

OFFICIAL MINUTES OF THE MANASSAS PARK GOVERNING BODY MEETING
HELD ON TUESDAY OCTOBER 14, 2008 AT 7:00 PM AT CITY HALL, ONE PARK
CENTER COURT, MANASSAS PARK, VIRGINIA

1. Roll Call: Frank Jones, Mayor
Bryan Polk, Vice Mayor
Michael Bunner
Cyndi Gardner
William J. Treuting, Jr.
Keith Miller

Absent: Fran Kassinger

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

1. Approval of Agenda:

MOTION: Councilmember Miller moved to approve Agenda with following:
closed meeting on Briefing on City's Emergency Management Operations has been
removed from agenda and add one item under Personnel (1)

SECOND: Councilmember Bunner

VOTE: Unanimously passed

2. Public Hearings:

**2a. Conditional Use Permit (CUP) 08-05 Roca de Salvacion Church: Vanessa
Watson, City Planner:**

This is a request for a CUP to allow a church in the R-1. This church has been in
operation there since November 2006 but a CUP was not obtained so this application
corrects the oversight. Applicant was not aware a CUP was required.

This site is located at 137 Colfax Drive, with an additional access from Kent Drive.
The site is designated as Private Institution, in the Comprehensive Plan and the
application is consistent with this designation. The subject property is zoned R-1
Single Family Residential and consist of approximately 4.26 acres, identified as tax
map number 2-((1))-A1. The site is bordered by single family residential to the south
and east, City parkland to the west and north and Prince William County. There is a
50 foot ingress/egress easement at the front of the building.

The purpose of CUP is to allow the city to consider special uses, that may be essential
or desirable to a particular community, but which are not allowed as a matter of right
within a zoning district because of the increased impact of such uses. Approval of a
CUP requires public hearings before both the Planning Commission and the
Governing Body. A church with related facilities is a permitted use in the R-1 zoning
district, with an approved CUP. This application is consistent with the long range land
use designation. Staff feels it is an appropriate re-use of school property and the
outreach programs for the community that the church does.

With conditions, the proposal is consistent with the goals and strategies outlined in the
Comprehensive Plan for promoting the use of land in a manner harmonious with other
uses and the environment. There is no change to the existing architecture of the
building with this CUP. The site is within the recommended four (4) minute response
time for fire and rescue.

There is no impact to transportation with the proposed use. Condition G1 states that
all vehicles associated with the use shall park on-site and shall not park along
surrounding streets in the neighborhood.

Ms. Watson stated there were no identified weaknesses.

Planning Commission heard this application in a Public Hearing on September 15,
2008 and they recommend approval to Governing Body with revised development
conditions dated October 7, 2008 and CUP plan dated February 23, 2004.

Planning Commission wanted Conditional Use Permit condition to clarify individuals
remaining on site overnight except for one security guard as needed and one or more
individual(s) involved in infrequent and organized religious retreats associated with
church functions. This is under A. Use Parameters (1) Permitted Uses (e) 1 and 2.

G. Miscellaneous: change church bells to Outdoor Noise – included church bells shall be allowed outdoors on the property.

Recommendation: Staff finds the applicant's proposals consistent with the intent of the Land Use Sections of the 2006 Comprehensive Plan and compatible with existing, adjacent land use and patterns of development. Staff recommends approval of CUP 08-05 with conditions noted above from the Planning Commission at their meeting on September 15, 2008.

Mayor Jones opened the Public Hearing at 7:12 pm.

Citizens wishing to speak:

1 Ana Lopez, 278 Manassas Drive: (translated): The church has helped her and her family a lot. The purpose of this church is that God wants to bless many lives. You see how the world is now a days. Many families are coming apart. The purpose is they may be able to help those families. They are working with many people not just the Hispanic. They try to help people with drugs, alcohol and prostitution. They try to help the people get better for the community. They believe the purpose of the church is to make the families stronger. She would like to continue to worship at the church and for the city to allow them to continue to worship. She is very happy to work at the church and it is a privilege for her to be part of the church.

2 Pastor Jose Oscar Ramos (10843 Clara Barton Drive, Bristow, VA): He is pastor of the church. They have a great community around them. It is a pleasure to be able to serve every family in the community. They believe they could be a great benefit for the community and they believe that is God's purpose. They would like to continue working with the people and families around the church. There are many people in the city who need help maybe not financially but spiritually. He thanked Governing Body for taking the time to listen to them and their desire is good and that is what they believe.

Commissioner Polk stated when this group learned they were out of compliance they immediately responded and said how we get into compliance. They worked very successfully with city staff and they entertained conditions by the Planning Commission and for that reason the Planning Commission is supporting the recommendation. He personally thanked them.

Mayor Jones stated he is a strong believer in faith based initiate as part of a well rounded community. He asked the Pastor if this application was approved can we count on the church to participate where faith based initiatives are appropriate within the community. Pastor Ramos stated yes he believes so.

3. Mr. Jose Alfredo Varela, 112 Walden Street: We know through the scripture that God's purpose is that man through his word finds a restoration and because of this we have considered God has picked them to take his word to those in need spiritually. There are a lot of needs in Manassas Park and the area such as alcohol, drug addition which brings destruction in the families and that is their labor to let them know the word of God. They try to fulfill the purpose of God. They can find restoration in their lives. The individuals knowing God's word their line of thoughts and their hearts change. He would like the church to remain where it is now. Through God everything is possible.

Ms. Watson stated when she first contacted them and met them at the church, they have been very willing to do whatever it took. It took time but they got there. They are happy and the city has been well represented.

Closed Public Hearing at 7:25 pm:

MOTION: Councilmember Miller

SECOND: Councilmember Gardner

VOTE: Unanimously passed

2b. Conditional Use Permit 09-05 PFS, LLC: Vanessa Watson, City

Planner:

2c. WAI 09-07 PFS, LLC:

We are hearing both the Conditional Use Permit and the Waiver parking as one action item. The City Attorney stated you can hear both at the same time but each one must be voted on individually. The site is located at 8511 Manassas Drive, approximately 100 feet east of Centreville Road (Rt. 28).

This is a request to amend the previously approved conditional use permit CUP#04-02, to increase the number of outside display vehicles for sale from ten (10) to twenty-five (25). The waiver request is to adjust the parking calculations from the required gross floor area calculation (Section 31-27 (c) & (d) (4)) to a calculation of net floor area to reduce the overall number of parking spaces required. By calculating net floor area would have the effect of reducing the overall number of parking spaces required. The site is designated as Commercial, in the Comprehensive Plan. The subject property is zoned B-2, General Business, and consists of approximately 1.47 acres, identified as tax map number 23-10-B1C. The site is bordered by Manassas Drive to the north, multi-family attached dwellings to the east, vacant land owned by U-Haul to the south and existing commercial businesses and the Texaco gas station to the west facing Centreville Road (Route 28). The Route 28 is all B-2 General Business Zoning District and long range designation is commercial.

There was a boundary line adjustment made in January. The applicant owned both parcels but sold the parcel where the Texaco gas station is located.

