

OFFICIAL MINUTES OF THE REGULAR MEETING OF THE MANASSAS PARK GOVERNING BODY HELD ON TUESDAY, JUNE 20, 2017 AT 7:00PM AT MANASSAS PARK CITY HALL, ONE PARK CENTER COURT, MANASSAS PARK, VIRGINIA

Roll Call: Jeanette Rishell, Mayor  
Sahas Naddoni, Vice Mayor  
Preston Banks  
Michael Carrera  
Donald Shuemaker  
Hector Cendejas  
Miriam Machado

Absent: None

Staff: Lana A Conner, City Clerk  
Laszlo Palko, City Manager  
Dean Crowhurst, City Attorney  
Colonel John Evans, Chief of Police

**1. Approval of Agenda:**

MOTION: Councilmember Shuemaker moved to approve the agenda with change on two items: 5 Recognitions moved up and addressed as 4a Recognition of John Evans as Acting City Manager, Item 5 Presentation on VRE started before 7pm meeting and will be completed after opening of meeting. 8c (2) Addition of PRTC Resolution and addition of one item added under Closed Meeting, Contracts under Paragraph 29 of FOIA.

SECOND: Councilmember Carrera

VOTE: Unanimously passed

**2. Moment of Silence/Pledge of Allegiance:** Manassas Park Governing Body

**3. Citizens Time:**

a. Darcy Ostrander Damon, 9303 Karen Court: There is an issue with parking in the City in general especially apartment complexes. The public will start using the VRE garage for personal parking which will take up parking room. As usage increases that will become a problem as well as a safety issue. You have people using the regular parking spots since VRE is looking to decrease the size of the spaces. She will send her comments to VRE. Councilmember Banks stated that Metro at Vienna has a policy that if a vehicle is parked overnight they will tow your car. He knows that City Center apartments has a parking issue.

b. Martha Collier, 9700 Elzey Place #304:

VRE Garage: Manassas Park donated the land for the parking garage. NVTA has approved funding for the study and hopefully the building. She understands NVTA will be appropriating funding for construction of the parking garage. Will there be parking fees charged for non-city residents because 65% of the users are not city residents. The City Attorney stated because of federal funds being involved, the city could not charge separately for parking. She wanted to know where city tax dollars are coming from because the city has a bare bones budget. If tax dollars are involved, are the city residents aware of this because she is a resident and she is not? Maintenance, what is the estimated cost and who is responsible for things such as signage, parking space striping, landscaping/grass cutting, graffiti removal as soon as it is detected and who will do the removal, cleaning and trash removal. Will there be security cameras with a direct feed 24/7 to MPPD. What about weekend use. This parking is for VRE parking and not general use. Her final question is who will be the owner of the garage. She also wanted to know if tow trucks could get inside the garage in case a vehicle needs to be towed.

VRE Representative stated certain tow vehicles could get in the facility. The entrance is designed for height of vehicle capable of doing towing. It is a different vehicle than a conventional tow truck with a wench. It is more like a Ford F250 with carriage behind it that tows vehicles out.

Mayor Rishell stated these questions would be forward to VRE for answers. Ms. Collier wanted the Governing Body to give the public answers to these questions at the next regular Governing Body meeting. Mayor Rishell stated as far as ownership, they are in negotiations right now. She stated being a city of modest means, she does not believe there is any support on the Governing Body for contributing toward the actual construction of the garage. We cannot afford it.

c. Roger Courtney, Esq., Robotic Parking Systems Inc.: He lives in Woodbridge. They believe they build the safest parking garages that are environmental friendly. Data shows their greenhouse gases are 90% less than a regular garage. They just finished a garage in Kuwait City for the federal courthouse. They wanted a traditional garage on the bottom because they have some long and some wide cars. Mayor Rishell informed Mr. Courtney that the City of Manassas Park would not be in charge of making the decision as to which vendor would build the garage. That is out of their control. VRE would have to issue an RFP.

