

OFFICIAL MINUTES OF THE REGULAR MEETING OF THE MANASSAS PARK GOVERNING BODY HELD ON TUESDAY, JUNE 25, 2019 AT 7:00PM AT MANASSAS PARK CITY HALL, ONE PARK CENTER COURT, MANASSAS PARK, VIRGINIA

Roll Call

Present

Jeanette Rishell, Mayor  
Preston Banks, Vice Mayor  
Hector Cendejas  
Donald Shuemaker  
Miriam Machado  
Alanna Mensing  
Haseeb Javed

Absent

None

Staff

Lana A. Conner, City Clerk  
Laszlo A. Palko, City Manager  
Dean Crowhurst, City Attorney

**1. Approval of Agenda:**

MOTION: Councilmember Shuemaker moved to approve amended Agenda.

SECOND: Councilmember Cendejas

VOTE: Yes: Shuemaker, Cendejas, Banks, Javed, Machado, Mensing, Rishell

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

**3. Public Comment Time:** None

**3a. Public Hearings:**

**(1) Ordinance 19-1700-1034: City Code 2-23: VA Code 15.2-1416 Regular Schedule Meeting**

This ordinance gives the Governing Body flexibility for their setting the Governing Body meeting dates each fiscal year. The third Tuesday of every July will be the Governing Body annual meeting which sets the meeting schedule for the next fiscal year. This is Item 8a on the agenda.

Mayor Rishell opened the Public Hearing at 7:02pm.

Citizens wishing to address the Public Hearing: None

Close Public Hearing at 7:05pm.

MOTION: Councilmember Shuemaker moved to close the public hearing.

SECOND: Councilmember Cendejas

VOTE: Yes: Shuemaker, Cendejas, Banks, Javed, Machado, Mensing, Rishell

**4. Informational:** None

**5. Recognitions/Presentations:**

**5a. Resolution 19-1000-2051: Recognizing Karen Barton, Division Chief: 43 Years of Service:**

MOTION: Councilmember Shuemaker moved to approve this well-deserved recognition.

SECOND: Councilmember Machado

VOTE: Yes: Shuemaker, Machado, Banks, Cendejas, Javed, Mensing, Rishell

John Evans presented Karen Barton with a plaque for her 43 years of service.

**5b. State and Local Fireworks Laws: Robert Gilmer, Fire Marshal:**

Copy of presentation made part of the record.

Virginia Statewide Fire Prevention Code (2015)

– NFPA 495 (2013) Explosives Material Code, NFPA 1123 (2014) Fireworks Display, NFPA 1124 (2013) Code for the Manufacture, Transportation, and Storage of Fireworks and Pyrotechnic Articles. NFPA 1126 (2011) Use of Pyrotechnics Before a Proximate Audience  
City of Manassas Park Local Ordinance Article III- Fireworks and Model Rocketry  
Sec. 9-51 thru Sec. 9-69

Definition of Fireworks: Anything that travels in any direction or explodes.

There is a big change in state definitions as of July 1, 2019: Some changes: any fountains that do not emit sparks or other burning effects to a distance greater than five meters (16.4 feet); wheels that do not emit a flame radius greater than one meter (39 inches); crackling devices and flashers or strobes that do not emit sparks or other burning effects to a distance greater than two meters (78.74 inches). Devices or other fireworks devices that (i) do not explode or produce a report, do not travel horizontally or vertically under their own power, do not emit or function as a projectile, do not produce a continuous flame longer than 20 inches, are not capable of being reloaded, and if designed to be ignited by a fuse, have a fuse that is protected to resist side ignition and a burning time of not less than four seconds and not more than eight seconds.

Sec 9-52 Definitions: Approved means approved by the city fire marshal or designee. Fireworks means and includes any article, device or any substances or combination of substances designed for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation regardless of its name or form of construction and shall include, but not be limited to, those items known as firecrackers, cherry bombs, Roman candles, torpedoes, skyrockets and any other substance or thing of whatever form of construction containing nitrates, chlorates, oxalates, sulfides of lead, barium, antimony, nitroglycerine, phosphorus or any other explosive or flammable compound or substance that the City prohibits the manufacture of. The display, sale or discharge of fireworks shall comply with the requirements of this article. These provisions shall expressly modify the fire code adopted by section 9-41 of this chapter, and are adopted pursuant to Chapter 11, title 59.1, Code of Virginia.