In the conditions the applicant requested to have two vehicle ramps. They have different colors and heights. During the Planning Commission meeting, it was agreed upon that vehicle ramps (a-Use Parameters 1-b) would be no more than two feet high, and they would be fixed. They would be placed on each side of where the sign is moving up toward the intersection. They will only have one car each on them.

With the applicant waiver narrative states that using the proposed parking waiver and existing site condition parking is adequate for the current uses. Staff agrees with that statement for the current uses. The way that the businesses are right now Ms. Watson feels the parking is adequate but city code Sec 31-27 a(4) reads whenever a building or use is changed or enlarged in floor area or the number of employees, number of dwelling units, and seating capacity or otherwise to create a need under the requirements of this article for an increase of parking spaces of 10% or more such additional spaces shall be provided on the basis of the change or enlargement. Currently the parking space is adequate but may change with other uses coming in then there could be a parking issue.

The strength is they are consistent with long range land use designation. The community design features such as landscape area to provide separation between the properties around the signage and the entrance. She believes it is a better project by the conditioning. The Conditional Use Permit plan has been conditioned. Moving the sign closer to the intersection helps the applicant but it also help the Brandy Station residential development because the sign is lit at night.

Planning Commission recommendation: The Planning Commission heard these applications in public hearing on October 6, 2008 and voted to recommend approval with revisions of Conditional Use Permit CUP #09-05, with revised proposed development conditions dated October 6, 2008 and CUP plan dated October 7, 2008 and Waiver request, WAI#09-07 to the Governing Body. Site plan revision was submitted but does not come to Governing Body but the Planning Commission voted to recommend the site plan revision SP09-06 back to Director for approval contingent upon approval of Conditional Use Permit and waiver from Governing Body.

There are three parking spaces where the refuse storage area was located. The refuse storage area was put in the back flush against the property line and they were able to accommodate slanted spaces there. When the Texaco site plan was approved there was a blanket ingress/egress easement given which still remains.

The refuse storage area would be consistent with the existing building when in fact the storage area was already screened and built and there was no need for them to change it. There is a 24' travel way still there. Only five parking spaces lines were taken out and that is now called display area 2 and in front of building facing Manassas Drive those parking spaces were taken out. The lines were taken out. It accommodates 8 vehicles and this is Display Area 1 which is the same area just the lines were taken out. It is not a parking space but a display area.

The staff report shows the original CUP approved conditions but it shows the conditions that staff has come up with and Planning Commission recommended changes that are dated October 7, 2008. The Planning Commission wanted clarity on the displayed vehicle areas and wanted it spelled out. There was talk by the applicant of transitional vehicles that come to the business but not ready for sale. They are not counted as the twenty five vehicles. The applicant stated he would put the vehicle ramps on either side of sign which is reflected in the CUP plan. The CUP doubles as the site plan revision which helps because the site plan needs to be in substantial conformance with CUP plan since they are both the same and that would be no problem. The building is silver, black and red and the ramps are several different colors.

The loading area is labeled on the CUP plan. The addition was the service bay shall only be used for maintenance service and repair of vehicles for sale or being prepared for sale on the property. Maintenance service and or repair of customer vehicles shall be prohibited.

The applicant has invested significantly in the skin of the building. They want to make sure that the exterior elevation and color scheme of existing building should remain generally consistent at the time of the CUP approval.

The Mayor stated when he went back and looked at this he was surprised because when he read this he thought it was a new CUP not a modification to the existing CUP. He read the minutes from August 10, 2004 which states "the applicant's proposal calls for five unit building but there are more than five which makes what is there wrong. The "as built" is not reflected in the language that the Governing Body saw. The minutes read "Peter Farrell stated he was a previous Manassas Park businessman, built a new facility in City of Manassas but wanted to return his business to Manassas Park. It is not a general business. These are sports cars high end cars and his business is one of modifying for performance. The cars have high standards of housekeeping. All vehicles will be repaired inside the building, etc. There is clear indication here that this was to be in his mind a high end repair vehicle based on this CUP not a vehicle sales at least that was the original language from August. The Mayor does not know if we modified that in any way. He was surprised not to see this as a new CUP instead of trying to modify the old one. He thinks in the minutes that describe this there is something not quite right about the text.

The Mayor received an e-mail from Peter Farrell this weekend. He stated the Planning Commission held a Public Hearing approved the application but several changes have been made to the conditions that are unacceptable to Mr. Farrell. Mr. Farrell explained what was unacceptable. There are some things he points out he believes are conditions of law and don't have to be repeated in the CUP but there are some issues here he believes are unacceptable to him and some things he believes require mitigation. The Mayor is concerned that if the Planning Commission took action without consideration of this that this was not fully scoped and fully conducted Planning Commission session that worked through the details with the applicants of this CUP. He is not sure this is ready to come to the Governing Body for action. This sound like there is more Planning Commission action that needs to be done. He asked Governing Body if they want to continue or have it go to Planning Commission for further consideration.

Councilmember Polk stated the Planning Commission and the City Planner responded to the request to expedite this and he thinks in their zest to provide that type of customer service he thinks we shortchanged the time line. They reviewed this last Monday. When we left the meeting we had the concurrence with the conditions all be it the applicant did say there was a lot of changes and he wanted the opportunity to consider those changes.

Councilmember Polk became aware of the concerns over the weekend. Staff has not had a chance to respond. He contacted Planning Commission members; they felt the points of disagreement reflected a substantive CUP change. Their verbal preference was that this be remanded back to Planning Commission for consideration in light of the things that the applicant disagrees with plus one or two things that did not quite come out as they thought they would when the final came out for Governing Body packet. He believes the right thing to do is send it back to Planning Commission rather than take action that could possibly deny the CUP to mitigate the concerns that the applicant has.

The Mayor stated Mr. Farrell rightly points out in what he sent the Mayor there was a condition that was forwarded to Governing Body that the transitional vehicles (those not ready for sale) shall be stored inside the building and labeled not for sale) until such time they are ready for sale or display. He knows this building and he knows you might get a vehicle and half in your storage bay because that is a maintenance bay and not large. The scope that we are talking about is going from ten to twenty five vehicles plus transitional. The Mayor's question is where in the parking are the transitional vehicles accounted for in exterior parking since it is physically not possible they can be parked inside the building. He doesn't think that was considered in how that site plan washes out because outside of twenty five vehicles some number that will be staged at any point and time you are prepping for sale. If you take one out of inventory you want to have something ready to move in. You need some staging area for those vehicles and that needs to be accounted for in the parking plan. We talked about fifty two or fifty three but they are not in the parking plan. There is continued deliberation that needs to go on and things that needs to be worked out between the applicant and the Planning Commission and Staff before coming back to Governing Body. He thanked Mr. Farrell for bringing those things up to Governing Body. The Mayor will make sure the direction to the Planning Commission if the Governing Body wants to remand back to Planning Commission is that these things be expeditiously considered so we get it back. They need to be resolved. The Mayor stated after having heard what Councilmember Polk said from the dialogue with other Planning Commissioners, he suggests that Governing Body remand back to Governing Body with direction they take it up at the next meeting with these specific issues.

