

OFFICIAL MINUTES OF THE MANASSAS PARK GOVERNING BODY BOARD OF DIRECTORS MEETING HELD ON WEDNESDAY, NOVEMBER 5, 2008 AT 7:00 PM AT CITY HALL, ONE PARK CENTER COURT, MANASSAS PARK, VIRGINIA

1. **Roll Call:** Bryan Polk, Vice Mayor  
Keith Miller  
William J. Treuting, Jr.

Absent: Frank Jones, Mayor  
Fran Kassinger  
Cyndi Gardner  
Michael Bunner (arrived 8:30pm)\*

Staff Present: Lana A. Conner, City Clerk  
Mercury Payton, City Manager  
Dean Crowhurst, City Attorney

The Governing Body did not have a quorum until 8:30 pm when Councilmember Bunner arrived. The items on agenda were discussion items only until Councilmember Bunner arrived and Governing Body had a quorum.

1. **Call to Order: 7:00 pm**

2. **Monthly Department Updates:** Written reports made part of the records.

Election Signs: Ms. Watson stated she thought the election signs would be more problematic than it was. She was very pleased with how the persons running for election were very respectful and pretty much obeyed the sign ordinance. Last year they had to remove over four truckloads of signs and this year they removed about fifty signs. Vice Mayor Polk stated that Richard Kaiser, Ms. Watson's assistant, did a professional job because he had seen him at the recreation center. He was authoritative yet cordial. He basically told them what signs needs to be pushed out of the prohibited perimeter. He enforced it in a non-partisan way and expressed it that way.

3. **Legislative Priorities:**

Robert Easley, Deputy Finance Director and the City Manager are meeting with Craig Gearhart, Prince William County Chief Executive, next Friday to discuss legislative priorities with the County's Liaison Officer. The pre-filing date is December 5, 2008. The City is in process of establishing the priorities to present to our delegates and as soon as these priorities are established will be sent to Governing Body for their review and recommendations. A Legislative Dinner will be scheduled with Senator Colgan and Delegate Miller in December.

Vice Mayor Polk would like to discuss the issue of local control because in the last few years there have been a series of attempts to erode local control.

4. **Comprehensive Plan Designation to Conner Center: Vanessa Watson:**

One of the major reasons we extended our town center designation was to feed off the city center project. At the time the City could not decide where to make the break. The City voted to make all of Conner Center a town center designation. The city invited the business community to the Town Hall meeting and tried to give them some of the reasons for doing this. Staff wondered if it would be better to minimize the town center designation. The city does not want to play yoyo with these land use designations. Staff is asking for guidance on what the Governing Body would like to do. One of the city applications for Conditional Use Permit is actually now not in conformance with the Comprehensive Plan. Staff asks them to hold up the project until they got further guidance. They are out of conformance with the town center designation. Ms. Watson stated this business has cleaned up the property and worked with city to come into compliance.

Initially it was a good idea with the re-development of the Conner Center. It opens up opportunities for people to do other uses and to become more of a town center type. At present, there is still a lot of commercial and industrial up toward the end of Conner Center toward the border with Prince William County. She believes we can minimize the designation. The city does have long range plans for that end of Conner Center.

Vice Mayor Polk stated he thought that when the town center designation went in, it would be treated as an over lay where you could maintain your old uses.

Councilmember Treuting stated he thought we said from a Comprehensive Plan standpoint the property would show as industrial but we would say the city's intent was make the town center a virtual concept and we would consider these areas and if someone wanted to come in and put something in that was more of a town center oriented, we would automatically agree to that. As long as they stayed industrial we would not force them to change but at some point it would be more advantageous for them to switch to the new designation and become town center.

Ms. Watson stated there is complexity with the long range land use versus zoning. Zoning is industrial. With the long range plan this would truly open up for people with redevelopment and they could still do their existing uses. When they want to redevelop or rezone property then they would take it into the mixed use which would enhance it and be consistent with the Comprehensive Plan Town Center designation. Councilmember Treuting stated it would not be confusing if you say this land is industrial zoned now but at the owners option it would switch to this town center use. It is up to them if they want to change it. It allows them to continue industrial or change to an automatically approved use with town center designation.

The City Attorney stated you can continue as long as you went with industrial use as a by right use. The problem is he wants automobile storage lot and that is not allowed previously. Councilmember Treuting stated that would not change with the Town Center designation because you would still have a Conditional Use Permit if you wanted to do that because it would not be allowed under Town Center designation. It is a favored use in the industrial zoning district but it requires a Conditional Use Permit. In order to get a Conditional Use Permit or rezoning whatever you are going to has to be in conformance with Comprehensive Plan. The Comprehensive Plan shows it as a future city center area.

