

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, Vice Mayor Jonathan L. Way, Council Member Marc T. Aveni, Sheryl L. Bass, Ken D. Elston, Ian T. Lovejoy and Mark D. Wolfe; City Manager W. Patrick Pate, City Attorney Martin R. Crim, City Clerk Andrea P. Madden, Chief of Police Douglas W. Keen, Police Captain Tina Laguna, Fire and Rescue Chief Brett Bowman, Community Development Director Elizabeth S. Via-Gossman, Planning and Zoning Services Manager Matthew Arcieri, Development Services Manager Jamie S. Collins, Finance and Administration Director Paul York, and Public Affairs Specialist Patty Prince.

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

Mr. Crim reported that the Circuit Court has entered an order to sell three (3) properties on Jefferson Avenue, 9601, 9605, and 9605A. The City can expect to recover delinquent taxes and interest owed once the properties are sold.

Mr. Crim announced that he completed the DRAFT Panhandling Ordinance and expects to have a finalized document before the City Council in the near future.

#### City Manager Report

Mr. Pate stated that on Thursday, May 7, he was able to tour some of the planes involved in the Arsenal for Democracy as part of the press conference at the Manassas Regional Airport. More than ninety (90) media outlets from around the world were in attendance to get a first glimpse of the remarkable WWII airplanes.

Mr. Pate reported that three local businesses were named to Forbes Magazine's list of **America's Best Employers**: Micron, Lockheed Martin, and BAE were in the top 500 employers in the country. Mr. Pate offered his congratulations to all three on this notable success.

Mr. Pate shared the details of the many community events of Wednesday, May 6. The City co-hosted with the Prince William Area Chamber of Commerce a Business Appreciation Breakfast at the Center for the Arts that morning. In the afternoon, the Rotary Club hosted an event to celebrate the City of Manassas Police Officer of the Year, Senior Detective Amilcar "Geo" Barahona. Senior Detective Barahona assisted in quickly solving a homicide in 2014 that involved a street gang.

Mr. Pate welcomed **Totally Vintage Designs** to the City, a new business on Battle Street.

Mr. Pate announced Kelly Willis was chosen as the winner of the Banner Art Competition. Mr. Pate encouraged the public to stroll through the Downtown area to see all the wonderful art displayed on the light poles.

Mr. Pate stated that the Manassas Museum opened a new exhibit, "Protecting Manassas," and reminded everyone that admission is free to all Police, Fire and Rescue personnel, and their families.

#### Chief of Police Report

Chief Keen thanked the Rotary Club for hosting a wonderful lunch and event on Wednesday, May 6, honoring the MCPD Police Officer of the Year.

Chief Keen reported on the importance of **National Police Week** and listed some of the events occurring in DC and the Northern Virginia region to honor those who have been killed in the line of duty.

Council Time

Vice Mayor Way reported on an event he attended, hosted by the Prince William County & Manassas Convention and Visitor's Bureau, and congratulated the Manassas Museum's Program Coordinator Doug Horhota for being honored. Vice Mayor Way announced the VFW is sponsoring a ceremony on Monday, May 25, beginning at 8:30 a.m. at the Memorial on Main Street, to honor and remember those who have honorably served our nation.

Council Member Bass wished a Happy Mother's Day to all in the community. Council Member Bass also mentioned the **Arsenal for Democracy** event and the wonderful opportunity it provided to meet and speak with some of those from the Greatest Generation.

Council Member Elston congratulated the young men and women graduating in the community and wished them much success in the future.

Mayor Time

Mayor Parrish encouraged the public to view the banner art displayed in the Downtown area and thanked all the artists who submitted their work.

Consent Agenda

Item 1. Approve Minutes of Regular Meeting of April 27, 2015 and Special Meetings of April 30 and May 4, 2015.

