



City of Fredericksburg, Virginia

City Council

AGENDA

Council Chambers

715 Princess Anne Street

Fredericksburg, Virginia 22401

Hon. Mary Katherine Greenlaw, Mayor
Hon. William C. Withers, Jr., Vice-Mayor, Ward Two
Hon. Kerry P. Devine, At-Large
Hon. Matthew J. Kelly, At-Large
Hon. Bradford C. Ellis, Ward One
Hon. Timothy P. Duffy, Ph.D., Ward Three
Hon. Charlie L. Frye, Jr., Ward Four

August 9, 2016

7:30 P.M.

Mayor Mary Katherine Greenlaw, Presiding

1. **Call To Order**

2. **Invocation**

Councilor Bradford C. Ellis

3. **Pledge Of Allegiance**

Mayor Mary Katherine Greenlaw

4. **Presentations**

- A. Presentation To Karen Hedelt For Her 35 Years Of Service With The City Of Fredericksburg Economic Development Office

Documents:

[4A HEDELT.PDF](#)

- B. Update On Habitat For Humanities - Thomas Carlson, Executive Director

5. **Public Hearing**

- A. Resolution 16-___, Granting A Special Use Permit To Catherine Dodd For A Bed And Breakfast Inn At 325 Braehead Drive

Documents:

[5A BED - BREAKFAST.PDF](#)

- B. Ordinance 16-___, First Read, Amending Ordinance 14-06, To Rezone Approximately

0.806 Acres Of Land Adjacent To The Unbuilt Bakersfield Lane Right Of Way, A Portion Of Former Bragg Hill Parcel B-5, Identified As GPIN 7870-00-3906, From R-12 To R-2

Documents:

[5B ZONING MAP AMEND.PDF](#)

6. Comments From The Public

City Council provides this opportunity each regular meeting for comments from citizens who have signed up to speak before the start of the meeting. To be fair to everyone, please observe the five-minute time limit and yield the floor when the Clerk of Council indicates that your time has expired. Decorum in the Council Chambers will be maintained. Comments that are not relevant to City business and disruptive are inappropriate and out of order.

7. Council Agenda

- A. Dixon Park Pool Name Change - Mayor Greenlaw

Documents:

[7A DIXON_POOL.PDF](#)

8. Consent Agenda

- A. Ordinance 16-19, Second Read, Conforming The City Meals Tax To State Law, And Eliminating The Meals Tax Exemption For Meals Exempt From The Virginia Retail Sales And Use Tax In Response To Virginia Department Of Taxation Tax Bulletin 16-3

Documents:

[8A MEALS TAX AMENDMENT.PDF](#)

- B. Ordinance 16-20, Second Read, Requiring Zoning And Building Official Approval Before A Business License Is Issued

Documents:

[8B BUSINESS LICENSE-BLDG APP.PDF](#)

- C. Resolution 16-64, Second Read, Amending The Fiscal Year 2017 Budget By Appropriating Fiscal Year 2016 Carryover Funds For Public Works Vehicles

Documents:

[8C PW VEHICLES.PDF](#)

- D. Transmittal Of Boards And Commission Minutes

- D.i. Economic Development Authority - June 13, 2016

Documents:

[8D1 EDA 6-13-16.PDF](#)

D.ii. Planning Commission - June 8, 2016

Documents:

[8D2 PLANNING 6-8-16.PDF](#)

D.iii. Potomac & Rappahannock Transportation Commission - June 7, 2016

Documents:

[8D3 PRTC 6-7-16.PDF](#)

D.iv. Public Transit Advisory Board - April 6, 2016

Documents:

[8D4 PTAB 4-6-16.PDF](#)

D.v. Recreation Commission - June 16, 2016

Documents:

[8D5 REC 6-16-16.PDF](#)

9. Minutes

A. Work Session - May 24, 2016

Documents:

[9A 5-24-16 WORK SESSION MINUTES.PDF](#)

B. Work Session - June 28, 2016

Documents:

[9B 6-28-16 WORK SESSION MINUTES.PDF](#)

C. Regular Session - June 28, 2016

Documents:

[9C 6-28-16 REGULAR SESSION MINUTES.PDF](#)

D. Special Session - July 1, 2016

Documents:

[9D 7-1-16 SPECIAL SESSION MINUTES.PDF](#)

E. Public Hearing - July 12, 2016

Documents:

[9E 7-12-16 PUBLIC HEARING MINUTES.PDF](#)

F. Regular Session - July 12, 2016

Documents:

[9F 7-12-16 REGULAR SESSION MINUTES.PDF](#)

10. Boards And Commission Appointments

A. Fredericksburg Arts Commission - Alicia Austin, Jon McMillian, Elizabeth Woodford

Documents:

[10A.PDF](#)

B. Resolution 16-___, Appointing The City Manager And Commonwealth Attorney To The Community Criminal Justice Board

Documents:

[10B CMTY CRIMINAL JUSTICE BRD.PDF](#)

C. Resolution 16-___, Appointing The City Manager To Fredericksburg Area Metropolitan Planning Organization And The Rappahannock Regional Jail

Documents:

[10C FAMPO-RRJ APPT.PDF](#)

11. City Manager Agenda

A. Resolution 16-___, Endorsing A Transportation Project For A Smart Scale Funding Application

Documents:

[11A TRANSPORTATION PROJECT.PDF](#)

B. Resolution 16-___, First Read, Amending The Fiscal Year 2017 Budget In The Amount Of \$1,175,534 For The Purpose Of Financing Rappahannock Regional Solid Waste Management Board Capital Construction Costs And Equipment Purchases

Documents:

[11B FINANCE FOR R-BOARD.PDF](#)

C. Ordinance 16-___, First Read, Expanding Residential Area Parking Permit Zone 6 To Add

The Block Of Pitt Street Between Caroline Street And Princess Anne Street

Documents:

[11C PITT ST PERMIT PARKING.PDF](#)

- D. Ordinance 16-___, First Read, Expanding Residential Area Parking Permit Zone 7, "The College Heights Parking Zone," To Add College Avenue

Documents:

[11D COLLEGE AVE PERMITPARK.PDF](#)

- E. City Manager's Update

Documents:

[11E CITY MANAGER UPDATE.PDF](#)

- F. Calendar

Documents:

[11F CALENDAR.PDF](#)

12. **Closed Session**

- A. To Convene In Closed Session Under Code Of Virginia 2.2-3711(A)(1) For Discussion Of The Clerk Of Council's Performance

Documents:

[12A CLOSED MEETING.PDF](#)

- B. Resolution 16-___, Approving Certification Of Closed Meeting

13. **Adjournment**



PROCLAMATION

Karen W. Hedelt

WHEREAS, *Karen W. Hedelt* began working for the City of Fredericksburg in 1981 as communications coordinator, and for 35 years served ably in capacities including public relations and marketing manager, director of tourism, and ultimately director of the Department of Economic Development and Tourism; and

WHEREAS, *Karen W. Hedelt* raised her two children in the City of Fredericksburg, sent them through the City Schools system, was an active member of the local community and will continue to reside in the City; and

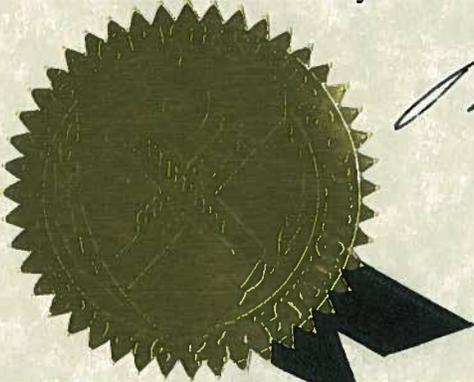
WHEREAS, *Karen W. Hedelt* worked tirelessly to cast the City of Fredericksburg in a positive light to visitors and businesses and went out of her way to improve the City and the lives of its residents without seeking attention; and

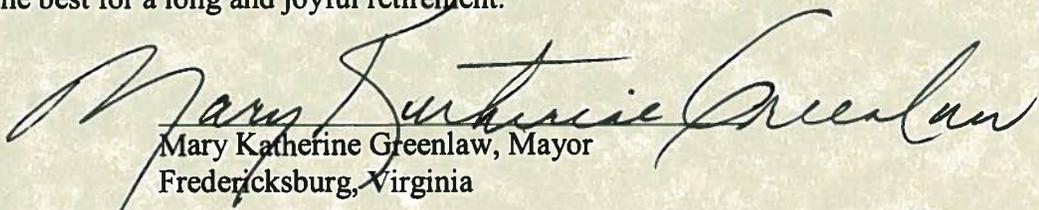
WHEREAS, *Karen W. Hedelt* continuously sought innovative ways to improve visitors' experience in the City of Fredericksburg, oversaw the much-needed renovation of the Fredericksburg Visitor Center and had the staunch support and loyalty of her staff as well as her colleagues in other City departments; and

WHEREAS, *Karen W. Hedelt* helped recruit businesses, special events and projects that have improved the community's quality of life and fiscal health; and

WHEREAS, *Karen W. Hedelt* played a key role in the creation of Fredericksburg VA Main Street Inc. and helped develop programs such as Restaurant Week, Ghost Tours, UMW Family Weekend and UMW New Student Welcome;

NOW, THEREFORE, I, Mary Katherine Greenlaw, Mayor of the City of Fredericksburg, on behalf of the City Council, do hereby extend thanks to Mrs. Hedelt for her many years of hard work on behalf of the community, and join with many others to wish her and her family the best for a long and joyful retirement.




Mary Katherine Greenlaw, Mayor
Fredericksburg, Virginia



MEMORANDUM

TO: Tim Baroody, City Manager
FROM: Mike Craig, Zoning Administrator
DATE: August 1, 2016 for the August 9 meeting
RE: SUP-2016-02, Catherine Dodd (homeowner) requests a Special Use Permit for a Bed and Breakfast at 325 Braehead Drive (GPIN 7778-75-8585), in the R4 Residential Zoning District.

ISSUE

Should the City Council approve of a Special Use Permit for a Bed and Breakfast at 325 Braehead Drive?

RECOMMENDATION

Recommend to the City Council approval of the Special Use Permit, subject to following conditions:

1. The bed and breakfast inn shall be operated in substantial conformance with the special use permit application dated June 3, 2016.
2. The use shall commence within 24 months of the date of this resolution.
3. The proposed use may continue so long as it is not discontinued for more than two years.

BACKGROUND

325 Braehead Drive is a single family home in the Braehead Woods subdivision, a large lot single family neighborhood. The lot size of 325 Braehead, at 0.42 acres (18,432 square feet), is typical of the lot size in this neighborhood. The property is zoned R4 Residential. The parcel is bordered by lots containing single family homes to the west, to the east, and to the south. The parcel is bordered by the Fredericksburg Battlefield to the north. The single family home is one-story, brick, and has a front porch, a rear deck, and a finished basement. The total interior area is 1,392 square feet. The asphalt driveway can accommodate two or more motor vehicles. In addition, the lot has 100 feet of frontage on Braehead Drive, 70 feet of which is available for on-street parking.

Catherine Dodd owns 325 Braehead Drive and wants to advertise her property on Airbnb as a one bedroom bed and breakfast. She proposes to make the finished basement, with a private entrance, bedroom, bathroom and living area available to guests. She does not propose to permit special events or receptions, family gatherings or parties, etc. Her application establishes quiet hours from 10:00 p.m. to 7:00 a.m. Ms. Dodd anticipates that she will have renters about twice per month.

PLANNING COMMISSION ACTION

On July 13, the Planning Commission held a public hearing on the proposed Bed and Breakfast at which no member of the public spoke. The Planning Commission debated the topic and considered two motions, one to approve the proposed Bed and Breakfast and one to defer the application for 30 days, and to have the Planning Director and City Manager come back to the Planning Commission with a comprehensive report on the new Bed and Breakfast market created by technology similar to Airbnb in the City. The motion to defer failed by a 3-2 vote and the motion to recommend approval of the project to the City Council passed by a 3-2 vote. At the end of each Planning Commission meeting, Commissioners have an opportunity to make comments. At that time, Mr. Pates moved to ask the Planning Director and the City Manager to look at how new technology has changed the market for Bed and Breakfasts in the City and submit a report to the Planning Commission with a recommendation on any affects on land use. The motion passed on a 5-0 vote.

During the Planning Commission public hearing, Ms. Dodd stated that the maximum occupancy of her proposed Bed and Breakfast would be 4 occupants. While the Planning Commission did not add an occupancy limit to their recommendation, the City Council may wish to do so. As discussed below, the maximum occupancy for a Bed and Breakfast in the City is five guest rooms with 10 occupants. This limit is consistent with the Building Code, which considers up to five guest rooms and 10 occupants as a residential use.

SPECIAL USE PERMIT ANALYSIS

Special use permits are evaluated according to the criteria contained in the UDO, Section 72-22.6, as follows:

(1) The proposed special use at a specified location shall be:

(a) In harmony with the adopted Comprehensive Plan;

The future land use map calls for this area to be low density residential. The property is within Land Use Planning Area 10. The one relevant Opportunity for this area, listed on page 172 of the Comprehensive Plan, is to “Protect existing residential neighborhoods from existing and proposed commercial development, through transitional uses and design standards to minimize adverse impacts.”

(b) In harmony with the purpose and intent of the zoning district regulations;

The purpose of the R4 zoning district is “*to provide for single-family detached dwellings in both developed and undeveloped areas of the City at densities up to four units per acre. The district also allows selected uses which are compatible with the medium density residential character of the district...*”

A Bed and Breakfast is one of a seven Commercial uses in the Unified Development Ordinance’s Use Table §72-40.2 that are permitted by special use in the R-4 zoning district. The other Commercial uses are general restaurant, medical office, convenience store (without gasoline sales), personal service establishment, pharmacy, and a repair services establishment.

§72-41.3F contains principal use standards for the operation of a Bed and Breakfast:

(1) Operated in a principal building and not in any accessory building or structure.

- The use will be within the existing house.*
- (2) The front yard of an inn shall not be used for parking. If parking cannot be provided on the site, it must be provided within 500 feet of the site.
The site has an existing driveway that can accommodate two cars and adjacent on-street parking that can accommodate three cars.
- (3) A maximum of five guest rooms shall be allowed, with not more than 10 occupants.
The facility is proposed to contain one bedroom.
- (4) The facility shall be managed by an individual who resides on the premises.
Ms. Dodd is the homeowner and lives on-site. The issues associated with the market created by Airbnb and other hosting platforms is that it has enabled absentee landlords or companies to turn single family homes into defacto hotels without any on-site oversight.
- (5) For identification of the bed-and-breakfast inn, one wall sign of four square feet is permitted. Such sign shall not be directly illuminated, nor shall it contain the word “hotel” or “motel.” Such sign shall meet all zoning requirements.
No signs are proposed.
- (6) There shall be no more than one kitchen.
There is only one kitchen in the house and no interior renovations are proposed.
- (7) Receptions and other such functions, for compensation, shall require approval of a special use permit.
No receptions or other functions are planned at this point.

(c) In harmony with the existing uses or planned uses of neighboring properties.

325 Braehead Drive is within a single family neighborhood. The house is adjacent to other single family homes and the national battlefield. The Bed and Breakfast use is a commercial use that will be introduced into the single family neighborhood. The City’s Unified Development Ordinance permits Bed and Breakfast uses by special use permit to ensure that they meet certain standards and will not have an adverse impact on the neighbors.

In considering an application for a Special Use Permit, the Planning Commission and City Council shall consider potential adverse impacts including:

1. Traffic or parking congestion;

Braehead Woods is a large lot (for the City) single family neighborhood. Adding a Bed and Breakfast will increase traffic on Braehead Drive when the Bed and Breakfast has guests.

There is an existing driveway on-site at 325 Braehead Drive capable of accommodating two cars and three on-street parking spaces adjacent to the parcel. The Applicant has proposed limiting the use to one bedroom. Per §72-53.1C(2), a one bedroom Bed and Breakfast requires 3 parking spaces.

2. Noise, lights, dust, odor, fumes, vibration, and other factors which adversely affect the natural environment;

The Bed and Breakfast use, by adding more people on-site, could create additional light and noise than the current single family use. The Applicant has proposed quiet hours for the Bed and Breakfast between 10 pm and 7 am.

3. **Discouragement of economic development activities that may provide desirable employment or enlarge the tax base;**
The use constitutes economic development.
4. **Undue density of population or intensity of use in relation to the community facilities existing or available;**
There are sufficient public utilities to serve the site.
5. **Reduction in the availability of affordable housing in the neighborhood;**
Not applicable, this Special Use application is for a use in an existing building.
6. **Impact on school population and facilities;**
Not applicable, this Special Use application is commercial in nature.
7. **Destruction of or encroachment upon conservation or historic districts;**
Not applicable, this Special Use application is not within the City's historic district.
8. **Conformity with federal, state and local laws, as demonstrated and certified by the applicant; and**
The applicant has, to our knowledge, conformed to all federal, state, and local laws.
9. **Massing and scale of the project.**
There are no exterior alterations proposed with this project.

CONCLUSION:

The proposed Bed and Breakfast is within a single family neighborhood. Adding a Bed and Breakfast into the neighborhood could generate some additional traffic and parking demand. Also, adding people into the home could cause light and noise. The recommended conditions will offset these impacts by limiting the Bed and Breakfast to a single bedroom in the basement.

With this condition, the application meets the criteria noted above.

ATTACHMENTS:

1. Application and Supporting Materials
2. Proposed resolution granting the SUP
3. GIS Map
4. Draft minutes from the July 13 Planning Commission meeting
5. City of Fredericksburg Bed and Breakfast Map¹

¹ The City of Fredericksburg Bed and Breakfast Map has been prepared to provide general background information on City Bed and Breakfasts. New technologies like Airbnb have made advertising and operating a bed and breakfast easier. In response to advertisements on Airbnb where no permits had been approved, City staff mailed letters to the operators on June 28 to let them know the correct permitting procedure to legally establish their use. These uses are in a variety of residential and commercial zoning districts. As a result, some of the new operations require a special use permit and some only need a zoning permit and business license. The map shows the location of the two Bed and Breakfast operations currently going through the special use permit process (including Ms. Dodd's proposed use), the active Bed and Breakfasts (as of June 13, 2016) that the City notified as part of a compliance outreach. The map also shows inactive Bed and Breakfasts that were previously approved by special use permit, and active and permitted Bed and Breakfasts. Ms. Dodd applied for a special use permit prior to advertising or establishing her proposed use.



August 9, 2016
Regular Meeting
Resolution No. 16-__

MOTION:

SECOND:

**RE: GRANTING A SPECIAL USE PERMIT TO CATHERINE DODD FOR A
BED AND BREAKFAST INN AT 325 BRAEHEAD DRIVE**

ACTION: APPROVED: Ayes: 0; Nays: 0

WHEREAS Catherine Dodd has applied to the City Council for a special use permit to operate a bed and breakfast inn at 325 Braehead Drive, GPIN 7778-75-8585.