Councilmember Machado asked about the number of handicap parking spaces. Ms. Sonali stated they have provided the required number of spaces (12). HP spaces will be located right next to the bridge on the second level so they can access the bridge. The elevators are at the other end. There will be no problem accessing the platform.

d. Mark Scheufler, 8166 Barnwood Road, Manassas Virginia:  
The Route 28 feasibility study is underway. They have narrowed the options to four. He would like to encourage the Governing Body to pass a Resolution to support the Euclid Avenue alternate. It would provide the best option to helping promote the city and get people to the city and city center. More cars will better be able to develop the area around here to help build the tax base. This is a good way to get the traffic you need in the City Center area moving forward. Mayor Rishell stated the biggest factor in what they decide to do will be the cost effectiveness of the projects. The entire Route 28 committee will consider cost effectiveness.

Ms. Sonali stated that the total cost for design and construction is \$23,678,000. Construction will be approximately \$21,000,000. NVTA funded \$2.5 million for final design.

#### **4. Recognitions:**

##### **4a. Thank you to John C. Evans, Chief of Police while serving as Acting City Manager:**

The Governing Body held a reception for Chief Evans at 6:30pm. Since August 2016 when we lost our City Manager, Chief John Evans assumed the duties of Acting City Manager until June 19, 2017 when Laszlo Palko assumed the duties of City Manager. Chief Evans has worn many hats and has done it seamlessly, and flawlessly. The Mayor stated she cannot tell you how much Chief Evans has served the city, has stepped up and helped every single person in the city. Mayor Rishell presented John Evans with a plaque for serving as Acting City Manager.

Chief Evans thanked the Mayor, Governing Body and City Attorney for all of their support. He thanked the following department heads for their support; Jay Swisher, Calvin O'Dell, Pon Yusuf, Dave Dixon, Randi Knight, Don Spady, Winnie O'Neal, Debbie Wood, and Lana Conner who was instrumental in everything over the past nine months. He gave a shout out to the command staff at the police department; Trevor Reinhart, Mario Lugo, Kevin Hampton and Karen Barton because he could not have done this without them.

He stated that Laszlo Palko has been engaged with the city for the past 30 days even though his first official day was June 19, 2017.

Mayor Rishell stated they appreciate everything he had done as well as staff who has taken us through this difficult time of transition. It was truly a team effort.

**4b Public Hearings:**

City has two school board positions. Rachel Kirkland's term expires June 30, 2017 and she has expressed interest in being reappointed. Eric Harmon resigned and three applicants listed below will fill his term.

**4b(1) School Board Applicants:**

Notice: The Governing Body of City of Manassas Park, Virginia will hold a Public Hearing on Tuesday, June 20, 2017 at 7:00 PM at City Hall, One Park Center Court, Manassas Park, VA. This meeting is being held to get citizens comments on persons being considered for appointment to Manassas Park School Board. Appointments will be made for two terms; one for a term effective July 1 2017 and expiring June 30, 2020, and one term effective July 1, 2017 expiring June 30, 2018 due to resignation. Listed below are the Manassas Park applicants being considered: Ron Gill, 9337 Hedgeford Street, Manassas Park VA, Haseeb Javed 9420 Sonia Court, Manassas Park VA, Rachel Kirkland, 9313 Brandon Street, Manassas Park VA, Deborah L. McIntyre-Yurkovich, 9340 S. Whitt Drive,

Mayor Rishell opened the Public Hearing at 7:35

Citizens wishing to address this Public Hearing:

1. Darcy Ostrander Damon: 9303 Karen Court: She is here in support of Deborah L. McIntyre-Yurkovich: She is very qualified since her background is family law practice and with three children understands all aspect of our school system. She deals with different areas of Virginia Law. She has the credential and knowledge necessary to work such a position.
2. Amanda Harper: 9712 Henderson Place: She supports Deborah L. McIntyre-Yurkovich. She is qualified for this position. Ms. Harper is a 12 year resident. She is a school volunteer and member of PTO. She understands the issues and believe Ms. McIntyre-Yurkovich will represent the community and be a great asset to the city. Debbie has given back to the community as a volunteer. She is an attorney that specializes in education law. She has represented students, families, teachers and staff members in a variety of school law related matter. She will understand the challenges facing our school system. She will constantly offer ideas and solutions for the board to consider.
3. Matthew McIntyre-Yurkovich, 9340 S. Whitt Drive: He supports his wife Deborah L. McIntyre-Yurkovich. She is the right person for the school board position. She entered law school in 1999. The shooting at Columbine changed the course of education law. Education Attorney became a necessity; however very few practice the law. She was also a paralegal for a law firm. Debbie became passionate about education law and by the time she passed the bar in 2002, she had become one of the most knowledgeable attorneys practicing education law in northern Virginia. She embraces special education. They have three children and have a special needs child that goes to the City school system. She fights for those who cannot fight for themselves. She participated in the Marine Corp Marathon and will do so this year. If appointed she will help Manassas Park navigate the many issues?
4. Melissa Mareny: She has a business on Railroad Drive: She has lived in Blooms Crossing since 2009. She is here to support Deborah McIntyre-Yurkovich. They share the same principals in raising their children. She is heavily involved in the schooling of her children. She has been involved in legal representation legal law. She would be dedicated and qualified for a school board position. She will always represent the kid's best interest. She will strive to improve student performance.