COUNCIL MEMBER WOLFE MOVED that the Minutes of the Regular Meeting of April 27, 2015 and Special Meetings of April 30 and May 4, 2015 be approved. Seconded by Council Member Bass. Roll call vote: AYES – Aveni, Bass, Elston, Lovejoy, Way and Wolfe. **MOTION CARRIED.**

Item 2. Consideration of Release of the Performance Bond for the Following Project: Service Source-Fire Line at 8910 Portner Avenue: Site Plan, SP#14-13, in Accordance with the Certificate of Compliance Dated April 24, 2015.

COUNCIL MEMBER WOLFE MOVED that the Performance Bond for Service Source-Fire Line at 8910 Portner Avenue: Site Plan, SP#14-13, be released in accordance with the Certificate of Compliance dated April 24, 2015. Seconded by Council Member Bass. Roll call vote: AYES – Aveni, Bass, Elston, Lovejoy, Way and Wolfe. **MOTION CARRIED.**

Item 3. Consideration of the Renewal of A License Agreement for Outdoor Dining in Old Town Manassas for the Philadelphia Tavern Located at 9413 Main Street Due to a Change in Ownership.

COUNCIL MEMBER WOLFE MOVED that the License Agreement for Outdoor Dining in Old Town Manassas for the Philadelphia Tavern located at 9413 Main Street be renewed due to a change in ownership. Seconded by Council Member Bass. Roll call vote: AYES – Aveni, Bass, Elston, Lovejoy, Way and Wolfe. **MOTION CARRIED.**

Item 4. Consideration of Proclamation Designating May 23, 2015 as *Rotary Day* in the City of Manassas.

COUNCIL MEMBER WOLFE MOVED that the Proclamation designating May 23, 2015 as *Rotary Day* in the City of Manassas be approved. Seconded by Council Member Bass. Roll call vote: AYES – Aveni, Bass, Elston, Lovejoy, Way and Wolfe. **MOTION CARRIED.**

Item 5. Consideration of Proclamation Designating the Week of May 10 – 16, 2015 as *National Police Week 2015* in the City of Manassas.

COUNCIL MEMBER WOLFE MOVED that the Proclamation designating the week of May 10 – 16, 2015 as *National Police Week 2015* in the City of Manassas be approved. Seconded by Council Member Bass. Roll call vote: AYES – Aveni, Bass, Elston, Lovejoy, Way and Wolfe. **MOTION CARRIED.**

Item 6. Consideration of Proclamation Designating the Week of May 17 – 23, 2015 as *Emergency Medical Services Week* in the City of Manassas.

COUNCIL MEMBER WOLFE MOVED that the Proclamation designating the week of May 17 – 23, 2015 as *Emergency Medical Services Week* in the City of Manassas be approved. Seconded by Council Member Bass. Roll call vote: AYES – Aveni, Bass, Elston, Lovejoy, Way and Wolfe. **MOTION CARRIED.**

Item 7. Consideration of Proclamation Designating the Month of May 2015 as *Building Safety Month* in the City of Manassas.

COUNCIL MEMBER WOLFE MOVED that the Proclamation designating the Month of May 2015 as *Building Safety Month* in the City of Manassas be approved. Seconded by Council Member Bass. Roll call vote: AYES – Aveni, Bass, Elston, Lovejoy, Way and Wolfe. **MOTION CARRIED.**

Item 8. Second Reading of Ordinance #O-2015-19, Amending and Reenacting the Code of Ordinances, City of Manassas, Virginia (2002), As Amended, by Amending Chapter 14 of Said Code, Amusements and Entertainments.

The City Clerk read for the second time Ordinance #O-2015-19, Amending and Reenacting the Code of Ordinances, City of Manassas, Virginia (2002), As Amended, by Amending Chapter 14 of Said Code, Amusements and Entertainments.

The second reading of the Ordinance as just read by the City Clerk was exactly the same as the first.

