournament Fundraiser; thanking the staff and Stars and Stripes NOVA Committee for their hard work on the event, and (2) Memorial Day Observance at Chestnut Grove Cemetery; he provided comments on the need to support the veterans' community, especially their mental health.

Mayor Olem: stated that last week, May 19 to 25, 2024, was National Public Works Week. She thanked Director Scott Robinson and the Department of Public Works (DPW) staff for all their efforts throughout the year. She stated that public works staff contribute to advancing and enhancing our quality of life.

Mayor Olem said that she was excited to meet with the Herndon High School interns later that week and was glad to see that one of the students was part of the Navy Junior Reserve Officers Training Corps (NJROTC) Color Guard at the Memorial Day Observance at Chestnut Grove Cemetery.

Mayor Olem stated that along with meeting with the interns, she was fortunate to have had two occasions to visit local students: (1) kindergarten classes from Dranesville Elementary School, who visited the Town Green on Monday, May 13, 2024; she was joined by Community Development staff and Herndon Police Department officers, and (2) Herndon High School seniors on Wednesday, May 15, 2024; she was joined by the Town Manager.

Mayor Olem discussed several past and upcoming events, including: (1) ribbon cutting ceremony for the completion of the Route 7 Project in Fairfax County on Wednesday, May 22, 2024, where she joined local officials, NVTa, and the Virginia Department of Transportation (VDOT) for the event, (2) Memorial Day Observance at Chestnut Grove Cemetery; she shared that the American Legion Post 184 did not put up the Avenue of Flags because it looked like it was going to rain, and (3) Herndon High School graduation on Wednesday, June 5, 2024.

Mayor Olem stated that she currently serves as the town representative on the NVTa, and she echoed Vice Mayor Hedrick's comments on encouraging the public to provide their comments on the NVTa Six-Year Plan. She highlighted a project that citizens may want to comment on that is expected to be built between Route 28 and Herndon Parkway in Loudoun County, which while not in the Town, will impact Herndon.

5. Comments from the Audience

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

The following individuals provided comments:

- Steve Mitchell, 1291 Monroe Street, Herndon: provided comments on the internship program with Herndon High School and asked if adding a sidewalk, curb, and gutter between Monroe Street and Elden Street would be included as part of the CIP.
- Steve Montgomery, 815 Branch Drive, Herndon: submitted a written handout and provided comments on proposed improvements to the culvert aesthetics on Center Street included in the CIP.

Amend the Agenda

Mayor Olem stated she was advised that there is a need to meet in a second closed session after tonight's regular meeting and there was a need to amend the agenda. She asked for a motion to amend the agenda to add the closed meeting.

Councilmember Dhakal made a motion to add a closed meeting pursuant to the Code of Virginia Section 2.2-3711(A)(8), consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, relating to an intergovernmental matter, as item #9, immediately following #8 Consent Agenda, and that the agenda be so amended.

Motion seconded by Councilmember LeBlanc.

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

6. Public Hearings

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

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, May 17, and May 24, 2024, issues.

Mayor Olem opened the public hearing and recognized John Verdin, Capital Projects Program Manager, who presented the staff report and stated that 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 2030 Comprehensive Plan and Annual Operating Budget. The program plans for the prudent use of General Fund revenues, American Rescue Plan Act (ARPA) funds, and Enterprise Fund revenues (Golf Course, Water and Sewer, and Cemetery) within the Town's policy guidelines. The FY 2025 portion of the CIP is already part of the approved FY 2025 budget, so the presentation this evening focuses on the FY 2026 to 2030 CIP.

Mr. Verdin stated that the Planning Commission reviewed and recommended approval of the CIP, with any changes as the Town Manager deemed necessary to conform with the FY 2025 budget, on January 23, 2024. He reviewed the proposed CIP projects, including: (1) items that have been or will be completed in FY 2024, many of which used ARPA funds, (2) 36 proposed CIP projects, along with the funding sources and amounts, (3) new projects that were added this year: (a) Ferndale Avenue Improvements, (b) Police Secure Gate, (c) Police Infrastructure Improvements at the Herndon Police Station, and (d) lead and copper rule revision compliance, (4) costs, funds, and project types for the FY 2025 portion of the CIP, and for the FY 2026 to FY 2030 portion of the CIP, (5) available external funding sources, e.g. grant funding, and (6) pointed out that funding sources for the outyears - FY 2029 and 2030 - have not all been established yet. Staff recommends approval of the proposed resolution, adopting the CIP as presented.

There was discussion among the Council and staff on the proposed CIP projects, including: (1) residential tax impacts from CIP projects, (2) sidewalk repairs, especially on Monroe Street, (3) categorization of projects, (4) ARPA funded projects, and (5) funding sources for water and sewer projects.

Responding to Councilmember del Aguila, William H. Ashton II, Town Manager, stated that residents can view tax implications from the budget online, but the program does not generate how the CIP outyears may impact their taxes. Councilmember del Aguila stated he will mention this topic for discussion at a future work session.