5. Sara Taylor, 135 Cabbel Drive: She is here to support Debbie McIntyre-Yurkovich. She has been a resident for 9 years and a school bus driver for City schools. She has known Deborah for 7 years. She helped care for her children. She cannot think of another person that would be better qualified for this position. She is amazing with all children she is comes in contact with. She is extremely intelligent. Her background in education law makes her perfect for the role. She will bring knowledge to this Board.
6. Raheel Sheikh, 5973 Maxwell Court, Manassas, Virginia. He is here to support Haseeb Javed. He owns several businesses in Manassas. Mr. Javed has a passion for working with kids. Haseed taught his kids how to play basketball and tennis. He helped Mr. Sheikh's daughter run for Stonewall Middle School election and she won. He owns his own business. He would be a great asset to the Manassas Park School Board.
7. Umair Javed: He is Haseed's brother. Mr. Javed is an attorney in Washington D.C. He is Commissioner on the Fairfax County Consumer Protection Commission. He is a loving husband, a dedicated father and a savvy businessman. He does not envy the decision the Governing Body must make because of the qualifications of the applicants. He has participated in HOA and Development Board. He will continue to be an asset to the community. The Board will benefit from a diverse set of backgrounds, and experiences. Please consider him for this role
8. Owais Javed: He is Haseed's brother. His wife is a teacher in Prince William County. He has a way of bringing people together, community at large. There is such a diverse group of stakeholders in education. He knows education is the backbone of any community. He will bring a fresh perspective and not one state of mind.
9. Atif Qarni: By e-mail: I am requesting that you consider Haseeb Javed for one of the vacancies on the school board. As a teacher and parent, I believe Haseeb has a very good understanding of the things needed to support the Manassas Park School division and to ensure the students reach their fullest potential. Please pass this recommendation on the city council members.

The Governing Body will hold a Special Meeting on June 27, 2017 to make these appointments.

Close Public Hearing at 7:40pm:

MOTION: Councilmember Shuemaker

SECOND: Councilmember Carrera

VOTE: Unanimously passed

#### **4b. Public Hearing: FY2018 Stormwater Management Fee Increase:**

The Mayor opened the Public Hearing at 7:40pm.

Copy of Staff report and presentation made part of the record.

Calvin O'Dell gave a presentation on stormwater utility fee. In 2010 staff presented methodology for billing and presented rate based on cost estimates. The structure was approved and Stormwater Enterprise Fund was created. The rate has not changed since 2010. We have become a Virginia Stormwater Management Permit Authority. We now review the plans and issue the general permits that state uses to review plans and issue permits. City is responsible for all SWTTP pollution prevention plan inspections. In 2010 the city was the first jurisdiction in Virginia to get audited by DEQ. Until February 2017, City had to enter into compliance agreement based on the findings of the audit.

Impervious surface is a surface that cannot absorb into the ground like asphalt, concrete, roof, etc. In natural conditions, everything is pervious.

Current ERU rate is \$35.58 which has not changed since 2010.

Assumptions: All revenue assumptions are made at 6,971.5 total Equivalent Residential Units (ERUs) in the City. This is an approximation of what will be billed in FY18. Total ERUs billed may vary in future years depending upon the pace of development and impervious/pervious ratios of future development.

