

July 26, 2010

A Regular Meeting of the Council of the City of Manassas, Virginia was held in Council Chambers, City Hall, on the above date with the following present: Mayor Harry J. Parrish II, Council Members Marc T. Aveni, Sheryl L. Bass, Andrew L. Harrover, J. Steven Randolph, Jonathan L. Way, and Mark D. Wolfe; City Manager Lawrence D. Hughes, City Attorney Robert W. Bendall, Deputy City Attorney Martin R. Crim, Commissioner of the Revenue John P. Grzejka, Finance and Administration Director Patricia A. Weiler, Assistant Chief of Police Art Dennis, Public Works and Utilities Director Mike C. Moon, Assistant Public Works Director Nichalos Gardner, Senior Planner Gregory Bokan, and City Clerk Andrea P. Madden.

Council Member Wolfe arrived at 6:00 p.m.

Mayor Parrish called the meeting to order at 5:30 p.m. giving the invocation and leading those present in the Pledge of Allegiance to the flag.

City Attorney Report.

The City Attorney reported on the following items:

1. Mr. Bendall reported on the termination of the lease with Manassas Aviation, Inc. at the Manassas Regional Airport.
2. Mr. Bendall reported on the collective bargaining legislation currently being debated by Congress and stated that he would update the City Council if there are any developments.

City Manager Report.

The City Manager reported on the following items:

1. Mr. Hughes reported briefly on the reductions outlined in the State budget and recommended that discussions regarding the impact to the City be discussed at the Finance Committee Meeting on July 28, 2010.
2. Mr. Hughes asked Assistant Public Works Director, Nichalos Gardner, to provide an update on several projects. Mr. Gardner reported on the work being done at the intersection of Dumfries Road and Hastings, the planned Wellington Road widening project, and the Route 28 Overpass. Mr. Gardner also reported on the work being done by the City to restore the Quiet Zones.

Chief of Police Report.

No report was given.

Council Time.

Council Member Randolph commented on the potential expansion of Prince William Hospital into the Haymarket area.

Council Member Way noted the recent arrests made in Fairfax County involving illegal immigrants who were involved in gang activity. Council Member Way noted the success of the 287(g) Agreement in the City, at the Adult Detention Center, and in surrounding communities.

Council Member Bass encouraged the public to take advantage of the many activities planned at the Pavilion and commented on the success of the Air Force Band concert. Council Member Bass reported that she attended a COG retreat and would provide Council Members with a report and relevant

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information. Council Member Bass announced that she and Council Member Aveni attended a CAD training session at the McCoart Building.

Mayor Time.

Mayor Parrish appointed Council Members Randolph, Wolfe, and Bass to the Legislative Committee. Council Member Randolph will serve as the Chair and begin working with the City Manager shortly on upcoming legislative priorities.

Mayor Parrish stated that he attended the wreath laying ceremony at Quantico National Cemetery on Thursday, July 22, 2010 in honor of Sergeant John Connor.

Mayor Parrish commented that the he walked through the Hastings Marketplace shopping center and noted that the Harris Teeter sign continues to announce an opening date in October.

Mayor Parrish stated that Mr. Richard Litman with Litman Law Offices opened an office on Center Street in the space previously occupied by the City's Family Services Department. Mayor Parrish welcomed Mr. Litman to the City and wished him great success.

Mayor Parrish noted that brick was going up on the Lee Square townhomes on Center Street.

Mayor Parrish stated that he would release his written thoughts on Lake Manassas through the City Clerk's office on Tuesday, July 27, 2010. Copies of the written statement will be distributed to all City Council Members and the media.

Consent Agenda.

Item 1. Approve Minutes of Regular Meeting of July 12, 2010 and Special Meetings of July 8 and 19, 2010.

COUNCIL MEMBER WOLFE MOVED that the Minutes of the Regular Meeting of July 12, 2010 and Special Meetings of July 8 and 19, 2010 be approved. Seconded by Council Member Randolph. Roll call vote: AYES: Council Member Aveni, Bass, Harrover, Randolph, Way, and Wolfe. **MOTION CARRIED.**

Item 2. Consideration of the Northern Virginia Workforce Investment Board (WIB) Area XI 2010 ~ 2012 Memorandum of Understanding and Authorize the Mayor to Sign the Memorandum of Understanding.

