

OFFICIAL MINUTES OF THE MANASSAS PARK GOVERNING BODY MEETING
HELD ON TUESDAY OCTOBER 21, 2008 AT 7:00 PM AT CITY HALL, ONE PARK
CENTER COURT, MANASSAS PARK, VIRGINIA

1. Roll Call: Bryan Polk, Vice Mayor
Cyndi Gardner
Fran Kassinger
Keith Miller
William J. Treuting, Jr.

Absent: Frank Jones, Mayor
Michael Bunner

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

The Mayor was out of town on business. Councilmember Bunner is running late because of traffic.

2. Approval of Agenda:

MOTION: Councilmember Miller moved to approve agenda with five additions:
a) Water Rate Report b) Recognition c) Fall Festival d) Ribbon Cutting Ceremony and
e) Finance

SECOND: Councilmember Gardner

VOTE: Yes: Miller, Gardner, Kassinger, Treuting and Polk

3 Moment of Silence

4. Pledge of Allegiance: Councilmember Kassinger

5. Informational Items:

5a. Water Billing Update:

Presentation made part of the record. The city implemented the new water rates this month and have received a lot of calls. The majority of the water bills increased. City had new federally mandated standards for waste water effluent quality. The majority of cost for operation is the Upper Occoquan Sewage Authority debt which is 52% of the Enterprise Fund budget. Infrastructure deteriorates over time and must be upgraded. We must look at water quality from city wells and how to address those needs as well as water capacity for the future. This is a brief update and entire briefing is available on line. The bill has a minimum fee which will be changed to Upper Occoquan Sewage Authority fee. If the city had the citizens pay the entire amount due for Enterprise Fund the \$26.00 would probably double. Upper Occoquan Sewage Authority is an inflexible cost city must pay whether we have water coming in or going out to the Upper Occoquan Sewage Authority plant.

5b. Recognition:

C-Shift: Jenkins Court: Firefighter Oliver, Neiberger,
Culbertson, Leach and Medic Friedman and Sullivan

5c. Fall Festival:

Saturday October 25, 2008: 10:00 am

5d. Ribbon Cutting:

City Center: Saturday October 25, 2008: 1:30 pm

5e. Finance: In light of economic news we have been seeing, as part of the water capacity bond financing process, The Finance Department and Davenport had a conference to update the city's credit rating with Moody's and Standards and Poors. Moody's confirmed the A2 bond rating and Standard and Poors upgraded our credit rating to AA- from A+ based on the city's contingent solid financial management oversight and control coupled with aggressive management action to address possible revenue shortfall. The outlook is stable.

Standard & Poors: The stable outlook also signifies Standard & Poors expectation that the city will prudently manage its overall financial profile and debt position.

These ratings will help reduce the cost of borrowing for the water capacity bond. This demonstrates the hard work of Gary Fields and the entire finance staff.

Councilmember Polk stated this is outstanding news. In an environment when you got state and local governments drastically cutting budgets, the city has taken some prudent measures because the city jumped on this in August. You have state governments asking federal government for help. Here in Manassas Park the financial process are sound enough that Standard and Poors raised our bond rating from A+ to AA-. This is testament to work of city staff and Governing Body financial oversight. Mr. Davenport will give a formal report in November.

6. Citizen Time:

6a. George Adamson, 9250 Matthew Drive:

He is the elected Treasurer of the City of Manassas Park and will retire December 1, 2008. He believes with his experience in the office the interest of the citizens would be better served in the future with a different system of choosing the Treasurer. He initiated a referendum that will be on the city ballot on November 4, 2008. He has nothing personal or professional to gain from successful passage of the referendum except the knowledge that the office will retain its stability, efficiency, and effectiveness. The Treasurer is responsible for the collection, investment, and accounting of all city funds. Basically \$100,000,000 a year passes through the Treasurer's hands. Successful passage will not change the duties and responsibility of the Treasurer's position. It will only change the method by which the Treasurer is chosen from an elected constitutional officer to one appointed under the city personnel system. It will assure the residents of the city that the city has person performing the vital treasurer function that has the knowledge skills and abilities to do so. In his view this should be a person with a degree in economics, finance or accounting that has had experience with budgets, personnel managements, computers and investments. The person must pay attention to detail and oversight mandated by having \$100,000,000 running through his office every year. The Treasurer must also invest funds left over from each fiscal year. In his office he has seen for the last four years the cash reserves of the city being depleted rapidly because we were not taking in enough money to pay for the cost of our water. He is pleased, even though he does not want to pay the high water rates, to see the higher rates go into effect. Five years prior to his election in 2004, the city had five Treasurers. Since he has been Treasurer, we have become sufficiently staffed, responsible to citizens and treat all customers with the same level of fairness. Office functions have been upgraded and computerized, bills have been sent in a timely fashion, and collection of personal property taxes and real estate now on the average are over 98% which is very good. Before he became Treasurer, this office had no part in collecting delinquent taxes. They were turned over to a collection lawyer that took 30% of what was collected.

An elected Treasurer is a constitutional officer and as such is a state office. The state does not fund the Treasurer office. In our present budget, the Commonwealth supplied 19% of the Treasurer's office budget while the City of Manassas Park funded 81%. If we are paying for the office we should have the ability to select whoever is in the office. We would get more bang for the buck if we get rid of the elected treasurer. Prince William, Fairfax, Alexandria, Albemarle and Henrico in northern Virginia are have non-elected Treasurers.

He urges the voters of Manassas Park to vote yes on the referendum in November.

6b. John Dunn, 9408 Heather Court: He stated he heard what the City Manager said tonight about the water rates and he called Ms. Gammell this week about the water bill. He understands the reason for raising the rate. It was a very dramatic increase on his behalf. He pulled his bills from last year to compare apples to apples. Last year his 22,000 gallon usage for the same month last year it cost \$123.00 and this year for a 17,000 gallon usage it was \$189.00. Last year it was \$5.59 per 1, 000 gallon and \$11.11 per 1, 000 gallons this year. He understands you must support the infrastructure but 98% increase is an incredibly large increase

6c. Vivian Long: She is here on behalf of the owner of the Manassas Park Laundromat located in the Manassas Park Shopping Center.

She is asking the city for help in reducing their water bill. She stated that the business cannot support an \$18, 00 per 1, 000 gallon cost. They cannot make any money and will actually lost money. If they overcharge then customers will not come to their business. The Laundromat depends on a lot of water running. The bill increased by almost 98%. If the cost continues, he will have to close his business.

7. Consent Agenda:

7a. Approval of Minutes: August 19, September 9, and 16, 2008

7b. Change in Meeting Dates:

November 4 changed to November 5 due to elections

November 11 changed to November 12 due to Veterans Day

7c. Ordinance 08-1700-856: Amendment to City Code, Section 31-46, Violations and Civil Penalties

7d. SPN: Police Department Project:

(1) Change Order Del Ray Glass (4085-08) \$1,445.00

(2) Requisition #29 \$22.95

(3) Certificate of Substantial Completion: Paragon Casework

7e. Agreement and Funding Sewer Pipe Relining: Public Works

7f. Whitman Requardt Task Proposal: Public Works

7g. Resolution 08-1000-1063: Potomac and Rappahannock Transportation Commission

7h. Payment Application: Howard Shockey & Sons: \$170,918.00: Costello Park

MOTION: Councilmember Kassinger moved to approve as presented.

SECOND: Councilmember Gardner

Councilmember Kassinger abstained on September 9 and 16th. Councilmember Treuting abstained from August 19th and September 16th. Councilmember Polk abstained on August 19th. Councilmember Gardner abstained from August 19th.

VOTE ROLL CALL: Yes: Miller, Gardner, Kassinger, Treuting, Polk

8. Unfinished Business

8a. Ordinance 08-1700-857: Conditional Use Permit 08-05 Roca de Salvacion Church

Last week the Governing Body heard a request for CUP 08-05. She changed the conditions dated October 17th which would be dated October 21, 2008.

(D) Maintenance of Property: graffiti removal: change to read that the owner/applicant shall cooperate with the city in preventing graffiti and promptly removing graffiti at the city's request. The City Attorney stated this is keeping with the changes that were made to PFS CUP that is coming up next. This was standard language in previous CUP prior to city adopting a graffiti removal ordinance. The new language states the obvious. Staff recommends approval.