All Total Maximum Daily Load (TMDL) Reduction capital project costs are based on current estimates for all projects required in MS4 permit cycles ending in 2018 and 2023. Currently, the total design and construction estimates for all projects required in these permit cycles total \$1.2M, which is for reduction of TMDL in capital cost.

Option #1 – Make up the \$1.2M in capital expenditures, and cover the operating budget deficit. Proposed new ERU rate = \$106.58 Reasoning: This option serves well to solve both the need for capital accrual, and to prevent short-term deficit in the operating budget. It will ensure that the fund balance is not depleted by the operating budget, thereby allowing the capital project costs to be covered by the fund balance in FY19.

Pros: • Addresses both capital deficit and operating deficit in FY18. • Preserves the fund balance in FY18, making it possible to transfer capital costs in FY19. • Addresses the mandated expenses, and leaves some opportunity to improve the operating budget outlook through grant funding.

Cons: • Provides no consideration/contingency for inflation of capital project costs, personnel costs, or general operating costs. Fund balance may prove inadequate if current project, personnel and operating estimates do not hold true. • Potentially forces delay of capital project starts as we await fund balance growth. • Provides no additional fund balance growth for protection against emergencies.

Option #2 – Make up the mandated capital improvement costs, cover the current and future operating budgets while allowing for inflation of personnel and operations expenses.

Proposed new ERU rate = \$116.97

Reasoning: This option takes into account the likelihood of increased operations and personnel costs in addition to the mandated capital improvement costs. Currently, the stormwater fund budget carries little capital outlay, and only a small amount for training and certification. The City owns and maintains 44 Best Management Practice stormwater facilities, the vast majority of the underground conveyance system in the City, as well as substantial acreage of stormwater drainage easements. Inspecting and maintaining these facilities requires trained and certified personnel, and a considerable amount of equipment. Staff anticipate increases in the operations and maintenance costs in years to come, though what those increases will amount to is very difficult to quantify. Therefore, staff recommendation is to assume a 10% per annum increase over the next 5-year period.

Pros: • Addresses mandated capital improvements and builds operating budget room for future capital outlay. • Addresses current deficit in operating budget, and provides contingency for future budget cycles. • Addresses likelihood of personnel cost increases, and helps to provide training and certification for personnel. • Helps to provide a stable fund balance both near term and in the foreseeable future. • Provides a rate structure that may not need adjustment in the foreseeable future.

Cons: logically, cost increases is anticipated. This rate increase does not ensure that the fund operates with healthy reserve. Without a substantial reserve, emergencies and unforeseen capital needs could still require supplement from the general fund.

Staff Recommendation: Staff recommends that the Governing Body vote to increase the stormwater utility ERU rate as presented in Option #2. This rate provides the most stability to the fund, relieves the burden on the general fund, and begins establishing a fund balance that can handle minor increases in operating budget without immediate need for rate adjustment.

Mayor Rishell: I would like to say a few words. I would like everyone to know that staff would not be asking for an increase in the storm water fees unless it was absolutely necessary. This increase is for the purpose of balancing our storm water fund and eliminating the need for the general fund to subsidize the storm water fund. I won't repeat everything Calvin said, but some items are worth mentioning again because I believe it is helpful to think about what this fund pays for, and how badly it could impact the City if we don't have enough revenue in this fund. As Calvin said the City has an MS4 permit. This is our Municipal Separate Storm Sewer System Permit. The permit requirements grew out of the EPA's approval of the Total Maximum Daily Load of pollutants that should flow into the Chesapeake Bay. There are 3 pollutant of concern, or POCs. They are Nitrogen, Phosphorous and Suspended Solids. Our permit requires us to reduce these.

The City created an Action Plan to show the state how we would meet our requirements and that the City would comply. These are the items and projects that Calvin described in his presentation. The City has already spent hundreds of thousands of dollars towards compliance. This expense, and more to come in the future, is a huge unfunded mandate for the City and for all localities. And the General Fund cannot begin to support this.

The City's current permit cycle ends in 2018, and that mandates a 5% reduction in POCs; and the next cycle adds 35% for a total of 40% pollution reduction requirement; and the next cycle is even more strict.

If the City falls out of compliance, the fines involved can be as high as \$30,000 per day per offense. So all of this is the reason that we need to have enough revenue in the Storm Water Fund, and not take these costs from the General Fund.

