

OFFICIAL MINUTES OF THE REGULAR MEETING OF THE MANASSAS PARK GOVERNING BODY HELD ON TUESDAY, JUNE 27, 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 Naddoni moved to approve the agenda as amended with addition of one item added under Closed Meeting, contracts under Paragraph 29 of FOIA.
SECOND: Councilmember Machado
VOTE: Unanimously passed

2. Moment of Silence/Pledge of Allegiance: Vice Mayor Naddoni

3. Citizens Time:

- a. Martha Collier, 9700 Elzey Place #304: VRE Garage: She thanked the Governing Body for their quick response on her questions at the last meeting.
- b. Rick Schubert, 9217 Zachary Court: He thanked those who responded to his comments about the water & sewer fees, UOSA fees, Recycling fee increase. He is against increases in fees but realizes it will probably pass. He would like the Governing Body to consider if any of those fees can be rolled back into our taxes, which can be itemized and federal government can subsidize some of that then it would not be such a big hit. Try to lessen the impact to our citizens. He does not want Manassas Park to become an investment community for investors. He wants this to be a family community. Mayor Rishell stated the purpose of an Enterprise Fund is to be self-supporting. There is a question as to whether it can or even should be rolled back into the taxes. She understands what Mr. Schubert is saying. We are running a deficit on solid waste and that is why it is being addressed. We don't want to do any of this but it is a necessity. PRAC: He stated he serve on the Parks and Recreation Advisory Commission, which has not met in a long time. Can the city gets this Commission working again?
- c. Rachel Kirkland, 9313 Brandon Street: School Board: She sees her appointment on the Consent Agenda. She thanked the Governing Body for the honor of serving on School Board. She has enjoyed the past nine years and she considers it an honor to have three more years. She apologizes for not being at the public hearing but had a prior commitment.

4. Presentation: Calvin O'Dell: Route 28 Update: Technical Committee:

Update alternatives for solving the traffic problems on Route 28. He gave Governing Body maps showing the alternatives. The difference between Alt. 2A and Alt. 2B (Godwin Drive extended to existing Route 28 south of Bull Run) is the terminus point in Fairfax County. Alt. 2 A comes out this side of Compton Drive.

One of the alternates goes down Old Centreville Road and the other one comes through Prince William County. It is just the last section of the project takes a different route on how it winds up getting into Fairfax County.

It was originally known as By-County Parkway but now it is a much wider cross section and the concept was that it was a different cross section and the environmental impact can be lessened.

Mr. O'Dell stated these are preliminary evaluations of the alternatives. The major differences come when you evaluate 2A/2B versus Option 4 Widening Route 28 on existing alignment between Liberia Avenue and the Fairfax County line and Option 9 Euclid Avenue extension north to Route 28 near Bull Run and south to Sudley Road/Route 28 intersection. The Technical Committee narrowed it down to 11 with options. The Executive Committee has narrowed it down to four options for further study. Manassas Park has supported Option Four. It has been mentioned in the Comprehensive Plan and CIP as a viable alternative to solving the traffic on Route 28. It has impacts because it has to cross a major floodway section, which is constructing a bridge. Cost depends on how much would be constructed at grade and how much would require engineering to elevate it above the floodway. It would require extensive soil analysis along the floodway. There are approximately 60 homes involved. This would bring a major thoroughfare into our City Center Redevelopment District. City has been talking about improving the lower section down to Euclid Court for some time. It scored very well in the Alternative Scoring Analysis. Option Nine has been discussed by Manassas Park for some time because it is widening of Route 28 itself instead of developing around trying to build a new roadway or extension. The two cheapest alternatives preliminary analysis is widening of Route 28 and Euclid Avenue. The cost for Euclid Avenue has the potential to soar pending on the floodway.

Mayor Rishell stated in the grand scheme of things these numbers are not that far apart once you begin construction. There are significant right of way cost and actual impact for the number of takings. These reports are very preliminary. The Technical committee gives the information to Executive Committee who will make a recommendation on the options. Mayor Rishell stated we would have a lot more information from the analysis for the town hall meeting that is scheduled for September 7, 2017.

