

A Regular Meeting and Public Hearings of the Council of the City of Manassas, Virginia was held at the Manassas Utilities & Public Works Conference Room, 8500 Public Works Drive, on the above date with the following present: Mayor Harry J. Parrish II, Vice-Mayor Jonathan L. Way, Council Member Marc T. Aveni, Ken D. Elston, Ian T. Lovejoy and Mark D. Wolfe; City Manager W. Patrick Pate, Deputy City Manager Bryan D. Foster, City Attorney Martin R. Crim, Assistant to the City Manager – City Clerk Andrea P. Madden, Community Development Director Elizabeth S. Via-Gossman, Planning and Zoning Services Manager Matthew Arcieri, Senior Planner Kelly Davis, Development Services Coordinator Vanessa Watson, Fire and Rescue Chief Brett R. Bowman, Police Chief Douglas W. Keen, Finance and Administration Director Paul E. York, Economic Development Director Patrick Small, Acting Utilities Director Tony Dawood, and Communications Manager Patty Prince.

Absent was Council Member Sheryl L. Bass.

Mayor Parrish called the meeting to order at 5:30 p.m.; Mayor Parrish delivered the invocation and led those present in the Pledge of Allegiance.

City Attorney Report

Mr. Crim had no specific matters to report upon.

City Manager Report

Mr. Pate reported that the Merry Old Town events were quite successful with large crowds in the Historic Downtown area to welcome Santa, light the tree, and enjoy the 70th Annual Greater Manassas Christmas Parade.

Mr. Pate stated the City's GIS Coordinator, Margaret Montgomery, made a presentation at the ESRI Mid-Atlantic Conference on **Local Government Data Collection Using Collector & ArcGIS Online**. In addition, Ms. Montgomery represented the City at the conference, which spotlighted our Hometown Tourist App.

Mr. Pate noted that in order to maintain and improve City streets, milling and paving has occurred over the last few weeks. Mr. Pate thanked citizens for their patience during the project.

Mr. Pate encouraged the public to visit the Manassas Museum during the holiday season to see the featured trees decorated by Kindergarten and first grade students from Baldwin Elementary School. On a related note, Mr. Pate announced the Manassas Museum will be closed in January for improvements.

Mr. Pate informed the City Council that on the evening of December 1, staff from the Treasurer's Office met VRE riders at the train station to distribute 2016 VRE Commuter Parking Permits. Mr. Pate stated that 214 permits were issued that evening and thanked the Treasurer's office for making such an effort to assist the public.

Mr. Pate reminded the City Council that the Winter Wonderland Train Show begins on Wednesday, December 16, 2015, at the Center for the Arts.

Mr. Pate announced that the City of Manassas was named a 2015 Digital City by the Center for Digital Government in our population category. Some of the digital initiatives submitted for the award were: the City's extensive Social Media, 311 GISS to report a concern app, and our online systems, including the online public records offered by the Clerk's office and the online building permit system. Many departments are involved in the City's digital experience and the public is invited to check out all the City has to offer online.

Chief of Police Report

Chief Keen provided an update on parking enforcement efforts in the community, stating that the process is going well and the Department has received very few complaints.

Chief Keen reported that the Manassas City Police Department participates in the **Shop with a Cop** program and commented on the generosity of all those involved, particularly the children.

Chief Keen stated that he played the role of Santa on Saturday for the Department's staff and children and thanked the Rescue Squad for allowing the City to use the space for the holiday celebration.

Council Time

Vice-Mayor Way briefly shared two articles from decades earlier that detailed some of the issues facing the City and noted that many of the issues remain the same.

Council Member Elston commented on the many wonderful holiday events around the City and encouraged citizens to be involved and participate in the festivities.

Mayor Time

Mayor Parrish read an email sent by Catie Murphy with the Salvation Army that commended City officials and employees for their support and participation in the effort to assist those in need during the holiday season.

Consent Agenda

Item 1. Approve Minutes of the Regular Meeting of November 23, 2015 and the Special Meetings of December 7, 2015.

COUNCIL MEMBER WOLFE MOVED that the Minutes of the Regular Meeting of November 23, 2015 and the Special Meetings of December 7, 2015 be approved. Seconded by Council Member Aveni. Roll call vote: AYES – Aveni, Elston, Lovejoy, Way and Wolfe. ABSENT – Bass. **MOTION CARRIED.**

Item 2. Consideration of Release of Performance and Erosion and Sediment Bonds for the Following Project: Church Street Parking: Site Plan SP 13-00000005, in Accordance with the Certificate of Compliance Dated December 4, 2015.