WHEREAS, the Council after notice and a public hearing, has considered the application in light of its conformity with the City's Comprehensive Plan, its harmony with the purposes and standards of the zoning district regulations, its compatibility with existing or planned uses of neighboring properties, and whether the proposed special use and related improvements will be designed, sited, landscaped and otherwise configured so that the use will not hinder or discourage the appropriate development or use of adjacent, neighboring or community land and structures, or impair their economic, social or environmental value;

NOW, THEREFORE, BE IT RESOLVED:

Based on these considerations, Council finds: (a) this request as submitted (or modified) conforms to the City's Comprehensive Plan, or to specific elements of that plan and to official policies adopted pursuant the plan, (b) this request is in harmony with the purpose and intent of the zoning district regulations, (c) this request will not have an undue adverse impact on the surrounding neighborhood, in terms of public health, safety or general welfare; and (d) this request is appropriately designed, sited, landscaped and otherwise configured.

This Council grants to Catherine Dodd a special use permit to operate a bed and breakfast inn at 325 Braehead Drive (GPIN 7778-75-8585), in accordance with her application for a special use permit dated June 1, 2016, signed June 3, 2016, subject to the following conditions:

1. The bed and breakfast inn shall be operated in substantial conformance with the special use permit application dated June 3, 2016 and with City Code §72-41.3(F).
2. The proposed use shall commence within 24 months of the date of this resolution.
3. The proposed use may continue so long as it is not discontinued for more than two years.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Clerk's Certificate

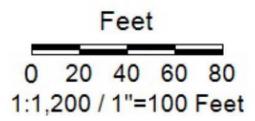
I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Resolution No. 16-__ duly adopted at a meeting of the City Council meeting held August 9, 2016 at which a quorum was present and voted.

Tonya B. Lacey, CMC
Clerk of Council

The City of Fredericksburg, VA

Legend

- City Boundary
- WVS_Centerlines Back (12,000)
- Interstate
- US Highway
- VA Primary
- Others
- WVS_Centerlines Back (12,000)
- Interstate
- US Highway
- VA Primary
- Others
- Parcels



7/1/2016

DISCLAIMER: All information depicted on this map shall be treated as confidential information and shall only be used for the sole purpose for which it was provided. Any other use of this map, or the information included therein, is strictly prohibited. The data shown on this map is for information purposes only and shall not be relied upon for the specific location of map features. The City of Fredericksburg makes no representation or warranty as to the accuracy of the map, or the information shown thereon. This map may not be copied or otherwise made available to any other party in paper or electronic format without written consent from the City of Fredericksburg.

DRAFT PLANNING COMMISSION MINUTES

DODD B & B --- JULY 13

Mr. O'Toole asked then if something else happens as far as use for the building, it would then have come back to the Commission for approval.

Ms. Sherman asked for clarification of what Mr. O'Toole means by "something else".

Mr. O'Toole said, for instance, if a welding shop or car maintenance wanted to locate there.

Ms. Sherman said there would be no additional review from the Planning Commission unless it was a Special Use Permit, Special Exception, or a Rezoning. She said the reason the Planning Commission is considering the application before them this evening is because it is specifically for a "public facility", and the City Code requires that the Planning Commission be involved with the planning of public facilities.

Dr. Gratz said that years ago there had been a proposed plan to construct a shopping center in this area, although it never moved forward. He asked if this approximate 10,000 building would/could ultimately become a shopping center.

Ms. Sherman said the subject property is zoned Industrial and only uses allowed in the Industrial zoning district would be permitted at this time.

Mr. Johnston said that commercial activity to which Dr. Gratz referenced was actually on the other side of Belman Road.

Mr. McAfee asked Mr. Leitch, representing the application, if he had anything to add.

Mr. Leitch said he would be happy to answer questions of the Commission.

The Commission had no questions for Mr. Leitch.

Mr. McAfee opened the floor for public comment.

There was no public comment.

Mr. McAfee closed the public hearing.

Mr. O'Toole made a motion to adopt Resolution No. 16-04, approving the proposed school bus facility at 1100 Belman Road as substantially in accord with the 2015 Comprehensive Plan.

Dr. Gratz seconded the motion.

Motion carried by a vote of 5 – 0.

5. SUP2016-02 - Catherine Dodd (owner), requests a special use permit for a bed and breakfast at 325 Braehead Drive (GPIN 7778-75-8585) in the R-4 Residential (R4) Zoning District. The Comprehensive Plan designates the area where the subject properties are located as 'Low Density Residential,' which recommends residential development at four units per acre.

DRAFT PLANNING COMMISSION MINUTES

DODD B & B --- JULY 13

Mr. Craig presented the application and provided a brief slide presentation on the proposed project.

Mr. O'Toole asked if there are other B&B's in this area.

Mr. Craig said the City does not have any other special use permits for Braehead Woods for bed and breakfasts.

Mr. O'Toole said then if there are other's being advertised on Airbnb, then they would be non-conforming.

Mr. Craig said yes. He added that staff had recently found a few properties that were advertising on the Airbnb site and sent letters informing them that they are in violation of the City Code and needed to apply for a Special Use Permit in order to comply and he does not recall any other Airbnb being located in Braehead Woods.

Mr. O'Toole said he understands that there is one located in Braehead Woods. He asked if the "one-bedroom" being advertised for the subject address has a limit as to the number of people that can utilize that one-bedroom.

Mr. Craig said the use standards for a bed and breakfast limits the allowable number of guests, which would be the controlling standard, which allows a maximum of 5 rooms and 10 occupants. He said if someone really wanted to cram 10 people in a one-bedroom, it would probably be allowed.

Mr. O'Toole asked if there would be any requirements for sprinklers, etc.

Mr. Craig responded, no.

Mr. O'Toole asked if this is because it is an existing structure.

Mr. Craig said the Building Code treats these types of uses, up to a certain amount of bedrooms, as a single-family residential dwelling and Ms. Dodd's proposed use falls into this category.

Mr. O'Toole asked that in a completely residential area like Braehead Woods, what would preclude everyone from doing the same thing.

Mr. Craig said that this use would require a Special Use Permit, so they would all have to apply for and get approval from City Council in order to operate an Airbnb.

Mr. Johnston said that as long as they meet the requirements in terms of availability in parking and other Code stipulations, it is envisioned that this use is an appropriate activity. He noted that commercial properties allow for full-scale grocery stores, but not all commercial properties have a full-scale grocery store. He said, yes, it is possible theoretically that every single-family residence could have an Airbnb, but is it likely, he said he did not believe so. He said if there becomes a concentration of Airbnb's that would be a factor in consideration of why it requires a special use, why there is a public hearing and why there is a process.

DRAFT PLANNING COMMISSION MINUTES

DODD B & B --- JULY 13

Mr. O'Toole said he can understand bed and breakfasts in the "downtown tourist area", but Braehead Woods does not seem to him to fit what he would consider a place to have a bed and breakfast.

Mr. Johnston said that the City Council, when it adopted the regulations to allow bed and breakfasts in residential areas with the approval of a special use permit, did not discriminate that these residences had to be in a designated residential area. He said the subject property is near, or immediately adjacent to the Battlefield and people may chose to stay in a bed in breakfast that is located near that facility, which is a major tourist draw for the City.

Mr. Pates said these ordinances were passed long before the concept of Airbnb. He asked staff if they have any idea how many licensed Airbnb's are located in the City.

Mr. Craig said he believes most of the Airbnb's advertise on [Airbnb](#), so he would put the number to about 3 to 5.

Mr. Pates asked staff if they have any idea how many unlicensed Airbnb facilities exist in the City.

Mr. Craig said that when staff recently checked the Airbnb site, it was noted that less than 10 were currently unlicensed and that staff has sent mailings informing those individuals that they are required to apply for a special use permit.

Mr. Johnston noted that some Airbnb's that were listed that are located in the Downtown zoning district are not required to obtain a special use permit as they are permitted as a by-right use in that area.

Mr. Pates asked if the staff has received any complaints from residents in the City concerned about people operating Airbnb facilities in their neighborhoods.

Mr. Craig responded, no.

Mr. Pates said he has heard from several citizens just recently, and that he has no idea if the facilities that they are talking about are licensed or unlicensed. He said these facilities are already having an impact in the City, and that he knows the Commissioner of the Revenue's office is struggling with this issue as he has spoken with them as well. He said this is not a problem that is unique to Fredericksburg and he likened it to Uber and the taxi cab industry. He said a lot of it is designed as a way of people making money without going through all the regulation that normally would be required. He said he understands that particularly Virginia Beach is struggling with this because it is a major tourist destination and people are now able to stay at someone's house for \$50.00 a night as opposed to staying at a hotel for much more money, which is adversely impacting their hospitality industry. He said you cannot fight technology on these types of things and that he has no concerns regarding Ms. Dodds application and what she is trying to do, but he has concerns about the overall issue and allowing these Airbnbs. He said if everyone in Braehead started operating an Airbnb it would have a detrimental impact on the quality of residential neighborhoods. He said he would hope that the City might develop some sort of strategy on dealing with this issue instead of just looking at them piecemeal. In particular, he said, on the definition of a bed and breakfast in the City Code, all it says is *"a single family dwelling containing sleeping and breakfast*

DRAFT PLANNING COMMISSION MINUTES

DODD B & B --- JULY 13

accommodations as an accessory use for transient persons, or a daily, weekly, or similar short basis of 30 days or less”, which he said means basically anybody’s house in Fredericksburg can become a haven for a lot of people on a regular basis. He said he would hope that the City would take a look at this before it starts approving these special use permits.

Mr. McAfee said he would like to comment on some of what Mr. Pates said. He said he believes if you have four bedrooms being used then the Building Code requires that the home have a sprinkler system. He also noted that the City Code allows up to three unrelated persons to rent a home long term within the City without requiring special permits. And, in this case, we are requiring someone to have a permit just because the stay is “short”, which does not make sense to him. He said he believes the City should address the issue by simply eliminating the need to have to obtain a special permit for a bed and breakfast. He added that he does not believe the City should fight technology when it brings new business to the City and that he does not see business as a problem that needs to be addressed.

Mr. Gantt said that he can appreciate the comments made by Mr. Pates. However, he said he agrees with Mr. McAfee’s comments. He said he too wonders why the Commission is addressing this just because it is new technology. He said he has more concerns regarding the “Pokemon Go” craze, and the City should ask itself if it really wants a lot of people trespassing on properties that could be considered hallowed ground, such as the cemeteries. He said when he looks at the Airbnb issue, he believes people are just looking to go someplace quick, inexpensive, clean and not have to deal with issues that can arise with staying at a hotel. He said Fredericksburg is a great place to visit and the City should want to encourage individuals opening up their homes for visitors to the area.

Dr. Gratz said he also agrees with Mr. McAfee’s comments that it seems unfair that a person can rent long-term to someone without any special permits, but a person can’t “rent” to someone once a week or so without a special use permit. He said he does not see a problem with the request.

Ms. Catherine Dodd, applicant, 325 Braehead Drive, 22401. She said she would be utilizing a one-bedroom, one bathroom living space in her basement, which has a private entrance, for the Airbnb. She said she assures the Commission that only a maximum of four people would be permitted. She also noted that there are some safety measures that Airbnb asks that operators have put in place such as smoke detectors both inside and outside the bedroom areas, emergency contact numbers for the area, first aid kits, etc. She said her Airbnb operation would only include the “bed” part and not the breakfast. She said at the most she would provide a coffee pot for guests.

Mr. McAfee opened the floor for public comment.

There was no public comment.

Mr. McAfee closed the public hearing on this item.

Mr. Gantt made a motion to recommend approval of the special use permit, to include the conditions, outlined by staff as follows:

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DODD B & B --- JULY 13

1. The bed and breakfast inn shall be operated in substantial conformance with the special use permit application dated June 3, 2016.
2. The use shall commence within 24 months of the date of this resolution
3. That the use continues and is not discontinued for more than two years.

Dr. Gratz seconded the motion.

Mr. Pates said he has nothing against the application and believes Ms. Dodd would run an excellent facility. However, he said he is concerned about the larger issue and the precedent that the City is setting for other Airbnb facilities in the City. He said he believes that there are a number of issues and he believes the City is going to find that the Airbnb concept will provide for a host of public safety and health issues. He said it would be just like Uber, where we are starting to see many problems throughout the country with Uber, and the services being rendered by Uber—sometimes they are very good and sometimes they are not. He said localities have no control, or not much control over these uses and he believes it is extremely difficult and burdensome on localities to try to enforce the tax laws for such uses. He said he thinks it encourages people to circumvent the law.

Mr. Pates said he would make a substitute motion that a decision on this application be delayed for 30 days, and to ask the Planning Director and the City Manager to come back to the Planning Commission with a comprehensive look at these types of facilities and a recommendation on this application.

Mr. O'Toole seconded the motion.

Mr. Gantt said he thinks there needs to be due diligence and that there needs to be some caution. However, he said, if we do nothing we never recognize what is going on and what we should be doing. He said Mr. Pates is saying we need to delay a decision on an application that has applied for this permit under the current regulations outlined in the City Code. He said he believes what Mr. Pates has asked can be done while this applicant moves forward.

Mr. McAfee called for the vote.

Motion failed by a vote of 3 – 2.

Mr. McAfee asked if there was any additional comment to the original motion made by Mr. Gantt -- a motion to recommend approval of the special use permit, to include the conditions, outlined by staff as follows:

1. The bed and breakfast inn shall be operated in substantial conformance with the special use permit application dated June 3, 2016.
2. The use shall commence within 24 months of the date of this resolution
3. That the use continues and is not discontinued for more than two years.

Dr. Gratz seconded the motion.

Being no additional comments, Mr. McAfee called for the vote.

Motion carried by a vote of 3 – 2.

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Mr. Pates asked if it would be in order for him to make a separate motion.

Mr. McAfee said the Agenda allows for Planning Commissioner Comment later in the evening and asked that Mr. Pates address his motion at that time.

6. **RZ2016-02 - The City of Fredericksburg** requests an amendment to Ordinance 14-06 to amend the zoning on a 0.806 acre property from Residential 12 (R-12) to Residential 2 (R-2). The 0.806 acre property identified as GPIN 7870-00-3906 has no assigned address but is generally located on the west side of Wicklow Drive between the Bragg Hill townhomes fronting on Rann Court to the south and the Sunshine Ballpark to the north. The proposed rezoning is to address a property records error made with Ordinance 14-06 that led to the rezoning of this parcel from R-1 to R-12 instead of the City's intended rezoning of the parcel from R-1 to R-2. The R-2 residential zoning district permits two residential units per acre. The Comprehensive Plan designates the area for Low Density Residential, which has a general recommended density of four units per acre.

*Due to the involvedness of this application, the staff report has been attached to these Minutes (**Attachment A**).*

Mr. Craig presented the application and provided a brief slide presentation.

Mr. McAfee clarified for those present that City Council requested the proposed correction.

Mr. Craig said Mr. McAfee is correct. He said City Council passed a Resolution in June in order to bring this application forward.

Dr. Gratz asked if there are any **current** projects proposed for this site.

Mr. Craig said the land owner had previously submitted a TRC pre-application for townhomes, but staff does not have any formally submitted plans that he is aware of at the moment.

Dr. Gratz asked if the City is likely to end up with a lawsuit as a result of this action.

Ms. Dooley, City Attorney, said it is hard to say if there would be a lawsuit brought forward or not. The landowners are obviously interested in the zoning of their property, and they argued to the BZA that they had R-12 zoning and the BZA agreed with the landowners. She said the City Council wishes to just correct the mistake. She added that the City feels this is a sound request that it is appropriate to correct a mistake when it was made. She said she and Mr. Craig have spent hours reviewing this file and the history of this parcel and understand how the mistake was made. She added that she looked at comments submitted by Commissioner Dynes, where he appears to be attempting to assign blame for the mistake, but she nor staff found anything to indicate that there was any ill intent whatsoever underneath this mistake. She said it does go back to the 70's and Bragg Hill, and Spotsylvania County and some of the deeds that were going around at that time. The property was part of 9711 at one time and then it was subdivided off, so there are reasons why these mistakes made their way into the record but there was no evidence found of bad faith on any party. She said it worked its

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Mr. Pates said he would like to see more emphasis put into the train station and the area around it as it is a major economic driver for the City.

9. Mr. Erik Nelson, Deputy Director of Community Planning & Building provided an update on the Small Area Comprehensive Plan process. He said staff will continue to come before the Commission each month to provide an update as the process moves forward. He informed Commissioners that they are welcome to schedule to meet one on one with the Small Area Comprehensive Plan consultants. He informed Commissioners of upcoming meetings for the public to meet with the consultants.

OTHER BUSINESS

10. Planning Commissioner Comment

Mr. Pates said that going back to the Airbnb issue, Mr. Gantt had said he thought it would be useful to have the City take a more comprehensive view of this concern and to report back to the Commission. Mr. Pates said he would make a motion – that the Planning Commission ask the Planning Director and the City Manager, and anybody else that the City Manager feels that would be appropriate, to look at the larger issue of residences in the City being used for Airbnb's and to come back to the Commission at his convenience with a report and recommendation on how this might affect Land Use.

Mr. O'Toole seconded the motion.

Motion carried by a vote of 5 – 0.