COUNCIL MEMBER WOLFE MOVED that the Northern Virginia Workforce Investment Board (WIB) Area XI 2010 ~ 2012 Memorandum of Understanding be approved and the Mayor be given the authorization to sign the Memorandum of Understanding. Seconded by Council Member Randolph. Roll call vote: AYES: Council Member Aveni, Bass, Harrover, Randolph, Way, and Wolfe. **MOTION CARRIED.**

Item 3. Consideration of Proclamation Recognizing July 26, 2010 as the Twentieth Anniversary of the Signing into Law of the Americans with Disabilities Act.

COUNCIL MEMBER WOLFE MOVED that the Proclamation recognizing July 26, 2010 as the twentieth anniversary of the signing into law of the Americans with Disabilities Act be

approved. Seconded by Council Member Randolph. Roll call vote: AYES: Council Member Aveni, Bass, Harrover, Randolph, Way, and Wolfe. **MOTION CARRIED.**

Item 4. Consideration of Resolution #R-2011-10 Amending the FY 2011 Staffing Plan by Adding a Senior Plan Reviewer/Inspector Position (1.00 FTE) to the Community Development Department and Changing a Current Project Inspector Position in the Community Development Department to a Restricted 18-Month Term Position Funded Out of the Wellington Road Capital Project.

COUNCIL MEMBER WOLFE MOVED that Resolution #R-2011-10 amending the FY 2011 Staffing Plan by adding a Senior Plan Reviewer/Inspector position (1.00 FTE) to the Community Development Department and changing a current Project Inspector position in the Community Development Department to a restricted 18-month term position funded out of the Wellington Road Capital Project be approved. Seconded by Council Member Randolph. Roll call vote: AYES: Council Member Aveni, Bass, Harrover, Randolph, Way, and Wolfe. **MOTION CARRIED.**

Item 5. Consideration of Resolution 2011-15-R Amending the FY 2011 Budget by Transferring \$5,400 from General Fund Contingency to Install Crosswalk and Pedestrian Signalization at the Intersection of Centreville Road and Sudley Road.

COUNCIL MEMBER WOLFE MOVED that Resolution 2011-15-R amending the FY 2011 Budget by transferring \$5,400 from General Fund Contingency to install crosswalk and pedestrian signalization at the intersection of Centreville Road and Sudley Road be approved. Seconded by Council Member Randolph. Roll call vote: AYES: Council Member Aveni, Bass, Harrover, Randolph, Way, and Wolfe. **MOTION CARRIED.**

Item 6. Consideration of Resolution 2011-16-R Amending the FY 2011 Budget by Budgeting and Appropriating \$90,590 of Additional State Highway Maintenance Revenue.

COUNCIL MEMBER WOLFE MOVED that Resolution 2011-16-R amending the FY 2011 Budget by budgeting and appropriating \$90,590 of additional State Highway Maintenance Revenue be approved. Seconded by Council Member Randolph. Roll call vote: AYES: Council Member Aveni, Bass, Harrover, Randolph, Way, and Wolfe. **MOTION CARRIED.**

Item 7. Consideration of Resolution 2011-17-R Amending the FY 2011 Budget by Budgeting and Appropriating \$24,700 from the Lee Square Developer for Sewer Line Work.

COUNCIL MEMBER WOLFE MOVED that Resolution 2011-17-R amending the FY 2011 Budget by budgeting and appropriating \$24,700 from the Lee Square developer for sewer line work be approved. Seconded by Council Member Randolph. Roll call vote: AYES: Council Member Aveni, Bass, Harrover, Randolph, Way, and Wolfe. **MOTION CARRIED.**

Item 8. Consideration of Resolution 2011-18-R Amending the FY 2011 Budget by Budgeting and Appropriating \$23,000 from Planet Auto Wash and Transferring \$22,000 from the Dumfries Road Capital Project to Establish a New Capital Project for Weir Place Water Main Improvements.