Vice Mayor Naddoni asked about the rates. The existing rate and the increased rate is per year billed semi-annually. We have 4,500 houses. The large complexes are based on their true impervious to pervious areas.

Councilmember Banks would like staff to look into a program that some other jurisdictions have that give credits if a residential unit does certain things to their property such as green roof or bio facility. They could reduce their impervious area on their property. Come up with a credit program. Pollutants come from other things rather than yards and complexes. The Mayor stated the level of specificity he is looking at staff could not do because they do not have the time to review all the property. He would like to incentivize good behavior.

Our 2018 5% requirement is a bio-retention facility in Costello Park. It will be a small shallow pond with a certain amount of wet storage, which will help with the nutrient absorption process.

There will be an aggressive outreach education program for the citizen to let them know what is going on and things they can do to help with this program. There will be mass mailing through utility bills. Mr. O'Dell stated they want proof that this is being sent out and the citizens are getting the information.

Councilmember Carrera stated in Blooms Crossing there was a move to get solar panels but it has never been done. The Mayor stated she wish they could have them.

Mayor Rishell stated we are just addressing this increase in fee because we are close to the second permit cycle, which is 35 percent.

Citizens wishing to address this Public Hearing:

David Mensing, 9312 Bradley Court: It looks to him like the city is going to suck up the cost one-way or the other with Option 1 or 2. He understand this requirement is coming down from federal and we have to do what we need to do to be in compliance so we are not fined. We have a diverse segregation of different houses and square footage in different areas. Is single family in Blooms Crossing comparable to a single-family dwelling on the other side of Route 28? They are probably half the square footage of homes in Blooms Crossing. Is it fair for them to be paying the same amount as a person with a larger lot? Is the ratio high as compared to Prince William County or Fairfax County? Are we getting credit for what we are doing? Is this a fair mandate for a small jurisdiction? Pollutants could be coming from wildlife or other things such as automobiles coming through our jurisdiction or parking in our garages.

Mr. O'Dell stated the TMDL reduction process did not happen overnight. Every jurisdiction is required to submit data. There was consideration given for the areas that are treated versus the areas that are not treated. Areas in Blooms Crossing at the time of development was treated by best management practices. Best management practices was not incorporated in the west side during the 1950's and this would balance out the fee structure. Aging infrastructure on west side was taken into consideration.

The City Attorney stated there have been comments about citizens parking in VRE garage and possibility of charging a fee. City was sued by VRE and city agreed to take away that resident only. When you use federal funds, you cannot differentiate between residents in different jurisdictions. If we used city funds, only to pay for the garage we could charge. We are getting funds from federal sources.

Councilmember Shuemaker stated the lowest proposal is for three times what it is now from \$35.52 to \$106.80. We wait until a crisis and then have to make some huge difference because of lack of planning. The city has no control and it is federally mandated. He would like a smaller increase.

The Trump Administration seems to be leaning toward decreasing regulations. The Mayor stated we have to look at the economic reality of this right now. We cannot make this decision based on politics. We have to base it on facts. The general fund cannot afford to subsidize storm water nor continue to subsidize solid waste as it has done over the past four years.

Councilmember Shuemaker stated there is a 3% increase for staff but staff has not gotten a raise in last ten years. He believes that city is rushing this decision. People are on vacation. The Mayor stated it was well publicized. There is a time factor involved to get it into FY2018 budget. If this is approved before July 1, the information for real estate bill will not go to the Treasurer until September timeframe. Both semi-annual bills will match. She disagrees that this has been rushed. Mr. O'Dell and staff has spent a lot of time on these proposed fee increases.

Councilmember Machado stated one way or the other we will do this change. If we do not support this, we will get into other problems.

Close Public Hearing: 8:30pm:

MOTION: Councilmember Shuemaker

SECOND: Councilmember Carrera

VOTE: Unanimously passed

#### **4c. Public Hearing: FY2018 Refuse and Recycling Fee Increase:**

In order to balance the solid waste enterprise fund, the Governing Body will hear a recommendation from staff on increasing the curbside residential collection fee that is billed monthly in conjunction with the water and sewer utilities. These funds are needed so that the General Fund will not have to subsidize the solid waste enterprise fund. Staff is recommending an increase in the curbside residential collection rate from \$15.65 to \$19.28.