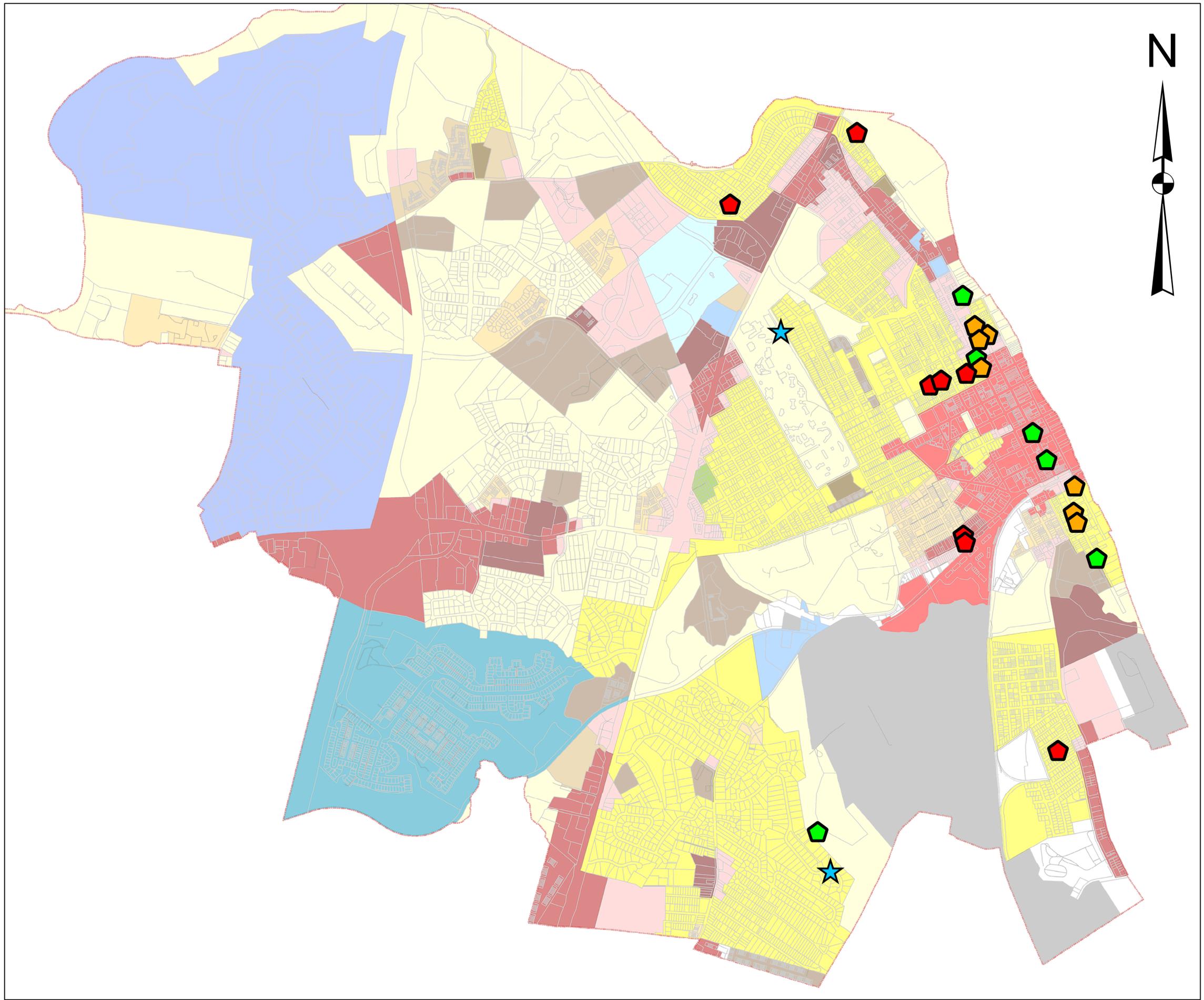
11. Planning Director Comment

Mr. Johnston updated the Commission on recent City Council action
Mr. Johnston informed Commissioners of potential projects/applications that may be coming forward in the near future.

ADJOURNMENT

Meeting adjourned.

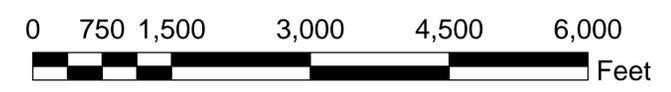
Roy McAfee, Chair



BED AND BREAKFAST LOCATIONS & PERMITTED STATUS CITY OF FREDERICKSBURG

(AS OF JUNE 13, 2016)

Legend		Total Number
	Proposed Bed and Breakfasts	2
Permit_Status		
	Active - Notified Needs Permits	8
Permit_Status		
	Inactive - Previously Approved SUP	7
Permit_Status		
	Active - Permitted	6
gis1.DBO.Zoning		
ZONING		
	R-2 - RESIDENTIAL	
	R-4 - RESIDENTIAL	
	R-8 - RESIDENTIAL	
	R-12 - RESIDENTIAL	
	R-16 - RESIDENTIAL	
	R-30 - RESIDENTIAL	
	R-MH - RESIDENTIAL MOBILE HOME	
	C-T - COMMERCIAL / TRANSITIONAL OFFICE	
	C-D - DOWNTOWN BUSINESS	
	C-SC - COMMERCIAL SHOPPING CENTER	
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	I-1 - INDUSTRIAL - LIGHT	
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	PD-R - PLANNED DEVELOPMENT - RESIDENTIAL	
	PD-C - PLANNED DEVELOPMENT - COMMERCIAL	
	PD-MU - PLANNED DEVELOPMENT - MIXED USE	
	PD-MC - PLANNED DEVELOPMENT - MEDICAL CENTER	





MEMORANDUM

TO: Tim Baroody, City Manager
FROM: Mike Craig, Zoning Administrator
DATE: August 1, 2016 for the August 9 meeting
RE: Zoning map amendment of GPIN 7870-00-3906 (the “Property”) from R12 to R2

ISSUE

Should the City Council approve a zoning map amendment of GPIN 7870-00-3906 from R12 to R2 to address an error made in Ordinance 14-06?

RECOMMENDATION

Approve the rezoning.

PLANNING COMMISSION ACTION

The Planning Commission held a public hearing on this item on July 13 at which one person, the land owner’s attorney, spoke against the rezoning. The Planning Commission voted 4-1 to recommend approval of this rezoning to the City Council.

GENERAL BACKGROUND

The proposed rezoning before the City Council would rezone GPIN 7870-00-3906 from R12, Residential to R2, Residential as shown on the attached Exhibit A and B.

GPIN 7870-00-3906 is a 0.806 acre parcel fronting on Wicklow Drive across from the Riverwalk subdivision to the east and between the Central Park townhomes fronting on Rann Court to the south and the Sunshine Ballpark to the north. The parcel is an undeveloped, generally flat, open field. The Bragg Hill Corporation owns an adjacent vacant 33.96 acre parcel of land to the west now known as GPIN 7860-90-3994. Neither the subject property nor the adjacent vacant property has been assigned a street address by the City.

On February 11, 2014 the City Council adopted Ordinance 14-06, which rezoned all the R1 zoned property (1,121 acres of land) in the City.¹ As listed in the Ordinance’s Exhibit A, properties with an assigned street address were rezoned by that address. Properties without street addresses were rezoned by GPINs. The rezoning included the Property; however, it was not at that time identified as an independent GPIN. The Property was at the time also owned by the Bragg Hill Corporation and was included as part of GPIN 7860-90-3994.² Ordinance 14-06 rezoned GPIN 7860-90-3994 from R1 to R2. The Property itself was not created as an independent feature on the City’s GIS map and assigned its own GPIN (GPIN 7870-00-3906)

¹ Exhibit 1, Ordinance 14-06 including Exhibit A and maps.

² Exhibit 2, Memorandum from Kim Williams, GIS Analyst

until September 17, 2015, which was over a year and a half after the adoption of Ordinance 14-06.³

The Property was conveyed from Bragg Hill Community Corporation to Bragg Hill Corporation in October 2013.⁴ The required “cover sheet” prepared for the Clerk of Court by the landowner’s private attorney for recording the deed identifies the subject Parcel as GPIN 7860-90-9711. This identification was erroneous and was likely the product of an ambiguity in the land records dating back to 1976.⁵

This error was transferred from the Court Clerk’s Office into the City’s Real Estate records, resulting in a change in the information underlying the mapped GPIN. The real estate information (and subsequent tax bills) underpinning GPIN 7860-90-9711 became a mixture of information related to GPIN 7860-90-9711 as mapped on the City’s official GIS map (which did not include what is now GPIN 7870-00-3906 according to Kim William’s memo) and the Property. Ordinance 14-06 rezoned GPIN 7860-90-9711, which as the deeded “open space” associated with the Bragg Hill townhomes, from R-1 to R-12.

The result of this discrepancy was that during the rezoning process in 2014, City mapping and notification treated the Property as part of GPIN 7860-90-3994, which was rezoned from R1 to R2,⁶ yet in December 2013 the City began to issue tax bills for the Property referring to it as GPIN 7860-90-9711 and taxing it as R-12 zoned property.

On February 29, 2016, Mark Glazebrook, one of the two owners of a 0.806 acre parcel of land, applied for a Technical Review Committee pre-application conference to discuss building townhomes on the Parcel under a purported R12 zoning designation.⁷

On March 10, 2016, the Zoning Administrator sent the Bragg Hill Corporation a determination letter stating that the property is actually zoned R2, Residential.⁸ The R2 district permits single family dwellings at a maximum density of two dwelling units per acre, but it does not permit townhouse (single family attached) development. Bragg Hill Corporation filed an appeal to the Board of Zoning Appeals, contesting the determination that the land is zoned R2 and not R12.

On May 16, 2016, the City’s Board of Zoning Appeals (BZA) upheld the appeal finding that there was sufficient evidence that the GPIN recorded in the land records superseded the City’s GPIN mapping in place in 2014 and that the Property was zoned R12. The decision of the BZA is binding on the parties.

PURPOSE OF ORDINANCE 14-06

The purpose of Ordinance 14-06 was to make City planning and zoning more accurate and efficient. The rezoning was a City-initiated rezoning whose intent was to bring all land annexed

³ GPIN numbers are a representation of land updated and maintained as part of the City’s Geographic Information System (GIS). The GIS system contains a disclaimer that the GIS system is neither a survey product nor replacement for appropriate deed research.

⁴ Exhibit 3, Deed from Bragg Hill Community Corporation to Bragg Hill Corporation, dated October 31, 2013.

⁵ Exhibit 4, History of the Property.

⁶ GPIN 7860-90-9711 was identified correctly as shown in Kim William’s memo and owned by the Bragg Hill Community Corporation.

⁷ Exhibit 5, Pre-application Conference application.

⁸ Exhibit 6, Zoning Administrator Determination Letter

by the City in 1984 and zoned R1 (as a holding zone) either to the equivalent R2 zoning district, if the land was vacant or used for single family homes, or to zoning districts consistent with the 2014 uses, townhouses or apartments. The change was a logical update of the Zoning Map after the adoption of the Unified Development Ordinance, which was the City's first comprehensive zoning ordinance update since 1984.

Vacant developable land was not intended to be up-zoned by the ordinance. The only vacant land that was zoned to R12, R16, or R30 was the deeded open space associated with existing higher density residential projects. Because the intent of the ordinance was to bring development on the ground into conformance with the zoning ordinance, the impacts associated with up-zoning vacant land were not studied or considered during the process leading to the adoption of 14-06.

The intensity of potential development on the 0.806 acre Property would not have changed in 2014 if the City rezoned the Property from R1 to R2 as intended. Increasing the density on the Property to R12 will have external effects on surrounding land uses and neighborhoods. The only public speaker during the May 16 Board of Zoning Appeals hearing raised concerns about the impacts of more intense development on her home in the adjacent neighborhood. This correction is necessary so that if a higher intensity use is proposed on the Property in the future then the public, the Planning Commission, and the City Council will have an opportunity to properly evaluate any potential impacts and make an informed legislative decision on whether or not the increased intensity should be permitted.

The 2015 Comprehensive Plan Future Land Use Map designates the Property for "Low Density Residential," which is consistent with the intended and proposed R2 zoning classification.

CONCLUSION:

The staff report and mapping associated with Ordinance 14-06 clearly showed the Property as being zoned from R1 to R2. The BZA found that there was a significant enough error that the Property was zoned instead to R12. The proposed rezoning before the City Council will correct that error.

ATTACHMENTS:

1. Proposed Ordinance
2. Exhibits A and B
3. Exhibits 1- 6
4. Draft minutes from the July 13 Planning Commission meeting



August 9, 2016
Regular Meeting
Ordinance No. 16-__

MOTION:

SECOND:

RE: AMENDING ORDINANCE 14-06, TO REZONE APPROXIMATELY 0.806 ACRES OF LAND ADJACENT TO THE UNBUILT BAKERSFIELD LANE RIGHT OF WAY, A PORTION OF FORMER BRAGG HILL PARCEL B-5, IDENTIFIED AS GPIN 7870-00-3906, FROM R-12 TO R-2

ACTION: APPROVED: Ayes: 0; Nays: 0

First read: _____ **Second read:** _____

IT IS HEREBY ORDAINED by the Fredericksburg City Council that the official zoning map of the City, established pursuant to City Code §72-30, is amended as follows:

I. Purpose and findings.

The subject parcel was included in an area of 2,963 acres of land annexed by the City effective January 1, 1984. At the time of annexation, the land was initially classified as R-1 Residential zoning with the intent to rezone the land to a more appropriate zoning district at a later date. The subject property continued to be zoned R-1 until the adoption of Ordinance 14-06 by City Council on February 11, 2014. The purpose of Ordinance 14-06 was to reclassify that portion of the annexed land which had not already been rezoned into a zoning district more suited to its existing or planned development.

At the time of the adoption of Ordinance 14-06, according to City records, the subject parcel was a portion of a larger parcel identified as GPIN 7860-90-3994. Ordinance 14-06 ostensibly rezoned the subject property from R-1 to R-2. However, in February 2016, the current owner of the property asserted an R-12 zoning of the property. The Zoning Administrator provided a written determination that the property had been zoned R-2 by Ordinance 14-06. An adjoining landowner appealed this decision to the Fredericksburg Board of Zoning Appeals.

The adjoining landowner's contention was that the subject property was identified as GPIN 7860-90-9711 at the time of the adoption of Ordinance 14-06. That parcel, identified in Exhibit A to the ordinance, was rezoned from R-1 to R-12 by the ordinance. The BZA upheld the appeal, determining that the land had been zoned R-12 by Ordinance 14-06.

The purported rezoning of the subject parcel from R-1 to R-12 would have been a mistake by the governing body. At the time of adopting Ordinance 14-06, the City Council was unaware of any ambiguity or confusion as to the property identified as GPINs 7860-90-3994 and 7860-90-9711. The GIS map was subsequently revised to assign GPIN 7870-00-3906 to this 0.806 acre parcel.

In adopting this ordinance, City Council has considered the applicable factors in Virginia Code § 15.2-2284. The City Council has determined that public necessity, convenience, general welfare and good zoning practice favor the requested rezoning.

II. Official Zoning Map Amendment

The official zoning map, prepared in accordance with City Code §72-30, is hereby amended by rezoning the 0.8 acre parcel identified as GPIN 7870-00-3906, more particularly described on the plat of survey entitled "Plat of Survey Showing 0.806 Acres in the Name of Bragg Hill Community Corporation," prepared by Mark D. Goodpasture, L.S., of Bagby, Caldwell and Associates, Inc., a copy of which plat is attached as Exhibit A. Ordinance 14-06 is so amended.

III. Effective Date

This ordinance is effective immediately.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Approved as to form:

Kathleen Dooley, City Attorney

Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Ordinance No. 16- duly adopted at a meeting of the City Council meeting held August, 2016 at which a quorum was present and voted.

***Tonya B. Lacey, CMC
Clerk of Council***

EXHIBIT A

EXISTING ZONING GPIN 7870-00-3906



Legend

- R-2 - RESIDENTIAL
- R-4 - RESIDENTIAL
- R-8 - RESIDENTIAL
- R-12 - RESIDENTIAL
- R-16 - RESIDENTIAL
- R-30 - RESIDENTIAL
- R-MH - RESIDENTIAL MOBILE HOME
- C-T - COMMERCIAL / TRANSITIONAL OFFICE
- C-D - DOWNTOWN BUSINESS
- C-SC - COMMERCIAL SHOPPING CENTER
- C-H - COMMERCIAL HIGHWAY
- I-1 - INDUSTRIAL - LIGHT
- I-2 - INDUSTRIAL - GENERAL
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- PD-MU - PLANNED DEVELOPMENT - MIXED USE
- PD-MC - PLANNED DEVELOPMENT - MEDICAL CENTER