Councilmember Shuemaker asked if they studied where the cars are going which would drive which option. If they were going down Route 28 toward Manassas then 2a/2b would be more favorable. If they are going down the parkway, they might look at Euclid or Route 28 itself. Is that a consideration? There have been many traffic counts taken and a lot of modeling. With the tri-county parkway consideration, they determined that traffic would get worse. Only two of these projects alleviate congestion through Olde Town Manassas. The other two happened after Route 28 moved up.

Councilmember Banks stated he believes they still need a secondary road to go northbound because if there is an accident on Route 28 everything is blocked. Mr. O'Dell stated they have discussed constructing another artery.

Mayor Rishell stated at the Executive Committee she made it clear that it would be very unlikely that the Manassas Park Governing Body would support anything that involved taking residential property. One alternative discussed was to come over Old Centerville Road down Scott Drive, which would have taken too many homes. Route 28 taking would have the biggest impact on businesses.

Mayor Rishell stated political consideration has to take a back seat in the beginning because it has to be data driven. It has to fit the criteria.

Reverse lanes was not a consideration because of the extensive ongoing maintenance cost not related to pavement or striping.

Councilmember Shuemaker wanted a city logo on all of these documents.

5. Information Items: Answers to Martha Collier comments: made part of the record.

Parking Fees: The City Attorney stated the VRE asked the city to get rid of the parking and VRE currently reimburses the city for that lost tax revenue, which is in the 300-space parking lot that was built with city funds. The expansion lot never had parking fees associated with it because it was run by VRE. The parking garage will probably be run by VRE and will not have parking fees. City can charge parking if VRE asked them to. The issue with the federal funds was we had in the 300-space parking lot built by the city resident only parking. The federal government (FTA) took the position that because there was no way to distinguish between the two parking lots that the federal funds used for the expansion parking (the rules associated with that) also applied to the city parking lot. The legal position was that there was no restriction in the federal regulations and even if they were, it would not apply to city parking. VRE sued the city to enforce this. We ended up settling out. We ended up taking resident only parking out of that. In return, we got the expansion of the platform and other improvements.

6. Consent Agenda

6a Approval of Minutes: None

6b MPCS: Schools: FY2018 First Quarter Appropriation \$11,414,345.00

6c F1 Task Order 1 Support Services provided by F1: \$4,735.00

6d F1 Task Order 2 Renew F1 IT Support Services by F1: \$85,000

6e School Board Appointment: Rachel Kirkland Three Year Term

MOTION: Councilmember Naddoni moved to approve Consent Agenda as presented

SECOND: Councilmember Shuemaker

VOTE: Yes: Naddoni, Shuemaker, Banks, Carrera, Cendejas, Machado, Rishell

7. UNFINISHED BUSINESS:

7a. MPCS: School Board Appointment: One Term:

MOTION: Councilmember Cendejas moved to appoint Deborah L. McIntyre-Yurkovich to the Manassas Park School Board for the unexpired term of Eric Harmon (June 30, 2018).

SECOND: Councilmember Shuemaker

VOTE: Unanimously passed

7b. PW: Storm water Management Fee:

Mayor Rishell: The next item is regarding the storm water management fee increase. Calvin gave an excellent presentation at the last meeting detailing the MS4 mandated expenses for the City, that are going to have to come out of this fund. As we recall from the last meeting MS4 stands for Municipal Separate Storm Sewer System. Our City has an MS4 permit and that permit requires the City to do certain things to reduce our flow of pollutants into the Chesapeake Bay water shed. The cost of this is paid for from the Storm Water Fund, which is an enterprise fund. The purpose of an Enterprise Fund is to cover the cost of the service provided to residents, and therefore must be self-supporting. The Storm Water Fund will very shortly go into a deficit situation. If this happens, the General Fund would have to make up the difference for any expenditures made and not covered by that fund. As we discussed at the last meeting the General Fund cannot afford to subsidize any of the expenses that these fees should be supporting. Unfortunately, the City has no control over these MS4 requirements to reduce our pollutant flow. This is because those requirements are essentially mandated by the federal government and administered by the states. I will say that raising storm water fees is not something any of us want to do, but it is something we have to do. Staff would not recommend this unless it was absolutely necessary. And as mentioned above these MS4 expenditures are a direct result of federal mandates over which we have no control. Likewise, the City cannot afford to be ruled out of compliance because those fines can be as high as \$30,000 per day per offense. If the General Fund were forced to pay for projects that satisfy the MS4 permit, there would be unintended consequences to subsidizing these projects from the General Fund. We talked at the last meeting about some of those unintended consequences and I think it is helpful to review those consequences.