COUNCIL MEMBER WOLFE MOVED that Resolution 2011-18-R amending the FY 2011 Budget by budgeting and appropriating

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\$23,000 from Planet Auto Wash and transferring \$22,000 from the Dumfries Road Capital Project to establish a new capital project for Weir Place Water Main Improvements be approved. Seconded by Council Member Randolph. Roll call vote: AYES: Council Member Aveni, Bass, Harrover, Randolph, Way, and Wolfe. **MOTION CARRIED.**

Item 9. Consideration of Resolution 2011-19-R Amending the FY 2011 Budget by Transferring \$86,900 from the Water Treatment Plant Waste Water Force Main Capital Project to the Water Treatment Plant Improvements (\$41,900) and the Water Treatment Plant Clear-well (\$45,000) Capital Projects.

COUNCIL MEMBER WOLFE MOVED that Resolution 2011-19-R amending the FY 2011 Budget by transferring \$86,900 from the Water Treatment Plant Waste Water Force Main Capital Project to the Water Treatment Plant Improvements (\$41,900) and the Water Treatment Plant Clear-well (\$45,000) Capital Projects be approved. Seconded by Council Member Randolph. Roll call vote: AYES: Council Member Aveni, Bass, Harrover, Randolph, Way, and Wolfe. **MOTION CARRIED.**

Item 10. Consideration of Resolution 2011-20-R Amending the FY 2011 Budget by Budgeting and Appropriating \$96,220 from Stormwater Escrow Funds for the Owens Brooke and Sumner Lake Stormwater Ponds.

COUNCIL MEMBER WOLFE MOVED that Resolution 2011-20-R amending the FY 2011 Budget by budgeting and appropriating \$96,220 from Stormwater Escrow Funds for the Owens Brooke and Sumner Lake Stormwater Ponds be approved. Seconded by Council Member Randolph. Roll call vote: AYES: Council Member Aveni, Bass, Harrover, Randolph, Way, and Wolfe. **MOTION CARRIED.**

Item 11. Consideration of Resolution 2011-22-R Amending the FY 2011 Budget by Transferring \$31,000 of Savings from the New Auditor Contract to General Fund Contingency.

COUNCIL MEMBER WOLFE MOVED that Resolution 2011-22-R amending the FY 2011 Budget by transferring \$31,000 of savings from the new auditor contract to General Fund Contingency be approved. Seconded by Council Member Randolph. Roll call vote: AYES: Council Member Aveni, Bass, Harrover, Randolph, Way, and Wolfe. **MOTION CARRIED.**

Item 12 was reserved for changes to the Consent Agenda.

Item 13 of the Agenda: Consideration of Resolution #R-2011-13, Approving Special Use Permit #2010-10: SERVE Child Care Facility, 10056 Dean Drive, to Consider an Amendment to Special Use Permit 99-05 from Northern Virginia Family Services for a Child Care Facility, Pursuant to Section 130-501 of the City of Manassas Zoning Ordinance.

Mr. Bokan stated that the public hearing regarding the approval of this special use permit was held on July 19, 2010 with no comments received in favor of or in opposition to the application. Staff recommends that City Council approve Resolution #R-2011-13.

COUNCIL MEMBER WOLFE MOVED that Resolution #R-2011-13 approving Special Use Permit #2010-10: SERVE Child Care Facility, 10056 Dean Drive be approved. Seconded by Council Member Aveni. Roll call vote: AYES: Council Member Aveni, Bass, Harrover, Randolph, Way, and Wolfe. **MOTION CARRIED.**

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Item 14 of the Agenda: First Reading of Ordinance #O-2011-01 Amending Sections 110-1 and 110-86 of the Code of Ordinances, City of Manassas, Virginia (2002) as Amended, Relating to Tax Year and Board of Equalization Filings and to Incorporate by Reference Virginia Code Section 58.1-3010, as Amended, Relating to the Levy of Taxes on a Fiscal Year Basis of July 1 through June 30.

First Reading of Uncodified Ordinance #O-2011-02 Setting the Real Estate Tax Rates for Short Tax Year 2011.

Ms. Weiler and Mr. Grzejka reviewed briefly the purpose of changing the City's tax year from a calendar year to a fiscal year for real property. A public hearing was held on July 19, 2010 with no comments received in favor of or in opposition to the proposed change. Staff recommends approval of Ordinance #O-2011-01 and Uncodified Ordinance #O-2011-02.