MOTION: Councilmember Treuting moved to approve Ordinance approving Conditional Use Permit 08-05 as recommended by Staff and Planning Commission with conditions as noted.

SECOND: Councilmember Miller

VOTE ROLL CALL: Yes: Treuting, Miller, Gardner, Kassinger, Polk

8b. Ordinance 08-1700-858: Conditional Use Permit 09-05 PFS, LLC:

The Committee consisting of Commissioner Rishell, Planning Commission Chairman, Councilmember Polk, Governing Body, met with Peter Farrell, Applicant. The City Attorney and City Planner worked on revising the conditions and bringing them to Governing Body tonight. There was one change from last week; they had highlighted the display areas for more clarity because staff realized the plan was rather busy.

The red is display area #1 which houses eight vehicles, the blue display area will display five vehicles and the yellow area (Display three) would house twelve vehicles. Graffiti removal was defined in this condition.

Motor vehicle washing: how does that affect other businesses (Enterprise) on Mr. Farrell's property? Mr. Farrell stated it does not affect them at all and have had no negative feedback. Councilmember Polk stated the focus of this constraint was on the nature of the water discharged into the system and the fact that Mr. Farrell does not operate in a form of a large amount of water.

The City Attorney stated the permit from the state would cover the entire site so that would allow Enterprise to wash their cars. It is a blanket for the whole site.

The refuge storage area would not have to be changed until such time as Mr. Farrell sold his property. Mr. Farrell stated what was in the report was good but he wanted clarification that this means it will stay like it is now and compatible with his building as it exists. The City Attorney stated the language was put in there like so it is a statement within the CUP that it currently compatible and will remain compatible. The original language was it would be compatible which might require him to make some changes. Mr. Farrell accepts language as written.

Councilmember Polk stated they understand that Mr. Farrell has every intent to maintain the business and be compatible architecturally. The Committee's concern was about the next potential occupant of the site. The emphasis is on CUP which goes on in perpetuity vs. Mr. Farrell's ownership of the business.

Mr. Farrell is agreeable with the changes in the conditions of the CUP and would like to see this passed. He thanked Governing Body and Planning Commission members Polk and Rishell for meeting with him on Friday. It was very constructive and he was pleased with the response and outcome.

MOTION: Councilmember Miller moved to approve Ordinance approving Conditional Use Permit 09-05 as amended.

SECOND: Councilmember Gardner

VOTE ROLL CALL: Yes, Miller, Gardner, Kassinger, Treuting, Polk

8c. Ordinance 08-1700-859: WAI 09-07 PFS, LLC:

There was a change to include the vehicle bay, the service bay that would encompass three spaces. The overall spaces ended up being provided for; the required number and the provided spaces per code.

Ms. Watson stated there will be reciprocal parking arrangements so that the usage can share available spaces.

MOTION: Councilmember Miller moved to approve Ordinance approving WAI 09-07 to PFS, LLC as recommended by Staff and Planning Commission with conditions as noted.

SECOND: Councilmember Gardner

VOTE ROLL CALL: Yes, Miller, Gardner, Kassinger, Treuting, Polk

8d. At Grade Pedestrian crossing at VRE: City Attorney:

The City Attorney stated a couple of weeks ago he was able to talk with a representative of Norfolk Southern to talk about at grade pedestrian crossing for VRE station that would allow riders to park their cars on northwest side of railroad track. This would allow people to park within the parking area that is being constructed for City Center project. There will be a proposed pathway through the Millicent track which is owned by CDA and will be conveyed to city per agreement with Clark Realty Capital. The pathway leads to the track and runs along the tracks so they can cross an existing emergency pedestrian crossing that now exists. The platform has a dip there toward the middle which is for handicapped individuals to access emergency crossing. They are proposing to turn that into an actual at grade crossing not just on an emergency basis but regular basis. Previously Norfolk Southern has been opposed to this because they don't want people to cross their tracks for obvious reason. At this particular location we have people crossing illegally.