If the General Fund subsidizes any of the fee based funds we have in operation, such as the Storm Water Fund or the Solid Waste Fund, the following would be likely consequences:

**We will not be able to provide anything to the schools next year. Our City will continue to be short staffed. Part of being able to balance the current FY2018 budget was not filling a half dozen staff positions across the City that needed to be filled. **City will not be able to provide raises to city employees and will continue to lag behind other localities in this respect. **It will be increasingly difficult to make our VDOT funding matches in order to continue to fund road projects that are needed and that have already been planned.

**It will be increasingly difficult for the City to do its revenue set-aside in order to meet state legal requirements for the City to receive Northern Virginia Transportation Authority (NVTA) 30% funding for road and street projects. **Capital expenditure of all kinds will continue to be postponed, some of which cannot be postponed much longer. **For the current FY2018 budget, the debt service spiked \$3 Million. The City debt service will increase again for the FY2019 budget by about \$700,000. So this leads us to the question of where the funding will come from if we allow any of our enterprise funds to be subsidized by the General Fund. So there is no room in the City budget to subsidize any of the fee based enterprise funds that the City has in operation. None of us want to raise fees; but the responsible course of action tells us that we must both secure the City economically, and also be in compliance with state and federal mandates. I hope that we all understand the seriousness of this issue, and I hope that one of you will make a motion for the storm water management fee increase to a level of \$116.97 per year.

MOTION: Vice Mayor Naddoni moved to increase the storm water fee to \$116.97 per year.

SECOND: Councilmember Carrera

Vice Mayor Naddoni stated it is very difficult for Governing Body to raise any kind of fees or taxes. We hear from residents. We are also taxpayers paying these fees. We are trying to provide that safe secure clean community environment. In order to subsidize these fees, core services will be reduced and the residents will not be happy. This increase is not ideal but it is necessary. This is the second time for an increase in seven years.

Councilmember Carrera stated no one wants to raise fees. We are a working class community and it is tough. Councils in the past have not made responsible decisions but this council will make responsible decisions on behalf of the residents of the city. It must be done. Federal government has put oppressive mandates on us, which we cannot meet. He supports this.

Councilmember Cendejas stated this is a difficult decision for everyone. We know the burden falls on our residents. It is challenging. We must comply with these requirements. It is our duty to be transparent with the residents whether good or bad.

Councilmember Machado stated we must do this. We have not had an increase since 2010. If we do not do this now, we will have consequences.

Councilmember Shuemaker stated he wanted a commitment from council that we are going to raise city employee pay by 3% per year because that is assumed in this proposal showed on agenda packet Page 18. Employees have had one good raise in ten years. Councilmember Shuemaker stated he was talking about the next four years that is in this chart. Mr. O'Dell stated three full time employees are paid out of this fund. There are administrative portions of salary (2) that come out of this fund. We are going to raise recycling fees, etc.

Mayor Rishell stated this is not for every employee in the city. We do not know what the financial condition of the city will be in the next four years. You want to spend money before it comes into the city. We cannot commit to something three or four years down the line.

Mr. O'Dell stated the 3% increase is for personnel cost to the city not an anticipated salary increase. This allows for the cost of benefit increasing. Mayor Rishell stated the bulk of what is being spent would be spend on engineering and design services to meet our permit requirement. Mayor Rishell stated we are trying to make the funds self-supporting.

Vice Mayor Naddoni stated this is a cost estimate from Mr. O'Dell. There could be health care insurance increase, etc. There are things city has no control over.

Councilmember Banks is asking that Staff explore some type of storm water credit program. Other jurisdictions have credit programs. Mayor Rishell stated we could not compare ourselves to other surrounding jurisdictions. We must do what is appropriate for a locality of our size.

Vice Mayor Naddoni understands what Councilmember Banks is saying but that does not pay for all of the cost, which the city will incur. Have staff come back with recommendation. Councilmember Shuemaker stated the city is so big. Are we going to run out of places to process stormwater and not have enough space?