Vice Mayor Polk stated if what is being proposed is to pull the footprint in we are getting lucky because it happens to be at the end of the map and not the center of the map. He is not sure he wants to reduce the footprint. Is there a way to waive a condition as long as it is not a new construction condition?

Councilmember Treuting stated we need to clarify our understanding of it because we are not requiring them to be in compliance with what the future use would be if they get a Conditional Use Permit now they can keep that Conditional Use Permit until they decide to change it from the current designation to the future designation. The City Attorney stated the Conditional Use Permit has to be in conformance with the Comprehensive Plan. Councilmember Treuting stated give them a Conditional Use Permit for what they doing now and if later they decide instead of auto storage they want to put something in that is truly a town center designation then the Conditional Use Permit and industrial designation goes away when they change the use of the property. Ms. Watson stated they would have to rezone it.

The City Attorney stated the simple way around it is to amend the Comprehensive Plan language to say it is okay to have an automobile storage lot in town district which he does not think the city wants.

The City Attorney stated the reason this was done was that eventually it is hoped that Euclid Avenue will extend into the County and that will create a gateway. We wanted to try and grow City Center up toward that so people coming down would have a nonstop view of the city.

Ms. Watson would like to see it scaled down because we do not have a grandiose plan for future city center and this make it more realistic. This would allow the core business group to keep their industrial uses but encourage those closer to city center to redevelop as town center concept. The Governing Body can decide where they would like to make a split in Conner Center.

Vice Mayor Polk stated if we change it what we are saying is that same business owner in the new designated color are would not be permitted to make this change. Because a business is tucked away in the far corner and far enough down the road from where we actually expect to see some attraction with city center we are okay with it and come back and push the blue further to the right. Councilmember Treuting stated he would do it that way and add some words that say those areas that are industrial be considered for a town center use on a case by case basis as the need for additional town center space increases.

The City Attorney stated at present we have a blanket industrial zone and we have a need for light industrial which would be compatible with the city center concept. Heavy industrial would not be. They are looking at I-1 and I-2 industrial district.

The City Attorney stated if you decide to do something like this to meet with the owners to find out where they want to be as far as town center or industrial zoning designation. That might help staff figure out where the line should be.

Councilmember Miller stated it would be helpful to know what each of those businesses is in those parcels.

Ms. Watson stated the predominance of businesses in Conner Center is auto body repair.

Ms. Watson will bring a couple of scenarios and offer some options for the best use.

## **5. Ethics Policy**

The City Attorney sent a draft policy to Governing Body for review. Discussion followed on one policy for Governing Body and appointed members of Boards, Commissions and Committees which include School Board only not school staff and one policy for city employees through personnel policy. There are a few changes that need to be made. The City Attorney will make changes and send to Governing Body for final review. This item will be placed on November 18 consent agenda for consideration. The City Attorney stated you will need one policy for Governing Body and appointed positions. This would not apply to city employees. The City Attorney will add a paragraph specifically spelling out who this would apply to.

This item will be added to the November 18 consent agenda.

## **6. Euclid Avenue & Manassas Drive Intersection: Kathryn Moore, Deputy Director Public Works:**

These are federal and state funds. VDOT re-evaluating Six Year Plan Funding due to revenue shortfall. Reductions will be similar to the 44% loss of funding in June 2008. Federal funds will be impacted going forward. Completion is anticipation in spring 2010.

Governing Body was shown a plat of what the intersection would look like with the improvements. The left turn lanes are pushing into the medians and the right turn lanes are pushing out past the existing curbs but still within the right of way. Staff is still looking at the impacts. The medians are narrower. There is right of ways that need to be obtained to accomplish this project and there is a cost involved.

Discussion followed on whether the property in front of Storage America might require a retaining wall or not. The trees along Manassas Drive in the median next to fire house will have to be removed. There will be replacement trees. The traffic pattern is based on the projection for Euclid going through someday. There is a problem with one of the property owners being out of compliance with the property line. They will work with the HOA on this project.

## **7. Stormwater Planning: Kathryn Moore, Deputy Director Public Works:**

Copy of Proposed Stormwater Management Program made part of the record.