Mr. Farrell requested that Governing Body continue with Public Hearing because there were people here who wished to voice their opinion. The City Attorney stated Governing Body can open the Public Hearing and still remand this issue to Planning Commission.

Councilmember Polk recommended Governing Body open the Public Hearing and continue it if necessary.

Peter Farrell, Owner of PF Supercars: He has been working for two years with the city to change his Conditional Use Permit to allow the display of twenty-five cars for sale on his property similar to the other dealerships along Route 28. He believes some of the conditions that Planning Commission attached to his Conditional Use Permit are unreasonable and beyond the scope and stated intentions of the Conditional Use Permit. According to Sec 31-34(d)(1) the Governing Body is allowed to impose conditions offset "adverse affects caused by his business. He would like to know what adverse affects his business creates that requires this amount of interferences in operation of his business by Planning Commission. It is tough on businesses today and it his belief that the city should be doing all it can to help local businesses prosper and not be another problem for businessmen to deal with in order to survive. Healthy local businesses reduce the tax burden on the citizen which is certainly needed in these very tough economic times we face. Please show him tonight that Manassas Park is really pro business and vote to approve his request without all these over reaching conditions that are being imposed by Planning Commission. He believes this is up to Governing Body and this is not the first Conditional Use Permit that he has stood here and asked for and he has read the code extensively and he believes the conditions that are being put forth are truly beyond the scope of Conditional Use Permit. Those are not intended to be a tool for Planning Commission or Governing Body to micromanage the operation of a business. It is meant to offset the adverse effects. He has put forth a lot of effort to transform that corner from a waste site to a first class building that the city can be proud of. He understands the city did not want a car lot there to start with.

Initially his plan was to build a flex warehouse a place where tradesmen would have vans and it would be a warehouse. Mr. Painter, city planner, requested a meeting with him prior to construction and recommended and persuaded him to build a retail strip center. He took the advise of city planner doubled the cost of his building and scope of it. Mr. Painter assured him that the city was behind him. Mr. Farrell went ahead with architectural plan that showed the "as built" building. Occupancy was given based on that use. It wasn't like he requested flex warehouse and flipped over and didn't tell anybody. He changed the building design based on request from city zoning administrator. At the time, his intention was to operate his performance products company out of that building but he found out his company could not generate sufficient revenue to justify the rent he would need to charge.

During these economic conditions, the dealership is vital to the survival of that building right now. He needs the extra cars so he can survive. More so than it has ever been. Economics of the city and country are changing daily. Winter is coming and it will be harder for him to be digging up concrete and pavement when frozen. Time is of the essence. Other tenants are in duress. Enterprise is a very strong company he can depend on and his bank like the facts they are located there.

The Mayor stated he is sensitive to the investment made by Mr. Farrell and he knows economic stand behind the comments made by Mr. Farrell. The Mayor's issue is the difference behind the CUP modification and the original CUP. He asked if it needs to be a new CUP and do we need to recast it as a new CUP. Can we say this is a modification of the old CUP? The City Attorney stated we can do a modification of the old CUP in the sense that if this CUP is denied the old CUP would be in existence. It changes the requested for expansion.

The City Attorney stated the Planning Commission is the appointed body of Governing Body who supposedly knows the practical aspects of zoning ordinance better than Governing Body. They are the local expert. It is appropriate for them to review a CUP to make sure Governing Body has proper information available. When you apply for a CUP you then are applying under the existing law of the city and that is always a risk you take. Any new state or local laws that have been enacted since the previous CUP now come into play and that is where some of these are coming into play. The city is now part of the Chesapeake Bay watershed and we are obligated to meet certain requirements of that act. He doesn't think we did that back in 2004 when first CUP was approved. Previously auto sales were a by right use and then became a CUP only following a zoning text amendment that went into effect for increased auto sales.

He stated he has put in a lot of time and money on his business. He believes the Governing Body should hold the Public Hearing and vote on this next week. Mr. Farrell stated if this goes back to Planning Commission it will set him back at least a month.

Mr. Farrell stated he will put the transitional vehicles in eight other spots relegated to his dealership and two employees. Some will be in the shop. Many will go to ASA for inspections. He is not going to fill the yard up with transitional vehicles. If he goes to an auction and get six or eight vehicles he would like to be able park them on his property. The Mayor stated you have to have 52/53 vehicles and right now he has 53 vehicles. Once he does the change, he would have 53 on site. The Mayor stated they are accounted for by the math of the occupancy requirements or the 25 spaces that you want for display. The employees drive company cars. Under the new regulations as proposed, Mr. Farrell would have to park his car inside and hide it because it is a dealership car not for sale. The Governing Body would be justified in interfering if he parked cars on Manassas Drive but that would not be the case.

The Mayor stated owning that business does not set aside the code requirements. This will be operated under the code. The CUP allows some flexibility. We need to plan for the future when the economic conditions turn around and people are coming in to buy vehicles with no place to park. Mr. Farrell stated if that happens, he will have to reduce his display area to accommodate them. He is asking the Governing Body to allow him to insure his business be successful. He is not going to create adverse effect.

Mr. Farrell stated it is disappointing to him to be here once again after having done so much and gone through so much frankly groveling to get the end result the finish line. All he wants is his business be successful. He has built a business that is in the best interest of the city and is a large tax payer which he believes is very relevant. City has to get behind the businesses. The Mayor stated you will find the city behind every business here so don't go there.

Councilmember Polk stated this sound like an end around the Planning Commission and Planning office. He is trying to cast the city in a negative light. This is simply not true because the city has hundreds of satisfied businesses. The Planning Commission continues to work well with almost all applicants. The only time that conditions become an issue are with applicants that don't tend to want to follow the law. This site has been out of compliance for two years now. There is a letter from October 6, 2006 identifying the compliance items. Mr. Farrell was notified in July and August by Planning Administrator to try and straighten it out. He does not know why there is urgency all of a sudden but there is urgency. To your point about responsive to businesses, the planning administrator responded to try and make this happen. Councilmember Polk stated at the last Planning Commission meeting, Mr. Farrell did not mention his concerns about those six specific items. You indicated you wanted to think about them which was fine. You sending a note on a Sunday afternoon of a holiday weekend gave Planning Commission and Staff absolutely no time to respond.

Mr. Farrell stated this is not true. He first knew of these changes when the city posted the agenda for the Governing Body on Friday. Councilmember Miller can testify to that because he was meeting with him casually at that point. He was not aware of these changes. The only change he agreed to Monday night was the display ramps. You got him up at the end and there was questions bouncing around but the only thing that was specifically determined was an additional conditional on the ramps how many how high what color and where they would be. He never agreed to release his auto repair on his property. He will leave it like it is if he has to. He was not told those other things put in were going to be conditions. The video will show that. He will not say they were not brought up. Commissioner Brendel asked some of the questions but there were no motion made or discussion summary saying this will be a new condition in CUP with exception of display ramps.