This would be a way to control an uncontrolled situation. Right now it is very dangerous because people are jumping the existing fence to get across the tracks. We will keep a fence with an opening or some type of controlled measure. There must be something to alert the people that the train is coming. This will benefit city, city center and VRE riders throughout the region.

The pathway would tie into the overall City Center concept. There is a proposed dog park there.

The City Attorney will prepare some bullet points, statement of justification and send them to Norfolk Southern in Roanoke and they will review it. It will probably take about four months before final approval.

Councilmember Kassinger asked if we are setting any type of precedent. The City Attorney stated people will always cross illegally if they want but this provides them a controlled way to do it. People park along Park Center Court and walk the pathway rather than going to Manassas Drive and walking on sidewalk.

Councilmember Kassinger likes the schematic of it but it is still a safety factor. The City Attorney stated there is a precedent around the country. The City Engineer has gotten examples throughout the country such as Gaithersburg (MARC train),

The City Attorney stated they will be sending something to Norfolk Southern. The packet will be a joint City/Clark Realty they will send to Norfolk Southern next week.

9. New Business:

9a. Resolution 08-1000-1064: Comprehensive Community Corrections Act: (CCCA) and Pretrial Services Act (PSA) and Community Criminal Justice Board: Multi-jurisdictional:

Ralph Thomas, Director of Prince William County Office of Criminal Justice Services, addressed the Governing Body. He requests that city adopt this Resolution. This Resolution re-adopts the CCCA for local responsible offenders and the PSA, and the re-establishment of the Multi-jurisdictional CCJB with its current membership. Prince William County and Manassas have already approved the Resolution. The VA Department of Criminal Justice serves as governing authority for the state and is requiring that all localities update their resolution relative to this act. City has been a part of this venture since 1995. They supervise about 1,500 offenders and defendant on any given day. They believe they are saving the city money by their operation. City is billed on quarterly basis. They keep people out of jail and protect public safety. They operate an intensive pre-trial program, electronic monitoring and believe they have saved at least \$150,000 to the taxpayer.

MOTION: Councilmember Miller moved to approve Resolution as presented.

SECOND: Councilmember Treuting

VOTE ROLL CALL: Yes, Miller, Treuting, Gardner, Kassinger, Polk

9b. Appointment: Recommendation to Prince William County Board of Supervisors: Appointment to Community Services Board: Dean Sprague:

Mr. Sprague was present and stated he thought the city should be represented on this very important board. Governing Body thanked him for volunteering.

MOTION: Councilmember Kassinger moved to recommend Dean Sprague to the Prince William County Board of Supervisors for appointment to Community Services Board.

SECOND: Councilmember Treuting

VOTE: Unanimously passed

9c. Appointment to Area Agency on Aging Board: Theresa Polk

MOTION: Councilmember Treuting moved to appoint Theresa Polk as City Representative on Area Agency on Aging Board.

SECOND: Councilmember Miller

VOTE: Unanimously passed with Councilmember Polk abstaining

9d. Prince William County Service Authority (PWCSA) Water Capacity Purchase Agreement: City Attorney:

The City Attorney stated this has been very thoroughly negotiated. The City and Prince William County Service Authority had discussed the possibility of the Service Authority buying the water system. That did not happen for many reasons but one result was the city started negotiations for purchase of water capacity rights. Water capacity means city does not have to build the infrastructure to get the water to the city. We are paying for a portion they have already spent. The water we are getting is water purchased by PWCSA from Fairfax water in pipes run down Route 28. The city avoids the requirement to put our on pipes down Route 28 which is very expensive. We do not need to provide our own water purification plan. We get water that is already processed and cleaned and ready to go.