- Road Centerlines
- Rail Roads
- City Boundary

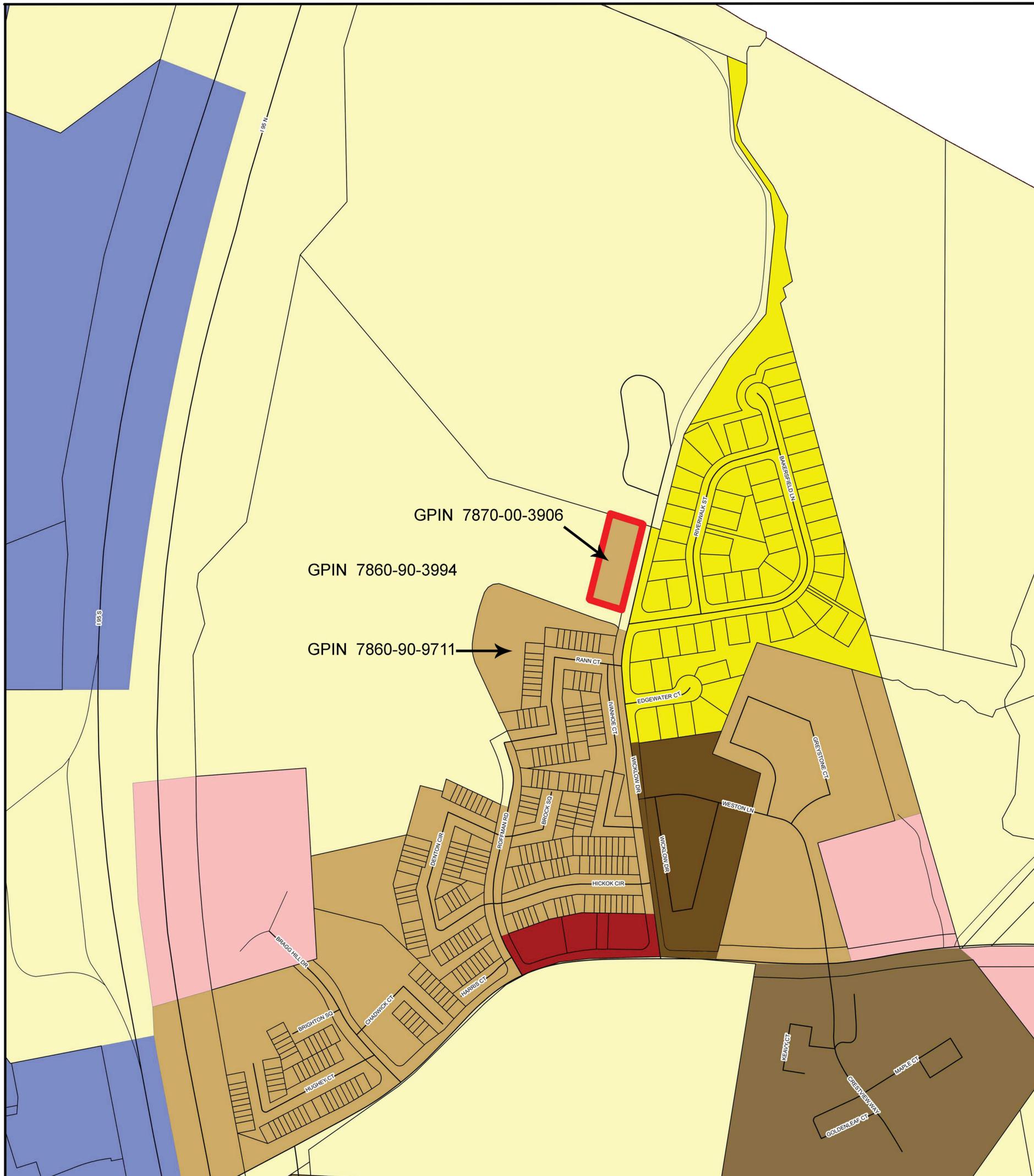


EXHIBIT B

PROPOSED ZONING GPIN 7870-00-3906

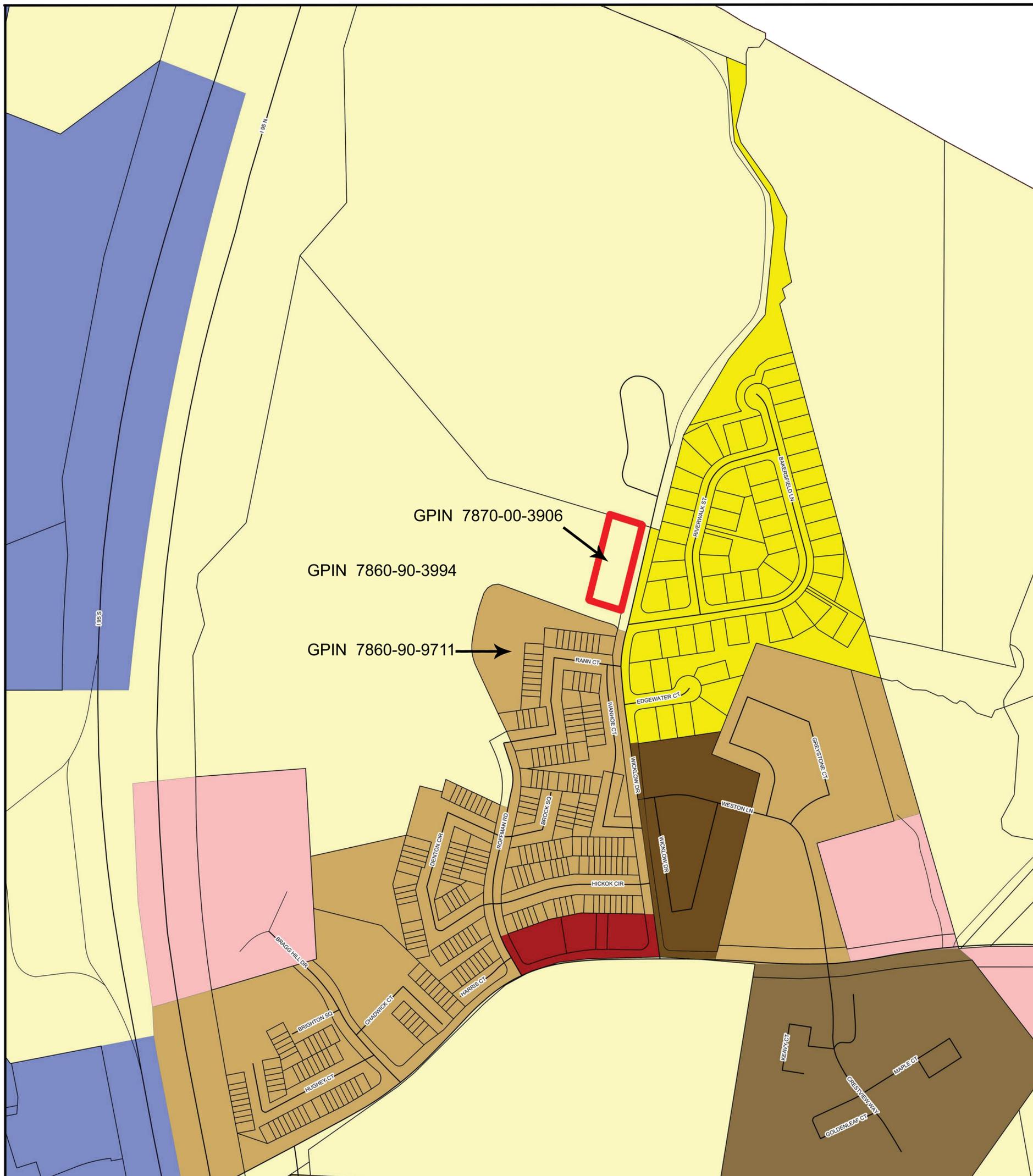


Legend

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- Road Centerlines
- Rail Roads
- City Boundary



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Mr. Pates asked if it would be in order for him to make a separate motion.

Mr. McAfee said the Agenda allows for Planning Commissioner Comment later in the evening and asked that Mr. Pates address his motion at that time.

6. RZ2016-02 - The City of Fredericksburg requests an amendment to Ordinance 14-06 to amend the zoning on a 0.806 acre property from Residential 12 (R-12) to Residential 2 (R-2). The 0.806 acre property identified as GPIN 7870-00-3906 has no assigned address but is generally located on the west side of Wicklow Drive between the Bragg Hill townhomes fronting on Rann Court to the south and the Sunshine Ballpark to the north. The proposed rezoning is to address a property records error made with Ordinance 14-06 that led to the rezoning of this parcel from R-1 to R-12 instead of the City's intended rezoning of the parcel from R-1 to R-2. The R-2 residential zoning district permits two residential units per acre. The Comprehensive Plan designates the area for Low Density Residential, which has a general recommended density of four units per acre.

*Due to the involvedness of this application, the staff report has been attached to these Minutes (**Attachment A**).*

Mr. Craig presented the application and provided a brief slide presentation.

Mr. McAfee clarified for those present that City Council requested the proposed correction.

Mr. Craig said Mr. McAfee is correct. He said City Council passed a Resolution in June in order to bring this application forward.

Dr. Gratz asked if there are any **current** projects proposed for this site.

Mr. Craig said the land owner had previously submitted a TRC pre-application for townhomes, but staff does not have any formally submitted plans that he is aware of at the moment.

Dr. Gratz asked if the City is likely to end up with a lawsuit as a result of this action.

Ms. Dooley, City Attorney, said it is hard to say if there would be a lawsuit brought forward or not. The landowners are obviously interested in the zoning of their property, and they argued to the BZA that they had R-12 zoning and the BZA agreed with the landowners. She said the City Council wishes to just correct the mistake. She added that the City feels this is a sound request that it is appropriate to correct a mistake when it was made. She said she and Mr. Craig have spent hours reviewing this file and the history of this parcel and understand how the mistake was made. She added that she looked at comments submitted by Commissioner Dynes, where he appears to be attempting to assign blame for the mistake, but she nor staff found anything to indicate that there was any ill intent whatsoever underneath this mistake. She said it does go back to the 70's and Bragg Hill, and Spotsylvania County and some of the deeds that were going around at that time. The property was part of 9711 at one time and then it was subdivided off, so there are reasons why these mistakes made their way into the record but there was no evidence found of bad faith on any party. She said it worked its

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way into the cover sheet, to the Commissioner of the Revenue's office, into the GIS System and out again, and all of this was happening at the same time that City Council was considering this general map amendment in 2014 that was simply trying to go from R-1 to R-2 zoning. Having discovered the mistake, the City Council would like to put this .8 acre back to the same zoning as the other 33 acres of vacant land that it is connected to. She said it is also consistent with the Comprehensive Plan, which shows this area as low density residential.

Mr. McAfee noted that Commissioner Dynes had brought in comments earlier in the evening as he would miss the meeting due to illness. He asked that the comments made by Mr. Dynes be made part of the official record (**Attachment B**).

Mr. Pates said this conversation makes him recall the Ordinance and he remembers distinctly the discussion at the time, and asking the question "would the zoning amendment change or increase the density on any of those parcels" and he remembers distinctly the answer being "no." He said that was one reason he certainly voted for it because he did not see it as constituting any kind of change at all and, therefore, staff should be commended for correcting an error.

Mr. McAfee opened the public hearing.

Mr. Peter Busante, Attorney representing the owners of the property, said he wanted to address an earlier question posed by Dr. Gratz as to whether there had been any plans to develop this property, and as Mr. Craig had noted there was a GDP that the owners had submitted in February of 2016, relying on the R-12 zoning classification. But they have also devoted a lot of effort and time toward appealing Mr. Craig's decision that it was a clerical error and that it was not zoned to the R-12 district, which was of course overturned by the BZA, and the City has not challenged that ruling so there is no doubt that the City Council did zone this parcel as R-12 in 2014. Now there has been a lot of presentation to staff and the landowners that this was a mistake. He said they do not doubt that there were some clerical issues but they did not see anything in the actual record when City Council did this that they did it by mistake. In fact, he said, during the BZA hearing in May 2016, Ms. Paolucci, who actually made the motion approve this mass rezoning request, said she actually physically walked this property, which was posted, and she said she thought all along that this parcel was actually going to be rezoned to R-12. So, he said, the fact that on a staff level there may have been a clerical error, it does not appear that way from what the City Council did in 2014. He said the property owners have relied on this classification, first in developing the GDP, which lead to the determination and subsequent appeal to the BZA. As soon as the 30-day window for the City to appeal the BZA's decision lapsed sometime in June, the owners started working on a construction plan for a by-right townhome development in accordance with the R-12 classification and they are probably going to submit this to the Planning staff by the end of the week. He said they have spent thousands of dollars and conducted a lot of work in reliance of this R-12 classification. He said once they thought they were safe and the BZA decision was no longer appealable by the City, they thought they were entitled (such as a vesting exercise) to move forward with the R-12 classification and what they wanted to do with the property. He said he does not believe there were any bad intentions and he is sure it was an honest mistake and may have actually resulted from the property owners, but the consequence of this would not be just correcting a clerical error. The consequences are down-zoning a property and

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prejudicing the property owners who have spent a lot of time and effort vesting in this property.

There were no questions from Commissioners and no additional public comment.

Mr. McAfee closed the public hearing.

Mr. Pates made a motion to recommend approval of the 0.806 acre property, indentified as GPIN 7870-00-3906, to be rezoned from Residential R-12 to Residential R-2.

Mr. Gantt seconded the motion.

Dr. Gratz said this appears to be another case where the City screwed up and asked why the City did not appeal the decision of the BZA within the time limit. Now if we make this change, it appears that we are in bad shape.

Ms. Dooley said the City Council or the Zoning Administrator did have two options with respect to the BZA decision; one being to go to court and see what happens in litigation; but the other option was to accept the BZA's decision, acknowledge the mistake and simply correct the mistake. The second option, she said, frankly looked more straightforward. We are accepting the landowners argument about what his zoning was and she believes that it was very clear on the record that that would have been a mistake and it would have been made by the City Council. As Mr. Pates said, and the record clearly shows, the 2014 exercise was just that – the R-1 and the R-2 districts were the same districts so the City was trying to move land from R-1 to R-2 and get rid of a redundant district. She said there were two options and one seemed difficult and one seemed simple so that is the option they chose.

Mr. McAfee asked the Director and the City Attorney if he is correct in that he believes the Planning Commission is being asked to consider is not the string of events and errors that occurred but whether or not it is appropriate to zone this land to R-2, per the Comprehensive Plan.

]

Mr. Johnston said Mr. McAfee is correct.

Ms. Dooley said she agrees.

Mr. McAfee said there is a motion and a second on the floor and called for the vote.

Motion carried by a vote of 4 – 1, with Dr. Gratz voting against the motion.

GENERAL PUBLIC COMMENT

- 7. A general public comment period is provided at each regular meeting for comments by citizens regarding any matter **related to Commission business that is not listed on the Agenda for Public Hearing**. The Chair will request that speakers observe the **three-minute time limit** and yield the floor when the Clerk indicates that their time has expired. No dialogue between speakers will be permitted.*

Mr. McAfee opened the floor for general public comment.

DRAFT PLANNING COMMISSION MINUTES ZMA 0.806 ACRES --- JULY 13

There were no speakers.

Mr. McAfee closed the General Public Comment period.

NEW BUSINESS

8. Mr. Bill Freehling, Asst. Director of Economic Development, provided a power point presentation and update regarding Economic Development Analysis Report.

Mr. O'Toole noted that traffic has been a always problem for many years and it's not getting better and has become a major economic problem for people trying to get from one side of town to another. He said he understands that there is really no real answer to this problem.

Mr. Freehling said certainly this has been an issue and there has been a significant amount of time and resources trying to improve the situation. The news that Fredericksburg and its region was the recipient of a \$165 million dollar Federal grant on the Atlantic Gateway project that will extend the hot lanes down to exit 133 and then add collector distributor roads down to exit 130, plans to improve the interchange at exit 130, the Fall Hill Avenue widening, Mary Washington Boulevard widening and the efforts to potentially add a third track through Fredericksburg and bring high speed rail. So, he said, there has certainly been a lot of efforts but at the same time there continues to be more traffic. He said it is an issue but Fredericksburg benefits by having a walkable downtown, train service and developers wanting to provide more higher-density downtown projects.

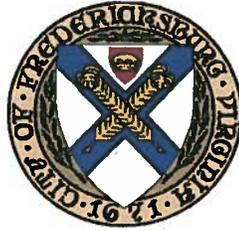
Mr. Pates said the work that has been done here is very important and directly affects what the Planning Commission is doing. He asked Mr. Freehling to elaborate on the concept of true regionalism and asked from the Economic Development perspective what prospects they see in that area.

Mr. Freehling said he believes that the City works and meets regularly with the Fredericksburg Regional Alliance (FRA), along with other economic development officers in the Planning 16 district. Although there is some friendly competition within the area, he said he believes there is regional cooperation to draw major businesses to if not the locality itself, to try to ensure it is within the region. He said the FRA is the main contact for the partnership.

With respect to the Area Plans, Mr. Pates asked what the Planning Commission can do in the process to further economic development efforts.

Mr. Freehling said that the Area Plans will certainly drill down into more specifics that what is in the report, as the report is more of a broad picture of the entire City of Fredericksburg and what the entire City should be doing. The area plans will offer more granular detail as to how we can best move forward on for the individual areas. He said he believes the City hired an excellent firm to do the work and will aid tremendously in getting more realistic information about how we can recruit some of the best prospects, etc.

EXHIBIT 1



MOTION: PAOLUCCI

SECOND: KELLY

RE: REZONING APPROXIMATELY 1,121 ACRES FROM R-1 RESIDENTIAL TO R-2 RESIDENTIAL, R-12 RESIDENTIAL, R-16 RESIDENTIAL, OR R-30 RESIDENTIAL

ACTION: APPROVED; Ayes: 7; Nays: 0

**February 11, 2014
Regular Meeting
Ordinance No. 14-06**

FIRST READ: January 28, 2014 SECOND READ: February 11, 2014

IT IS HEREBY ORDAINED by the Fredericksburg City Council that the Official Zoning Map of the City, established under the Unified Development Ordinance §72-30, is amended as follows:

I. Background Information

On November 13, 2013, the Planning Commission initiated an application to rezone approximately 1,121 acres of land from R-1 Residential to R-2, R-12, or R-16 Residential. All of the subject land is included in the 2,963 acres of land annexed by the City effective January 1, 1984. At the time of annexation, the land was initially classified as R-1 Residential zoning with the intent to rezone the land to a more appropriate zoning district at a later date. Over the years, 1,842 acres have been rezoned. The purpose of this zoning map amendment is to reclassify the remaining land into a zoning district more suited to its existing or planned development.

The Planning Commission conducted a public hearing on this ordinance on December 11, 2013 and adopted a motion to recommend the zoning map amendment at that meeting. The City Council conducted a public hearing on January 28, 2014. In adopting this ordinance, City Council has considered the applicable factors in Virginia Code § 15.2-2284. The City Council has determined that public necessity, convenience, general welfare and good zoning practice favor the requested rezoning.

II. Official Zoning Map Amendment

The Official Zoning Map, prepared in accordance with Unified Development Ordinance §72-30, is hereby amended by rezoning approximately 1,121 acres of land from R-1 Residential to R-2, R-12 or R-16 Residential, as more particularly described in Exhibit A, "Properties Rezoned from R-1 Residential to R-2, R-12, or R-16 Residential by Ordinance 14-06, Adopted by the Fredericksburg City Council February 11, 2014."

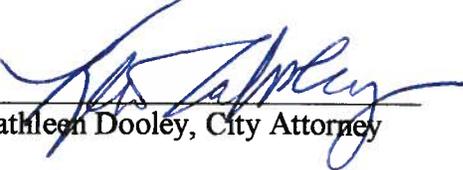
III. Effective Immediately

This ordinance is effective immediately.

EXHIBIT 1

February 11, 2014
Ordinance 14-06
Page 2

Approved as to form:


Kathleen Dooley, City Attorney

Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Ordinance No. 14-06 duly adopted at a meeting of the City Council meeting held February 11, 2014 at which a quorum was present and voted.

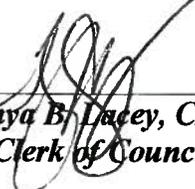

Tonya B. Lacey, CMC
Clerk of Council

EXHIBIT 1

PROPERTIES REZONED FROM R-1 RESIDENTIAL TO R-2, R-12, OR R-16 RESIDENTIAL

BY ORDINANCE 14-06

ADOPTED BY THE FREDERICKSBURG CITY COUNCIL FEBRUARY 11, 2014

1. The following properties are rezoned from R-1, Residential to R-2, Residential:

300-501 Altoona Dr.,	1002-1005 Oakwood Ct.,
2-27 Apache Terr.,	1005-1101 Oakwood St.,
1000-1014 Black Oak Ct.,	2-32 Pawnee Dr.,
6-44 Briscoe Ln.,	1-8 Peace Pipe Ln.,
1000-1210 Century Oak Dr.,	104-125 Poplar Dr.,
10-40 Curtis Est.,	1303-1428 Preserve Ln.,
3219-3468 Fall Hill Av.,	5321-5517 River Rd.,
301-304 Falling Creek Rd.,	10-43 Seneca Terr.,
1800-1829 Genther Ln.,	3403 Vidalia St.,
6400 Gordon W. Shelton,	1102-1109 Westwood Dr.,
1002-1200 Great Oaks Ln.,	1200 Wicklow Dr.,
2101-2207 Hays St.,	1711-1805 A-D William St.,
1001-1019 Hickory Ct.,	101-142 Woodland Rd.,
1000-1021 Jami's Pl.,	GPIN #s
2231 Jeff Davis Hwy.,	7769-77-8378 (no address),
1000-1008 Jessi's Av.,	7769-16-0941 (no address),
1002-1014 Jill's Pl.,	7769-26-0788 (no address),
1002-1006 Jon's Pl.,	7769-47-1903 (no address),
1000-1009 Julia's Pl.,	7779-24-2528 (no address),
1109 Mahone St.,	7870-11-7643 (no address),
1-9 Matoca Ct.,	7870-11-1775 (no address),

EXHIBIT 1

7870-10-4269 (no address),
7870-21-0133 (no address),
7870-10-4527 (no address),
7870-20-6853 (no address),
7870-21-8644 (no address),
7870-21-4459 (no address),
7870-30-5391 (no address),
7779-29-6826 (no address),
7779-29-2738 (no address),
7769-94-7825 (no address),
7779-15-3264 (no address),
7779-15-1314 (no address),
7779-05-9510 (no address),
7779-05-5551 (no address),
7870-03-1000 (no address),
7860-90-3994 (no address),
7779-22-4866 (no address),
7779-33-3632 (no address),
7779-34-8153 (no address),
7779-33-7697 (no address),
7779-23-5833 (no address),
7779-23-6834 (no address),
7779-23-7980 (no address),
7779-32-4817 (no address),
7778-16-6891 (no address),
7779-24-4390 (no address),
7779-04-4091 (no address),
7779-05-7004 (no address),
7860-52-1115 (no address),
7860-72-2838 (no address),
7779-07-7560 (no address),
7769-98-2024 (no address),
7779-17-0369 (no address),
7779-06-2534 (no address),
7769-96-4560 (no address),
7779-14-5535 (no address),
7779-08-6240 (no address),
7779-06-4427 (no address),
7779-07-1395 (no address),
7779-00-6239 (no address),
7778-06-2695 (no address),
7779-59-0836 (no address), and
7779-08-2325 (no address).

