

OFFICIAL MINUTES OF THE REGULAR MEETING OF THE MANASSAS PARK GOVERNING BODY HELD ON TUESDAY, OCTOBER 4, 2016 AT 7:00 PM AT MANASSAS PARK CITY HALL, ONE PARK CENTER COURT, MANASSAS PARK, VIRGINIA

Roll Call: Frank Jones, Mayor  
Bryan E. Polk, Vice Mayor  
Sahas Naddoni  
Preston Banks  
Jeanette Rishell  
Michael Carrera

Absent: Keith Miller

Staff: Lana A Conner, City Clerk  
Dean Crowhurst, City Attorney  
John Evans, Acting City Manager

**1. Approval of Agenda:**

MOTION: Councilmember Carrera moved to approve the amended agenda as presented.  
SECOND: Councilmember Rishell  
VOTE: Unanimously passed

**2. Moment of Silence/Pledge of Allegiance:** Councilmember Carrera

**3. Citizens Time:** None

**4. Presentations:**

**4a. VRE Information Item:** (removed from agenda).

**5. Recognitions:** None

**6. Consent Agenda**

**6a. Approval of Minutes September 20, 2016**

**6b. Robinson Farmer Cox: Audit Agreement**

**6c. Proclamation October 2016 as Mental Health Awareness Month**

**6d. Schools: Second Quarter Appropriations for FY2017: \$10,291,803**

MOTION: Councilmember Rishell moved to approve Consent Agenda as presented.  
SECOND: Councilmember Polk  
VOTE: Unanimously passed

**7. UNFINISHED BUSINESS:**

**7a. Keystone Program Update: Cyd Ball, Keystone Manager:**

Ms. Ball stated the personal property tax bills were sent out September 23, 2016 and are due October 19, 2016. The tax payment portal is being tested but have ran into a small glitch with partial payments. The Treasurer did not want to stop and make the portal live just because of partial payments. Hopefully by early next week they will be able to go live with the portal payment with full payments only. They will work on the issues with partial payment. They are now getting into real estate bills. The Commissioner of the Revenue is making changes to assessed values. Keystone is working on the Tyler Interface with updating the property assessments. After they work on the tax payment portal, supplemental bills will be worked on and sent out. Water bills have been going out on time. A notice will be posted stating they will only accept full payments on the portal at this time.

## 8. New Business

### **8a. PW: Berkley Group: Providing Support for City Transportation Projects (3): Work Order #3 Task 5 – Transportation Project Management Support- Construction: Not to exceed \$42,600:**

The City Attorney stated city has several projects in the works. This is work associated with scope and fee to assist the City with administrative support services. This will be a time and materials contract with a fixed not to exceed amount. Berkley will assist with three (3) transportation projects currently underway: Manassas Drive/Euclid Drive Intersection Project VDOT UPC#s 76683, Safe Routes to Schools Project (VDOT UPC 102851 and Conner Drive Extension Project (VDOT UPC 101302). Prices are not to exceed and is based on a fee of \$150.00 hourly rate for Drew Williams.

MOTION: Councilmember Carrera moved to accept recommendation of Staff and approve Work Order #3 Task 5 – Transportation Project Management Support-Construction not to exceed \$42,600.

SECOND: Councilmember Rishell

Councilmember Banks asked if this salary was reimbursable through the 30% NVTVA transportation funds. The City Attorney stated that has been discussed with Monica Bachman regarding reimbursement. Councilmember Rishell stated she has a letter from Ms. Bachman to the City and City Manager which she will forward to the City.

VOTE: Unanimously passed

### **8b. Ordinance 16-1700-996: Proration of Personal Property fees and Elimination of the Manassas Park Decals: Discussion Item:**

Mayor Jones stated this was an issue that was brought up between Vice Mayor Polk and the Mayor a couple of weeks ago. He has gotten request from a citizen who not happy with current state of our code in terms of personal tax fees and decal. He sent a request for additional information to the Commissioner of Revenue and Treasurer. The Treasurer suggested that as part of the discussion we should look at the elimination of decals. What does the Governing Body think proration of personal property fees and contemplate the elimination of decals?

Councilmember Rishell asked about the impact in terms of enforceability and what that would mean to the police department. The Mayor asked the Chief of Police if the city was not going to require decals does that cause an issue with enforcement from police department. Chief Evans stated they would not be in the enforcement at all from that point on. It would be up to the Treasurer. They would not have traffic stops or missing decals. Mayor Jones asked how many tickets do they right each year (approximate number). Chief Evans stated roughly from 400/600 violations a year. You need to understand when those violations are written many of those have not come to the Treasurer to take care of their outstanding issues such as personal property and decals and this makes them go there.

Commissioner of Revenue: Working with Officer Miller and other officers, enforcement of decals does bring a lot of people to her office to register for personal property. Right now with Keystone and DMV downloads not working, Officer Miller is their only discovery item to get people in to file for personal property.