COUNCIL MEMBER WOLFE MOVED that the Performance and Erosion and Sediment Bonds for the following project: Church Street Parking: Site Plan SP 13-00000005, be released in accordance with the Certificate of Compliance dated December 4, 2015. Seconded by Council Member Aveni. Roll call vote: AYES – Aveni, Elston, Lovejoy, Way and Wolfe. ABSENT – Bass. **MOTION CARRIED.**

Item 3. Consideration of Council of Governments (COG) Appointments.

COUNCIL MEMBER WOLFE MOVED that the following Council of Governments (COG) Appointments be approved:

- Jonathan L. Way COG Board of Directors
- Jonathan L. Way National Capital Region Transportation Planning Board
- Ian T. Lovejoy Metropolitan Washington Air Quality
- Sheryl L. Bass Region Forward Coalition
- Ian T. Lovejoy Human Services and Public Safety Policy Committee
- Sheryl L. Bass Climate Energy and Environment Policy Committee
- Mark D. Wolfe Chesapeake Bay & Water Resources Policy Committee

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

Item 4. Consideration of 2016 Potomac Rappahannock Transportation Commission (PRTC) and Virginia Railway Express (VRE) Appointments.

COUNCIL MEMBER WOLFE MOVED that the following PRTC and VRE appointments be approved:

- Jonathan L. Way PRTC Member-At-Large / VRE Member
- Marc T. Aveni VRE Alternate
- Ian T. Lovejoy PRTC Alternate

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

Item 5. Consideration of Commendation Commending *Stephen C. Nelson* for His Dedication and Devoted Years of Service as the City’s Representative on the Prince William County/Manassas Convention & Visitors Bureau.

COUNCIL MEMBER WOLFE MOVED that the Commendation commending Stephen C. Nelson for his dedication and devoted years of service as the City’s representative on the Prince William County/Manassas Convention & Visitors Bureau be approved. Seconded by Council Member Aveni. Roll call vote: AYES – Aveni, Elston, Lovejoy, Way and Wolfe. ABSENT – Bass. **MOTION CARRIED.**

Item 6. Consideration of Resolution 2016-06-R:

- (A) Amending the FY 2016 Budget by Budgeting and Appropriating \$100,000 of State Grant Revenue in the School Operating Fund for the 2015-1026 School Security Equipment Grant Program;
- (B) Amending the FY 2016 Budget by Budgeting and Appropriating \$3,000 from Animal Shelter Donations for Veterinary Services;
- (C) Amending the FY 2016 Budget by Budgeting and Appropriating \$4,900 of Museum Collections Committee Fund Balance for Conservation Supplies and Exhibit Services;
- (D) Amending the FY 2016 Budget by Budgeting and Appropriating 17\$3,314 of Covington Trust Funds and \$1,186 of General Museum Sponsorship Funds for an Immersive Space Room at the Museum; and
- (E) Amending the FY 2016 Budget by Budgeting and Appropriating \$18,800 of Federal Grant Revenue for the Historical Data Clean-Up Project.

COUNCIL MEMBER WOLFE MOVED that Resolution 2016-06-R be approved. Seconded by Council Member Aveni. Roll call vote: AYES – Aveni, Elston, Lovejoy, Way and Wolfe. ABSENT – Bass. **MOTION CARRIED.**

Item 7 was reserved for changes to the Consent Agenda.

Item 8 of the Agenda: First Reading of Uncodified Ordinance #O-2016-07 Declaring Properties at 9615 Aspen Place and 9710 Pickett Lane as Blighted.

Elizabeth S. Via-Gossman, Director of Community Development, stated that the Georgetown South Community asked the City Council to consider the acquisition of two blighted properties under Virginia Code Section 36-49.1:1, Spot Blight Abatement. On July 24, 2015, City officials inspected the properties and found that they met the definition of “Blighted Property.” As detailed in the Staff Report, multiple attempts to contact the owner of record have been unsuccessful.

Discussions regarding potential action on other blighted properties in the City, appraised values, and the process occurred.