The City Attorney stated he will agree with one item which is the service bay. Mr. Farrell stated they would not be used for customers. Code requires three spaces for service bay under the assumption you will be getting customers. He chose not to include that as a service bay for that purpose. Therefore, staff treated it for the purposes of coming up with number of parking spaces just general sales area. If you are going to use it for general sales area to determine the number of parking you cannot then also use it for customer service. That is why that was put in there. Mr. Farrell did not agree with that. Mr. Farrell did state that you would not use it for customers therefore it should not have three parking spaces attached to it. Mr. Farrell stated he said right now I am not but he agrees with the City Attorney's last statement. If it is going to be a service bay we dock it three spots. The City Attorney stated that decision was made to try and help Mr. Farrell with his parking not as an effort to reprimand or restrict Mr. Farrell. If you are going to say you can use that service bay for customers you need the three parking spaces on the waiver. Mr. Farrell agreed. The City Attorney stated the other items were specifically called out when Commissioner Brendel was listing all the stuff. That was listed as a summary of what the Planning Commission recommended in changes to CUP. They voted on that and sent it forward to Governing Body with those changes. The only exception is the one dealing with three spaces and service bays. Everything in the staff report is actually what was presented and voted on by the Planning Commission. Mr. Farrell stated it was not summarized at the end like what the City Attorney is alluding to at all. Mr. Farrell stated at the Planning Commission meeting there were a lot of things bouncing around but at this time he wants to take a look but he doesn't see anything he has a problem with. The main thing was the agreement and negotiation to do the ramps (size, color, and location). The idea of him giving up his ability to have retail auto repair for his business was not in the summary at all. He stated he did say currently he used that shops for some of the transitional car and he does and in the future he might want to do retain so he agrees that to preserve that right you will have to redo the parking tabulation to reflect the three bays.

He wanted to compliment Vanessa Watson. He has had a decent relationship through this process and he feels she has represented his interest fairly and you misunderstood if you took that as any criticism toward her or her office in this case. It has worked quite well. It was a misunderstanding.

He cannot say the same for his opinions that have to do with the Planning Commission situation and you would be correct that he is uncomfortable particularly one Commissioner. Every time he has come forward with a request from that body, he has had a lot of grief, trouble, and frustration. He has always been dissatisfied. He is not saying the same for the Governing Body even tonight he feels the sincerity. He would like to make things right. That is not how he comes out of Planning Commission due to Commissioner Brendel. He is sorry but that is the way he feels and he will be honest about it. He wanted to clear that up. He has been satisfied with services he got from Governing Body.

Councilmember Bunner asked him if he agreed with the changes listed the Planning Commission brought forward. Mr. Farrell stated that was what was published on city website as the agenda but when he walked out of the Planning Commission with three approvals for his request Mr. Farrell did not understand that all of these strings were attached. No he did not and it was a shock and it was not until Friday that he found out. He acted immediately. He contacted Councilmember Bunner, Councilmember Miller and the Mayor. He wanted to put forward a clear concise explanation of his concerns. It took him that evening to generate the document. He met on Saturday with Councilmember Bunner. He stated that a fourth of the documents had additional conditions which he is not able to go forth with. He would rather stay the way he is because he will be a more profitable business. Councilmember Bunner asked if these points were discussed. Mr. Farrell stated these points were discussed but not summarized into conditions. Questions were asked. He will not give up his ability to do retail repair even though he is not doing it but may need to in the future. The parking regulations for the ramps he has no problems with.

The Mayor stated the original Conditional Use Permit has a vehicle wash area outside around back which also serves as the loading dock. He was surprised when he saw that vehicle washing shall incur inside building bay or other enclosed portion of existing building. The floors are not drained and you don't have the necessary abatement materials there to be able to do that inside the building in the first place. Mr. Farrell stated he has a \$50,000 infiltration unit that he installed. All the runoff from vehicle washing is treated. He has no drains inside his building. The Mayor stated the bays are not constructed to do vehicle washing in the first place because you have no drains and they are not sloped.

Enterprise washes their cars in that loading zone which is vital to him because they are his anchor business. He might want to change Conditional Use Permit to allow for some type of environmental friendly wash detergent.

The Mayor opened the Public Hearing at 8:16 pm:

Citizens wishing to speak:

1. Racid Azar, 8501 Centreville Road: He owns the Texaco Gas Station. He is new in the city and has been doing his best with city help to build up his business. He supports Mr. Farrell's plan not only because of him because he knows having more cars over there it will attract more traffic which means more business. He desperately needs that. You know how businesses are struggling just to survive and pay their bills. If he parks more cars that will mean more business for him. More business means more will purchase gas & supplies. Time is critical and days count for businesses today. He is asking Governing Body to help get this plan approved soon.

2. Daniel Rese, 9102B Industry Drive: He is a small business. It has been a pleasure having his business here. Everyone has worked really well with the businesses to try and help them keep things going and he hopes the city will do the same for Peter. He can't help but remember ten years ago that that corner was the biggest eyesore he can remember. It was like a dump. Peter spends a lot of money and a lot time transforming that into what it is today. He thinks Peter deserves some consideration for that.

He was amazed anyone would try to do anything with such a rundown piece of property. You look at it today and think it was always like that but not ten years ago. Peter runs a first class business there and they are all high dollar expensive cars. Some are so expensive but they are clean, neat looking cars and not eyesores. With ten cars the lot looks like it is empty now and there is a lot of room for more cars. What Peter is asking is not unreasonable and his business is a great asset to the community. It generates a lot of tax money between his business and all the other ones in the building. Continue to support him like you do all the other businesses around here.

3. Suhas Naddoni, 9308 Gary Court: He recommends approval of Peter Farrell's Conditional Use Permit without unnecessary conditions. We are all in a major economics condition. Many American icons like GM Ford, Chrysler, etc are unable to sell cars and forced to close plants. In that kind of situation, there are people that want to buy cars but the credit crisis has made it impossible to get financing. It is a no win situation. It is hard to sell high end dollars cars in these economic times. If we do not support the businesses based in Manassas Park and help them when the times are tough then when will we help them. He thinks we should be helping them. He was looking at condition Sec A-6 which he thinks is very intrusive and unconventional. When Peter is selling a high dollar value racing car there is a certain amount of trust that goes into buying or looking at these high dollar cars. When you buy that car you have a trust in that dealership. When a customer buys a car this section keeps the business from servicing their cars. The building color scheme looks great. We need to have Peter Farrell have the same level and not tie his hands.