Councilmember Rishell asked if this is something that can be deferred to a later date when Keystone is working properly. The Treasurer stated there is no urgency right now because the bill has already gone out for this 2017.

Councilmember Banks stated Manassas Park is in a transient area and asked Chief Evans from a police standpoint in terms of safety and keeping track of who is coming through and who is in our community how valuable is the decals. Chief Evans stated they still get the same information from the registration of the vehicle. The City sticker shows that the vehicle is housed in the city and allows their officers the opportunity to see if that vehicle is parked at the residence over 30 days and doesn't have a sticker, then the officer can identify that violation and site it which brings them to City Hall where they take care of the issue. Chief Evans stated not having decals does not hinder any investigations or being able to survey who is coming in and through the community.

Councilmember Carrera stated he does have a concern because the schools look at every vehicle that is coming in to drop off students. He would recommend looking at is having a decal for the life of the vehicle instead of being renewed every year. It would be a one-time fee. The Treasurer stated right now it is a permanent decal but must be renewed each year. This is confusion for the residents since they have to pay for a decal but there is no proration. He believes the one-time fee would be easier for the Treasurer's office. There are fourteen (14) municipalities that do that now. The Treasurer stated they started selling permanent decals in 2012 and a person could have gotten one and never paid the annual renewal fee or personal property taxes after that. Decals are a vehicle license under state code. It is a fee not a tax.

A permanent decal may result in loss revenue to the city. The Treasurer's concern is with new residents and looking at the most recent statistical data from Treasurer Association there are only two jurisdictions in northern Virginia that still have decals beside us. People move to Manassas Park from other jurisdictions don't know about the decal and that is where most of the complaints come from. Especially this time of year when they get hit with the 2016 fee when they have only been here for thirty days and then get hit with the 2017 fee. Councilmember Carrera stated that is where the frustration comes in.

Councilmember Banks asked if we get rid of the decal can city come up with a new strategy or new way especially for new residents to educate them or inform them that they have to pay their personal property tax within the city. See what other jurisdictions are doing. The Treasurer stated the problem we have that other jurisdictions don't have is that a lot of people get confused between Manassas and Manassas Park. The Treasurer enforces non-payment of taxes through debt-setoff and DMV stops.

Councilmember Rishell asked if we have any idea what the financial impact would be because the city budget is excruciatingly close because of the debt service spike this year and next year by two million (corrected from billion to million on October 18, 2016 meeting) dollars. The Treasurer stated they looked at this several years ago and we did what other local jurisdictions did and that was charging the annual renewal fee. Manassas and Prince William charge a registration fee but no decal issued to the vehicle. The Treasurer stated there should be no loss of revenue as far as registration fee which is what they charge now because they issue a decal when they pay registration fee for the first time. The Treasurer is not aware of any net loss in answer to Councilmember Rishell's question.

Councilmember Polk stated he thought some of the experiential data we had was that jurisdictions that went to no decals suffered a loss in personal property taxes. We are talking decal revenue not personal property. The Commissioner of the Revenue stated that was a concern the last time they visited this. Manassas City lost revenue but Prince William County did not. She believes that is because everybody in Manassas and Manassas Park think they are in Prince William County and registered their vehicles there. Councilmember Rishell stated she thinks it is premature to do this until we have a better handle on the numbers.

Mayor Jones stated this is discussion because there is a part two from a citizen for a discussion of proration of the personal property fees. Right now it is \$25 regardless of whether there is only thirty days left in a year. Other places do prorate the personal property decal fee. The citizen did not ask to eliminate the decal. That was a second tier discussion with the e-mail exchange. They would like the fee prorated depending on the month that someone moved in and purchased the decal. At some point there was an issue with not being able to purchase the 2016 decal with the 2017 decal being issued. The Treasurer stated there has always been an overlap when the bills go out and they have to stop selling one tax year decal and start selling the next tax year decal. That is one way they enforce the payment of taxes because in order to get the decal the taxes must be paid.

Mayor Jones stated the complaint from this citizen was they had the vehicle and was paying 2016 but the city did not have the 2017 bills out yet but city told the citizens they could not sell the 2016 decal because they were waiting on the 2017 bills to go out. The Treasurer stated they can take the 2016 fee and provide a receipt but could not issue a decal because at that point it had to be issued in 2017.

Vice Mayor Polk ran into this issue. Before, his wife was waiting on the sticker until the bills went out. Yesterday it is until the bill is paid.