COUNCIL MEMBER WOLFE MOVED that Ordinance #O-2015-19, Amending and Reenacting the Code of Ordinances, City of Manassas, Virginia (2002), As Amended, by Amending Chapter 14 of Said Code, Amusements and Entertainments be approved and enacted on second reading. Seconded by Council Member Bass. Roll call vote: AYES – Aveni, Bass, Elston, Lovejoy, Way and Wolfe. **MOTION CARRIED.**

Item 9. Second Reading of Ordinance #O-2015-23, Amending and Reenacting the Code of Ordinances, City of Manassas, Virginia (2002), as Amended, by Amending Section 110-33.1 Relating to Machinery and Tools Tax Rates.

The City Clerk read for the second time Ordinance #O-2015-23, Amending and Reenacting the Code of Ordinances, City of Manassas, Virginia (2002), as Amended, by Amending Section 110-33.1 Relating to Machinery and Tools Tax Rates.

The second reading of the Ordinance as just read by the City Clerk was exactly the same as the first.

COUNCIL MEMBER WOLFE MOVED that Ordinance #O-2015-23, Amending and Reenacting the Code of Ordinances, City of Manassas, Virginia (2002), as Amended, by Amending Section 110-33.1 Relating to Machinery and Tools Tax Rates be approved and enacted on second reading. Seconded by Council Member Bass. Roll call vote: AYES – Aveni, Bass, Elston, Lovejoy, Way and Wolfe. **MOTION CARRIED.**

Item 10 was reserved for changes to the Consent Agenda.

Item 11 of the Agenda: Second Reading of Ordinance #O-2015-15 Amending and Reenacting the Code of Ordinances, City of Manassas, Virginia (2002), as Amended, by Amending Chapter 130, Article II Interpretations; Definitions, Article III General Regulations, Article VIII Zoning Districts, and Article IX Special Use Permits to Update Definitions, Permitted Uses Throughout the Ordinance, and Related Development and Use Standards. (Zoning Text Amendment (ZTA) #2014-02, Zoning Ordinance Update – Phase I.)

Mayor Parrish introduced the item and stated that because this was a second reading of the Ordinance, there would be no presentation made by staff.

The City Clerk read for the second time Ordinance #O-2015-15. The second reading of the Ordinance as just read by the City Clerk was exactly the same as the first.

Vice Mayor Way made the following statement:

*First, to the extent practical, the public should be heard during the deliberative processes of city government before a decision is made. This is particularly important for significant controversial subjects.*

*Second, as is stated in the ordinance preamble, a special use permit requirement is not a prohibition or an end-run around the Constitution. It's admittedly less convenient for the applicant, but all the Constitutional rights enjoyed by the applicant and its clients are the same as they would be in a "by right" administrative approval process. Both approaches must pass Constitutional muster.*

*Thirdly, medical care is rapidly and dramatically evolving such that we can barely imagine what will be delivered and how it will be delivered in 10 or 15 years. Our zoning code needs to anticipate and cope with such uncertainties in real time as they occur, something the SUP process accommodates.*

Council Member Elston read the following statement into the record:

*Here we are again to discuss new zoning ordinances in our City. More than a year's worth of work by a well-qualified and thoughtful community board, with the support and direction of our specialized and professional senior City staff resulted in a comprehensive look at the present and the projected future of our City land use. I commend the staff and the board for their hard work and attention to detail. Understanding that these new ordinances, as proposed, change decades of BY Right access to medical business opportunity in our City, and medical care is one of the largest employers in our community, I believe the conclusions of our staff and Board are well-reasoned, well-founded, and I am dismayed we may not be following their recommendations.*

*To anyone who has been paying attention, it is apparent, only one issue in the entire body of work has caught and held people's attention. That is how we intend to classify abortion-providers and how we intend to work with these businesses, should the existing women's health clinic in our community wish to expand or relocate, or should another wish to move into Manassas. This issue divides our community. And citizens on both side of this issue are passionate and engaged. As citizens, each of us up here, indeed everyone on our Board dealing with Land Use and Zoning and our City staff, too, has some belief and opinion on this issue.*