The Mayor opened this Public Hearing at 8:30pm.

Every since the city went out to bid for solid waste contract, the amount of city contract has increased but our rates have not since 2012. The General Fund has been subsidizing the solid waste enterprise fund. This is a direct contract cost fee. There is some personnel cost. This option does not fund a second household hazardous waste event. This fund has a deficit of \$147,306 this year.

We have the same issue with the Solid Waste Fund in that it needs to support itself. Likewise, the staff would not be requesting an increase if it were not necessary. There is a sad economic reality regarding the solid waste fund.

Mayor Rishell: The Solid Waste Fund was created in 2012, and ever since its creation, it has run in a deficit situation. There was only one year that an increase was passed. There were 3 years in which no action at all was taken. That pretty much brings us to 2017 where we are today. \*\*We have numerous times put this out to bid to see if we could find a vendor and lower the cost. Each year we have received pretty much the same result; and that result is that our current vendor is about \$200,000 less per year than the next highest bidder. So the City is not going to find savings in this way. Let's put this to rest right now, that bidding again is not a real option. We have also tried to cut back as much as possible. One year we reduced the number of hazardous waste events from 2 to 1 in order to save money there. The fact remains that the General Fund is still subsidizing the Solid Waste Fund. I would like to comment in general on the affect that both the Storm Water Fund and the Solid Waste Fund have on the City. There are unintended consequences to allowing one or both of these funds to be subsidized by the General Fund.

If we were to continue to allow this to happen the reality is less funding for other things and the following is a short list of what might happen:

\*\*We would not be able to provide anything to the schools next year. \*\*The City would continue to be short staffed. Part of being able to balance the current FY18 budget was not filling a half dozen staff positions across the City that needed to be filled. \*\*City would not be able to provide raises to city employees and would continue to fall behind other localities in this respect. \*\*It would be increasingly difficult to make our VDOT funding matches in order to continue to fund projects that are needed and that have already been planned.

\*\*Capital expenditure of all kinds would continue to be postponed, and we cannot continue to kick the can down the road on some of these items. \*\*For the current budget FY18, the debt service spiked \$3 Million, and the City debt service will increase again for the FY19 budget by about \$700K. So there is no extra revenue in the budget. \*\*So these are a few of the consequences of not making both funds be self sufficient. It is a financial reality that there is no room in the budget to subsidize either one of these funds. This decision should be made based upon data, based upon the facts and figures. That is the unfortunate reality. Councilmember Shuemaker stated he offered an increase when he was on council before. He assumed city would approve another one but it never happened. Councilmember Shuemaker stated this fund has never balanced and has always been subsidized. Councilmember Banks was asked if you could do a two-tier approach to this. The City Attorney stated you could as long as you set it in motion right now. But understand you cannot obligate a future Governing Body to take a vote to do something. Set the fee right now. Mr. O'Dell stated that is why there are two options. Mr. O'Dell stated these rates do not take into account that Patriot could increase their rates per contract for a twelve-month period.

Citizens wishing to address Governing Body: Citizen comment by e-mail: Rich Schubert, 9217 Zachary Court: If I do not make it tonight please know that on raising either the storm mgmt. fee or the recycling/refuse/ fee is strongly against. It should be going the other way especially with all the water loss issues that have been resolved. I am against this increase."

**Close Public Hearing at 8:47pm:**

MOTION: Vice Mayor Naddoni  
SECOND: Councilmember Shuemaker  
VOTE: Unanimously passed

**6. Consent Agenda**

- 6a. **Approval of Minutes: April 25, May 30 and 31, 2017**
- 6b. **Resolution 17-1000-2004 Hazardous Mitigation Plan**
- 6c. **SSAB: Linda Sanchez four (4) year term August 30, 2021**
- 6d. **Summer Schedule July 18, 2017 and August 15, 2017**

MOTION: Councilmember Shuemaker moved to approve Consent Agenda as presented  
SECOND: Councilmember Carrera  
Mayor Rishell made slight correction to May 30 agenda. Councilmember Shuemaker's goals were added to the April 25 2017 minutes.  
VOTE: Yes: Shuemaker, Carrera, Banks, Cendejas, Machado, Shuemaker, Rishell