Councilmember Naddoni stated he does not understand this issue. We use to have annual stickers and then to permanent stickers. You could buy sticker at any point of time by paying \$1.00. The Treasurer stated the \$1.00 is for transfer of decal when you buy a new vehicle. The rest of the time it is \$25.00. The citizen complaint was we are 11/12<sup>th</sup> through the year and you should not have to pay the full \$25.00. Why not prorate it in some way? Councilmember Naddoni moved to the city mid-year and did not pay full price. If you have a receipt showing you purchased a decal from another jurisdiction you cannot be charged in two jurisdictions. He wanted to know why the city can't extend latitude and not require citizen to purchase a decal if people purchase a new car and come in and buy a decal. He is against the personal property tax as well as a decal and would like to do away with them. It is nonsense. We use to have the \$25 to cover the cost of stickers as well as processing, stamp, etc. Now you add the \$25.00 into the personal property bill and they go out. He thinks we should do away with it. If a person buys a new vehicle or moves from another jurisdiction sell them a decal for \$1.00 and they will pay \$25.00 next year.

Mayor Jones wanted to know how many first time vehicle owners do we have each year. The Treasurer stated the majority are transfers.

Councilmember Banks stated we should have a policy that recognizes that paying \$25.00 for thirty (30) is not acceptable. You should lessen the fee and have a cutoff date. The Treasurer stated that decal fee was prorated before they went to permanent decals. In the Bright system it was not a hard fee so it wasn't collectible by DMV stop or debt setoff.

Mayor Jones stated we are not talking about a significant amount of money. Would the Governing Body consider either a proration of the fee (adjusting from \$25 to \$24 which would be \$2 per month) or for the first year making decal fee \$1.00 for first time buyers of decals and next year paying \$25.00. Councilmember Rishell stated the maximum impact would be \$5,000.

Vice Mayor Polk likes the proration across the twelve months pay equivalent of one sticker. Consensus: monthly proration and \$1 for decal for first year for previously unregistered non replacement vehicle: Mayor Jones, Vice Mayor Polk, Councilmember Banks, Carrera, Naddoni, Rishell

This would also apply to people moving from out of state.

This will be brought back in the form of an ordinance.

Vice Mayor Polk wanted to know if it would be simple to administer. Staff will bring back recommendation on cost. Councilmember Naddoni stated it does not have to be a modification of the system but it is a process that the computer system must be programmed to handle. Staff can also bring back the financial impact.

**MOTION:** Councilmember Naddoni moved to approve decal fee be \$1.00 for previously unregistered non replacement vehicle for first year with cost returning to \$25.00 the next year and proration of \$25.00 (change to \$24.00) across the twelve month.

**SECOND:** Councilmember Banks

This will not be retroactive but at the point and time it is approved.

**VOTE:** Unanimously passed

## **9. Manager Report:**

9a. Manassas Park Fire Department will hold their Open House on Saturday October 8, 2016 from 10am-2pm.

9b. The Police and Fire Department Chiefs have been monitoring the storm through conference calls. They will have another tomorrow. It looks like the City will be hit sometimes on Friday evening/Saturday all day. EOC will be opened if needed.

## **10. Closed Meeting State Code of Virginia Freedom of Information Act Section 2.2 3711 of the Code of Virginia: 7:35pm:**

**MOTION:** Councilmember Carrera moved to accept the City Attorney recommendation that the Governing Body go into closed meeting (i) to discuss and consider the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City, (ii) to discuss a prospective business where no previous announcement has been made of the business' interest in located in the City,

(iii) to consult with the City Attorney regarding a specific legal matter requiring the provision of legal advice by the City Attorney, and (iv) to discuss the award of two public contracts involving the expenditure of public funds and the terms and scope of such contracts, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the Governing Body, pursuant to paragraphs 3, 5, 7, and 29 of Subsection 2.2-3711A of the Code of Virginia.

SECOND: Councilmember Rishell

VOTE: Unanimously passed

**11. Return to Open Session: 9:27pm:**

MOTION: Councilmember Carrera

SECOND: Councilmember Polk

VOTE: Unanimously passed

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

MOTION: Councilmember Carrera 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 as convened were heard, discussed or considered in the meeting by the public body.

SECOND: Councilmember Polk

VOTE ROLL CALL: Yes: Carrera, Polk, Banks, Naddoni, Rishell, Jones

**12a. Executive Search for City Manager:**

MOTION: Councilmember Carrera moved to enter into a contract with Waters & Company for a City Manager Executive search and authorize Mayor to sign once reviewed by the City Attorney.

SECOND: Councilmember Polk

VOTE: Yes: Carrera, Polk, Banks, Rishell, Jones Abstain: Naddoni Absent: Miller

**12b. J.C. Estevez, Non-Prosecution Services:**

MOTION: Councilmember Rishell moved to authorize the City to pay \$200 per hour to J.C. Estevez for non-prosecution services.

SECOND: Councilmember Carrera

VOTE: Unanimously passed

**13. Adjourn:** The Mayor adjourned the meeting at 9:27 pm.

Approved October 18, 2016

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Frank Jones, Mayor

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Lana A Conner, City Clerk