Part A: MS4 Permit Highlights

Part I: Minimum Control Measures

- Public education and outreach
- Public involvement/participation
- Illicit discharge detection and elimination
- Construction site runoff control
- Post construction stormwater management
- Pollution prevention/good housekeeping for municipal facilities

Part II: Impaired Waters

- Permit Requirements for the TMDL
  - Address within 18 months
  - Ordinance
  - Awareness campaign to public
  - Outfall reconnaissance (~ 60)
    - All outfalls within a 5 year period
    - Minimum 15% each year

- Evaluate all properties owned by municipality
  - Sampling during rain event
  - Corrective actions if needed
- Annual characterization of volume of stormwater and quantity of pollutant (Volume measurement, and sampling)
- Update program plan
- Include in Annual Report

Part B

Proposed Program Overview

- The proposed program is based on the establishment of a Stormwater Utility Fee
  - Determines the path forward
- Stormwater Ordinance
- Additions to Zoning Ordinance
- Erosion and Sedimentation Control Ordinance will remain in place
  
- Landowner will be charged with fee
  - Send out with real estate bill
  - Tax exempt properties added
    - E.g., religious, institutional
  - Based on impervious area on parcel
- “Computerized Tool” can be used to calculate Impervious Area using aerial photographs
  - 2006 aerial photographs

Stormwater Management Facility Maintenance

- Mix of City and private presently
- Proposal
  - City will take over maintenance of all facilities serving residential areas and commercial areas that are “regional”
- Facilities must meet certain standards before being transferred to City maintenance responsibility
- Provides enhanced performance and more control to the City who is ultimately responsible to the state
  - Commercial sites that have individual facilities would maintain those facilities
    - Subject to inspection, as required by Permit according to City Law
    - A rebate
    - Stormwater management easement or stormwater maintenance agreement
- Based on the proposed City maintenance of all facilities that serve multiple properties, all residential facilities will come under City maintenance (after being brought up to standards)
- Therefore, no rebates will be needed for residential properties. HOA’s in theory could reduce dues by the amount budgeted for SWM maintenance
- For any commercial property which maintains a SWM device, a rebate will be considered based on the performance benefits of the device installed on the property and on proof of proper maintenance of the device(s).
- Cost currently in general fund:

Public Outreach	\$5,000
Street Sweeping Program	\$80,000
Mowing and Trash Pickup	\$40,800
Mosquito Control Program	\$38,000
Leaf Pickup	\$14,400
<b>TOTAL CURRENT EXPENSE</b>	<b>\$178,280</b>
<b>Tax Rate (per \$100)</b>	<b>~\$0.01</b>

Projected Program Annual Costs

Public Outreach	\$25,000
Street Sweeping	\$80,000
Leaf Pickup	\$14,400
Culvert/Pipe Maintenance	\$140,000
Stream Maint/Outfall Recon	\$120,000
Mosquito Control	\$40,000
Stormwater Facility Maintenance	\$125,000
Stormwater Facility Renovations	\$200,000
Capital Reserve Fund	\$100,000
<b>TOTAL</b>	<b>\$850,000</b>

Phased in Approach – Annual Rate per ERU

FY	Residential Rate*	Ind/Comm Rate
FY2010	\$30.00	\$30.00
FY2011	\$60.00	\$60.00
FY2012	\$90.00	\$90.00
FY2013	\$120.00	\$120.00
*Residential Properties which have 2 or more ERU's will be charged an additional \$61 per ERU in FY2013, prorated in earlier years.		

Comparison of Stormwater Utility Fees

Locality (ERU Area sq. ft.)	Annual Residential Rate	Annual Ind/Comm Rate
Norfolk* (2000)	\$93.96	\$64.68
Chesapeake* (2112)	\$76.20	\$76.20
Va. Beach* (2269)	\$72.36	\$66.12
Portsmouth* (1877)	\$66.00	\$66.00
Suffolk* (3200)	\$62.88	\$62.88
Newport News* (1777)	\$58.20	\$ 58.20
Hampton* (2429)	\$55.20	\$ 55.20
Prince William County* (1000)	\$26.40	\$ 12.84
Orlando, FL (2000)	\$137.88	\$137.88
Staunton (2600)	\$74.40	\$ 74.40

- Stormwater facilities can provide aesthetic and economic value, in addition to environmental value without a large additional cost

- Examples:
- Parks and Rec complex and
- New City Center project if designed as an amenity
- Retrofit projects
- Stream stabilization

The Deputy Director will continue to update Governing Body on the proposed new stormwater maintenance fee that will address federal mandates for water quality standards.

\*Councilmember Bunner arrived at 8:30 pm.

## **8. Future of Decals**

By e-mail, the Treasurer gave the following information on decals:

Revenue; \$272,000

Cost: Decals; \$4000

1. Mailing and Envelopes, \$7,000

2. Personnel Costs: Don't have a good estimate but a minimum of \$20,000

Other Benefits: During decal season we collect around \$300,000 of past due personal property taxes.

Generally these taxes are about 75% collected by Oct. 5<sup>th</sup> when they are due.

There are other methods of collecting Personal Property Taxes.

1. Debt Set off
2. DMV Stop
3. Garnishment
4. Lien on bank accounts
5. Court Judgment

Alternatives:

1. Do away with decals. We could probably collect most of the tax using our other collection methods.

However, the collection would occur much later in the year. Need to increase pp tax rate.

