

OFFICIAL MINUTES OF THE REGULAR MEETING OF THE MANASSAS PARK GOVERNING BODY HELD ON TUESDAY, APRIL 20, 2010 AT 7:15 PM AT MANASSAS PARK CITY HALL, ONE PARK CENTER COURT, MANASSAS PARK, VIRGINIA

Roll Call: Frank Jones, Mayor
Michael Bunner
Keith D. Miller
Suhas Naddoni
William J. Treuting, Jr.

Absent: Bryan E. Polk, Vice Mayor
Fran D. Kassinger

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

*Vice Mayor Polk was unable to attend the meeting because he was out of town on business travel

*Councilmember Kassinger had to work

The Governing Body convened the meeting at 7:00 pm at the Manassas Park Community Center.

1. Town Hall Meeting for Stormwater Management: Kathy Gammell, Director of Public Works: Proposed Stormwater Management Funding: Presentation made part of the record:

These meeting are for input from staff to the public and no action will take place at this time. The State mandates implementation of programs and practices to meet storm water quality and quantity standards. The City is permitted by the State to discharge storm water from the "Municipal Separate Storm Sewer System" (MS4) to surface waters of the Commonwealth. Things such as structures that collect and direct storm water, and streets, curb & gutter, ditches, pipes, driveways, sidewalks, inlets, ponds are included in the permit. No existing State or Federal funding is currently allocated to meet all mandated requirements.

The City is directly responsible for all violations of the MS4 permit and must provide stringent enforcement. They must reduce discharge of pollutants to the "Maximum Extent Possible" (MEP) protect water quality, ensure compliance with water quality standards, and satisfy Clean Water Act, Virginia Stormwater Management Act and regulations

Renovation and/or repair of storm water facilities such as Ponds / Underground storm water structures storm water pipes and catch basins (curbside storm water collection) and stream maintenance is costly. City needs to reassess annually to ensure progressive improvement at lowest cost.

Estimated cost:

Infrastructure Renovation (priorities will be re-evaluated annually) - \$2,330,000

Catch basins / storm water pipes, streams, underground structures - \$500,000

Storm water ponds - \$1,800,000

Other - \$27,000

Annual maintenance to sustain function and minimize degradation - \$100,000 / year

Staff reassessed annual cost to the minimum required to meet requirements for City's approved plan. City will pay as we go and concentrate on worst first. City will reassess facility condition and plan requirements annually

FY11 cost of \$242,000

Repairs on ponds rated "poor" and "fair": \$110,000

Maintenance, materials and assistance for all storm water facilities (catch basins, stormwater pipe): \$100,000

Public Outreach, Coop with other Northern Virginia jurisdictions: \$10,000

Administrative Activities: \$22,000

Fee based on total impervious area which includes roadways and individual parcels within the City. Impervious areas are surfaces that have been covered by any material that impedes the infiltration of water into the soils."

Software "tool" used to calculate Impervious Area using aerial photographs of the City to determine total impervious area throughout the City. Establish the square footage to represent 1 ERU. Equivalent Residential Unit (ERU) = 2500 sq. ft. based on actual impervious square footage of 70% of SFH. Determine minimum annual cost to meet requirements of mandate.

Using area for 1 ERU, establish the number of ERU's in the City based on total impervious area in the City. Provides a means to fairly distribute fees among different classifications of properties. Multipliers are applied against the fee associated with 1 ERU. For example, a single family residence has a multiplier of 1, Townhouses/Condos have a multiplier of 0.75, and a large industrial plant may have a multiplier of 68 depending on impervious area.

Manassas Park Proposed Rates

Parcel Type	#of ERU's	annual Fee / ERU	comment
Single Family Residence		35.58	
Townhouse/Condo	0.75	25.82	
Commercial	to 182	35.58 - \$6,475.87	Average of \$960.71 Annually

Monthly with Utility Billing

- Single Family - \$2.87
- Townhouse/Condo - \$2.15
- Commercial - \$2.87 to \$539.67

Semi-Annually with Real Estate Tax bill

- Single Family - \$17.79
- Townhouse/Condo - \$12.91
- Commercial - \$17.79 to \$3,237.94

The city has not made a determination on whether to go with monthly billing on water bill or semi-annually billing on real estate tax bill.

Richard Owens, Owens & Dove: They have a pond behind their property and he has not seen anyone doing any maintenance to this property.