*As community leaders, each of us up has a real obligation to look to the future of the City while considering the matter at hand. There may be some misconception about what a Special Use permit is and how it is applied with regard to land use. Special Use permits are not intended as a litmus test for whether a community has a net positive or net negative opinion about the business under consideration. With Land Use and Zoning, issues before the Council are and should remain about the application of appropriate metrics such as traffic, access, noise, pollution and buffering distances, a hearing on Special Use permits, should any come before us must focus on these issues and provide the opportunity for the business in question to mitigate perceived negative impacts in these areas. If we choose, in future, not to hone to these metrics, we are putting our City in jeopardy of law suit and in peril of a sincere negative blow to our financial resources and our City's reputation.*

*In not following the recommendations of our City staff and community board, we are doubling down on policies that are being walked back at the state level, not just by the current administration but by a bipartisan, mostly Bob McDonnell appointed, Board of Health. Should we not follow the recommendations of our staff and appointed leadership on this issue, we are putting politics before common sense, and, ultimately, before the City's greater good.*

COUNCIL MEMBER AVENI MOVED that Ordinance #O-2015-15 15 Amending and Reenacting the Code of Ordinances, City of Manassas, Virginia (2002), as Amended, by Amending Chapter 130, Article II Interpretations; Definitions, Article III General Regulations, Article VIII Zoning Districts, and Article IX Special Use Permits to Update Definitions, Permitted Uses Throughout the Ordinance, and Related Development and Use Standards (Zoning Text Amendment (ZTA) #2014-02, Zoning Ordinance Update – Phase I.) be approved and enacted on second reading. Seconded by Council Member Lovejoy. Roll call vote: AYES – Aveni, Lovejoy and Way. NAYS – Bass, Elston and Wolfe. **TIE VOTE.** Mayor Parrish voted “YES” and broke the TIE VOTE. **MOTION CARRIED.** (4/3)

Item 12 of the Agenda: First Reading of Uncodified Ordinance #O-2015-24 Setting the Real Estate Tax Rates for Tax Year 2016.

Paul York, Finance and Administration Director, briefly reviewed the budget and discussed the impacts of the proposed tax rates.

COUNCIL MEMBER WOLFE MOVED that Uncodified Ordinance #O-2015-24 Setting the Real Estate Tax Rates for Tax Year 2016 be approved on first reading. Seconded by Council Member Elston. Roll call vote: AYES – Bass, Elston, Way and Wolfe. NAYS – Aveni and Lovejoy. **MOTION CARRIED.** (4/2)

Item 13 of the Agenda: First Reading of Uncodified Ordinance #O-2015-25 Setting the Personal Property Tax Rate for Tax Year 2016.

COUNCIL MEMBER WOLFE MOVED that Uncodified Ordinance #O-2015-25 Setting the Personal Property Tax Rate for Tax Year 2016 be approved on first reading. Seconded by Vice Mayor Way. Roll call vote: AYES – Bass, Elston, Way and Wolfe. NAYS – Aveni and Lovejoy. **MOTION CARRIED.** (4/2)

Item 14 of the Agenda: First Reading of Uncodified Ordinance #O-2015-26 Setting the Water, Sewer and Electric Utility Rates in the City of Manassas for Fiscal Year 2016.

COUNCIL MEMBER WOLFE MOVED that Uncodified Ordinance #O-2015-26 Setting the Water, Sewer and Electric Utility Rates in the City of Manassas for Fiscal Year 2016 be approved on first reading. Seconded by Council Member Elston. Roll call vote: AYES – Bass, Elston, Lovejoy, Way and Wolfe. NAYS – Aveni. **MOTION CARRIED.** (5/1)

Item 15 of the Agenda: First Reading of Uncodified Ordinance #O-2015-27 Setting the Solid Waste Collection and Courtesy Truck Fees.