VOTE: Yes: Naddoni, Carrera, Cendejas, Machado, Rishell

No: Councilmember Banks & Shuemaker

7c. PW: Refuse and Recycling Fee:

Mayor Rishell stated again, 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. But there is a sad economic reality regarding the solid waste fund. 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 but 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.

MOTION: Vice Mayor Naddoni moved to approve the increase from \$15.65 to \$19.28 per month for refuse and recycling fee.

SECOND: Councilmember Carrera

Councilmember Shuemaker was the maker of the motion three years ago. He thought this was going to be a multi-year increase. This fund has never been self-supporting. He would like to work with HOA to see if they can get a better deal with the vendor.

Councilmember Banks stated we would never be self-sufficient as long as the vendor dictates the price. We selected the lowest bidder. Can we explore negotiation of price after lowest bidder has been selected? Mayor Rishell stated the next bidder was \$200,000 more than bid accepted. You could negotiate length of contract, lowering bonds, etc. She stated staff could look into this but does not believe there is any room for negotiations because they have a lot of fixed cost.

Councilmember Machado stated if the city does not approve the increase it create a bigger problem.

Councilmember Carrera stated the company we selected is struggling right now so he does not see how you can negotiate with them.

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

No: Banks

8. New Business

8a. Resolution 17-1000-2007: Creation of Facilities Evaluation Task Force: Councilmember Carrera:

MOTION: Vice Mayor Naddoni moved to approve Resolution for creation of facilities Evaluation Task Force.

SECOND: Councilmember Shuemaker

This will be a sixty (60) day Task Force that will look at improvements such as making bathrooms ADA compliant, more space for social services, etc. Mayor Rishell asked the Resolution to be changed to say there may be more than three individuals.

VOTE: Unanimously passed

9. Manager Report: No report

10. Special Joint Meeting of the Planning Commission at 8:27 to go into closed meeting with the Manassas Park Governing Body.

Present: Julie Cline, Vice Chairman, Cynthia Wichelt, John Evans, Suhas Naddoni

MOTION: Commissioner Naddoni moved that the Manassas Park Planning Commission call a Special Meeting at 8:27 pm.

SECOND: Commissioner Evans

VOTE: Unanimously passed

Closed Meeting State Code of Virginia Freedom of Information Act Section 2.2-3711 of the Code of Virginia at 8:27 pm to

MOTION: Commissioner Naddoni moved that the Planning Commission go into closed meeting with the Governing Body 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 consult with the City Attorney regarding a specific legal matter requiring the provision of legal advice by the City Attorney pursuant to paragraphs 3&7 of Subsection 2.2-3711A of the Code of Virginia .

SECOND: Commissioner Evans

VOTE: Unanimously passed

10. Closed Meeting State Code of Virginia Freedom of Information Act Section 2.2-3711 of the Code of Virginia: 8:27PM:

MOTION: Councilmember Shuemaker moved that the Governing Body go into closed meeting to (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 consult with the City Attorney regarding a specific legal matter requiring the provision of legal advice by the City Attorney, and (iii) 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 3, 7 and 29 of Subsection 2.2-3711A of the Code of Virginia.

SECOND: Councilmember Cendejas

VOTE: Unanimously passed

Return to Open Session by Planning Commission:

MOTION: Commissioner Evans moved to return to open session at 9:50pm.

SECOND: Commissioner Wichelt

VOTE: Unanimously passed

Certification:

MOTION: Commissioner Naddoni

SECOND: Commissioner Wichelt

VOTE: Unanimously passed

Adjournment at 9:51pm:

MOTION: Commissioner Evans
SECOND: Commissioner Wichelt
VOTE: Unanimously passed

11. Governing Body: Return to Open Session: 11:06pm:

MOTION: Vice Mayor Naddoni
SECOND: Councilmember Shuemaker
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

12a. Action out of Closed Meeting: City Attorney Contract:

MOTION: Councilmember Shuemaker moved to approve the City Attorney employment contract as discussed in closed meeting, and to authorize the Mayor to sign it in substantially the same form as discussed in closed meeting.

SECOND: Councilmember Carrera
VOTE: Unanimously passed

13. Adjournment: 11:10 pm:

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

Approved July 18, 2017

Jeanette Rishell, Mayor

Lana A Conner, City Clerk