Responding to Councilmember LeBlanc, Mr. Verdin stated that he did not know at that time, but the sidewalk on Monroe Street that Mr. Mitchell mentioned was not specifically listed in the CIP, but it may be part of an ongoing study. He indicated he would provide that information to Councilmember LeBlanc.

Mayor Olem called for comments from the audience.

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

- Steve Mitchell, 1291 Monroe Street, Herndon: reiterated his comments on the need for improved sidewalks on Monroe Street and expressed concern over lead-based cables that may be installed in the Town.

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

Councilmember LeBlanc moved to approve Resolution 24-G-30 to adopt the FY 2026 through FY 2030 portion of the FY 2025 - FY 2030 Town of Herndon Capital Improvement Program, as presented.

Motion seconded by Vice Mayor Hedrick.

There were brief comments from Council.

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

7. General

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

Mayor Olem stated that the two General items are being presented concurrently, with the Council taking separate action on each item.

David Stromberg, Zoning Administrator, presented the concurrent staff report, stating that after continued discussion of outdoor seating at the last several meetings, the Town Council directed staff to develop a pilot program to allow outdoor dining for a specified time period in the public right of way, including on public shared parking and sidewalks in the downtown.

The proposed resolution establishes a Streetery Pilot Program within the downtown, which memorializes the fee change adopted by Ordinance 24-O-10 at the May 14, 2024 Town Council meeting and increases the number of parking spaces available for outdoor seating. In order to establish and implement the pilot program, Chapter 66, Article VI, Divisions 1 and 2, must be repealed. The Streetery Pilot Program will supersede the current regulations regarding outdoor seating found in Chapter 66 once the relevant sections are repealed.

Mr. Stromberg provided an overview of the proposed Streetery program, including the: (1) proposed fees: \$1.00 per square foot for the first two parking spaces and

\$5.00 per square foot for the third and fourth parking spaces per the rental term, (2) the total number of on-street public and public shared parking spaces that can be used is being increase from two to four, and (3) up to 30 percent of the street block could be used for outdoor dining.

Mr. Stromberg stated that several requirements continued from the previous seasonal outdoor seating ordinance, which are: (1) federal and state law requirements, e.g., ABC and ADA compliance, (2) application fee, (3) liability insurance, (4) encroachment permit, and (5) must be current on taxes and fees. Mr. Stromberg stated that the Director of Economic Development will engage a group of business owners at the end of September to evaluate the pilot program. The staff encourages the restaurants to share as much data as possible with the Economic Development Director to help best evaluate the impact of the program. The term of the Streeterly Pilot Program will begin with the adoption of the resolution and will continue through November 30, 2024, and the application will be available for eating establishments as soon as it is approved. Staff recommends approval of the proposed resolution, as presented.

There was discussion among the Council and staff on the proposed pilot program, including the parameters and requirements for the program.

Vote on Resolution 24-G-31
Streeterly Pilot Program

Councilmember del Aguila moved to approve Resolution 24-G-31 to adopt the Town of Herndon Streeterly Pilot Program, as presented.

Motion seconded by Councilmember Dhakal.

There were brief comments from Council.

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

Vote on Ordinance 24-O-18
Amending Chapter 66

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

Motion seconded by Councilmember del Aguila.

There were brief comments from Council.

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

8. Consent

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

On motion of Councilmember Dhakal, seconded by Councilmember Scherff, the Consent Agenda items were approved and carried by a 6-0 roll call vote, as presented, without comment. The vote was: Councilmembers del Aguila, Dhakal, LeBlanc, Scherff, and Mayor Olem and Vice Mayor Hedrick voting "Aye." Councilmember Alam was absent.

9. Closed Meeting

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

Mayor Olem stated that the meeting agenda was amended earlier that evening to add a closed meeting after the Consent Agenda. The closed meeting was held in the Hoover Conference Room in the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia.

Councilmember LeBlanc moved that the Council convene in a closed meeting to discuss the following as permitted by Code of Virginia Section 2.2-3711(A)(8), consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, relating to an intergovernmental matter. Councilmember del Aguila seconded the motion, which carried by a 6-0 roll call vote. The vote was: Councilmembers del Aguila, Dhakal, LeBlanc, Scherff, and Vice Mayor Hedrick and Mayor Olem voting "Aye." Councilmember Alam was absent.

At 8:47 p.m. Mayor Olem called a brief recess, and at 8:54 p.m., the closed meeting reconvened in the Hoover Conference Room, six members present, with Mayor Olem presiding. Councilmember Alam was absent.

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

The Council came out of closed meeting at 10:00 p.m.

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

Aye: 6
Nay: 0
Absent: 1

10. Adjournment

There being no further business, Mayor Olem adjourned the May 28, 2024 Town Council Regular Meeting at 10:01 p.m.

Amanda E.M. Kertz, Chief Deputy Town Clerk

Minutes approved by Town Council : _____

[Note: Approved resolutions and ordinances are filed in the Town Clerk's office.]

DRAFT