2. The following properties are rezoned from R-1, Residential to R-12, Residential:

200-222 Brighton Sq.,

317-343 Brock Sq.,

400-416 Chadwick Ct.,

600-817 Denton Cir.,

501-517 Harris Ct.,

100-322 Hickok Cir.,

100-152 Hughey Ct.,

218-241 Ivanhoe Ct.,

400-445 Rann Ct.,

900-1009 Roffman Rd.,

GPIN #

7769-99-0343 (no address),

7769-99-7765 (no address),

7769-99-4595 (no address),

7779-09-1846 (no address),

7870-00-2360 (no address), and

7860-90-9711 (no address),.

EXHIBIT 1

3. The following properties are rezoned from R-1, Residential to R-16, Residential:

1000 Heritage Park Dr.

1009 Heritage Park Dr.

GPIN # 7769-98-1474 (no address)

4. The following property is rezoned from R-1, Residential to R-30, Residential:

1099 Wicklow Dr.

EXHIBIT 1

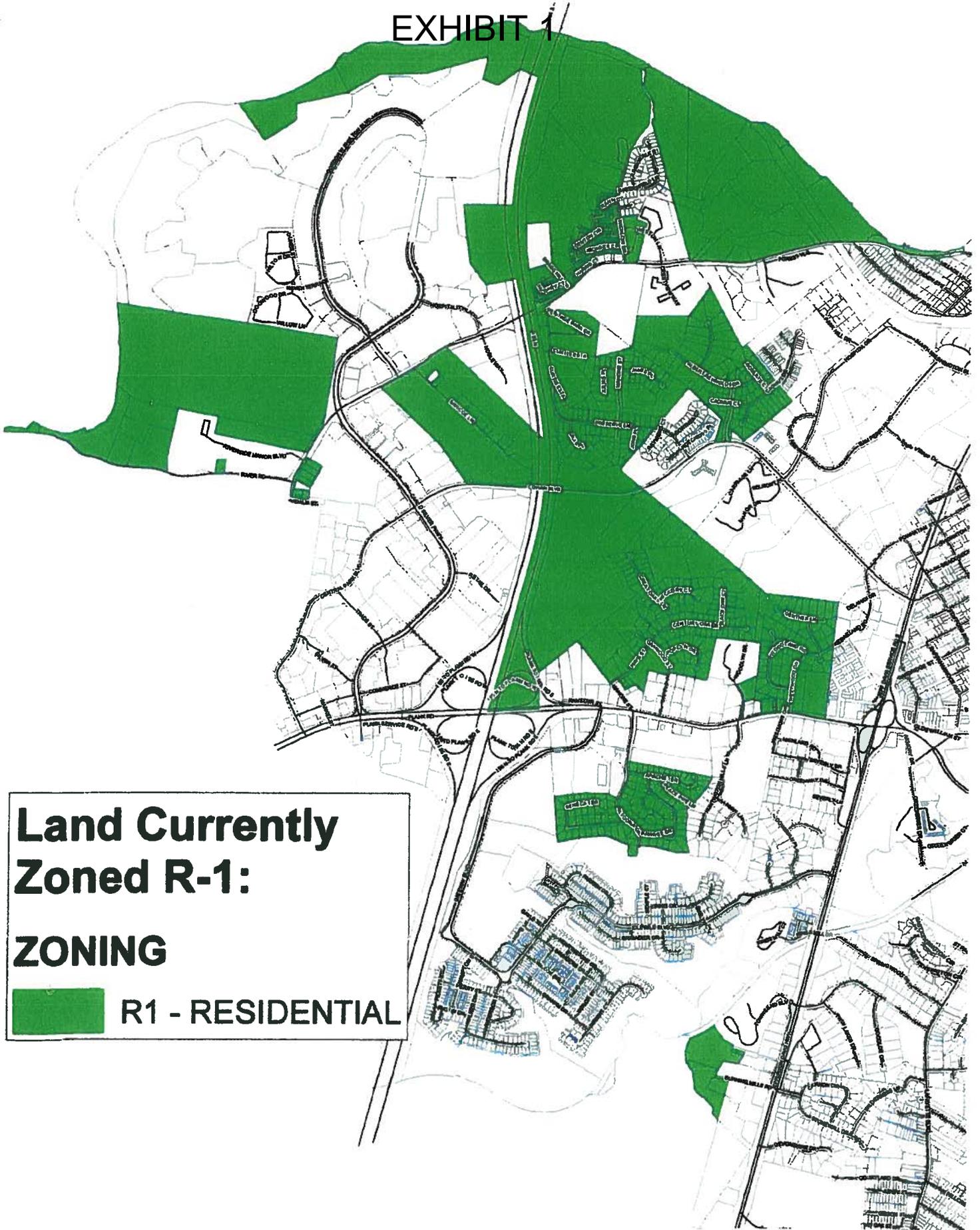


EXHIBIT 2



MEMORANDUM

TO: Mike Craig, Zoning Administrator and Kathleen Dooley, City Attorney
FROM:
DATE: May 10, 2016 (for May 16 meeting)
RE: Board of Zoning Appeals – GPIN 7870-00-3906

BACKGROUND

The City of Fredericksburg built its Geographic Information System (GIS) in 2009-2010. Property lines in the City were drawn based on property lines shown in Tax Maps at that time. The section of the City now in question was drawn based on 2009 Tax Map page A19, attached. The 2009 Tax Map included the subject parcel in A19-84A. The whole Tax Map parcel A19-84A became 7860-90-3994 in the new GIS system.

Therefore, on February 11, 2014, the GIS did not represent the .806 acre piece of land now identified as 7870-00-3906 as its own parcel due to the fact that this piece of land was part of the larger 33.962 acre parcel identified as 7860-90-3994 on the City tax maps.

The .806 acre parcel identified as 7870-00-3906 was created in the GIS on September 17, 2015 in response to a request from Real Estate. Attached are renditions of both how this area of the City appeared in the City of Fredericksburg GIS prior to September 17, 2015, and after the September 2015 edits were completed.

Thank you,

Kim B. Williams

Kim B. Williams

EXHIBIT 2

7870-03-1000

Property Lines and GPINs
Prior to September 17, 2015

7860-82-5806

195 N

7870-02-0135

7870-11-1775

7870-11-7643

7860-90-3994

7860-90-9711

7870-10-4527

7769-99-0859

GREYSTONE CT

7870-00-9282

7870-10-4269

7779-19-2843

7769-99-4595

7769-99-0343

WESTON LN

195 S

7779-09-1114

7779-19-1155

KEYVY CT

CRESTVIEW WAY

MAPLE CT

FALL HILL AVE

BRAGG HILL DR

CHADWICK CT

HARRIS CT

HUGHEY CT

DENTON CIR

ROFFMAN RD

BROCK SQ

IVANHOE CT

WICKLOW DR

HICKOK CIR

RANN CT

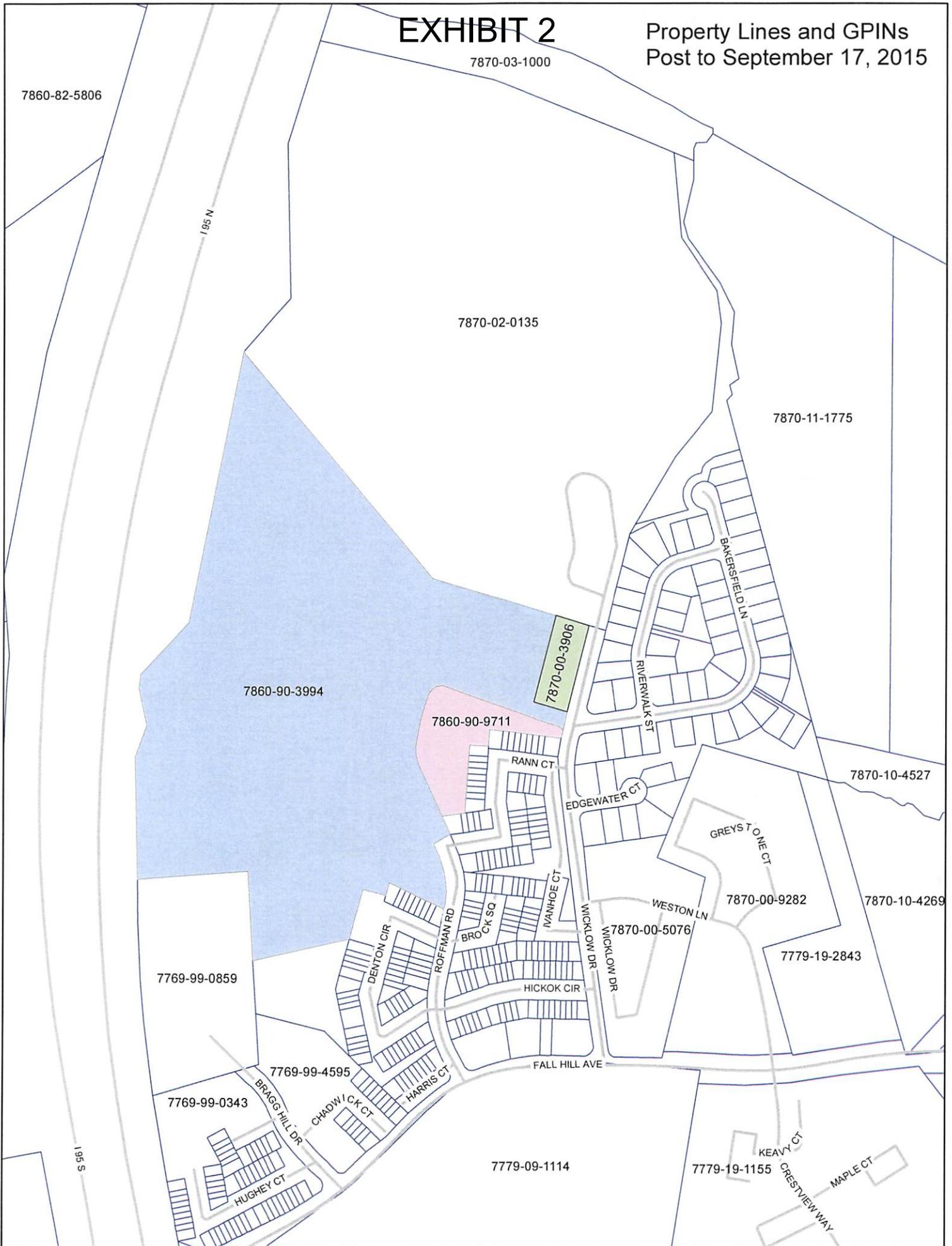
EDGEWATER CT

RIVERWALK ST

BAKERSFIELD LN

EXHIBIT 2

Property Lines and GPINs
Post to September 17, 2015



Instrument Control Number

[Empty box for Instrument Control Number]

EXHIBIT 3

Commonwealth of Virginia Land Record Instruments Cover Sheet - Form A

[ILS VLR Cover Sheet Agent 1.0.66]

INSTRUMENT #130002978
RECORDED IN THE CLERK'S OFFICE OF
FREDERICKSBURG CITY ON
NOVEMBER 1, 2013 AT 01:15PM
\$115.00 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-802 OF THE VA. CODE
STATE: \$57.50 LOCAL: \$57.50

JEFFREY S. SMALL, CLERK
RECORDED BY: JLS

(Box for Deed Stamp Only)

T
A
X
E
M
P
T

C
O
R
P

Date of Instrument: [11/1/2013]
Instrument Type: [DBS]

Number of Parcels [1]
Number of Pages [3]

City County [City Of Fredericksburg]

First and Second Grantors

Last Name	First Name	Middle Name or Initial	Suffix
[BRAGG HILL COMMUN]	[]	[]	[]
[]	[]	[]	[]

First and Second Grantees

Last Name	First Name	Middle Name or Initial	Suffix
[BRAGG HILL CORPO]	[]	[]	[]
[]	[]	[]	[]

Grantee Address (Name) [BRAGG HILL CORPORATION]
(Address 1) [1206 WASHINGTON AVE]
(Address 2) []
(City, State, Zip) [FRED] [VA] [22401]
Consideration [115,000.00] Existing Debt [0.00] Assumption Balance [0.00]

Prior Instr. Recorded at: City County [] Percent. in this Juris. [100]
Book [] Page [] Instr. No []
Parcel Identification No (PIN) [7860-90-9711]
Tax Map Num. (if different than PIN) [7860-90-9711]
Short Property Description [0.806 AC]
Current Property Address (Address 1) [UNKNOWN]
(Address 2) []
(City, State, Zip) [FRED] [VA] [22401]

Instrument Prepared by [M J BARRETT]
Recording Paid for by [M J BARRETT]
Return Recording to (Name) [M J BARRETT]
(Address 1) [816 WILLIAM ST]
(Address 2) []
(City, State, Zip) [FRED] [VA] [22401]
Customer Case ID [13-1427] [239-13B] []



EXHIBIT 3

TITLE INSURANCE UNDERWRITER: FIDELITY NATIONAL TITLE INSURANCE COMPANY

Prepared by M. J. Barrett, Esq.
(Virginia State Bar #20674)
816 William St.
Fredericksburg, Virginia 22401

Return to Grantee

Grantee's Address:

1206 WASHINGTON AVENUE
FREDERICKSBURG, VA 22401

Consideration: \$115,000.00

Assessed Value: \$ 0.00

Tax Parcel # 7860-90-9711

THIS DEED, made and entered into this 31ST day of OCTOBER, 2013, by and between BRAGG HILL COMMUNITY CORPORATION, a Virginia non-stock corporation, GRANTOR; and BRAGG HILL CORPORATION, a Virginia corporation, GRANTEE.

WITNESSETH:

That for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby bargain, sell, grant and convey unto the Grantee, with General Warranty and English covenants of Title, in fee simple, the following described real estate, to-wit:

All that certain lot or parcel of land with all improvements thereon and all rights and privileges appurtenant thereto, lying and being in the City of Fredericksburg, Virginia (formerly Courtland Magisterial District of Spotsylvania County, Virginia), described as **containing 0.806 acre**, more or less, on that certain plat of survey dated October 22, 2008, entitled "Plat of Survey Showing 0.806 Acres in the Name of Bragg Hill Community Corporation," prepared by Mark D. Goodpasture, L.S., of Bagby, Caldwell and Associates, Inc., a copy of which plat is attached hereto as **Exhibit A**.

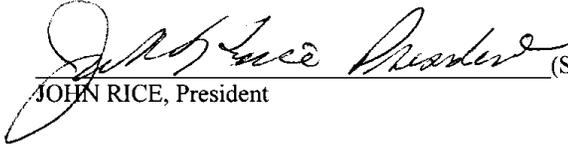
Being a portion of the 6.25 acres conveyed to Bragg Hill Community Corporation by deed dated April 28, 1976, from Hickok Construction Corporation, which deed is recorded among the land records of the Clerk's Office of the Circuit Court of Spotsylvania County, Virginia, in Deed Book 389, at Page 349.

EXHIBIT 3

This conveyance is made subject to all easements, restrictions and reservations of record validly affecting the property conveyed herein.

WITNESS the following signature(s) and seal(s):

BRAGG HILL COMMUNITY CORPORATION

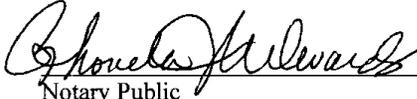
By:  (SEAL)
JOHN RICE, President

STATE OF VIRGINIA

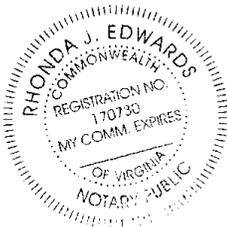
CITY/COUNTY OF FREDERICKSBURG, to-wit:

The foregoing Deed was acknowledged before me this 31ST day of OCTOBER, 2013, by JOHN RICE, who is the President of BRAGG HILL COMMUNITY CORPORATION.

My commission expires: DECEMBER 31, 2014


Notary Public
Printed Name: RHONDA J. EDWARDS

Va. Notary Registration No. 170730



MICHAEL J. BARRETT
ATTORNEY AT LAW
816 WILLIAM STREET
FREDERICKSBURG, VA 22401
(540) 371-2444

EXHIBIT 3

INSTRUMENT #130002978
RECORDED IN THE CLERK'S OFFICE OF
FREDERICKSBURG CITY ON
NOVEMBER 1, 2013 AT 01:15PM
\$115.00 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-802 OF THE VA. CODE
STATE: \$57.50 LOCAL: \$57.50

JEFFREY S. SMALL, CLERK
RECORDED BY: JLS

EXHIBIT 4, HISTORY OF THE PARCEL

The history of the Parcel goes back to an October 1972 plat of “Parcel B-5,” a portion of “Parcel B.” At that time, this land was located in Spotsylvania County, so the plat was recorded in the land records of the Spotsylvania County Clerk of Circuit Court, in Deed Book 312, page 469.¹ At roughly the same time, the landowner recorded a subdivision plat for Bragg Hill Section 6. Bragg Hill Section 6 was comprised of a portion of Parcel B-5 and Parcel B-3, as shown on an October 1972 subdivision plat.² The subdivision plat shows 50 townhouse lots, plus public rights of way and “Green Area.” The subject Parcel is part of Parcel B-5, but it is not shown on the subdivision plat for Bragg Hill Section 6. It lies across “Bakersfield Lane,” as shown on the subdivision plat. The confusion as to the identification of the subject property probably dates back to this time, when the property was part of the parent parcel B-5 of Bragg Hill Section 6, but was dropped off of the subdivision plat.