Jay Johnson, City Engineer, agreed with Mr. Owens and stated the majority of these ponds were built in the 1980's. Regulations have changed as well as there being some maintenance done to certain ponds but the majority has had little or no repairs.

He just wants to make sure that he is getting something for all the taxes he pays.

The Mayor stated along with the cost for stormwater management, there is also a credit given for infrastructure maintenance. This would not preclude the opportunity for a group of business entities to come together and qualify for some of the credit if they were to take over maintenance of a specific pond. The city does not want to get into a situation where one of these ponds floods and then we are in trouble with EPA. All water from the city drains into Bull Run, Occoquan, and ultimately Chesapeake Bay where all the federal protections are. We must start from today and solve these problems. The Mayor stated there is also 36 miles of storm sewer that must be maintained over and above the ponds. They will try to take the major ponds that are out of compliance and mitigate them.

The city will do some of the maintenance work but because of the requirement, some will have to be contracted out.

James Shade, Commercial Property in the City: A commercial property owner asked about the ERU for commercial and stated he would have to pay about \$2,000 a month. The City Attorney calculated and stated the owner would have to pay about \$2,800 a year. He asked if they could just pay the EPA fines because they might be cheaper. The Mayor stated it is not a matter of paying the fines but EPA would have the ability to come in and take over the project and mandate all the work be completed at one time and then bill the citizens. You do not want that to happen.

The City Engineer stated we have a MS4 permit and as long as we maintain that permit there will be no fines but if we do not comply there are consequences. The permit outlines what the city must do in order to maintain the permit.

Hopefully once all of the maintenance items are complete, the fee may drop down.

A lady from Brandy Station asked about sanitary sewers and the Mayor stated that was a separate issue. The issue she is referring to was caused by the gas company last year. She wants something done with the sink holes.

Kendall Gardner, 114 Martin Drive: He asked if there was a specific budget line item for the ponds. The Mayor stated there was not. He wanted to know about the \$100,000 in capital budget. The Finance Director stated this amount was in the budget but was not part of the \$242,000. He asked the Governing Body to take a proactive rather than a reactive stance on issues such as this.

If anyone has any questions, please call the City Clerk or City Manager and they will be able to contact the Mayor at all times.

The Mayor closed the Town Hall meeting at 8:20 pm.

2. 8:30 PM Regular Meeting

3. Approval of Agenda:

MOTION: Councilmember Treuting moved to approve agenda with addition of one item: two items in closed meeting under (1) Personnel (7) legal consultation with City Attorney on legal matter and (29) Contractual Matter)

SECOND: Councilmember Miller

VOTE: Unanimously passed

4. Moment of Silence/Pledge of Allegiance

5. Citizen Time:

(a) Kendall Gardner, 114 Martin Drive: He asked about ordinance & laws. He contacted the Manassas Park police concerning VA state laws. He was told that Manassas Park does not have ordinances they can write tickets against. He found that a ticket is written and if it is city, the city gets the money but if it is state, the state gets the fine. Can officer write state law tickets or do they have to have city ordinances. Chief Evans stated the police department can write ticket on both city ordinances and state laws. There are state laws that allow the city to adopt a policy for code of ordinances. One instance was parking wrong way on a street ordinance. There is no state law on this but state code allows the city to adopt that ordinance which the city recently done.

(b) Donald Shuemaker Jr, 8644 Burnside Court:

He would rather pay the stormwater maintenance fee twice a year with his real estate tax. Who will do the retention ponds? The Mayor stated that would be contract work because of the special skill set.

6. Proclamation: May 2010 as Mental Health Awareness Month

MOTION: Councilmember Miller moved to approve Proclamation as presented.

SECOND: Councilmember Treuting

Lucy Stephany gave the Governing Body information about programs going on during the month of May 2010.

VOTE: Unanimously passed

7. Recognitions:

7a. Department of Social Services: Patrice Cook

7b. Fire Department: Recognition: Deputy Fire Chief Todd Lupton

1) Designation as a "Fire Officer"

2) Service as panel assessor: Spotsylvania County's Promotion Board (Fire)

7c. Police Department: Recognition: "Investigative Merit Award" Presented to the Police Department from Chamber of Commerce

**8. School Board Budget Presentation: Thomas DeBolt, Superintendent:
Kristy Kelly, Finance Director:**

The Mayor had sent a letter to School Board that addressed some issues and concerns associated with Revenue Sharing Agreement. It was to try and get the city on the same budget so that when the budget was presented would allow the Governing Body to discuss the budget. This budget reflects those concerns.