COUNCIL MEMBER WOLFE MOVED that Uncodified Ordinance #O-2015-27 Setting the Solid Waste Collection and Courtesy Truck Fees be approved on first reading. Seconded by Council Member Bass. Roll call vote: AYES – Bass, Elston, Lovejoy, Way and Wolfe. NAYS – Aveni. **MOTION CARRIED.** (5/1)

Item 16 of the Agenda: First Reading of Uncodified Ordinance #O-2015-28 Establishing the Manassas Regional Airport Fee and Rent Schedule Effective July 1, 2015.

COUNCIL MEMBER WOLFE MOVED that Uncodified Ordinance #O-2015-28 Establishing the Manassas Regional Airport Fee and Rent Schedule effective July 1, 2015 be approved on first reading. Seconded by Vice Mayor Way. Roll call vote: AYES – Aveni, Bass, Elston, Lovejoy, Way and Wolfe. **MOTION CARRIED.** (6/0)

Item 17 of the Agenda: First Reading of Ordinance #O-2015-29 Amending and Reenacting the Code of Ordinances, City of Manassas, Virginia (2002), as Amended, by Adding Section 46-5, Relating to Court Fees.

COUNCIL MEMBER WOLFE MOVED that Ordinance #O-2015-29 Amending and Reenacting the Code of Ordinances, City of Manassas, Virginia (2002), as Amended, by Adding Section 46-5, Relating to Court Fees be approved on first reading. Seconded by Council Member Bass. Roll call vote: AYES – Aveni, Bass, Elston, Lovejoy, Way and Wolfe. **MOTION CARRIED.** (6/0)

Item 18 of the Agenda: Consideration of Resolution #R-2015-39 Adopting and Appropriating the Annual Operating Budget and the First Year of the Five-Year Capital Improvement Program for the Fiscal Year Beginning July 1, 2015 and Ending June 30, 2016.

COUNCIL MEMBER WOLFE MOVED that Resolution #R-2015-39 Adopting and Appropriating the Annual Operating Budget and the First Year of the Five-Year Capital Improvement Program for the Fiscal Year Beginning July 1, 2015 and Ending June 30, 2016 be approved. Seconded by Council Member Bass. Roll call vote: AYES – Bass, Elston, Way and Wolfe. NAYS – Aveni and Lovejoy. **MOTION CARRIED.** (4/2)

Item 19 of the Agenda: Consideration of Resolution #R-2015-40 Approving the City of Manassas Fiscal Year 2016 Five-Year Capital Improvement Program.

COUNCIL MEMBER WOLFE MOVED that Resolution #R-2015-40 Approving the City of Manassas Fiscal Year 2016 Five-Year Capital Improvement Program be approved. Seconded by Council Member Elston. Roll call vote: AYES – Bass, Elston, Way and Wolfe. NAYS – Aveni and Lovejoy. **MOTION CARRIED.** (4/2)

Item 20 of the Agenda: Consideration of Resolution #R-2015-41 Authorizing the Potomac and Rappahannock Transportation Commission (PRTC) to Use \$1,417,401 of the City of Manassas Gas Tax Funds.

COUNCIL MEMBER WOLFE MOVED that Resolution #R-2015-41 Authorizing the Potomac and Rappahannock Transportation Commission (PRTC) to Use \$1,417,401 of the City of Manassas Gas Tax Funds be approved. Seconded by Council Member Aveni. Roll call vote: AYES – Aveni, Bass, Elston, Lovejoy, Way and Wolfe. **MOTION CARRIED.** (6/0)

Item 21 of the Agenda: Consideration of Resolution #R-2015-43 Authorizing the Related Revenues and Expenditures to Close Funds No Longer Needed.

COUNCIL MEMBER WOLFE MOVED that Resolution #R-2015-43 Authorizing the Related Revenues and Expenditures to close Funds no longer needed be approved. Seconded by Council Member Bass. Roll call vote: AYES – Aveni, Bass, Elston, Lovejoy, Way and Wolfe. **MOTION CARRIED.** (6/0)

Items 22, 23, 24 and 25 were reserved for changes to the Agenda.