4. Frank Tirado, 2397 Mizzen Place: He works in the City of Manassas Park. He has worked in Manassas for the last fifteen years and been in the car sales business for over twenty years. This is a very difficult time in the car industry and is the worst it has ever been. The car sales business is a numbers game. In order to survive you have to sell several units. At one period of time it was okay to sell ten to twenty high line cars a month. Today we have had to adapt based on the economic situation. By them not being able to display more vehicles, it deprives them of the possibility of selling more vehicles. The simple fact they have been able to adapt and sell a few more cars with the limited amount of cars they are able to display has been very fortunate for them. Most of the dealerships in the area have a seen a decline they were able to adapt and see a little bit of an increase. The public is no longer buying the \$20,000/\$30,000/\$50,000 cars. They are looking for inexpensive cars in range of \$5,000/\$10,000 that can get them from point a to point b. They have had to make changes to their inventory. They have started to buy the \$3,000 cars that they can provide the customers. In order to do that we have to make repairs to vehicles they get in. They outsource a lot of this work. Not all cars come directly to the lot. They are driven to different service area in the Park which provides business for other businesses. In order to stay alive, it is imperative that they have to display more vehicles. By displaying more vehicles, customers can see the vehicles pull into the shopping center look at the vehicles and hopefully come in and ask questions. There are three business in Manassas that are closing because they cannot survive the economic situation they are in right now. One of the largest dealerships in the country has just closed half of his business. His store in Manassas that housed 250/300 cars has 50 cars in his lot. Businesses are closing all over the entire United States. He strongly begs the Governing Body to allow them to display more vehicles because it is imperative for their survival and to exist as a dealership.

Councilmember Bunner stated he was under the impression that Planning Commission had talked with Peter and that this was settled but there was a disagreement on what was put down. Peter is saying no; that is not the case and this was presented after the fact and he disagrees with it. Councilmember Bunner wanted to know if we are setting precedent that this was developed after the Public Hearing and wasn't agreed upon at the time.

The City Attorney stated that Commissioner Brendel did spell out what they discussed in the motion. There were a lot of things discussed and the Chairman was questioning it as they were making a lot of changes here.

He wanted to know if the applicant was okay with it. The City Attorney stated he is here tonight why don't you ask him if he is okay with the changes Planning Commission recommended. Mr. Farrell made a comment that generally he was okay them but had not read them so he did not want to commit to but he seems to be okay with them all. The City Attorney was surprised when we got the reaction we did especially a couple of them. He understands the service bay question but that was done solely because the parking tabulations were involved. We just need to make sure the parking tabulations are there. The Issue on the color scheme: He made the point that he couldn't change the color scheme of the building even if he wanted to. The issue of consistency with the existing color scheme came up because the platform needed to be the right color. He believes Mr. Farrell's agrees it was discussed as far as color. It was agreed they would be flat, two feet off the ground and color consistent with the architecture color scheme of the existing building. This was in keeping with what the Planning Commission wanted.

The conditions were circulated to Planning Commission and they agreed they were the conditions they discussed and agreed to. There was discussion about slight modification to the language staff had used because it was a little bit ambiguous on a couple of issues.

There were a couple of changes that staff came up with based upon comments from Planning Commission that they are prepared to recommend tonight. Councilmember Polk stated there was no major changes.

Councilmember Polk addressed one issue which was motor vehicle washing condition. This was part of the original Conditional Use Permit and Planning Commission did not add that constraint. The City Attorney stated the reason they put that in was because of the Chesapeake Bay act.

The Mayor stated there is not a requirement for another Public Hearing.

MOTION: Councilmember Polk moved to close Public Hearing at 8:35 pm.

SECOND: Councilmember Bunner

VOTE: Unanimously passed

Mr. Farrell stated the Chesapeake Bay regulations were in effect in 2004 when he built the building. The City Attorney stated he doesn't believe they applied to the city. The Deputy Public Works Director stated that they still do not apply to the city. Joe Webb stated we fall under BPS Phase II for quality control. Commercial car washing runoff is not to go to the storm drainage system. What is there is for sediment control. What is there is not for treating soaps. There are biodegradable materials that could be used. Mr. Farrell stated an appropriate Conditional Use Permit condition would be the use of biodegradable detergents.

The Mayor stated if we are going to have this request, we can see it on October 21, 2008 which will require swift action. Rather than remand it formally to Planning Commission the Mayor requests dialogue and some reconciliation of Peter Farrell's concerns with Planning Commission issues so something can be brought back to October 21, 2008 for resolution. The Mayor recommends the Planning Commission Chair, and Councilmember Polk serve as the persons who will work those issues with the City Planner and Mr. Farrell, applicant, to see if we can work through and get some resolution to these things. Place on October 21 meeting as an actionable item. Councilmember Polk stated the Planning Commission does recognize the value of Mr. Farrell's business. A comment was made during the Public Hearing and they do recognize that it is head and shoulder above what it was before. It is an attractive facility. It is something to be proud of and they want it to be successful. The Planning Commission has taken a stronger posture on conditions. We have had one instance recently that cost the taxpayers tens of thousands of dollars wrangling over a Conditional Use Permit. There is a notable focus by Planning Commission to tighten up the language in this CUP and make sure it is rock solid. The Mayor asked Councilmember Polk to go back and pull the original CUP and pull this document and take a look because we need to clarify A-6 Motor Vehicle Service and Repair condition.

His original application was for a repair and high performance shop. Now we are saying it is a vehicle sales business and prep to sale. The Mayor stated he wants to know what are sales and what is repair and if there is an overlap in how that has to be articulated. Mr. Farrell stated no there is no repair that goes on there but he wants to keep the language in there. The Mayor wants to make sure that both are equitably addressed. He also asked them to look at A1A which is disposition of transitional vehicles.

Councilmember Treuting stated he supports and understand what Planning Commission brought forward but the problem is what Peter is asking for is not what is defined in the request. We have to come to a resolution between the two sides. It seems the increased space from the boundary line adjustment gives additional space for the display area. He doesn't have a problem with the sales ramp or moving the sign or any other things. We have to resolve the wording so that what you are doing is what you asked for and what we approve and we follow that. Two many changes have been made over the last few years. What was approved has to be gotten into compliance.

The Mayor provided the City with an e-mail not in support of the CUP.

Noreen Slater, 9250 Matthew Drive: She is not in favor of the request from Mr. Farrell.

2c. Waiver - WAI#09-07 - PARKING WAIVER REQUEST (REV. 10/7/2008) PFS PROPERTIES, LLC: TAX MAP #23-10-B1C

The owner of Parcel B-1-C is requesting a waiver of Sections 31-27(c)&(d)(4) Off-street Parking Requirements as part of a site plan revision and conditional use permit amendment. Current parking requirements listed in the City Code are based on gross floor area. Gross floor area includes portions of a building that do not generate parking demand, such as closets, entryways, and bathrooms. In order to adjust the floor area to reflect those portions of the building that generate parking demand (net floor area), seventy five percent (75%) of the total gross floor area (including any stairwells, elevators and escalators) will be calculated for all uses within the building, except vehicle service and display.

The 75% factor is also used in Prince William County to derive an approximate net floor area from gross floor area for parking tabulations.

Open sales display areas indoor and outdoor, as well as vehicle service area, will be calculated based on 1 space/2,500 GSF. Given that these areas are used for vehicle display, the parking rate of 1 space/2,500 GSF is reasonable. The service bay will be for in-house use only to support vehicle sales.

There will be reciprocal parking arrangements so that the uses can share available spaces.