Basic Information:

September 30 Enrollment 2010: 2605

March 31 Enrollments 2010: 2617

Students as a percent of total population 20.40%: Manassas Park population 12,042 ADM 2,456 20.40%

Actions taken to reduce expenditures:

RIF 43 positions in FY2009, reduced the length of 77 contracts in FY2010, implement a freeze on all salaries and eliminate cost of living adjustments

FY2010 and FY 2011: eliminated non-essential overtime, eliminated non-essential travel, reduced professional development, eliminated recruitment for 2010, limited student field trips and further reduced transportation runs, significantly reduced after-school enrichment programs, reduced a wide variety of other budget lines.

Maintain the strength and quality of MPCS by avoiding a radical reduction in personnel and the related disruption to the school division by primarily reducing staffing through normal attrition, rather than Reduction in Force, contract reductions or furloughs. (One position will involve RIF.) Attempt to hold the resulting downsizing so that it has only a moderate impact on class sizes, especially in the core areas.

Implement a Retirement Incentive Plan which contributes to the reduction of staff positions.

Implement and continue to be a full partner in the exciting new, The Governor's School @ Innovation Park (A STEM Initiative in Collaboration with George Mason University), available to all Manassas Park High School juniors and seniors.

Implement for the second year in a row a freeze on all salaries and the elimination of all cost of living adjustments.

Continue to maximize energy savings in each of our world class facilities.

Reduce and consolidate most mid-day and after-school activity bus runs.

Significantly reduce the cost of summer operations and programs (K-12 summer school will be consolidated to Manassas Park Elementary School and Cougar Pre-K).

Revised annually budgeted funds for FY10:

Total Estimated Revenue	\$30,625,776
Total Expenditures	\$35,680,688
Projected Shortfall	(\$2,035,647)
Requested transfer amount	
To debt service	(\$ 773,244)
Projected Ending FY10 Fund Balance	\$3,253,319

Revised annually budgeted funds for FY11:

Total Estimated Revenue	\$33,691,946
Total Expenditures	\$35,158,228
Projected Shortfall	(\$1,466,282)
Requested transfer amount	
To debt service	(\$1,488,235)
Projected Ending FY10 Fund Balance	\$1,787,037

Cost per Pupil Comparison: \$11,739 one of the lowest in the area (2009 Superintendent's Annual School Report Table 15)

Reduction of 7 professionally-certified staff positions

Six of these position reductions will occur through normal attrition.

One will occur through the Reduction in Force process.

Reduction of 6 support staff positions

These position reductions will occur through normal attrition.

The Governing Body requested a copy of the budget be sent to them electronically so they can review the budget. The budget will be discussed in further detail with School Board once the Governing Body has had time to review it.

9. Legislative Update (Robert Easley, Finance and Legislative Liaison):

The Mayor signed a letter drafted by Robert Easley on some of the bills that were approved by the general assembly especially CSA funding opposing this change in this funding, and this letter will be sent to all legislators. This is another unfunded mandate. Noreen Slater, citizens, made the Mayor aware of this law.

Copy of legislative bulletin made part of the record. The city basically asked for restoration of existing funds from the state no additional funds requested. Some of the laws that passed were: Gang free zone was approved but with no funding. EMS can administer vaccines. Cash proffers cannot be paid until certificate of occupancy has been obtained. Sunset Bill is good until 2014. ABC Stores privatization failed.

10. Consent Agenda

- 10a. Approval of Minutes of March 9, and March 16, 2010
Approval of Minutes of April 6, 2010
- 10b. Economic Development Study: Authorization of Funds
- 10c. Ordinance 10-1700-888: Reduce Speed Limit on Manassas Drive from Euclid Avenue – Railroad Drive
- 10d. Request for withdrawal of two appointments to the Manassas Park Department of Social Services Advisory Board: Travis Mosher and Laura Griffin

MOTION: Councilmember Treuting moved to approve Consent Agenda as presented.

SECOND: Councilmember Naddoni

VOTE ROLL CALL: Yes: Treuting, Naddoni, Bunner, Miller, Jones

11. Unfinished Business:

11a. Commonwealth Community Action Partnership (CCAP) Board of Directors Appointees: Addie Whitaker, Director of Social Services:

The Director submitted two additional requests for the City of Manassas Park Governing Body to consider for membership on the serve on the Community Action Agency (CAA) Board of Directors.