Item 26 of the Agenda: Presentation of Proclamation Designating May 23, 2015 as *Rotary Day* in the City of Manassas.

Vice Mayor Way and Mayor Parrish presented to several members of the Rotary Club of Manassas Bull Run a Proclamation designating May 23, 2015 as *Rotary Day* in the City of Manassas.

Item 27 of the Agenda: Presentation of Proclamation Designating the Week of May 10 – 16, 2015 as *National Police Week 2015* in the City of Manassas.

Mayor Parrish presented to Police Chief Doug Keen a Proclamation designating the week of May 10 – 16, 2015 as *National Police Week* in the City of Manassas.

Item 28 of the Agenda: Presentation of Proclamation Designating the Week of May 17 – 23, 2015 as *Emergency Services Week* in the City of Manassas.

Council Member Aveni and Mayor Parrish presented to Fire and Rescue Chief Brett Bowman a Proclamation designating the week of May 17 – 23, 2015 as *Emergency Services Week* in the City of Manassas.

Item 29 of the Agenda: Presentation of Proclamation Designating May 2015 as *Building Safety Month* in the City of Manassas.

Council Member Wolfe and Mayor Parrish presented to Development Services Manager Jamie Collins, Reviewer and Inspector Jane Kim, and Property Code Inspector Stan Pawlowski a Proclamation designating May 2015 as *Building Safety Month* in the City of Manassas.

Item 30 of the Agenda: Citizens' Time

Cynthia Hauris, a resident of the City of Manassas, thanked the City Council for working so diligently on the recently adopted Zoning Text Amendment and ensuring transparency in government.

Allen Muchnick, a resident of the City of Manassas, invited the community to participate in **Bike to Work Day** on Friday, May 15 and to stop by the VRE Station for a “pit-stop” between 6 a.m. and 9 a.m. Mr. Muchnick also asked the City to consider investing in convenient, secure, and properly designed bike racks throughout the City.

Joan Duda, a resident of the City of Manassas, thanked City Council for adopting the Zoning Text Amendment considered earlier in the evening.

Brian Shaw, a resident of the City of Manassas, applauded the action of City Council in requiring a Special Use Permit for all future medical care facilities within the City.

#### Closed Session

Item 31 of the Agenda: Consideration of a Motion Authorizing a Closed Meeting on Subjects in Accordance with the Amended Freedom of Information Act.

COUNCIL MEMBER AVENI MOVED that the City Council convene in closed session to discuss with legal counsel employed or retained by the public body regarding a matter requiring advice of counsel, specifically the motor vehicle insurance for the Greater Manassas Volunteer Rescue Squad, Inc., as permitted by Virginia Code § 2.2-3711 Paragraph A (7) Part 2, for which the Virginia Freedom of Information Act permits discussion in closed session. Seconded by Council Member Way. Roll call vote: AYES – Aveni, Bass, Elston, Lovejoy, Way and Wolfe. **MOTION CARRIED.**

Mayor Parrish announced that the Mayor and City Council, the City Attorney, the City Manager, and the Fire and Rescue Chief would be included in the closed meeting discussion regarding motor vehicle research.

Council retired to the closed meeting at 6:15 p.m.

Council Member Bass was excused from the meeting at 6:40 p.m.

Item 32 of the Agenda: Consideration of a Motion Certifying That the Closed Meeting was Conducted in Conformity with Virginia Law.

COUNCIL MEMBER AVENI 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 meeting and lawfully permitted to be discussed under the provisions of the Virginia Freedom of Information Act cited in the motion. Seconded by

May 11, 2015

Council Member Lovejoy. Roll call vote: AYES – Aveni, Elston, Lovejoy, Way and Wolfe. ABSENT – Bass. **MOTION CARRIED.**

Council returned from the closed meeting at 7:15 p.m.

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

Mayor Parrish declared the meeting adjourned at 7:52 p.m.

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MAYOR

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CITY CLERK

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DATE APPROVED