Using the criteria noted above, the parking tabulation for the site based on current uses would be as follows:

Vehicle Sales = $(0.75 \times 2,395 \text{ GSF}) \times (1 \text{ space}/400 \text{ SF}) = 4.5$
Inside Vehicle Display = $2,314 \text{ GSF} \times (1 \text{ space}/2,500 \text{ SF}) = 0.9$
Outside Vehicle Display = $4,050 \text{ GSF} \times (1 \text{ space}/2,500 \text{ SF}) = 1.6$
In-house Vehicle Service = $2,851 \text{ GSF} \times (1 \text{ space}/2,500 \text{ SF}) = 1.1$
Furniture Sales = $(0.75 \times 2,393 \text{ GSF}) \times (1 \text{ space}/500 \text{ SF}) = 3.6$
Vehicle Rental = $(0.75 \times 2,394 \text{ GSF}) \times (1 \text{ space}/400 \text{ SF}) = 4.5$
Restaurant = $(0.75 \times 1,553 \text{ GSF}) \times (1 \text{ space}/100 \text{ SF}) = 11.6$
Retail Sales = $(0.75 \times 1,553 \text{ GSF}) \times (1 \text{ space}/200 \text{ SF}) = 5.8$
Financial Institution $(0.75 \times 1,553 \text{ GSF}) \times (1 \text{ space}/250 \text{ SF}) = 4.7$
Office = $(0.75 \times 5,146 \text{ GSF}) \times (1 \text{ space}/300 \text{ SF}) = 12.9$
Required Spaces: 51.2→52
Provided Spaces: 53

The number of spaces provided on the existing developed site is two (2) more than the number shown on the original approved site plan. This increase is the result of the actual dumpster location being shifted from the proposed dumpster location as shown on the "as-built" conditions of site plan revision #2 being submitted in conjunction with this request. Using the proposed parking waiver and existing site conditions, parking is adequate for the current uses.

Environment - The applicant has conditioned the CUP Plan, which shows landscaping islands (approximately 14' x 5') around two light posts between the PFS Properties parcel and the Texaco property. The existing free-standing sign will be moved to the same area between parcels and will have a landscaping island (approximately 10'x 17') surrounding it. There will be another landscaping island at the entrance of the property from Manassas Drive.

Transportation - There are two main accesses to the property. One entrance is from Manassas Drive, the other from Centreville Road (Rt. 28) north. Vehicles may also come through a 24' travelway at the Texaco site via an ingress/egress easement to the property.

CONDITIONAL USE PERMIT CONDITIONS Applicant: PFS Properties, LLC Conditional Use Permit (CUP) #09-05, PFS Properties City of Manassas Park Tax Map #23-10-B1C (the "Property") Site Area: ±1.47 acres Zoning: B-2, General Business Date: ~~September 16~~ October 7, 2008

This Conditional Use Permit #09-05 (this "CUP") supersedes previously approved CUP#04-02.

The following conditions are intended to offset impacts of the applicant's proposal and to render the application consistent with the applicable chapters of the 2006 Comprehensive Plan. If the conditions of this CUP or the information on the CUP plan dated September 18, 2008 (the "CUP Plan") are in conflict with the City's zoning ordinance (City Code Chapter 31) (the "Zoning Ordinance") or Public Facilities Manual (the "PFM"), the more restrictive shall apply, unless specifically waived in these conditions.

A. USE PARAMETERS

1. Permitted Uses - In addition to the permitted uses listed in Subsection 31-19(b) of the City Code, the Property may be used for an automotive, previously owned automotive sales, service, and repair facility, to include the following:

a) No more than twenty-five (25) vehicles may be displayed for sale outside of the existing building on the Property (the "Existing Building") at any time. Vehicles displayed for sale outside of the Existing Building may only be displayed in the areas labeled as "VEHICLE DISPLAY AREA #1", "VEHICLE DISPLAY AREA #2", and "VEHICLE DISPLAY AREA #3" on the CUP Plan, and/or on the vehicle display ramps described in subsection 1(b) below. Transitional vehicles (i.e., those not ready for sale) shall be stored inside the building and labeled as "NOT FOR SALE" until such time as they are ready for sale and display.

b) No more than two (2) vehicle display ramps may be located on either side of the sign adjacent to Manassas Drive ~~the Property adjacent to Manassas Drive~~ so as not to interfere with the on-site best management practices facility, all as generally shown on the CUP Plan. Both vehicle display ramps shall be fixed, raised to no more than two (2) feet off the ground, with one car each displayed parallel to the parking lot surface. The color of the ramps shall be consistent and compatible with the architecture and color scheme of the Existing Building.

2. Hours of Operation - The hours of operation for vehicle sales on the Property shall be limited to the hours between 9:00 a.m. and 10:00 p.m., inclusive, seven (7) days a week. The hours of operation for vehicle modification/repair on the Property shall be limited to the hours between 7:00 a.m. to 10:00 p.m., inclusive, Monday through Saturday.

3. Loading/Unloading - ~~All~~ Loading/unloading of vehicles on Manassas Drive shall be prohibited at all times. Loading/unloading of vehicles shall be limited to the area labeled as "LOADING AREA" on the CUP Plan.

4. Outdoor Speaker System - There shall be no outdoor speaker system permitted on the Property.

5. Motor Vehicle Washing - All motor vehicle washing shall occur inside the building bay area or other fully enclosed portion of the Existing Building. Water used for vehicle washing shall have no direct discharge into the storm sewer system of the City. The owner/applicant may spray wash and dry displayed vehicles in the vehicle display areas on an as-needed basis.

6. Motor Vehicle Service/Repair - All maintenance of vehicles shall occur inside a fully enclosed portion of the Existing Building (the "Service Bay"). The Service Bay shall only be used for maintenance, service and repair of vehicles for sale or being prepared for sale on the Property. Maintenance, service and/or repair of customer vehicles shall be prohibited.

7. Obstruction of Travelways - The owner/applicant shall ensure that any vehicles associated with the use permitted by this CUP do not obstruct the travel ways, fire lanes, or adjoining road network nor encroach upon buffer and landscaped areas as shown on the CUP Plan.

B. COMMUNITY DESIGN

1. Architecture - The exterior elevations and color scheme of the Existing Building shall remain generally consistent with the exterior elevation and color scheme existing at the time this CUP is approved. not be changed.

2. Refuse Storage Area - Any refuse storage area shall be completely screened with ~~a wall consistent with the materials used on the Existing Building and~~ with a gate that prohibits viewing of the refuse storage area from adjoining properties. Associated gates shall remain closed, and the trash dumpster shall be emptied as necessary to prevent odors and/or infestation.

C. SIGNAGE - All signage shall comply with the standards set forth in the City's Zoning Ordinance and PFM. In addition, the following shall apply to signage and advertising on the site:

1. Attention-Getting Devices - Temporary signs, signs in series, banners, balloons, streamers, garrison flags, figures, or similar attention-getting devices shall be strictly prohibited.

2. Handicapped parking - Parking and signage for handicapped customers shall be provided in accordance with the PFM and other current federal, state and local standards.

3. Lighting - All existing light fixtures on the site shall be maintained by the owner/applicant. Any additional or replacement light fixtures that are installed shall comply with Section 31-33.1 of the Zoning Ordinance.