It provides a future source of water. It is 1.4 million gallons a day capacity we are buying. There are two parts; purchase of water capacity right which means we can get 1.4 million gallons of water through this agreement. The second piece is the actual purchase of the water itself which can change because of the actual cost of Fairfax water and the cost to service authority getting that water to the city. The service authority pays the Fairfax water to purify the water that is gotten out of the Potomac River or wherever they get it. There is a cost of maintaining the pipes and infrastructure at the Fairfax water side and Prince William County Service Authority side. There is administrative cost associated with 1.4 million gallons. The agreement is largely based on the Fairfax water agreement with PWCSA which has somewhat tied the hands of the city in how we do things. PWCSA cannot promise that Fairfax water has not promised to them. The agreement that Governing Body got on Friday has been amended and Governing Body has received those amendments. The amendments basically state the two connection points on the east side of the city (Roseberry vault and Conner Drive vault) one on the west (Rugby Road vault). They deleted on page 4 "the Normal hydraulic grade line of the Rugby Road Vault is 376 feet and the overflow hydraulic grade line of the Roseberry Vault and the Conner Drive Vault is 457 feet. The 457 represents feet above sea level. It is City Attorney understanding that both the Conner Drive vault and the Roseberry vault have an overflow hydraulic grade line of 457, which will satisfy city obligations for City Center. PWCSA must provide certification that those two vaults was providing 457 or connecting into a system that was designed for 457 hydraulic grade lines. Rugby Road vault is not 457 feet but 376 feet. That system cannot handle the higher pressure. The east side needs the higher pressure because of hills, etc. In City Center we have buildings that need higher pressure in order to fight fire on fourth floor. They are putting a pump at the water tower in Blooms Crossing that will provide pressure which is not a big concern but city has to tie into a system at 457 feet. Page 5: deleted "location; provided, however, that any such replacement/new metering facility shall be designed at the applicable hydraulic grade line listed in the proceeding paragraph and added the word location. PWCSA thought this was unnecessary because it is designed at 457 and the city did not disagree. Last page; change the name of the Chairman and attest shall be by the Secretary-Treasurer and not the Assistant.

The total cost is 9.87 million dollars to purchase 1.4 million gallons of water capacity (\$7.05 per gallon) and there is an option 500,000 more within five year period. We can purchase as long as they have that capacity. The estimated usage would be about \$1.63 a gallon and is subject to change depending on the various cost of Prince William County Service Authority. This is not a take or pay such as the agreement we have with Manassas. You have an obligation to take a certain amount of water whether we take it or not. With this agreement you do not have to buy additional usage.

The City has already held a Public Hearing, voted on the bonding, and this \$9.87 million dollar amount has already been authorized. The Resolution approved on March 4, 2008 authorized the bond purchase agreement with Davenport who act as underwriter for the bonds. It authorizes the City Manager to execute and deliver the bond purchase.

Agreement:

MOTION: Councilmember Treuting moved to approve the agreement subject to city receiving certification that the Roseberry Vault and Conner Drive Vault are both designed to 457 hydraulic grade lines.

SECOND: Councilmember Kassinger

VOTE ROLL CALL: Yes, Treuting, Kassinger, Gardner, Miller, Polk

Reaffirm the language in the Resolution from March 4, 2008:

MOTION: Councilmember Kassinger moved to reaffirm language stating the City Manager is authorized to execute and delivery the bond purchase agreement providing for sale and delivery of the bonds with Davenport.

SECOND: Councilmember Miller

VOTE ROLL CALL: Yes, Kassinger, Miller, Gardner, Treuting, Polk

The City Attorney stated while we are approving this tonight the PWCSA Board of Directors does not meet until second Thursday in November. This will allow the city to move forward with the financing packet.

10. Closed Meeting State Code of Virginia Freedom of Information Act: Section 2.2-3711A of the Code of Virginia Paragraph 1 and 19 at 8:20pm:

MOTION: Councilmember Miller moved that the Governing Body go into closed meeting to discuss the performance of a specific City officer; and to discuss the City's Emergency Management Operations Plan, pursuant to paragraphs 1 and 19, respectively, of Subsection 2.2-3711A of the Code of Virginia.

SECOND: Councilmember Kassinger

VOTE ROLL CALL: Yes: Miller, Kassinger, Gardner, Treuting, Polk

7. Return to Open Session: 8:55PM:

MOTION: Councilmember Kassinger

SECOND: Councilmember Treuting

VOTE: Unanimously passed

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 Kassinger

VOTE ROLL CALL: Yes: Miller, Kassinger, Gardner, Treuting Polk

14. Adjournment at 8:56 pm:

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

Approved November 18, 2008

Francis C. Jones, Jr., Mayor

Lana A. Conner, City Clerk

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