Arthur Rivers, 9408 Katelyn Court: representing the public sector

Sara Benitez, 126 Cabbel Drive: representing low income

MOTION: Councilmember Bunner moved to accept recommendation of Social Services Director to appoint Arthur Rivers and Sara Benitez to serve on the CAA Board of Directors.

SECOND: Councilmember Treuting

VOTE: Unanimously passed

12. New Business:

12a. Amendment: Termination of Buy Back Park Center Repurchase Agreement: Deed of Correction: City Attorney

In original agreement under Repurchase Rights, it states the owner does hereby release and terminate the Repurchase Rights as the same are stated in the Deed and the Purchase Agreement. It should state the City does hereby release and terminate the Repurchase Rights. The first sentence the word Termination is spelled wrong. It should be Termination.

MOTION: Councilmember Miller moved to approve repurchase agreement as recommended by City Attorney.

SECOND: Councilmember Bunner

VOTE ROLL CALL: Yes: Miller, Bunner, Naddoni, Treuting, Jones

12b. Substitute Appointment for Upper Occoquan Sewage Authority:

This item is informational and will be carried over until May 4, 2010 meeting to give persons interested a chance to get information. The City Clerk will contact persons that applied for vacancy on Governing Body to see if they might be interested. Donald Shuemaker stated he might be interested but needed more information.

13. Closed Meeting State Code of Virginia Freedom of Information Act: Section 2.2-3711a of the Code of Virginia (1) Personnel (7) Legal Consultation and 29 (Contractual Agreement: 9:40PM

MOTION: Councilmember Naddoni moved that the Governing Body go into closed meeting to consult with the City Attorney regarding a specific legal matter requiring the provision of legal advice by the City Attorney; and to discuss the performance and salary of a specific City officer and to discuss the terms of a public contract involving the expenditure of public funds, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the City, pursuant to paragraphs 7, 1 and 29, respectively, of Subsection 2.2-3711A of the Code of Virginia.

SECOND: Councilmember Bunner

VOTE ROLL CALL: Yes: Naddoni, Bunner, Miller, Treuting, Jones

14. Return to Open Session at 10:45 pm:

MOTION: Councilmember Bunner

SECOND: Councilmember Treuting

VOTE ROLL CALL: Yes: Bunner, Treuting, Miller, Naddoni, Jones

15. Certification & Action out of Closed Meeting if Necessary

MOTION: Councilmember Miller moved the following Resolution:

WHEREAS, the Governing Body of the City of Manassas Park has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712(d) of the Code of Virginia requires a certification by this public body that such closed meeting was conducted in conformity with Virginia law.

NOW THEREFORE BE IT RESOLVED that the Governing Body of the City of Manassas Park hereby certify that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed session was convened were heard, discussed or considered in the meeting by the public body.

SECOND: Councilmember Naddoni

VOTE ROLL CALL: Yes: Miller, Naddoni, Bunner, Treuting, Jones

Action out of Closed Meeting:

The Governing Body reviewed a proposal for the modification and continuation of the City Attorney contract.

MOTION: Councilmember Treuting moved to approve the contract as presented and discussed during closed meeting.

SECOND: Councilmember Miller

VOTE ROLL CALL: Treuting, Miller, Bunner, Jones with Naddoni abstaining

PPEA: RFP: Library Services:

MOTION: Councilmember Naddoni moved to not accept any of the proposals associated with the PPEA based RFP and direct staff to look at other options and to continue to work the issue and brief the Governing Body on options associated with areas where the city has joint service and specifically the opportunity for municipal services in the library.

SECOND: Councilmember Miller

VOTE ROLL CALL: Naddoni, Miller, Bunner, Treuting, Jones

Before the closed meeting, the Governing Body directed staff, city finance director to assess the school board budget as presented. If there are any issues or questions, to share them with the Governing Body before weeks end. The Governing Body review and any questions they may have from the presentation that was handed out to get those questions to the Finance Director and City Manager so they can be consolidated and sent to School Board for their response. After that, the Governing Body and School Board will meet to review the budget the first meeting in May. A copy of the Revenue Sharing Agreement will be e-mailed to all Governing Body members.

16 Adjournment: 10:46 PM:

Approved May 18, 2010

Frank Jones, Mayor

Lana A. Conner, City Clerk