Ms. Via-Gossman stated that the two Georgetown South properties could be considered a pilot program and future decisions may be based on the outcome. Mr. Pate added that in other communities, money is set aside through the budget process to fund community improvement programs.

Ms. Via-Gossman noted that the completion of a comprehensive appraisal may impact the value of the property. The best case scenario for the City is to acquire the property and sell to another party for rehabilitation.

Mr. Crim explained that it may take several months to over a year to complete the eminent domain process and the Circuit Court will establish the schedule.

COUNCIL MEMBER WOLFE MOVED that Uncodified Ordinance #O-2016-07 Declaring Properties at 9615 Aspen Place and 9710 Pickett Lane as Blighted be approved on first reading. Seconded by Vice-Mayor Way. Roll call vote: AYES – Aveni, Elston, Lovejoy, Way and Wolfe. ABSENT – Bass. **MOTION CARRIED.**

Item 9 of the Agenda: Consideration of Resolution 2016-07-R Amending the FY 2016 Budget by Transferring \$225,000 of Community Investment Committee Fund Balance to Capital Projects for the Abatement of Two Blighted Properties.

Ms. Via-Gossman stated that staff is requesting that \$225,000 be transferred from the Community Investment Committee Fund Balance to General Capital Projects Fund to cover the costs, including court and legal fees, associated with the abatement of the two blighted properties in Georgetown South.

COUNCIL MEMBER WOLFE MOVED that Resolution 2016-07-R Amending the FY 2016 Budget by Transferring \$225,000 of Community Investment Committee Fund Balance to Capital Projects for the Abatement of Two Blighted Properties be approved. Seconded by Vice-Mayor Way. Roll call vote: AYES – Aveni, Elston, Lovejoy, Way and Wolfe. ABSENT – Bass. **MOTION CARRIED.**

Item 10 was reserved for changes to the Agenda.

Item 11 of the Agenda: Consideration of the Revised 2016 Legislative Priorities.

Mr. Pate explained that based on the input received from Delegate Miller and Senator-elect McPike at the December 7 Legislative Breakfast, priorities listed in the Utilities section were revised to be clearer and more specific.

COUNCIL MEMBER AVENI MOVED that the Revised 2016 Legislative Priorities be approved. Seconded by Council Member Wolfe. Roll call vote: AYES – Aveni, Elston, Lovejoy, Way and Wolfe. ABSENT – Bass. **MOTION CARRIED.**

Item 12 was reserved for changes to the Agenda.

Item 13 of the Agenda: Presentation of the Annual Report of the Prince William County/Manassas Convention and Visitors Bureau by President/CEO Ann Marie Maher.

Anne Marie Maher, President/CEO of the Prince William County/Manassas Convention and Visitors Bureau, presented the City Council with the FY 15 and FYTD 16 Work Plan Report.

Item 14 was reserved for changes to the Agenda.

Item 15 of the Agenda: Bid Opening on an Extension of (1) A Certain Aircraft Land and Facilities Distributorship Ordinance and (2) A Certain Airport Land Franchise Ordinance.

Mayor Parrish read the following statement into the record:

The next item on the agenda is the receipt of bids for the bid opening of an extension of (1) a certain aircraft land and facilities distributorship and (2) a certain airport land franchise ordinance. The City has duly advertised this franchise, as required by law. The City has received one sealed bid from Dulles Aviation, Inc. Before I open that bid, I will ask that anyone wishing to submit a bid for this franchise bring it forward at this time.

No additional bids were submitted. Mayor Parrish opened the bid received and marked it for identification, as required by state law.

The bid from Dulles Aviation, Inc., the sole bidder, was for the lease price of \$100,897.52 annually.

Mr. Crim recommended to the City Council that it award the franchise to Dulles Aviation, Inc. with the subsequent adoption of Ordinance #O-2016-06 on second reading.

Item 16 of the Agenda: Second Reading of Ordinance #O-2016-06 Soliciting Bids for an Extension of (1) A Certain Aircraft Land and Facilities Distributorship Ordinance and (2) A Certain Airport Land Franchise Ordinance.

The City Clerk read for the second time Ordinance #O-2016-06, Soliciting Bids for an Extension of (1) A Certain Aircraft Land and Facilities Distributorship Ordinance and (2) A Certain Airport Land Franchise Ordinance.