In 1976, Hickok Construction Corporation conveyed to the Bragg Hill Community Corporation the “Green Area” of Bragg Hill Section 6 and the subject Parcel:

“all that certain tract or parcel of land which comprises the Common Area of Section Six (6) of the subdivision of Bragg Hill . . . as shown on plat of Elliott & Associates dated October 1972, and recorded in the Clerk’s Office . . . in Plat Book 10, pages 73 and 74, and being all the property designated as 6.25000 acres as shown on plat of Elliott & Associates, dated October 1972 and recorded in the aforesaid Clerk’s Office in Deed Book 312, page 469.”³

This property description reflects the confusion created by the 1972 subdivision plat – the tract or parcel of land which comprises the Common Area of Section Six as shown on the subdivision plat does not include the subject Parcel. But it is part of the property designated as the 6.25 acres on the plat of the parent parcel.

The area was annexed into the City boundaries in 1984.

In 2008, surveyor Mark D. Goodpasture prepared a survey of “0.806 Acres in the name of Bragg Hill Community Corporation.”⁴ This survey simply shows the boundary lines of the subject Parcel; it is not a subdivision plat. It also shows that the Parcel abuts land that had been conveyed to the Bragg Hill Corporation while the land was still in Spotsylvania County, identified on the City’s tax map as parcel A19-84A.

In 2009, the City of Fredericksburg converted from paper tax maps (maintained by the Commissioner of Revenue) to a digital Geographic Information System, maintained by the IT department. The 2009 paper tax map identified the subject Parcel as a portion of a 31.520 acre parcel A19 84A. The subject Parcel was identified in the new GIS system as GPIN 7860-90-3994. The “Green Area” shown on the Bragg Hill Section 6 subdivision plat was assigned GPIN 7860-90-9711. Kim Williams, the City’s GIS

¹ Appendix A, “Plat of Parcel B-5, a portion of Parcel B, Property of Bragg Hill,” dated October 1972, recorded at Deed Book 312 page 469, in Spotsylvania County.

² Appendix B, “Plat of Subdivision, Section 6, Bragg Hill,” dated October 1972, recorded in Spotsylvania County Plat Book 10.

³ Appendix C, Deed recorded in Spotsylvania County Deed Book 389 page 349.

⁴ Appendix D, “0.806 Acres in the Name of Bragg Hill Community Corporation.”

Analyst has included a memo detailing the history of the GPIN numbers assigned to the Parcel for reference.⁵

The subject Parcel was conveyed from Bragg Hill Community Corporation to Bragg Hill Corporation in October 2013.⁶ The required “cover sheet” prepared for the Clerk of Court for recording the deed identifies the subject Parcel as GPIN 7860-90-9711. This identification was erroneous. It probably arose from the 1976 identification of the Parcel as being a part of the Green Area or “Common Area” of Bragg Hill Section 6. The erroneous identification created a discrepancy between the City’s GIS records and the land records.

The City sent notice of the proposed City led rezoning of the subject Parcel in November and December 2013. The GPIN identifiers listed in Kim William’s memo applied to the land at the time of the 2014 City Council adoption of Ordinance 14-06, as shown on the map exhibit to the ordinance. City records indicate that notice of the rezoning of GPIN 7860-90-3994 (which included the subject Parcel) was sent to the Bragg Hill Corporation and that notice of the rezoning of GPIN 7860-90-9711 was sent, correctly, to the Bragg Hill Community Corporation.⁷

Exhibit A to the ordinance shows that GPIN 7860-90-3994 (which included the subject Parcel and was owned entirely by the Bragg Hill Corporation) is rezoned from R-1 to R-2. GPIN 7860-90-9711 (the Bragg Hill Section 6 “Green Area” owned by the Bragg Hill Community Corporation) is rezoned R-1 to R-12.⁸

In February 2014, Downtown Properties, Inc., applied for the rezoning of GPIN 7860-90-3994 from R-1 to R-12. The Generalized Development Plan attached to the rezoning application correctly shows the subject Parcel as being located within 7860-90-3994, with the “tract line to be vacated.”⁹ Downtown Properties, Inc. was the contract purchaser for the property. The owner of the property, Bragg Hill Corporation signed the proffer statement, by the signature of Mike Degen, a member of the corporation.

The May 15, 2015 real estate tax bill for the property incorrectly identifies it as GPIN 7860-90-9711.¹⁰ This error by the Commissioner of Revenue was probably the result of the incorrect GPIN identification on the cover sheet for the 2013 deed. Prior to the 2014 tax cycle, GPIN 7860-90-9711 was not taxed.¹¹

The GIS system was revised to identify the subject parcel as GPIN 7870-00-3906 on September 17, 2015.¹² This revision was made in response to a request by Mike Degen to the Commissioner of Revenue. He brought in the 2008 survey of the property and asked the Real Estate department to make sure to send the real estate tax bill to him. The Real Estate department conveyed the request to the GIS Analyst, who made the change in the GIS system.

⁵ Appendix E, memorandum from Kim Williams, GIS Analyst

⁶ Appendix F, deed from Bragg Hill Community Corporation to Bragg Hill Corporation, dated October 31, 2013.

⁷ Appendix G, excerpt from City’s notification access file.

⁸ Appendix H, Ordinance 14-06, with Exhibit A and map.

⁹ Appendix I, Downtown Properties, Inc. rezoning application.

¹⁰ Appendix J, tax bill submitted by the Property Owner.

¹¹ Appendix K, printouts from City’s real estate tax billing service for GPIN 7860-90-9711.

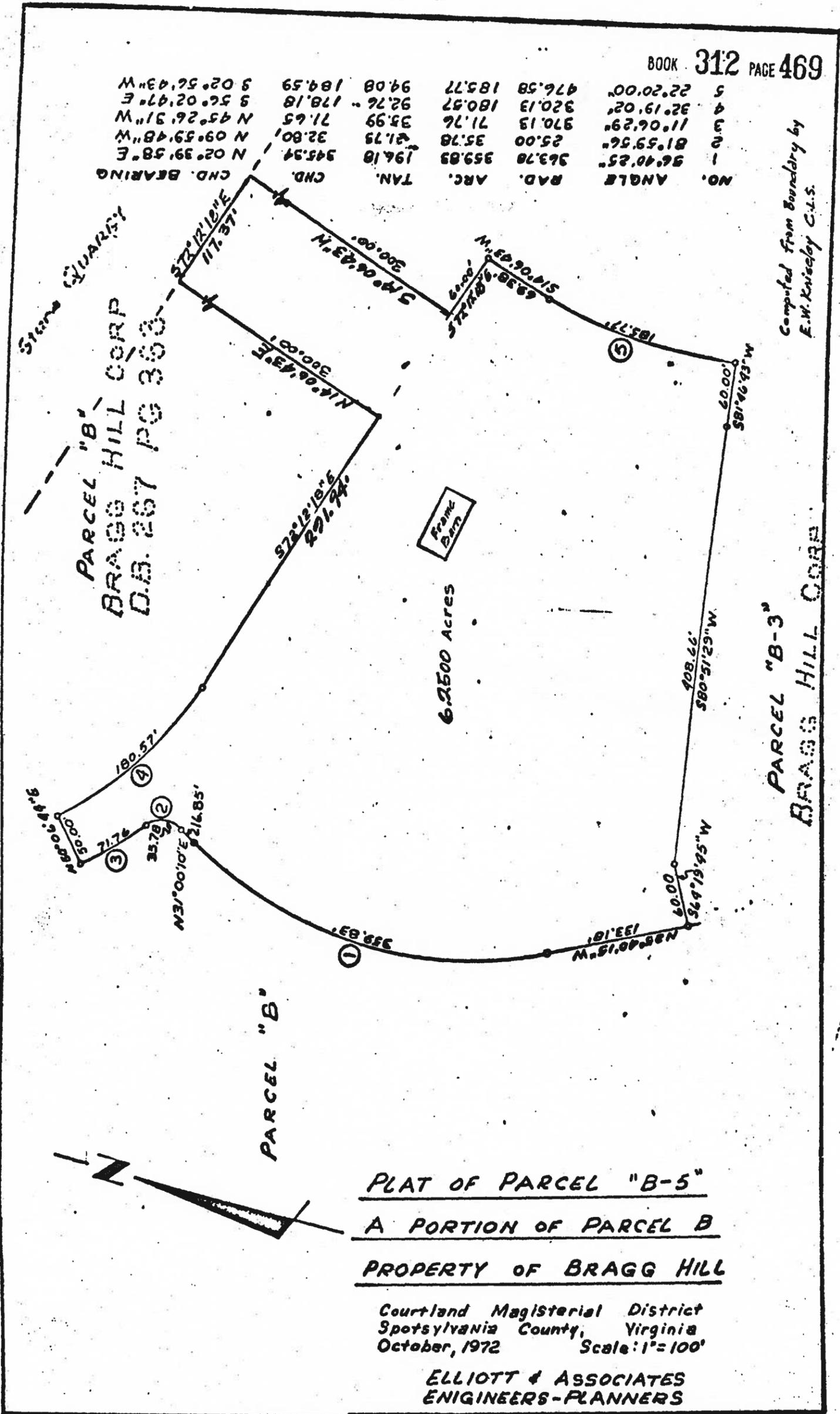
¹² Appendix E, memorandum from Kim Williams, GIS Analyst

The January 11, 2016 GIS record, submitted by the appellant, identifies GPIN 7860-90-9711 as 0.806 acres of land. However, the copy of the map in the GIS system shows that this parcel is the “Green Area” for Section 6 of Bragg Hill. It does not show the subject Parcel as being identified with this GPIN.

On January 19, 2016, Bragg Hill Corporation conveyed the subject Parcel to Mark Glazebrook and Mike Degen, again using the GPIN 7860-90-9711 on the recordation cover sheet.¹³ Mr. Glazebrook submitted the February 29, 2016 Pre-Application Conference application using this GPIN identification.

¹³ Appendix L, Deed from Bragg Hill Corporation to Mark Glazebrook and Mike Degen

EXHIBIT 4 - APPENDIX A



PLAT Book- 10

73

LEGAL DESCRIPTION OF SUBDIVISION

KNOW ALL MEN BY THESE PRESENTS, THAT THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT, CONTAINING 6.25 ACRES, MORE OR LESS, BEING THE DESCRIBED SECTION 6, BRAGG HILL, SITUATED IN THE COURTLAND MAGISTERIAL DISTRICT IN THE COUNTY OF SPOTSYLVANIA, VIRGINIA, IS CONVEYED AS SHOWN IN ACCORDANCE WITH THE DESIGN OF THE MEASURED OFFERS HEREON; THAT ALL STREETS SHOWN ON THIS PLAT ARE HEREBY DEDICATED TO THE PUBLIC USE, AND THAT ALL THE EIGHTH AND NINTH SECTIONS ARE SUBJECT TO CERTAIN RESTRICTIONS, RESERVATIONS, EASEMENTS AND COVENANTS AS CONTAINED IN A WRITING INCORPORATED BY REFERENCE TO THE CLERK'S OFFICE OF SPOTSYLVANIA COUNTY, IN DEED BOOK 312, PAGE 467, AND RECORDED IN THE CLERK'S OFFICE OF SPOTSYLVANIA COUNTY, IN DEED BOOK 314, PAGE 221. THE SAID 6.25 ACRES OF LAND HEREBY SUBDIVIDED INTO A PORTION OF 10.685 ACRES CONVEYED TO HICKOK CONSTRUCTION CORPORATION BY BRAGG HILL CORPORATION BY DEED DATED 3-6-72, AND RETURNED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF SPOTSYLVANIA COUNTY, VIRGINIA, IN DEED BOOK 315, PAGE 270, AND A PORTION OF 6.25 ACRES CONVEYED TO HICKOK CONSTRUCTION CORPORATION BY BRAGG HILL CORPORATION BY DEED DATED 3-6-72, AND RETURNED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF SPOTSYLVANIA COUNTY, VIRGINIA, IN DEED BOOK 312, PAGE 467.

GIVEN UNDER MY HAND THIS 13th DAY OF December, 1972 BY: [Signature] HICKOK PRESIDENT, HICKOK CONSTRUCTION CORPORATION

WITNESSES' CERTIFICATION

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL OF THE REQUIREMENTS OF THE BOARD OF SUPERVISORS AND ORDINANCES OF THE COUNTY OF SPOTSYLVANIA, VIRGINIA, REGARDING THE PLATTING OF SUBDIVISIONS WITHIN THE COUNTY HAVE BEEN COMPLIED WITH, AND THE FOLLOWING RECORD DATA IS CORRECT.

GIVEN UNDER MY HAND THIS 13th DAY OF December, 1972 BY: [Signature] STATE CERTIFIED ENGINEER, #4683 VA.

CERTIFICATE OF APPROVAL

THIS SUBDIVISION, SHOWN AS SECTION 6, BRAGG HILL, IS APPROVED BY THE UNDERSIGNED IN ACCORDANCE WITH EXISTING SUBDIVISION REQUIREMENTS AND MAY BE COMMITTED TO RECORD.

[Signatures and dates for CHAIRMAN PLANNING COMMISSION, HEALTH OFFICER, HIGHWAY DEPARTMENT ENGINEER, CHAIRMAN OR AGENT BOARD OF SUPERVISORS]

IF THE FOREGOING PLAT IS NOT APPROVED UNTIL ALL SIGNATURES HAVE BEEN OBTAINED.

I, [Signature], A NOTARY PUBLIC IN THE STATE OF VIRGINIA, DO HEREBY CERTIFY THAT [Signature] HAS SIGNED TO THE FOREGOING PLAT, HAS ACKNOWLEDGED THE SAME TO ME IN MY CITY AND STATE AFORESAID.

GIVEN UNDER MY HAND THIS 13th DAY OF December, 1972 BY COMMISSION EXPRES [Signature]

NOTARY PUBLIC

PLAT OF SUBDIVISION

SECTION 6

BRAGG HILL

Courtland Magisterial District Spotsylvania County, Virginia October 1972. Scale: 1"=50'

ELLIOTT & ASSOCIATES ENGINEER-PLANNERS

Sh 1 of 2

314-224 PA 10-73-74

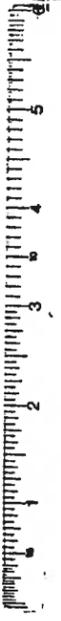
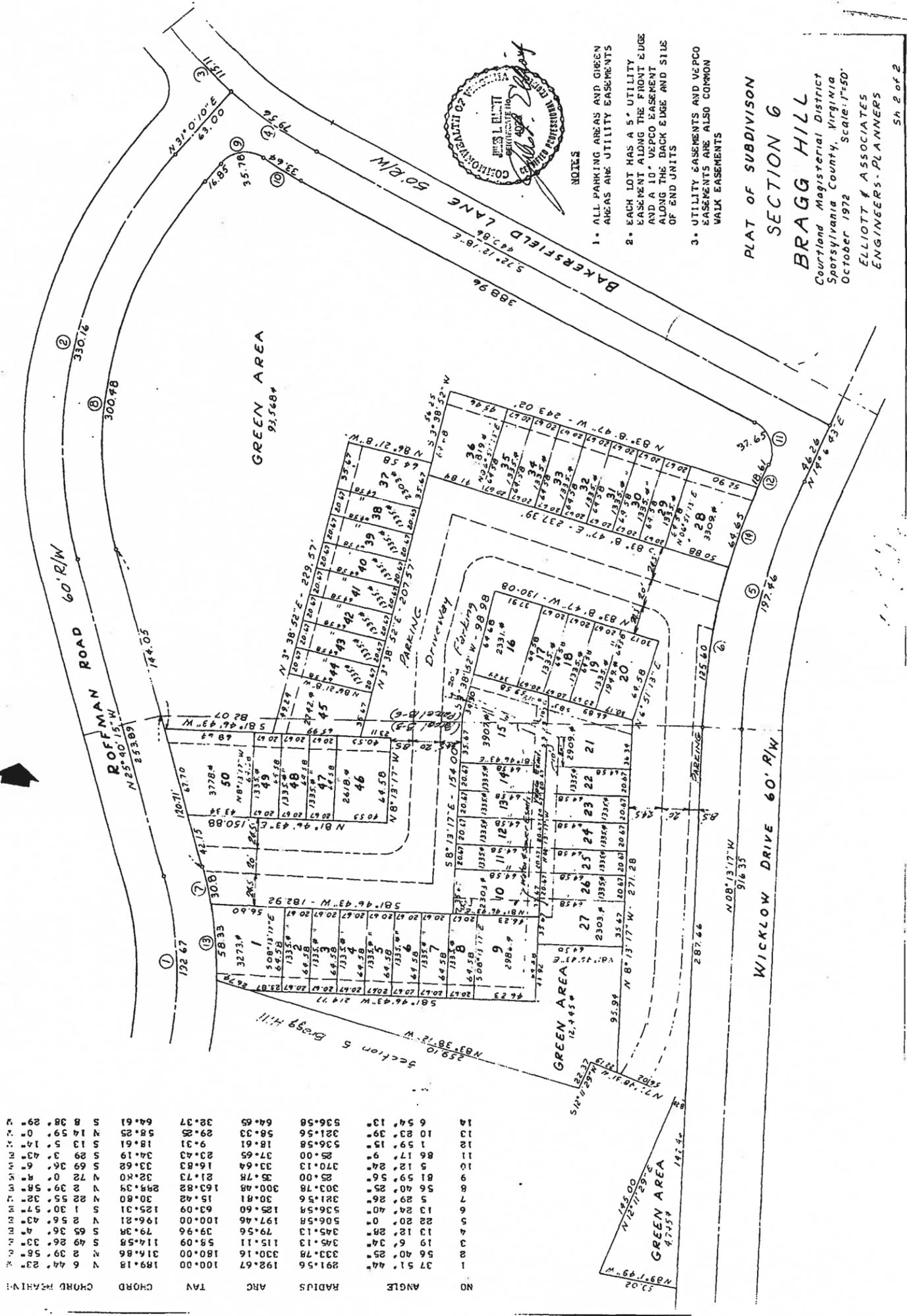


EXHIBIT 4 - APPENDIX B

PLAT Book- 10

74



- NOTES
1. ALL PARKING AREAS AND GREEN AREAS ARE UTILITY EASEMENTS
 2. EACH LOT HAS A 5' UTILITY EASEMENT ALONG THE FRONT EDGE AND A 10' VEPCO EASEMENT ALONG THE BACK EDGE AND SIDE OF END UNITS
 3. UTILITY EASEMENTS AND VEPCO EASEMENTS ARE ALSO COMMON WALK EASEMENTS

PLAT OF SUBDIVISION
SECTION 6
BRAGG HILL
Courtland Magisterial District
Sportsylvania County, Virginia
October 1972 Scale: 1"=50'
ELLIOTT & ASSOCIATES
ENGINEERS - PLANNERS

Sh 2 of 2



EXHIBIT 4 - APPENDIX C

BOOK 389 PAGE 349

1609

Mason
Hickok
303 Charles
June 26
5-27-76

THIS DEED, made and entered into this 28th day of April, 1976,
by and between HICKOK CONSTRUCTION CORPORATION, a Virginia
corporation, GRANTOR and BRAGG HILL COMMUNITY CORPORATION,
GRANTEE.