COUNCIL MEMBER RANDOLPH MOVED that Ordinance #O-2011-01 amending Sections 110-1 and 110-86 of the Code of Ordinances, City of Manassas, Virginia (2002) as Amended, Relating to Tax Year and Board of Equalization Filings and to Incorporate by Reference Virginia Code Section 58.1-3010, as Amended, Relating to the Levy of Taxes on a Fiscal Year Basis of July 1 through June 30 be approved on first reading. Seconded by Council Member Wolfe. Roll call vote: AYES: Council Member Aveni, Bass, Harrover, Randolph, Way, and Wolfe. **MOTION CARRIED.**

COUNCIL MEMBER WOLFE MOVED that Uncodified Ordinance #O-2011-02 setting the Real Estate Tax Rates for Short Tax Year 2011 be approved on first reading. Seconded by Council Member Way. Roll call vote: AYES: Council Member Aveni, Bass, Harrover, Randolph, Way, and Wolfe. **MOTION CARRIED.**

Items 15, 16, and 17 were reserved for changes to the Agenda.

Item 18 of the Agenda: Consideration of Approval of the Annual Dance Permit for Tommy's Place, 8910 Mathis Avenue.

Captain Dennis stated that the public hearing regarding the issuance of an annual dance permit for Tommy's Place was held on July 19, 2010 with no comments received in favor of or in opposition to the application. Staff recommends approval of Tommy's Place dance permit for a period of one year subject to all conditions contained in the Staff Report and Security Plan.

COUNCIL MEMBER WOLFE MOVED that the Annual Dance Permit for Tommy's Place be approved. Seconded by Council Member Bass. Roll call vote: AYES: Council Member Aveni, Bass, Harrover, Randolph, Way, and Wolfe. **MOTION CARRIED.**

Item 19 was reserved for changes to the Agenda.

Item 20 of the Agenda: Presentation of Proclamation Recognizing July 26, 2010 as the Twentieth Anniversary of the Signing into Law of the Americans with Disabilities Act.

Mayor Parrish presented to Raymond Beverage, a representative of the Manassas / Manassas Park Disabilities Service Board, the Proclamation recognizing July 26, 2010 as the twentieth anniversary of the signing into law of the Americans with Disabilities.

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Item 21 was reserved for changes to the Agenda.

Item 22 of the Agenda: Citizens' Time.

Michael McManus, a resident of the City of Manassas, spoke on behalf of the unborn children who are aborted every day in the City of Manassas.

Maureen Wood, a resident of the City of Manassas, asked the City once again to address an issue with a dilapidated fence and tall weeds in her neighborhood.

Betsy Reid, a resident of the City of Manassas, urged the City Council to consider the replacement of Baldwin Elementary, where Ms. Reid teaches. Ms. Reid stated that the building is more than fifty years old and does not represent the City's commitment to quality education.

Chuck White, a resident of the City of Manassas, asked the City to reconsider the assignment of Scott Stallard with the Manassas Police Department. Mr. White stated that Officer Stallard is a great asset to the Neighborhood Watch Associations throughout the community.

Mark Rabatin, a resident of the City of Manassas, stated that Officer Stallard has been a great help to the Sumner Lake Community and asked that he return to his position as Crime Prevention Specialist as soon as possible.

Aaron Messier, a resident of Haymarket, spoke on behalf of unborn children and stated that he would like to see abortions end in Manassas.

Item 23 of the Agenda: Consideration of a Motion Authorizing a Closed Meeting on Subjects in Accordance with the Amended Freedom of Information Act.

COUNCIL MEMBER RANDOLPH MOVED that the City Council convene in a closed meeting to discuss appointments to Boards, Committees, and Commissions; to discuss a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community; and to consult with legal counsel, retained by the public body, regarding specific legal matters requiring the provision of legal advice by such counsel relating to abortion clinic regulation as permitted by Virginia Code § 2.2-3711 Paragraphs A (1), A (5), and A (7) Part 2 for which the Virginia Freedom of Information Act permits discussion in closed session. Seconded by Council Member Wolfe. Roll call vote: AYES: Council Member Aveni, Bass, Harrover, Randolph, Way, and Wolfe. **MOTION CARRIED.**

Mayor Parrish announced that the Mayor and City Council would be included in the closed meeting discussion regarding the Appointments to Board, Committees, and Commissions.