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

COUNCIL MEMBER AVENI MOVED that Ordinance #O-2016-06, Soliciting Bids for an Extension of (1) A Certain Aircraft Land and Facilities Distributorship Ordinance and (2) A Certain Airport Land Franchise Ordinance be approved on second reading. Seconded by Council Member Wolfe. Roll call vote: AYES – Aveni, Elston, Lovejoy, Way and Wolfe. ABSENT – Bass. **MOTION CARRIED.**

Item 17 of the Agenda: Presentation of Commendation Commending *Stephen C. Nelson* for His Dedication and Devoted Years of Service as the City's Representative on the Prince William County/Manassas Convention and Visitors Bureau.

Mayor Parrish presented a Commendation to Stephen C. Nelson for his dedication and devoted years of service as the City's representative on the Prince William County / Manassas Convention and Visitors Bureau.

Item 18 was reserved for changes to the Agenda.

Item 19 of the Agenda: Citizens' Time

There were no speakers at Citizens' Time.

Public Hearing

Mayor Parrish read an affidavit of publication that was before him signed by an authorized agent of the Prince William Times newspaper certifying that the Public Hearing listed on the evening's agenda was published in conformance with Virginia law and City ordinances.

Item 20 of the Agenda: Public Hearing for Zoning Text Amendment (ZTA) #2015-02, Zoning Ordinance Update – Article X, Board of Zoning Appeals.

Matthew Arcieri, Planning and Zoning Services Manager, stated that in June 2015, the Planning Commission initiated ZTA #2015-02 to revise Article X of the Zoning Ordinance,

which addresses the authority and operation of the City's Board of Zoning Appeals (BZA). The Code of Virginia enables the City to create a BZA and prescribes certain rules pertaining to its membership, organization, proceedings, and powers and duties. The State Code also addresses application procedures and appeals.

Mr. Arcieri explained that recent amendments to the State Code include changes to the criteria that the BZA must consider when reviewing an application for a variance. The proposed amendments to the City's Zoning Ordinance are intended to ensure consistency with the amended State Code. The proposed changes will also address future State Code changes by repealing language that duplicates or is in conflict with the State Code. Instead, the revised article incorporates the State Code by reference. This change will help limit the need for future Zoning Ordinance updates that duplicate State Code requirements and do not add requirements specific to the City. The revised article also updates City requirements for the City's BZA membership, organization, administration, record keeping, and reporting.

Mayor Parrish opened the Public Hearing and invited anyone wishing to speak in favor of or in opposition to the zoning text amendment to come forward and address the City Council.

There were no speakers in favor of or in opposition to the zoning text amendment.

Mr. Arcieri stated that staff recommends the Public Hearing be closed and action scheduled for Monday, January 11, 2016.

COUNCIL MEMBER AVENI MOVED that the Public Hearing be closed and action scheduled for Monday, January 11, 2016. Seconded by Vice-Mayor Way and **CARRIED UNANIMOUSLY.**

The Public Hearing was closed at 7:37 p.m.

Item 21 of the Agenda: Public Hearing for Rezoning (REZ) #2016-01 and Special Use Permit (SUP) #2016-03, Davis Ford Crossing Proffer Amendment and Sign Package, 9860 and 9879 Liberia Avenue.

Kelly Davis, Senior Planner, stated that an application was submitted to increase the number of pad sites at the Davis Ford Crossing Shopping Center from three to four, to increase the allowable height on the fourth pad site from 15' to 17'6", and to increase the number of drive-thru fast food restaurants allowed on the property from two to three. The proffer amendment will replace and consolidate the current proffers approved for this property as part of REZ #1993-02, REZ #2003-01, and REZ #2013-01. Ms. Davis explained that a special use permit will allow a third wall sign on each pad site.

Jay du Von, representing the applicant, briefly discussed the proposed project and offered to answer any question of the Council.

Mayor Parrish opened the Public Hearing and invited anyone wishing to speak in favor of or in opposition to the Rezoning and Special Use Permit to come forward and address the City Council.

Jim Rogers, a resident of the City of Manassas, spoke in support of the proposed rezoning and special use permit.

Ms. Davis stated that staff recommends the Public Hearing be closed and action scheduled for Monday, January 11, 2016.

COUNCIL MEMBER AVENI MOVED that the Public Hearing be closed and action scheduled for Monday, January 11, 2016. Seconded by Council Member Wolfe and **CARRIED UNANIMOUSLY.**

The Public Hearing was closed at 7:47 p.m.