The approved state list is maintained by The State Fire Marshal's office. They conduct annual testing and evaluations with local Fire Marshals to develop the approved list. Except as otherwise provided in this article, it shall be unlawful for any person to transport, manufacture, store, possess, sell, offer for sale, expose for sale or to buy, use, ignite or explode any fireworks within the city.

Any city law enforcement officer arresting any person for a violation of this division shall seize the fireworks in question in the possession or under control of any person so arrested and shall hold such fireworks until final disposition of any criminal proceedings against such person.

Fireworks Retail Permit Requirements: Permit shall be displayed on site. Where the temporary storage of consumer fireworks, 1.4G is allowed by Section 5601.1.3 Exception 4, such storage shall comply with applicable requirements of NFPA 1124. Aisle width shall not be less than 28 inches in width. At least one fire extinguisher near the exit point of the storage area. Hazard Placards shall be displayed on all sides of storage unit. Floors shall remain clean and orderly at all times. All fireworks shall be on the approved list for the state of Virginia.

Minors: No person shall sell, or offer to sell, any fireworks to any person less than fifteen (15) years of age. Must have ID.

The manufacture, storage, possession, sale and use of fireworks or explosives shall not take place without first applying for and obtaining a permit.

**Fireworks Display Permit Requirements:** A letter from the owner of the property located within the display site granting permission to applicant. A certificate of insurance for \$1,000,000.00. A copy of the ATFE explosive license or permit. A complete list of the inventory to include size and type. A written plan establishing procedures to follow in the event that a shell fails to ignite. A diagram of the location showing the discharge site, fallout area, spectator viewing area and separation distances. A copy of display operator's certification card from the SFMO. A copy of the designated individual's proof of qualification to include background clearance card issued by the SFMO. Submit application to the Manassas Park Fire Marshal Office 30 days prior to the fireworks display. Submit a check to the City of Manassas Park Treasurer's office for \$500.00 to pay for the fireworks display permit.

**Safety Tips:** Do not buy illegal fireworks. Only use fireworks in open, flat, inflammable and sturdy spaces. Keep your distance. Gauge the weather. Keep a means of extinguishment nearby. Light it, and then get as far away as you can. Light one firework at a time.

Supervise your kids. Ditch duds. Do not throw used fireworks directly in the trash. Check your local laws. Do not play with fireworks if you are under the influence. Leave it to the professionals.

Why do we enforce regulations on fireworks? Statewide, fireworks start an average of 18,500 fires per year, including 1,300 structure fires, 300 vehicle fires and 16,900 outside and other fires. These fires cause an average of three deaths, 12,900 civilian injuries and an average of \$43 million in direct property damage. Children younger than 15 years of age accounted for more than one-third (36%) of the 2017 estimated injuries.

There are no fireworks allowed in Signal Hill Park during the annual fireworks display.

## **6. Consent Agenda**

**6a. Approval of Minutes:** None

**7. Unfinished Business:** None

## **8. New Business:**

**8a. Ordinance 19-1700-1034: City Code 2-23: VA Code 15.2-1416 Regular Meeting Schedule:**

Staff recommendation: Approve Ordinance amending Division 1 Section 22-23 thru 22-35 Article II Chapter 2 of the City Code.

MOTION: Councilmember Shuemaker moved that the Governing Body approve Ordinance Amending Division 1 Section 22-23 thru 22-35 Article II Chapter 2 of the City Code.

SECOND: Councilmember Machado

VOTE: Yes: Shuemaker, Machado, Banks, Cendejas, Javed, Mensing, Rishell

**8b. Ordinance 19-1700-1035: Various Taxes and Fees FY2019-2020:**

Ordinance listing the following schedule for tax rates for year ending June 30, 2020:

Real Estate Tax	\$1.55 per \$100 valuation No Change
Personal Property Tax	\$3.50 per \$100 valuation No Change
Machinery & Tool Tax	\$3.50 per \$100 valuation No Change

Public Service Utilities rate will be in accordance with Title 58.1-2505 of Virginia State Code, as amended:

Stormwater Management Fee	\$146.18/ERU annually
Garbage Collection Fee (per month)	
Residential - Curbside pickup	\$ 21.85
Residential (including Apartments) – dumpster service	\$ 11.64
Seniors/disabled qualifying for real estate tax relief	\$ 5.44

For clarification, the \$146.18/ERU rate per year is for single family, with a single ERU being approximately 2500 square feet (sf) of impervious surface. Townhouses are rated at .75% of ERU, which means you would multiply \$146.18 by 0.75. Condominiums and apartments are treated as commercial so they would have to first calculate an impervious area. The impervious area is then divided by 2500 to find the number of ERUs, which is then multiplied by the \$146.18 base rate.