Mayor Parrish announced that the Mayor and City Council, the City Manager, the City Attorneys, the Commissioner of the Revenue, the Public Works and Utilities Director, and the Community Development Director would be included in the closed meeting discussion regarding a prospective business or industry or the expansion of an existing business or industry.

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Mayor Parrish announced that the Mayor and City Council, the City Manager, and the City Attorneys would be included in the closed meeting discussion regarding legal advice relating to abortion clinic regulations.

Council retired to the closed meeting at 6:28 p.m.

Item 24 of the Agenda: Consideration of a Motion Certifying That the Closed Meeting was Conducted in Conformity with Virginia Law.

Council returned from the closed meeting at 7:22 p.m.

COUNCIL MEMBER RANDOLPH MOVED that the City Council certify that, in the closed meeting just concluded, nothing was discussed except the matters specifically identified in the motion to convene in closed session and lawfully permitted to be discussed under the provisions of the Virginia Freedom of Information Act cited in the motion. Seconded by Council Member Bass. Roll call vote: AYES: Council Member Aveni, Bass, Harrover, Randolph, Way, and Wolfe. **MOTION CARRIED.**

Item 25 of the Agenda: Consideration of a Motion Authorizing a Closed Meeting on Subjects in Accordance with the Amended Freedom of Information Act.

COUNCIL MEMBER RANDOLPH MOVED that the City Council convene in a closed meeting to discuss appointments to Boards, Committees, and Commissions and to consult with legal counsel, retained by the public body, regarding specific legal matters requiring the provision of legal advice by such counsel relating to abortion clinic regulation as permitted by Virginia Code § 2.2-3711 Paragraphs A (1) and A (7) Part 2 for which the Virginia Freedom of Information Act permits discussion in closed session. Seconded by Council Member Aveni. Roll call vote: AYES: Council Member Aveni, Bass, Harrover, Randolph, Way, and Wolfe. **MOTION CARRIED.**

Mayor Parrish announced that the Mayor and City Council would be included in the closed meeting discussion regarding the Appointments to Board, Committees, and Commissions.

Mayor Parrish announced that the Mayor and City Council, the City Manager, and the City Attorneys would be included in the closed meeting discussion regarding legal advice relating to abortion clinic regulations.

Council retired to the closed meeting at 7:50 p.m.

COUNCIL MEMBER WOLFE MOVED to extend the meeting to 9:30 p.m. Seconded by Council Member Aveni. Roll call vote: AYES: Council Member Aveni, Bass, Harrover, Randolph, Way, and Wolfe. **MOTION CARRIED.**

Item 26 of the Agenda: Consideration of a Motion Certifying That the Closed Meeting was Conducted in Conformity with Virginia Law.

Council returned from the closed meeting at 9:12 p.m.

COUNCIL MEMBER RANDOLPH MOVED that the City Council certify that, in the closed meeting just concluded, nothing was discussed except the matters specifically identified in the motion to convene in closed session and lawfully permitted to be discussed under the provisions of the

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Virginia Freedom of Information Act cited in the motion. Seconded by Council Member Bass. Roll call vote: AYES: Council Member Aveni, Bass, Harrover, Randolph, Way, and Wolfe. **MOTION CARRIED.**

Item 27 of the Agenda: Consideration of Appointments to Boards, Committees and Commissions.

COUNCIL MEMBER RANDOLPH MOVED that J. Thomas Waters be reappointed to the Architectural Review Board for a three-year term ending July 23, 2013; that Ian Lovejoy be reappointed as an Alternate to the Architectural Review Board for a three-year term ending July 28, 2013; that Gary A. Dehnel be reappointed as a Prince William County Representative to the Manassas Regional Airport Commission for a four-year term ending June 30, 2014; and that the Commission on Youth be dissolved. Seconded by Council Member Bass. Roll call vote: AYES: Council Member Aveni, Bass, Harrover, Randolph, Way, and Wolfe. **MOTION CARRIED.**

Motion was duly made, seconded and **CARRIED UNANIMOUSLY** to adjourn the meeting.

Mayor Parrish declared the meeting adjourned at 9:15 p.m.

MAYOR

CITY CLERK

DATE APPROVED