D. MAINTENANCE OF PROPERTY

1. Site Maintenance - The owner/applicant shall maintain the site and shall pick up trash, litter and debris on a regular basis or as necessary.

2. Graffiti Removal - The owner/applicant shall effect the removal of any graffiti from the Premises no later than five (5) days following notification by a City employee to remove said graffiti. If the owner/applicant does not have all graffiti removed from the Premises within such 5-day period, the City shall be authorized to remove the graffiti and to receive prompt reimbursement from the owner/applicant for the cost of such removal. For purposes of this CUP, "graffiti" means writings, drawings, inscriptions, etchings, figures or marks of paint, ink, chisel, chalk, dye, acid or other similar substances, or flyers, bills and similar materials, which have been placed on public or private property without the permission of the owner, manager or occupant of the property or otherwise deemed by the City to be a public nuisance.

3. Storage - No outside storage of vehicle parts or accessory materials that may be for sale, including oil, tires, etc., shall be allowed on the Property.

E. ENVIRONMENT

1. Stormwater Management Facility/Best Management Practices ("SWM/BMP") - No use can be made of the area of the storm water sewer easement or the sanitary sewer easement, which would interfere with the operation, inspection, maintenance and/or repair of any SWM facility by the City or owner.

2. Utility Easements - All new on-site utility facilities shall be located outside any required buffer or landscape areas except limited utility crossings approved by the City in connection with any new site plan review.

Close Public Hearing:

MOTION: Councilmember Polk moved to close Public Hearing at 8:35 pm.

SECOND: Councilmember Bunner

VOTE: Unanimously passed

2d. Amendment to City Code, Section 31-46, Violations and Civil Penalties

An Ordinance to amend Section 31-46, Violation and Civil Penalties, of Article VIII, Administration and enforcement, of Chapter 31, Zoning, of the Code of the City of Manassas Park, Virginia, to remove certain violations from the list of violations treated as civil infractions.

BE IT ORDAINED by the Governing Body of the City of Manassas Park, Virginia, that:

1. Section 31-46, Violation and civil penalties, of Article VIII, Administration and Enforcement, of Chapter 31, Zoning, of the Code of the City of Manassas Park, Virginia, is hereby amended by deleting subparagraphs b, c, d, g, h, and i of paragraph 31-46(c) (1); and relabeling subparagraph e as subparagraph b, relabeling subparagraph f as subparagraph c, and relabeling subparagraph j as subparagraph d.

2. All sections of the Code of the City of Manassas Park, Virginia that are inconsistent with and/or in conflict with this Ordinance are hereby repealed.

3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

4. This Ordinance shall be effective upon its adoption.

The City Attorney stated this ordinance is being presented at the request of the Chief of Police who is also in charge of new code enforcers. The problem with the civil code section of the Zoning Ordinance is that it is very ineffective. It was initially to be a much less onerous way to get land owners to come into compliance with the zoning ordinance as allowed by state law. It was put into effect about four years ago and has been very unsuccessful. People just ignore it and the local courts are not the best place to go and get enforcement on it for a bunch of civil penalties. The Building Official and Code Enforcement Supervisor both would like this change. This beefs up the enforcement powers of the code enforcers. It will now be treated under the miscellaneous crimes provisions, the zoning ordinance provision that call it out as a misdemeanor. It ups the ante on the penalties and requires the people who are not staying within the law to go and explain it to the judge.

The Mayor opened the Public Hearing at 8:50 pm:

Persons wishing to speak:

Suhas Naddoni, 9308 Gary Court: All persons listed above believe that civil penalties are ineffectual. Changing the code to make it a misdemeanor or criminal is a little bit over the top. You have homeowners that enforce some of that. If someone does not mow the yard, the HOA will take you to court. If someone takes an international vacation they may be gone for three or four weeks. When they come back they will cut their grass but they do not want to have to explain it to a judge why it was not cut and having to pay a penalty. You are making this very difficult for residents. We are creating an environment of a police state. He strongly objects to this.

The City Attorney stated it is not that someone has long grass and immediately they are cited for misdemeanor. First Code Enforcement goes out and gives them a notice and turned over to building inspector, zoning administrator. If you are out of compliance they give you a notice saying you have ten days to come into compliance. On the tenth day if you are still not in compliance they turn it over to the zoning administrator. The zoning administrator would send a letter saying you are in violation and have thirty days to appeal to Board of Zoning Appeals per city code. There is a lot of redundant process.

The same procedure applies with building inspections; ten day to comply. The intent of the civil penalties provisions was to give people who do not intentionally break the law a chance to come into conformance without causing any damage. A lot of people just ignore. Some violations covered would be garbage ordinance, long grass, and graffiti ordinance. This is normally day to day stuff that people notice and makes the community deteriorate. There is no HOA on west side of city so the only way to enforce these is to have the city act almost like a HOA.

Close Public Hearing: 9:55 pm:

MOTION: Councilmember Treuting

SECOND: Councilmember Bunner

VOTE: Unanimously passed

3. Presentations:

3a. Neighborhood Watch: Representative: Carried over until November.

3b. HDR Update on Parks & Recreation: (Interim Progress Report #4 (written report)

The project is progressing at an acceptable pace and there are no known issues that will materially delay the contractor from completing the project as required by contract with the exception of the School Board issues. The cost of the work to date is within the limits set forth in the cost line items in the Schedule of Values. Percentage complete as far as cost is one percent. Percentage complete as far as time is 20%. Substantial completion is planned for January 2010 with final completion expected in February 2010. They should start moving dirt in about a month and half.

3c. Update on Schools: Superintendent of Schools: Copy of Report made part of the record:

3d. Update on Cost Saving Measures: Finance: Copy of presentation made part of the record.

The city stated they would reduce spending by a third by departments within current year. The numbers included here tonight do not include impacts on schools and education process. The decisions made in the near future definitely do impact school since they share 57% of general revenues. This is based on projections and they continually change. With information City Assessor has received with two quarters of sales data we are looking an impact of about 20% decline in assessed values. That has a direct impact on general fund. The general fund provides for basic municipal services such as police, fire, roads, parks & recreation as well as administrative services. It provides a significant amount of funding to our schools in the range of \$17,000,000. The budget problems and cash flow issues that we are dealing with has developed over the years due to the significant growth in the city and the need to provide required basic services to the citizens. In years of good times up until last couple of years, significant growth in assessed value has made it relative easy to improve those services and bring them up to a level our citizens need. Since 2001 we have been dropping our tax rate until this fiscal year. Just because homes are selling less does not alleviate the need for services such as police, fire, social services, etc. It does not reduce the need for education. We have had significant revenue shortfalls over the past few years and have limited control over our revenues especially with real estate market.

The Mayor stated the revenue shortfalls are not associated with money that comes from tax base within the city. There are changes in federal appropriations, grant monies and changes specifically in state dollars. The Governor is trying to balance the state budget and have taken enormous reductions that have yet to be rippled down to localities other than we know in Comprehensive Services Act funding is impacted but the service level that must be provided is mandated. It has the impact of mandated services without appropriation action to fund it. This is an old Richmond trick. The city is looking at changing the assessed value date to July 1st to correspond with fiscal year which makes good business sense because that is the major source of city revenue.