MOTION: Councilmember Shuemaker moved to approve the above ordinance setting the tax rates:

SECOND: Councilmember Cendejas

VOTE: Yes: Shuemaker, Cendejas, Banks, Javed, Machado, Mensing, Rishell

**8c. Ordinance 19-1700-1036: FY2019-2020 Budget:**

The Potomac and Rappahannock Transportation Commission (PRTC) funds (8c(1)) is included in the FY 2020 Budget. Also included is funding for the city's solid waste contract with Patriot to be voted on later.

A tremendous amount of work has gone into this budget for the past couple of months and Mayor Rishell expressed appreciation to staff for their efforts in producing another successful fiscal year budget. Councilmember Shuemaker observed that while not everything could be covered in this budget the result is the best that can be done with the resources available, in an effort to provide quality services while holding the line on tax rates. Note that tax rates were not increased and the city remains as having the lowest personal property tax rate in Northern Virginia.

MOTION: Councilmember Shuemaker moved to approve annual operating budget for the fiscal year ending June 30, 2020.

SECOND: Councilmember Machado

VOTE: Yes: Shuemaker, Machado, Cendejas, Javed, Mensing, Rishell

No: Banks

**8c(1). Resolution 19-1000-2052: Potomac and Rappahannock Transportation Commission (PRTC) Appropriations for FY 2020 \$655,185:**

Authorizes appropriation of Manassas Park Motor Fuels Tax Funds as administered by the Potomac and Rappahannock Transportation Commission (PRTC) to support PRTC administration and operation in the amount of \$655,185 dollars.

Mayor Rishell said that PRTC supports road paving as well as operations for VRE and OMNI Ride. Of note to our citizens, purchasing gas from local service stations benefits the city through taxes.

MOTION: Councilmember Shuemaker moved for adoption of this resolution

SECOND: Councilmember Banks

VOTE: Yes: Shuemaker, Machado, Banks, Cendejas, Javed, Mensing, Rishell

**8d. First Quarter Appropriations FY 2020: City - \$19,128,297.66; City Schools - \$8,388,027**

Staff Recommendation: Appropriate \$19,128,297.66 to city and \$8,388,027 to city schools for FY 2020 1<sup>st</sup> Quarter.

Appropriations are budgeted at 25% each quarter for operations and 50% appropriation for debt and capital in FY 2020 1<sup>st</sup> Quarter to cover debt payments occurring early in the FY, as well as warm weather in the summer allowing for capital project implementation that slows down during the winter.

It is anticipated that there will be much smaller appropriations requests for capital in FY 2020 2<sup>nd</sup> and 3<sup>rd</sup> Quarters, and that the request will ramp up again in FY 2020 4<sup>th</sup> Quarter. The difference between the ~\$16M showed in the memo table and the ~\$19M total appropriation request is that the table does not include water/sewer, stormwater, solid waste and ASAP appropriations.

MOTION: Councilmember Shuemaker moved for appropriation of \$19,128,297.66 to city and \$8,388,027 to city schools for quarter one of FY 2020.

SECOND: Councilmember Machado

VOTE: Yes: Shuemaker, Machado, Banks, Cendejas, Javed, Mensing, Rishell

#### **8e. School Board Appointments: Effective July 1, 2019**

Staff Recommendation: Official acknowledgement for sitting members Carlos Vargas and Patricia Rhodes, who have been selected to continue to serve on the school board for a three-year term.

MOTION: Councilmember Shuemaker moved for adoption of this recommendation

SECOND: Councilmember Machado

VOTE: Yes: Shuemaker, Machado, Banks, Cendejas, Javed, Mensing, Rishell

#### **8f. PW: AM Liner East Task Order #1: \$122,955.69**

Staff Recommendation: That the Governing Body directs the City Manager to sign Task Order #1 with AM-Liner East, pending final review by City Attorney.

Engineering Services Manager presented the need to rehabilitate existing sanitary sewer system which focuses on the older part of the city for a total of 2,522 linear feet.

Final Task Order Number 1 will be amended to reflect:

- a) The first page of the Task Order, 1<sup>st</sup> paragraph, reads Task Order Number 2 and should read Task Order Number 1 and,
- b) On page 2 of the Task Order the numerical amount is correct but the amount written in text is incorrect.