2. Pay for decals at same time as personal property tax.

3. Adopt a life time decal.

Arlington county who are probably the best delinquent tax collectors in the state say they will never do away with decals because they are to valuable as a tax collection tool.

Councilmember Treuting stated he sees this as a tool for Commissioner of the Revenue and Treasurer but the irritation from the citizens are they get their tax bill they pay their taxes and then couple of weeks later they get another notice about the decals. There should be a way to send out the tax bill with a line saying taxes are a certain amount, the next line says city decals a certain amount, and you remit this amount. When they pay that and verify that is paid then mail or they pick up the decal. There does not have to be a second mailing or the second process. The Commissioner of the Revenue stated they are looking into combining this process into a single process for the residents. Councilmember Treuting stated he sees a lot of good in keeping the decal and he is not trying to get rid of the decal just trying to get rid of the second mailing and the processing time. When they pay their taxes they are done with the process.

## **9. City Attorney:**

### **9a. Prince William County Service Authority: (PWCSA) Water Capacity Purchase Agreement:**

The City Attorney stated city has requested a change to this agreement. It deals with language that if we want to go over 1.4 million gallons a day which we are purchasing up front; we have to request of them and they provide it. All they are asking is that in accordance with Article V, Page Eleven, the request be in writing. The City Attorney stated the city would always put it in writing because they would not want to rely on a telephone conversation. There would be additional cost which would be a little bit higher than the normal rate because there would be additional cost associated with providing that.

MOTION: Councilmember Bunner moved to approve change to Article V of the PWCSA Water Capacity Agreement stating if city goes over 1.4 million gallons per day that city put the request in writing.

SECOND: Councilmember Miller

VOTE ROLL CALL: Bunner, Miller, Treuting, Polk

**9b. Telecommunication License Franchise Agreement: FiberLight:**

City advertised for a twenty year telecommunication franchise agreement primarily because Verizon's existing franchise was for telecommunications not FIOS the cable component approved last year. The telephone franchise agreement expires in December 2008. It is advertised for four consecutive weeks. Public Hearing will be held in December.

This company would like to have a five year franchise agreement to run its lines through Route 28. This is a regional dark fiber. They want fiber throughout the region. This does not require a Public Hearing.

This item will be placed on November 12 agenda for consideration and vote on November 18, 2008.

**10. Closed Meeting State Code of Virginia Freedom of Information Act: Section 2.2-3711a of the Code of Virginia: (1) Personnel, (3) Discussion or consideration of the acquisition of real property for a public purpose, (7) Consultation with City Attorney regarding specific legal matters requiring the provision of legal advice: 8:50PM:**

MOTION: Councilmember Miller moved that the that the Governing Body go into closed meeting to discuss the performance of specific City employees; to discuss and consider the acquisition of real property for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City; and to consult with the City Attorney regarding specific legal matters requiring the provision of legal advice by the City Attorney, pursuant to paragraphs 1, 3 and 7, respectively, of Subsection 2.2-3711A of the Code of Virginia.

SECOND: Councilmember Bunner

VOTE: Unanimously passed

**11. Return to Open Session at 9:50 PM:**

MOTION: Councilmember Bunner

SECOND: Councilmember Miller

VOTE: Unanimously passed

**12. Certification & Action out of Closed Meeting if Necessary:**

MOTION: Councilmember Miller moved the following Resolution:

WHEREAS, the Governing Body of the City of Manassas Park has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712(d) of the Code of Virginia requires a certification by this public body that such closed meeting was conducted in conformity with Virginia law.

NOW THEREFORE BE IT RESOLVED that the Governing Body of the City of Manassas Park hereby certify that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed session was convened were heard, discussed or considered in the meeting by the public body.

SECOND: Councilmember Bunner

VOTE ROLL CALL: Yes: Miller, Bunner, Treuting, Polk

**Settlement Agreement between City of Manassas Park and Luis A. Belevan in the amount of \$1,506.73:**

MOTION: Councilmember Bunner moved to approve the settlement agreement and authorize the City Manager to sign agreement on behalf of the City.

SECOND: Councilmember Miller

VOTE ROLL CALL: Yes: Bunner, Miller, Treuting, Polk

MOTION: Councilmember Bunner moved to authorize the City Manager to sign approval of payment plan as presented.

SECOND: Councilmember Miller

VOTE ROLL CALL: Yes: Bunner, Miller, Treuting, Polk

**13. Adjournment: 10:10 pm:**

MOTION: Councilmember Kassinger

SECOND: Councilmember Miller

VOTE ROLL CALL: Unanimously passed

Approved December 16, 2008

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Frank Jones, Mayor

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Lana A. Conner, City Clerk