WITNESSETH: That for \$10.00 and other valuable consideration
paid by the Grantee to the Grantor, receipt of which is hereby acknowledged,
the Grantor hereby bargains, sells, grants and conveys with General Warranty
and with English covenants of title unto the Grantee, Bragg Hill Community
Corporation, in fee simple, the following described real estate, to-wit:

All that certain tract or parcel of land which comprises
the Common Area in Section Six (6) of the subdivision of
Bragg Hill as duly dedicated, platted and recorded among
the land records of the Circuit Court of Spotsylvania
County, Virginia as shown on plat of Elliott & Associates,
dated October 1972, and recorded in the Clerk's Office
of the Circuit Court of Spotsylvania County, Virginia in
Plat Book 10, Pages 73 and 74, and being all the
property designated as 6.2500 acres as shown on plat of
Elliott & Associates, dated October 1972 and recorded
in the aforesaid Clerk's Office in Deed Book 312, Page
469.

LESS AND EXCEPT: Lots 1 thru 50, inclusive, Section
Six (6), Bragg Hill Subdivision, as shown on the first
plat mentioned above and LESS AND EXCEPT those
60-foot rights-of-way across said property dedicated to
public street purposes, also shown on said plat.

This conveyance is made subject to the temporary turn
circle easements shown on said subdivision plat.

WITNESS the following signature and seal:

HICKOK CONSTRUCTION CORPORATION
BY: Eugene W. Hickok (SEAL)
President



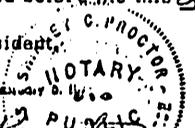
STATE OF VIRGINIA
CITY OF RICHMOND, to-wit:

The foregoing instrument was acknowledged before me this 29
day of April, 1976, by Eugene W. Hickok, President,

HICKS AND BAKER
ATTORNEYS AT LAW
FREDERICKSBURG, VA.

My commission expires: My Commission Expires February 8, 1976

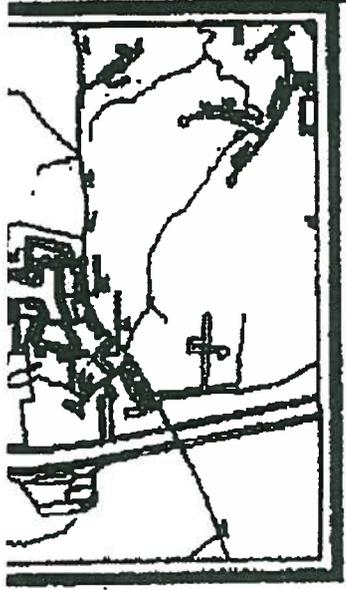
Shirley C. Proctor
NOTARY PUBLIC



SPOTSYLVANIA COUNTY CIRCUIT COURT CLERK'S OFFICE, VIRGINIA
1976, This Deed. _____ was State Tax 1.00
this day received in this office together with the cer- County Tax .50
tificate thereon admitted to record at 6:30 o'clock. Transfer 1.00
AM. Recording 2.00
Add. Tax 1.00
Total 5.00
Teste: Margaret M. Cook, Clerk.

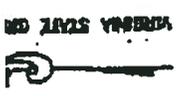
EXHIBIT 4 - APPENDIX D

		CITY OF FREDERICKSBURG COMMUNITY CORPORATION NAME OF MAGG HILL SHOWING 0.806 ACRES IN THE	DATE: 05.22.2013 SHEET: 1-17 DRAWING NO.: 102 FILE NO.: 2008-3-R JOB NO.: 2008-3 PLAN NO.:
		FLAT OF SURVEY	1 OF 1



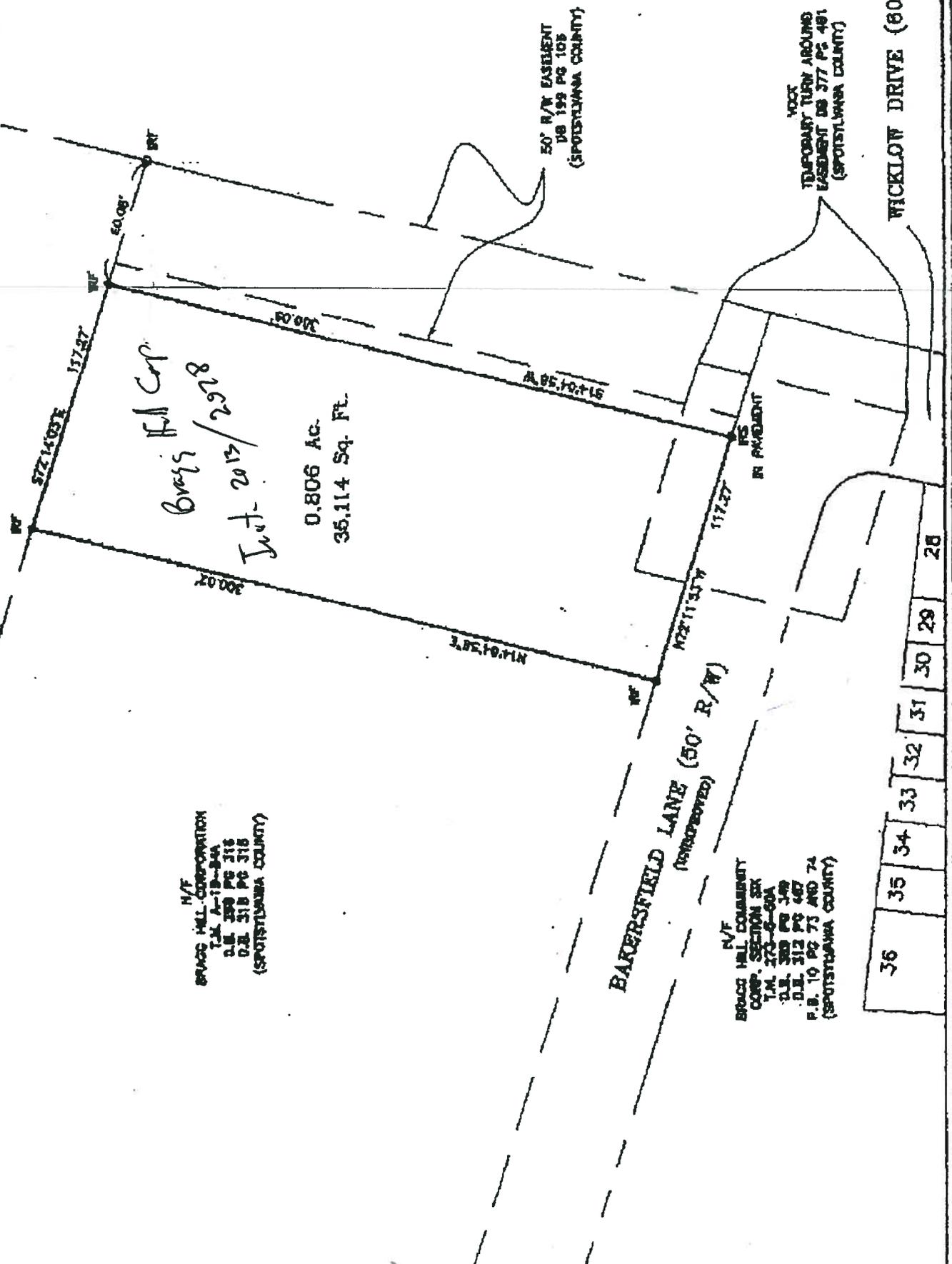
VICINITY MAP
1" = 200'

N/T
 E. NOVAKIAN HOMES OF
 VIRGINIA, INC.
 T.A. 322-44C
 INSTRUMENT# 2008-430260
 P.B. 14 PAGES 48-53
 (FREDERICKSBURG)



N/T
 CITY OF FREDERICKSBURG
 VIRGINIA
 T.A. A-19-83
 INSTR. J 2003000704
 (FREDERICKSBURG)

- 3) THE PROPERTY SHOWN HEREON LIES WITHIN FLOOD ZONE "X" (AREAS DETERMINED TO BE SUBJECT 500-YEAR FLOODPLAIN) AS SHOWN ON FLOOD COMMUNITY-PANEL, No. 81008 0078C AND 81008 0100C DATED FEBRUARY 16, 1998.
- 4) NO IMPROVEMENTS ARE SHOWN AT CLIENTS REQUEST.



N/T
 BRACE HILL CORPORATION
 T.A. A-19-84A
 O.B. 308 PG 318
 O.B. 318 PG 318
 (SPOTSYLVANIA COUNTY)

N/T
 BRACE HILL CORPORATION
 CORP. SECTION SIX
 T.A. 370-6-00A
 O.B. 308 PG 349
 O.B. 312 PG 467
 P.B. 10 PG 73 AND 74
 (SPOTSYLVANIA COUNTY)

Instrument Control Number

[]

EXHIBIT 4 - APPENDIX E

Commonwealth of Virginia Land Record Instruments Cover Sheet - Form A

[ILS VLR Cover Sheet Agent 1.0.66]

INSTRUMENT #130002978
RECORDED IN THE CLERK'S OFFICE OF
FREDERICKSBURG CITY ON
NOVEMBER 1, 2013 AT 01:15PM
\$115.00 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-802 OF THE VA. CODE
STATE: \$57.50 LOCAL: \$57.50

JEFFREY S. SMALL, CLERK
RECORDED BY: JLS

(Box for Deed Stamp Only)

T
A
X
E
M
P
T

C
O
R
P

Date of Instrument: [11/1/2013]
Instrument Type: [DBS]

Number of Parcels [1]
Number of Pages [3]

City County [City Of Fredericksburg]

First and Second Grantors

Last Name	First Name	Middle Name or Initial	Suffix
[BRAGG HILL COMMUN]	[]	[]	[]
[]	[]	[]	[]

First and Second Grantees

Last Name	First Name	Middle Name or Initial	Suffix
[BRAGG HILL CORPO]	[]	[]	[]
[]	[]	[]	[]

Grantee Address (Name) [BRAGG HILL CORPORATION]
(Address 1) [1206 WASHINGTON AVE]
(Address 2) []
(City, State, Zip) [FRED] [VA] [22401]
Consideration [115,000.00] Existing Debt [0.00] Assumption Balance [0.00]

Prior Instr. Recorded at: City County [] Percent. in this Juris. [100]
Book [] Page [] Instr. No []
Parcel Identification No (PIN) [7860-90-9711]
Tax Map Num. (if different than PIN) [7860-90-9711]
Short Property Description [0.806 AC]
Current Property Address (Address 1) [UNKNOWN]
(Address 2) []
(City, State, Zip) [FRED] [VA] [22401]

Instrument Prepared by [M J BARRETT]
Recording Paid for by [M J BARRETT]
Return Recording to (Name) [M J BARRETT]
(Address 1) [816 WILLIAM ST]
(Address 2) []
(City, State, Zip) [FRED] [VA] [22401]
Customer Case ID [13-1427] [239-13B] []



EXHIBIT 4 - APPENDIX E

TITLE INSURANCE UNDERWRITER: FIDELITY NATIONAL TITLE INSURANCE COMPANY

Prepared by M. J. Barrett, Esq.
(Virginia State Bar #20674)
816 William St.
Fredericksburg, Virginia 22401

Return to Grantee

Grantee's Address:

1206 WASHINGTON AVENUE
FREDERICKSBURG, VA 22401

Consideration: \$115,000.00

Assessed Value: \$ 0.00

Tax Parcel # 7860-90-9711

THIS DEED, made and entered into this 31ST day of OCTOBER, 2013, by and between BRAGG HILL COMMUNITY CORPORATION, a Virginia non-stock corporation, GRANTOR; and BRAGG HILL CORPORATION, a Virginia corporation, GRANTEE.

WITNESSETH:

That for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby bargain, sell, grant and convey unto the Grantee, with General Warranty and English covenants of Title, in fee simple, the following described real estate, to-wit:

All that certain lot or parcel of land with all improvements thereon and all rights and privileges appurtenant thereto, lying and being in the City of Fredericksburg, Virginia (formerly Courtland Magisterial District of Spotsylvania County, Virginia), described as **containing 0.806 acre**, more or less, on that certain plat of survey dated October 22, 2008, entitled "Plat of Survey Showing 0.806 Acres in the Name of Bragg Hill Community Corporation," prepared by Mark D. Goodpasture, L.S., of Bagby, Caldwell and Associates, Inc., a copy of which plat is attached hereto as **Exhibit A**.

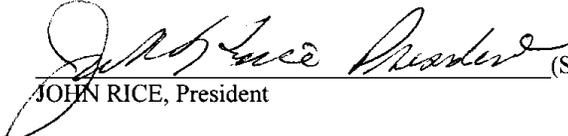
Being a portion of the 6.25 acres conveyed to Bragg Hill Community Corporation by deed dated April 28, 1976, from Hickok Construction Corporation, which deed is recorded among the land records of the Clerk's Office of the Circuit Court of Spotsylvania County, Virginia, in Deed Book 389, at Page 349.

EXHIBIT 4 - APPENDIX E

This conveyance is made subject to all easements, restrictions and reservations of record validly affecting the property conveyed herein.

WITNESS the following signature(s) and seal(s):

BRAGG HILL COMMUNITY CORPORATION

By:  (SEAL)
JOHN RICE, President

STATE OF VIRGINIA

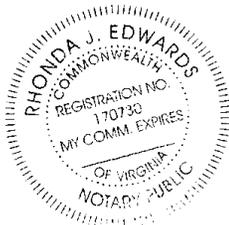
CITY/COUNTY OF FREDERICKSBURG, to-wit:

The foregoing Deed was acknowledged before me this 31ST day of OCTOBER, 2013, by JOHN RICE, who is the President of BRAGG HILL COMMUNITY CORPORATION.

My commission expires: DECEMBER 31, 2014


Notary Public
Printed Name: RHONDA J. EDWARDS

Va. Notary Registration No. 170730



MICHAEL J. BARRETT
ATTORNEY AT LAW
816 WILLIAM STREET
FREDERICKSBURG, VA 22401
(540) 371-2444

EXHIBIT 4 - APPENDIX E

INSTRUMENT #130002978
RECORDED IN THE CLERK'S OFFICE OF
FREDERICKSBURG CITY ON
NOVEMBER 1, 2013 AT 01:15PM
\$115.00 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-802 OF THE VA. CODE
STATE: \$57.50 LOCAL: \$57.50

JEFFREY S. SMALL, CLERK
RECORDED BY: JLS

EXHIBIT 4 - APPENDIX F

ID	Field1	Field2	Field3	Field4	Field5	Field6	Field7	Field10	Field8	
85	81.	145	7769-99-1149	Hughey Ct.	BMJ Trust		1768 Bristol Mine Rd.	Colonial Beach, VA	22443	Residential
649	644.	1010	7779-07-8734	Jami's Pl.	Bradford & Victoria Ellis		1010 Jami's Pl.	Fredericksburg, VA	22401	Residential
128	124.	718	7769-99-5857	Denton Cir.	Bradley & Lucy Brown		2 Fairfield Cir.	Fredericksburg, VA	22407	Residential
89	85.	115	7769-99-2203	Hughey Ct.	Bradley & Lucy Brown		2 Fairfield Cir.	Fredericksburg, VA	22407	Residential
608	603.	1109	7779-04-6526	Great Oaks Ln.	Bradley & Trinetta Steigleder		1109 Great Oaks Ln.	Fredericksburg, VA	22401	Residential
54	50.		7769-99-0343	None	Bragg Hill Community Corp.		P.O. Box 7266	Fredericksburg, VA	22404	Green space
109	105.		7769-99-7765	None	Bragg Hill Community Corp.		P.O. Box 7266	Fredericksburg, VA	22404	Residential
189	185.		7779-09-1846	None	Bragg Hill Community Corporation		P.O. Box 7266	Fredericksburg, VA	22404	Vacant land
275	271.		7870-00-2360	None	Bragg Hill Community Corporation		P.O. Box 7266	Fredericksburg, VA	22404	Vacant land
173	169.		7769-99-4595	None	Bragg Hill Community Corporation		P. O. Box 7266	Fredericksburg, VA	22404	Vacant land
326	322.		7860-90-9711	None	Bragg Hill Community Corporation		P.O. Box 7266	Fredericksburg, VA	22404	Vacant land
30	27.		7860-90-3994	None	Bragg Hill Corporation	c/o M.F. Glazebrook	1236 Jeff Davis Hwy.	Fredericksburg, VA	22401	Vacant land
601	596.	1002	7779-14-2381	Hickory Ct.	Brenda Bradshaw		1002 Hickory Ct.	Fredericksburg, VA	22401	Residential
385	381.		7779-33-3632	None	Brenda Hines		138 Woodland Rd.	Fredericksburg, VA	22401	Vacant land
384	380.	138	7779-33-2655	Woodland Rd.	Brenda Hines		138 Woodland Rd.	Fredericksburg, VA	22401	Residential
373	369.	115	7779-33-0525	Woodland Rd.	Brian & Mary Miller		115 Woodland Rd.	Fredericksburg, VA	22401	Residential
663	658.	1303	7779-06-8900	Preserve Ln.	Brian Gudmundsson		1303 Preserve Ln.	Fredericksburg, VA	22401	Residential
642	637.	1013	7779-07-9904	Jami's Pl.	Brian Medved		1013 Jami's Pl.	Fredericksburg, VA	22401	Residential
448	444.	11	7769-90-9870	Seneca Ter.	Bryan & Joann Josemans		11 Seneca Ter.	Fredericksburg, VA	22401	Residential
447	443.	13	7769-90-8798	Seneca Ter.	Bryan Metts	Gail Dove	6230 Overlook Dr.	King George, VA	22485	Residential
284	280.	416	7870-00-1371	Rann Ct.	Bryan Stelmok		P.O. Box 3186	Fredericksburg, VA	22402	Residential
323	319.	405	7860-90-9493	Rann Ct.	Bryan Stelmok		P.O. Box 3186	Fredericksburg, VA	22402	Residential
280	276.	408	7870-00-0380	Rann Ct.	Bryan Stelmok		P.O. Box 3186	Fredericksburg, VA	22402	Residential
322	318.	407	7870-00-0413	Rann Ct.	Bryan Stelmok		1413 Prince Edward St.	Fredericksburg, VA	22401	Residential
17	14.		7870-20-6853	None	Butler Franklin	Ingleside Apts. #630	3050 Military Rd., NW	Washington, DC	20015	Vacant land
257	253.	327	7870-00-1135	Brock Sq.	Candlelight Homes, LLC		11207 Ascot Ct.	Fredericksburg, VA	22407	Residential
668	663.	1002	7779-06-4779	Jon's Pl.	Carilto & Mariel Flores		1002 Jon's Pl.	Fredericksburg, VA	22401	Residential
393	389.	1803	7779-34-6135	Genther Ln.	Carl & Beryl Henne		1803 Genther Ln.	Fredericksburg, VA	22401	Residential
51	47.		7769-77-8378	None	Carol Coleman, Bonnie Carter	Gloria Whittaker	30 Briscoe Ln.	Fredericksburg, VA	22401	Vacant land
48	44.	44	7769-87-3295	Briscoe Ln.	Carol Coleman, Bonnie Carter	Gloria Whittaker	30 Briscoe Ln.	Fredericksburg, VA	22401	Residential
440	436.	18	7769-90-7507	Seneca Ter.	Carolee Harlin		18 Seneca Ter.	Fredericksburg, VA	22401	Residential
269	265.	241	7870-00-1221	Ivanhoe Ct.	Carolyn Gregg		9527 Burning Branch Rd.	Burke, VA	22015	Residential

April 1, 2014

BY HAND

Mr. Charles R. Johnston
Director of Community Planning
& Building Department
City of Fredericksburg
715 Princess Anne St., Room 209
PO Box 7447
Fredericksburg VA, 22404

Re: Downtown Properties, Inc.
Rezoning Application – Embrey Hills

Dear Chuck:

I hope this finds you well. Please find enclosed a fully executed Voluntary Proffer Statement for the above-referenced matter. Feel free to contact me with any questions and/or comments.