MOTION: Councilmember Shuemaker moved for adoption of this recommendation, with amendments made to Task Order #1, and pending final review by City Attorney, prior to City Manager signing.

SECOND: Councilmember Machado

VOTE: Yes: Shuemaker, Machado, Banks, Cendejas, Javed, Mensing, Rishell

#### **8g. PW: Mathis Water Tank Repair: Preferred Tank & Tower: \$15,200.00**

Staff Recommendation: That the Governing Body direct the City Manager to sign the agreement with Preferred Tank & Tower to perform this work for an amount not to exceed \$15,200.00, pending review by the City Attorney.

Engineering Services Manager is requesting funds for work to be done on the Mathis Water Tank. He noted that during a water tank inspection, approximately one year ago, openings were identified on this tank that will need to be welded shut with steel plates, as well as a recommendation for replacing the ventilation system, which no longer meets current standards. The Mathis Tank is the original tank for the City of Manassas Park and has been used for approximately 60 years. When asked about rough costs for a new water tank option, the City Manager made note that an estimate of \$1.6M was quoted for the cost of a new tank in another jurisdiction. The Governing Body has requested a maintenance schedule be prepared for all of the City's water tanks.

MOTION: Councilmember Shuemaker moved for adoption of this recommendation.

SECOND: Councilmember Cendejas

VOTE: Yes: Shuemaker, Machado, Banks, Cendejas, Javed, Mensing, Rishell

**8h. PW: Julius Branscome Inc.: Revised Task Order No. 4: \$96,833.88**

Staff Recommendation: That the Governing Body approve Revised Task Order No. 4 to Branscome, Inc. in the amount of \$88,030.80 along with a contingency of \$8,803.08 for a total amount not to exceed \$96,833.88, and to direct the City Manager to sign revised Task Order # 4, subject to the approval of the City Attorney.

Engineering Services Manager presented that Columbia Gas is doing construction on Luxor (to include servicing and a potential sidewalk) and therefore is requesting Task Order #4 be revised to instead complete Holden from where the last patch ended to Colburn, and to not perform the work on Luxor.

MOTION: Councilmember Shuemaker moved for adoption of this recommendation.

SECOND: Councilmember Machado

VOTE: Yes: Shuemaker, Cendejas, Banks, Javed, Machado, Mensing, Rishell

**8i. Palisades Performance Agreement Extension and Bond Reduction Request**

Staff Recommendation: That the Governing Body grant a one year extension to the performance agreement for The Palisades, Site Plan SP#13-03, with an expiration date of June 26, 2020, on the condition that Oxford completes the trail from Digital Drive to Railroad Drive.

Community Development Director presented that of the four parcels of this strip development there is continuing dispute between the commercial and the residential parcel owners. Due to delay in start of development staff granted a performance extension in 2017 to December 26, 2018 and the Governing Body approved an extension from December 26, 2018 to December 26, 2019, and another request from December 2019 to June 26, 2019.

The developer, Oxford Properties continues to try to negotiate with the commercial property owner towards resolution of their respective legal claims.

When we extended the bond to June 26, 2019 Oxford agreed to replace unsightly temporary wooden fencing which ran along the top of the retaining walls, replacing it with the decorative fencing originally called for in the plan. They are now willing to complete the trail between Digital Drive and Railroad Drive, which will allow pedestrians a short cut to the VRE Station. They have submitted a preliminary concept for the remainder of the trail and have notified the commercial parcel owner of their intentions to move forward with the trail.

A bond reduction request was also submitted citing the installation of the decorative fencing. The bonds that the City carries on this project are for public improvements and the major part of what we are still holding is for stormwater infrastructure and paving. There is a public ingress/egress easement that runs through the commercial parcel that will provide access to both the residential and the commercial parcel for all citizens. That pavement is covered under the bond amount.

In addition, until the parking lot is paved the stormwater infrastructure will not be functional. Most of the stormwater infrastructure on the site has been buried. Until that entire surface is paved the stormwater system won't be functional and is unable to usefully be inspected.

The decorative fencing and the trail were never included in the bonded amount, so staff therefore cannot recommend any further reduction of the bond amounts at this time. However, until the legal dispute has been settled, there is not any benefit to the City not extending the performance agreements at this time.

MOTION: Councilmember Shuemaker moved approve the extension of the performance agreements as recommended by staff, subject to City Attorney review.