Item 22 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 appointments to Boards, Committees and Commissions and to consult with legal counsel pertaining to actual or probable litigation, since such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body, specifically actual litigation regarding Niece Penny LLC v. City of Manassas, Case No. CL15-4202 in the Prince William Circuit Court; and to discuss or consider the acquisition of real property for a public purpose, or of the disposition of publicly held real property, since discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City, as permitted by Virginia Code § 2.2-3711 Paragraphs A (1), A (3), and (7) (Part 1), for which the Virginia Freedom of Information Act permits discussion in closed session. Seconded by Vice-Mayor Way. Roll call vote: AYES – Aveni, Elston, Lovejoy, Way and Wolfe. ABSENT – Bass. **MOTION CARRIED.**

Mayor Parrish announced that the Mayor and Council would be included in the discussion regarding appointments to Boards, Committees and Commissions.

Mayor Parrish announced that the Mayor and City Council, the City Manager, the Deputy City Manager, and the City Attorney would be included in the discussion regarding Niece Penny LLC v. City of Manassas.

Mayor Parrish announced that the Mayor and City Council, the City Manager, the Deputy City Manager, the City Attorney, the Acting Utilities Director, and the Economic Development Director would be included in the discussion regarding the acquisition or disposition of real property.

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

Item 23 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 Council Member Wolfe. Roll call vote: AYES – Aveni, Elston, Lovejoy, Way and Wolfe. ABSENT – Bass. **MOTION CARRIED.**

City Council returned from the closed session at 6:55 p.m.

Item 24 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 appointments to Boards, Committees and Commissions and to consult with legal counsel pertaining to actual or probable litigation, since such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body, specifically actual litigation regarding Niece Penny LLC v. City of Manassas, Case No. CL15-4202 in the Prince William Circuit Court; and to discuss or consider the acquisition of real property for a public purpose, or of the disposition of publicly held real property, since discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City, as permitted by Virginia Code § 2.2-3711 Paragraphs A (1), A (3), and (7) (Part 1), for which the Virginia Freedom of Information Act permits discussion in closed session. Seconded by Vice-Mayor Way. Roll call vote: AYES – Aveni, Elston, Lovejoy, Way and Wolfe. ABSENT – Bass. **MOTION CARRIED.**

Mayor Parrish announced that the Mayor and Council would be included in the discussion regarding appointments to Boards, Committees and Commissions.

Mayor Parrish announced that the Mayor and City Council, the City Manager, the Deputy City Manager, and the City Attorney would be included in the discussion regarding Niece Penny LLC v. City of Manassas.

Mayor Parrish announced that the Mayor and City Council, the City Manager, the Deputy City Manager, the City Attorney, the Acting Utilities Director, and the Economic Development Director would be included in the discussion regarding the acquisition or disposition of real property.

City Council retired to the closed session at 7:15 p.m.

Item 25 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 Council Member Elston. Roll call vote: AYES – Aveni, Elston, Lovejoy, Way and Wolfe. ABSENT – Bass. **MOTION CARRIED.**

City Council returned from the closed session at 7:30 p.m.

Item 26 of the Agenda: **(ADDED)** Consideration of an Appointment to the Community Policy and Management Team.

COUNCIL MEMBER LOVEJOY MOVED that Andrea P. Madden be appointed to the Community Policy and Management Team to serve at the Pleasure of Council. Seconded by Council Member Aveni and **CARRIED UNANIMOUSLY.**

Item 27 of the Agenda: **(ADDED)** Consideration of the Release of Claims and Settlement Agreement, Niece Penny Tax Appeal Case, dated December 9, 2015, as Presented and Authorize the Mayor to Sign.

COUNCIL MEMBER WOLFE MOVED to approve the Release of Claims and Settlement Agreement, Niece Penny Tax Appeal Case, dated December 9, 2015, as presented, and authorize the Mayor to sign the Agreement. Seconded by Council Member Elston. Roll call vote: AYES – Aveni, Elston, Lovejoy, Way and Wolfe. ABSENT – Bass. **MOTION CARRIED.**

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

Mayor Parrish declared the meeting adjourned at 7:49 p.m.

MAYOR

CITY CLERK

DATE APPROVED