**7. UNFINISHED BUSINESS: None**

**8. New Business**

**8a. PW: Branscome Paving: Task Order #1:**

MOTION: Vice Mayor Naddoni moved to approve Task Order #1 as presented.  
SECOND: Councilmember Carrera  
These are high priority paving areas with little possibility of having to dig streets up for any reason. Councilmember Banks would like to look into possibility of using a higher quality asphalt for city streets.  
VOTE: Unanimously passed

**8b PW: Palisade Extension of Performance Agreement:**

Oxford Properties is seeking a 90-day extension to its performance agreement with the Governing Body for the Palisades development. The existing agreement expires on June 22, 2017 and an extension is requested until September 20, 2017. The Palisades is a mixed-use project located off Manassas Drive between Railroad Drive and Digital Drive.

The development includes a 304-unit apartment complex and a 22,750 square foot commercial building. The residential component of the development is nearing completion. All residential buildings have been constructed and a majority of the site work has been completed. Items requiring completion include stormwater management, a pedestrian pathway, landscaping and fencing. The majority of unfinished site work is related to the commercial portion of the development. The parking lot, the building pad and a small section of storm water piping have yet to be constructed. The associated landscaping also needs to be installed. The residential and commercial areas of the site are not under the same ownership. Oxford Properties and the adjacent landowner have been negotiating certain issues related to the commercial development, which has delayed construction. Oxford Properties anticipates the remaining site work can be completed within the next 90 days.

The City Attorney stated when December 26, 2017 comes along and there is an option for them extend the escrow agreement for another six months. At that point this performance agreement would have to be extended another six months.

Staff Recommendation: That the Governing Body grant the extension of the performance agreement for The Palisades, Site Plan SP#13-03, with an expiration date of Wednesday, September 20, 2017.

MOTION: Councilmember Naddoni moved to approve extension of Performance Agreement for The Palisades, Site Plan SP#13-03 to December 26, 2017.

SECOND: Councilmember Carrera

VOTE: Unanimously passed

**8c Resolutions: Potomac and Rappahannock Transportation Commission (PRTC):**

**(1) Resolution 17-1000-2005 PRTC Additional Appropriation: Denver Drive Culvert Improvement Project: \$206,000**

**(2) Resolution 17-1000-2006 PRTC \$116,000 (Paving)**

MOTION: Councilmember Shuemaker moved to approve two Resolutions as presented.

SECOND: Councilmember Carrera

Mr. O'Dell believes the City's unencumbered balance for PRTC is \$1.4 million.

VOTE: Unanimously passed

**9. Manager Report**

Chief Evans stated that they are taking security precautions for Fourth of July event. They have placed concrete barriers around Signal Hill Park. Parking will be restricted. Captain Hampton, MPPD, and Jay Swisher, Parks & Recreation, are working on this plan.

Mr. Palko thanked Chief Evans for everything he has done for the city for the past ten months and all the department directors who have been working very hard to resolve many issues. He thanked the Governing Body for providing him with this opportunity.

**10. Closed Meeting State Code of Virginia Freedom of Information Act Section 2.2-3711 of the Code of Virginia: 8:09PM:**

MOTION: Councilmember Shuemaker moved that the Governing Body go into closed meeting to (i) to consult with the City Attorney and other legal counsel employed or retained by the City regarding a specific legal matter requiring the provision of legal advice by such legal counsel, and (ii) to discuss the award of a public contract, and the terms of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Paragraph 7 and 29 of Subsection 2.2-3711A of the Code of Virginia.

SECOND: Councilmember Carrera

VOTE: Unanimously passed

**11. Return to Open Session: 10:33pm:**

MOTION: Councilmember Carrera  
SECOND: Councilmember Cendejas  
VOTE: Unanimously passed

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

MOTION: Councilmember Shuemaker 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 Cendejas  
VOTE ROLL CALL: Yes: Shuemaker, Cendejas, Carrera, Banks, Machado, Naddoni, Rishell

**13. Adjournment: 10:35 pm:**

MOTION: Councilmember Shuemaker  
SECOND: Councilmember Carrera  
VOTE: Unanimously passed

Approved July 18, 2017

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Jeanette Rishell, Mayor

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Lana A Conner, City Clerk