SECOND: Councilmember Cendejas

VOTE: Yes: Shuemaker, Machado, Banks, Cendejas, Javed, Mensing, Rishell

### **8j. CA: Golf Course Acknowledgement and Release**

Staff Recommendation: That the Governing Body approve, and authorize the Mayor to sign the attached Acknowledgement and Release Agreement.

On May 7, 2019 the Governing Body adopted a resolution that approved the boundary line adjustment with Prince William County and the lease termination agreement for Generals Ridge Golf Course.

The lease termination agreement for Generals Ridge Golf Course listed various items that needed to be repaired and removed by the County on or before September 30, 2019. The County has now completed the repair and removal of the items listed to the City's satisfaction. The County has therefore requested that the attached Acknowledgement and Release Agreement be approved and executed by the City.

MOTION: Councilmember Shuemaker moved to approve to authorize the Mayor to sign the attached Acknowledgement and Release Agreement, subject to review by City Attorney.

SECOND: Councilmember Machado

VOTE: Yes: Shuemaker, Machado, Banks, Cendejas, Javed, Mensing, Rishell

### **8k. CM: Proposed Holiday Schedule**

Staff Recommendation: That the Governing Body approve the July 4<sup>th</sup>, 2019 Independence Day Holiday and an additional day after Independence Day (July 5, 2019) as holidays for Manassas Park City Staff.

MOTION: Councilmember Shuemaker moved to approve the recommendation made by Staff for an additional holiday to take place on July 5, 2019.

SECOND: Councilmember Banks.

VOTE: Yes: Shuemaker, Machado, Banks, Cendejas, Javed, Mensing, Rishell

### **8l. PW: Extension of Solid Waste Collection and Disposal Agreement Patriot Disposal**

Staff Recommendation: That the Governing Body authorize the extended term for Solid Waste Collection and Disposal Agreement with Patriot Disposal, Inc. by an additional term that will commence on July 1, 2019 and will expire on June 30, 2020.

This is a resolution extending the Patriot Contract Agreement for an additional term of one year, and as was mentioned earlier the funding for this is in the FY 2020 budget and it assumes passage of this resolution.

Last year there was an assumption that the contract would be extended, however the way the contract is written the Governing Board needs to verify approval each year for this extension. When you approved the rate change there was tacit understanding that the extension would be approved, so we are merely clarifying that the Patriot Contract Agreement will be extended for another year.

MOTION: Councilmember Shuemaker moved to approve the recommendation made by Staff to adopt a resolution to extend the term for Solid Waste Collection and Disposal Agreement with Patriot Disposal, Inc. by an additional term that will commence on July 1, 2019 and will expire on June 30, 2020, subject to City Attorney approval.

SECOND: Councilmember Cendejas.

VOTE: Yes: Shuemaker, Machado, Banks, Cendejas, Javed, Mensing, Rishell

### **9. Manager Report:**

City Manager, department directors, and supporting staff are attending a three-day emergency management EOC training this week.

**10. Closed Session: State Code: VA Freedom of Information Act: Sec 2.2-3711a: 8:38PM:**

City Attorney Recommendation: That the Governing Body go into closed meeting to consult with the City Attorney regarding two specific legal matters that require the provision of legal advice by the City Attorney, pursuant to paragraph 8 of subsection 2.2-3711A of the Code of Virginia.

MOTION: Councilmember Shuemaker moved to accept recommendation of City Attorney that the Governing Body go into closed meeting to consult with the City Attorney regarding probable litigation pursuant to Paragraph 7 of Subsection 2.2-3711A of the Code of Virginia.

SECOND: Councilmember Cendejas

VOTE: Yes: Shuemaker, Cendejas, Machado, Banks, Javed, Mensing, Rishell

**11. Return to Open Session: 8:55PM:**

MOTION: Councilmember Shuemaker

SECOND: Councilmember Cendejas

VOTE: Yes: Shuemaker, Cendejas, Banks, Javed, Machado, Mensing, Rishell

**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 was convened were heard, discussed or considered in the meeting by the public body.

SECOND: Councilmember Cendejas

VOTE: Yes: Shuemaker, Cendejas, Banks, Javed, Machado, Mensing, Rishell

**13. Adjournment 8:56PM:**

MOTION: Councilmember Shuemaker

SECOND: Councilmember Cendejas

VOTE: Yes: Shuemaker, Cendejas, Banks, Javed, Machado, Mensing, Rishell

Approved September 10, 2019

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Jeanette Rishell, Mayor

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Keith Nguyen, Acting City Clerk