Departments have been asked to reduce their budget which they are working on which would have minimal impact to current personnel land services. City extended the hiring freeze. They will continue to look at cost reductions in the future.

Impact to services

- Compounds real estate valuation problems
 - 57% Education/ 43% Municipal services
 - 1 penny of tax rate ~ \$130,000 (if 20% decline)
 - 43% = \$56,000
- Potential FY 2010 shortfall of \$2.5 million
 - ~ 44 cents or \$1.68 (tax rate alone)
 - "Break-even" rate on avg tax bill = \$1.55
 - 9 cent increment generates ~ \$500,000 tax revenue

3e. Approval of RSTP Funding Application: Manassas Drive/Euclid Avenue Intersection Improvements: Public Works:

The Deputy Public Works Director stated the Manassas Drive/Euclid Avenue intersection improvements call for turn lanes and some additional sidewalks. We had hope that we would be able to do enhanced pedestrian improvements similar to what is going on in front of City Center just to continue that whole theme all the way to the top of the hill and down to VRE. State funding for transportation has been cut in half. The Manassas Drive/Euclid Avenue intersection was part of the six year plan from VDOT. The city added up all the allocations we would get up to FY2011. We thought we had enough money to do the whole program. FY09/10/11 funds were cut in half. We are left with a shortfall. The Regional Surface Transportation (RSTP) and Congestion Mitigation & Air Quality Improvement Programs are administered cooperatively between VDOT and the eligible Metropolitan Planning Organizations. They are still a source of funding (80% federal/20%state and local). The Metropolitan Washington Planning Organization directs the use of Regional Surface Transportation money. The Regional Surface Transportation Program funds projects up to the 80 percent level and requires a state match of 20 percent. This state match amount comes from statewide allocations in the Regional Surface Transportation program. This application is for FY10 and is due in this month. RSTP funding is a possible way to supplement funding for the project so that pedestrian amenities can be designed and constructed in FY10-FY11. These amenities include pedestrian traffic signal facilities and crosswalks.

The Manassas Drive/Euclid Ave Intersection Improvement Project is already a federally funded project. The project is currently in the design phase. The first submission from the engineer has been submitted to VDOT and City staff for review. All requirements for federal funding are being met during each phase of the process. Therefore, application for federally funded RSTP money will not require the performance of any additional tasks during design, right of way acquisition or construction. The documentation and procedures are already being used in the project. Approval by the Governing Body is required by October 17, 2008. The requested amount is \$300,000. The local match is \$15,000. This is a request for FY10 funding.

The City is asking for approval to apply for this money knowing there will be a \$15,000 local match for \$300,000 total money. The Mayor stated this can come out of the 2% motor fuel tax because it is transportation related.

MOTION: Councilmember Treuting moved to approve as presented.

SECOND: Councilmember Polk

VOTE ROLL CALL: Treuting, Polk, Bunner, Gardner, Miller, Jones

Kathy Gammell stated she spoke with Joyce Embrey and the city can safely take out \$500,000 this year. She will be bringing a Resolution for Governing Body consideration. The Mayor asked Ms. Gammell to contact Potomac and Rappahannock Transportation Commission about their new budget figures.

3f. Funding for Sewer Pipe Relining: Public Works:

Staff is requesting authorization from the Governing Body to enter into a services agreement with Am-Liner East, Inc. for relining sewer pipeline in Fiscal 2009 subject to the City Attorney's review and approval.

Staff is also requesting authorization for the expenditure of an amount not-to-exceed \$500,000 to reline approximately 15,000 linear feet of sewer pipeline on the west side of the City under the agreement with Am-Liner, if authorized and approved by the City Attorney. This will be placed on the October 21, 2008 Consent Agenda.

3g. Whitman Requardt Task Proposal: Public Works:

Staff is requesting authorization from the Governing Body for the expenditure of an amount not-to-exceed \$162,150 for Whitman Requardt to perform all phases of design and engineering support for water system infrastructure improvements. This item will be placed on October 21, 2008 Consent Agenda.

4. Recognition: Fire Department: Citizen thanked fire department for all their help and the professional way they acted during their emergency.

5. Unfinished Business:

5a Converged Network Solutions Contract for Public Works: (Ratify):

This contract was approved on October 7, 2008 and this is for informational purposes only. This is Sprint agreement that will boost the signal at public works building.

5b Resolution: Northern Virginia Transportation Authority

This is not a Resolution for the Governing Body to approve. NVTA has effectively shut down because of the ruling of the Supreme Court. They are recognizing certain staff members that have been involved in the various committees and working group activities of the NVTA over the last several years.

5c US Conference of Mayors: Statement of Support:

The Mayor recently received a letter from Mayor of City of Anchorage. They have undertaken an opportunity to provide recognition via Employer Support of the Guard & Reserve (ESGR), to recognize those individuals who are the citizen, soldier, sailor, airmen and marines who are doing the country's business both within US and many locations around the world. There is a statement of support the Mayors have been asked to subscribe to recognize these individuals. By signing this symbolic Statement of Support for the Guard and Reserve and posting the proclamation conspicuously in your city offices, you are publicly affirming your support for the brave men and women in uniform.

MOTION: Councilmember Treuting moved to approve as presented and authorize Mayor to sign.

SECOND: Councilmember Bunner

VOTE: Unanimously passed

5d Appointment of Potomac and Rappahannock Transportation Commission Executive Committee and VRE Operations Board Members

The PRTC Bylaws provide for the January Board meeting to be the "annual meeting" where the PRTC Executive Committee and VRE Operations Board appointments are made. Each PRTC member jurisdiction has one appointee to the PRTC Executive Committee.

MOTION: Councilmember Miller moved to appoint Frank Jones with William R. Wren as alternate.

SECOND: Councilmember Bunner

VOTE: Unanimously passed

5e. Proclamation: November National Adoption Month: Social Services:

Jason Munoz requested the Governing Body approve November as National Adoption Month. On November 15th, the 5th annual national adoption day ceremony will be held at Prince William County courthouse. Governing Body will be invited to attend.

MOTION: Councilmember Miller moved to approve as presented.

SECOND: Councilmember Bunner

VOTE: Unanimously passed

6. Closed Meeting State Code of Virginia Freedom of Information Act: Section 2.2-3711A of the Code of Virginia Sec 7 Consultation with City Attorney: 9:50pm

Councilmember Bunner and Councilmember Gardner left the meeting at this time.

MOTION: Councilmember Polk moved that the Governing Body go into closed meeting to consult with the City Attorney regarding two specific legal matters requiring the provision of legal advise pursuant to Paragraphs (7) of SubSection 2.2-3711a of the Code of Virginia.

SECOND: Councilmember Miller

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

7. Return to Open Session: 10:30 PM

8. 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 Polk

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

14. Adjournment at 10:31 pm:

With consensus of Governing Body, the Mayor adjourned the meeting.

Approved November 18, 2008

Francis C. Jones, Jr., Mayor

Lana A. Conner, City Clerk