Respectfully,



Charles W. Payne, Jr.

5631652-1 039718.00001

The Edgeworth Building
2100 East Cary Street
Richmond, VA 23223
Phone: 804.771.9500
Fax: 804.644.0957

Mailing address:
Post Office Box 500
Richmond, VA 23218

Mill Race North
725 Jackson Street
Suite 200
Fredericksburg, VA 22401
Phone: 540.604.2100
Fax: 540.604.2101

EXHIBIT 4 - APPENDIX G

VOLUNTARY PROFFER STATEMENT

Applicant: Downtown Properties, Inc.

Project Name: Embrey Hills

Property: GPIN, 7860-90-3994, consisting of 34.055 acres GPIN, 7860-90-9711, consisting of 0.86 acres (part thereof), consisting of approximately 34.055 Acres

Rezoning Request: R-1, Residential to R-12, Residential

Case Number: _____

Date: February 24, 2014

OVERVIEW:

The undersigned hereby proffer that the use and development of the above referenced Property shall be in conformance with the following conditions. In the event the above-referenced rezoning, including the requested waivers and modifications, is not granted as applied for by the Applicant, then these proffers shall be withdrawn and be null and void. The headings of the proffers set forth below have been prepared for convenience or reference only and shall not control or affect the meaning or be taken as an interpretation of any provision of the proffers. Any improvements proffered herein below shall be provided at the time of development of the portion of the site adjacent to the improvement, unless otherwise specified. The terms "Applicant" and "Developer" shall include all future owners, assignees and successors in interest of the Property. Upon approval of this rezoning and these proffers, any and all prior proffers affecting the Property shall be null and void and of no further force and effect, and the proffers provided herein shall be in full force and effect.

References in this Proffer Statement to plans and exhibits shall include the following:

- General Development Plan, Sheets 1 – 10 prepared by Bagby Caldwell and Associates, P.C., dated December 16, 2013, as last revised and entitled "Embrey Hills GPIN 7860-90-3994 GPIN Application for Zoning Map Amendment" ("GDP").
- Photo Architectural Features Exhibit, attached hereto and marked as Exhibit A .

1. LAND USE

- A. The Property, consisting of approximately 34.055 Acres, shall be developed as R-12 Residential District, for single family attached uses (townhomes), all as generally depicted on the GDP.

EXHIBIT 4 - APPENDIX G

- B. The maximum number of townhomes will not exceed 99 units and will be generally located in the areas depicted on the GDP.
- C. Development of the Property will be in general conformance with the GDP with respect to the approximate number and location of right-of-way entrances, building and parking configuration, setbacks from public rights-of-way, overall site coverage and preservation areas, subject to reasonable modifications as determined by the Applicant to be necessary due to final engineering, road alignment and design and/or stormwater management at the time of final site plan preparation for the project. For purposes of this Proffer Statement, the final approved city site plan shall supersede the GDP, except as otherwise provided hereunder.
- D. The Out Parcel, as depicted on the GDP, and including approximately seven (7) acres, located on the western boundary of the Property, shall not be developed for residential purposes and the land use for this area shall be limited to recreational, community center, and institutional, or religious purposes nor shall there be vehicular access to this area from the development. However, nothing in this proffer shall be construed to prevent other recreational uses that are permitted in the portion of the property that is Chesapeake Bay Resource Protection Area, or in those areas outside of the Resource Protection Area, for recreational uses such as picnic areas and shelters, play equipment and nature studies and enhancements

2. TRANSPORTATION

- A. Wicklow Drive Improvements.** Applicant agrees to improve Wicklow Drive, including the widening of the existing pavement and to add curb, gutter and sidewalk improvements from the Ripken Park entrance to Fall Hill Avenue, all as generally shown on the GDP (“Wicklow Improvements”). Due to certain right of way constraints, the Wicklow Improvements will include certain construction modifications equivalent to one half section of City street standards. The aforesaid improvements shall be constructed prior to the issuance of the first townhouse certificate of occupancy permit located off of Ripken Drive.
- B. Roffman Road Improvements.** The Applicant agrees to construct, relocate and extend Roffman Road to the Property and further improve Roffman Road to Fall Hill Avenue, all as generally depicted on the GDP (“Roffman Improvements”). The Roffman Improvements include the widening and overlay of the existing pavement on Roffman Road, and the addition of curb, gutter and sidewalk improvements on both sides of Roffman Road, all as generally depicted on the GDP. Roffman Improvements shall be initially constructed, but not necessarily off bond, prior to issuance of the first occupancy permit on Camden Court.
- C. Ripken Drive Dedication.** The Applicant hereby agrees to construct and dedicate necessary right of way for the new proposed Ripken Drive (which replaces the prior Bakerfield Lane) which connects to Wicklow Drive and Camden Court, and extends within the Property, all as generally depicted on the GDP. Said right-of-way shall be

EXHIBIT 4 - APPENDIX G

dedicated to the Fredericksburg City Council with the recordation of the final subdivision plat (as phased) of the lots on Ripken Drive.

- D. **Camden Court Dedication.** The Applicant hereby agrees to construct and dedicate necessary right of way for the new proposed Camden Court, which connects to Ripken Drive and Roffman Road (as extended), and extends within the Property, all as generally depicted on the GDP. Said right-of-way shall be dedicated to the Fredericksburg City Council with the recordation of the final subdivision plat (as phased) of the lots on Camden Court.

3. FAÇADE TREATMENTS

- A. To ensure quality in the construction of all townhouses, the facades of all townhouses (except openings in the building's façade, doors, windows, etc.) shall include the following:

1. Material on all townhouses will include brick, stone, stucco, vinyl or fiber cement siding, all in general accordance with attached Exhibit A .
2. All windows, doorways and building corners (on elevations with siding) will be finished with trim board.
3. The end unit of each townhouse building shall have full brick or natural stone front elevations.

- B. Buildings shall have a pitched roof, with a minimum 3 to 12 pitch with asphalt shingles.

4. SITE DESIGN

- A. All landscaping provided shall be in accordance with the Unified Development Ordinance.
- B. Freestanding parking lot and street lighting shall consist of fixtures that are compatible with the architectural theme of buildings on the Property and shall have a maximum height of 24 feet. The location and spacing of lighting shall be determined at the time of final site plan review for each site to assure consistent light levels for security and energy efficiency.

5. ENVIRONMENT

- A. The Applicant shall establish open space areas on the Property in substantial conformance with the GDP, subject to minor modifications required by preliminary or final site engineering. Said open space shall be shown on the Final Site Plan and shall consist of the preservation area, buffers, and like areas generally as depicted on the GDP and shall be in accordance with the applicable zoning requirements.

EXHIBIT 4 - APPENDIX G

- B. Site development shall comply with all requirements for Resource Protection Area, as generally depicted on the Plan. Such area shall be preserved in accordance with all applicable State and Federal regulations. The RPA shall be preserved in its natural state except for stream mitigation and preservation measures, utilities necessary for development of the Property or adjoining properties, road construction or existing utility easements, pedestrian trail access, and any temporary disturbance necessary for above activities approved in accordance with applicable State and Federal requirements.

6. WATER AND SEWER

Acceptance and approval of the zoning reclassification application by the Fredericksburg City Council shall authorize extension and construction of water and sewer lines, including any required wastewater pumping station, and facilities necessary to serve the Property pursuant to the Virginia Code Section 15.2-2232.

7. MISCELLANEOUS

- A. Applicant, upon the approval of the owner of commercial property located along Fall Hill Avenue as GPIN # 7779-09-3723 aka "7-11" hereby agrees to make cosmetic improvements to the 7-11 property located at the corner of Fall Hill Avenue and Wicklow Drive, which improvement will include new fencing between the 7-11 and existing Bragg Hill townhomes and improved landscaping on said property, all in accordance with City requirements. Provided that the Applicant is granted a temporary sign license by the 7-11 owners, the City agrees to grant approval of a temporary sign permit for marketing townhomes within Embrey Hills. Said sign shall not exceed 4 feet by 8 feet and shall be removed by the applicant within 3 months of the last home sold in Embrey Hills.
- B. To the extent not in violation with applicable fair housing laws, regulations and requirements, all townhouse units shall be marketed "for sale".
- C. The Applicant, prior to developing the Property, shall encumber the Property with a declaration of conditions, covenants, restrictions, and easements for the purpose of (a) protecting the value and desirability of the Property; (b) facilitating the planning and development of the development in a unified and consistent manner; and (c) providing for the installation, maintenance, and repair for all landscaping, on-site amenities, open space, and other common areas. The Applicant will also create a property or homeowner's association as a non-stock corporation under the laws of Virginia that will provide and ensure oversight and structure for services provided, quality standards, intercampus relationships, and common area maintenance.

This Proffer Statement supersedes any proffer statement and proffers previously made or submitted in connection with this application and with this Property.

EXHIBIT 4 - APPENDIX G

WITNESS the following agreement and acknowledgement of this proffer statement:

Applicant/Contract Purchaser
Downtown Properties, Inc., a Virginia Corporation

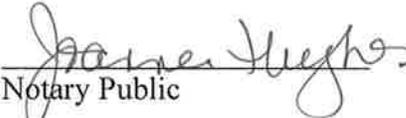
By: 

Douglas F. Brown
President

COMMONWEALTH OF VIRGINIA,
CITY OF FREDERICKSBURG, to wit:

I, the undersigned, a Notary Public in and for the jurisdiction aforesaid, do hereby certify that Douglas F. Brown, in his capacity as President of Downtown Properties, Inc., has personally acknowledged the same before me in my aforesaid jurisdiction.

GIVEN under my hand and seal this 27th day of March 2014.



Notary Public

Print Name: Joanne Hughes
My Commission Expires: 8/31/2014
Registration No.: 7037936
[SEAL]



EXHIBIT 4 - APPENDIX G

Owner
Bragg Hill Corporation,
a Virginia Corporation

By: [Signature]
Print Name: MIKE DEGEN
Title: Owner

COMMONWEALTH OF VIRGINIA,
CITY OF FREDERICKSBURG, to wit:

I, the undersigned, a Notary Public in and for the jurisdiction aforesaid, do hereby certify that Mike Degen, in his capacity as Owner of Bragg Hill Corporation, has personally acknowledged the same before me in my aforesaid jurisdiction.

GIVEN under my hand and seal this 31st day of March 2014.

[Signature]
Notary Public

Print Name: Betty J. Miller
My Commission Expires: 8/31/2014
Registration No.: 4060695



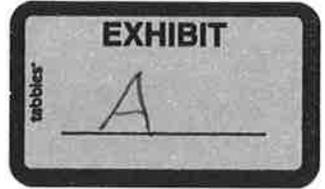
EXHIBIT 4 - APPENDIX G

EXHIBIT A

General Architectural Features

5621758-1 039718.00001

EXHIBIT 4 - APPENDIX G





G:\20471-2\GDP R-12\20471-2 GDP.dwg

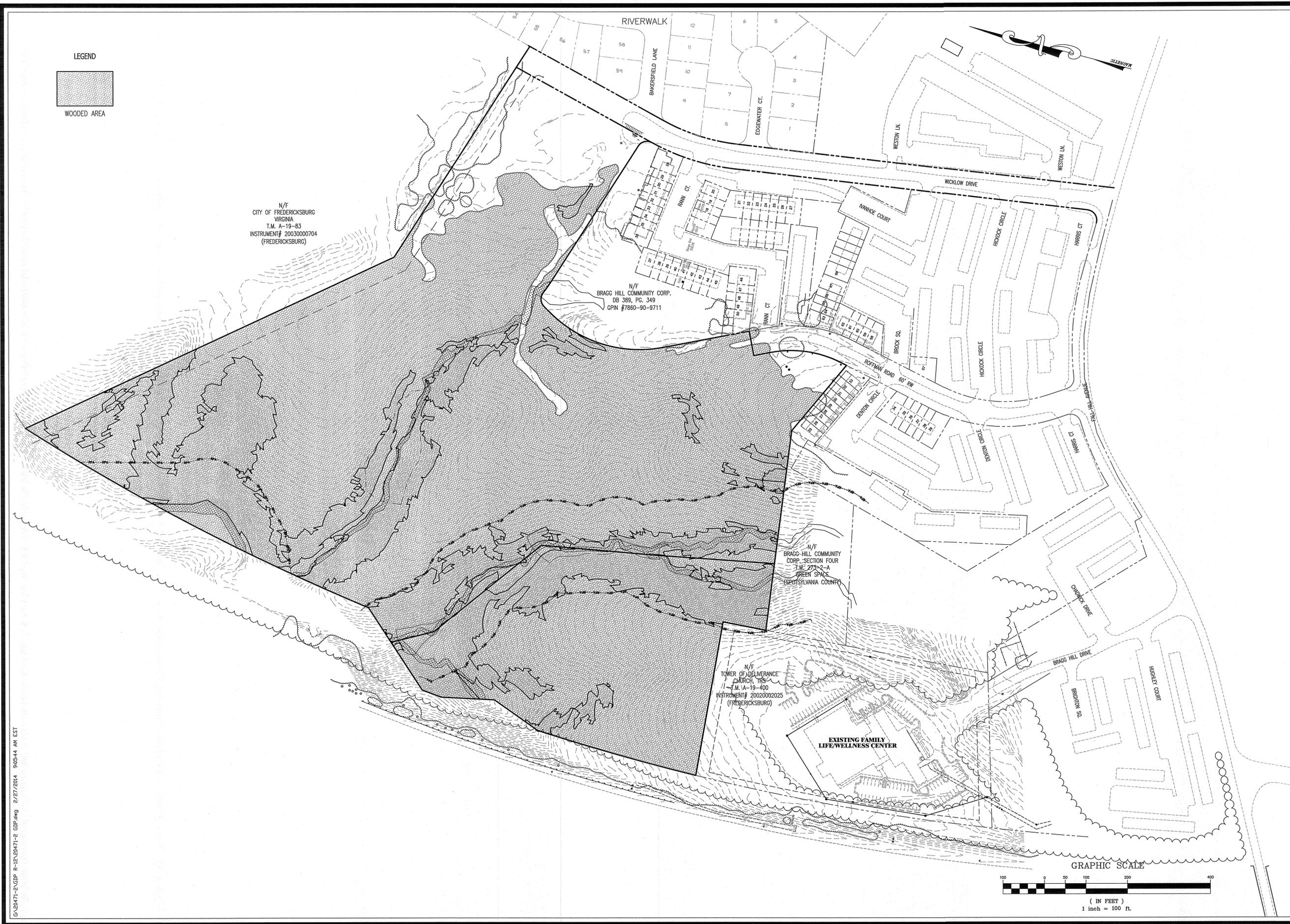
REVISIONS	DATE

BCA
BAGBY, CALDWELL and ASSOCIATES, P.C.
 CIVIL ENGINEERS AND LAND SURVEYORS
 1885 JEFFERSON DAVIS HIGHWAY
 FREDERICKSBURG, VIRGINIA 22401
 TELEPHONE: (540) 373-5178
 FAX: (540) 373-5681

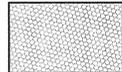
COMMITTEE OF PRACTICE
 MICHAEL M. BAGBY
 Lic. No. 11786
 PROFESSIONAL

EXISTING CONDITIONS (1)
EMBREY HILLS
GPIN # 7860-90-3994
APPLICATION FOR ZONING MAP AMENDMENT
 CITY OF FREDERICKSBURG VIRGINIA

DATE:	2-27-14
SCALE:	1" = 100'
DESIGNED BY:	
DRAWN BY:	LT
CHECKED BY:	
FILE NAME:	20471-2 R12LAYOUT
JOB NO.	20471-2
PLAN NO.	



LEGEND



WOODED AREA

N/F
CITY OF FREDERICKSBURG
VIRGINIA
T.M. A-19-83
INSTRUMENT# 2003000704
(FREDERICKSBURG)

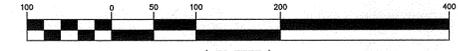
N/F
BRAGG HILL COMMUNITY CORP.
DB 389, PG. 349
GPN #7860-90-9711

N/F
BRAGG HILL COMMUNITY
CORP. SECTION FOUR
T.M. 273-2-A
GREEN SPACE
(SPOTSYLVANIA COUNTY)

N/F
TOWER OF DELIVERANCE
CHURCH TMS
T.M. VA-19-400
INSTRUMENT# 20020002025
(FREDERICKSBURG)

EXISTING FAMILY
LIFE/WELLNESS CENTER

GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.

G:\20471-2\GDP R-1E\20471-2 GDP.dwg 2/27/2014 9:05:44 AM EST

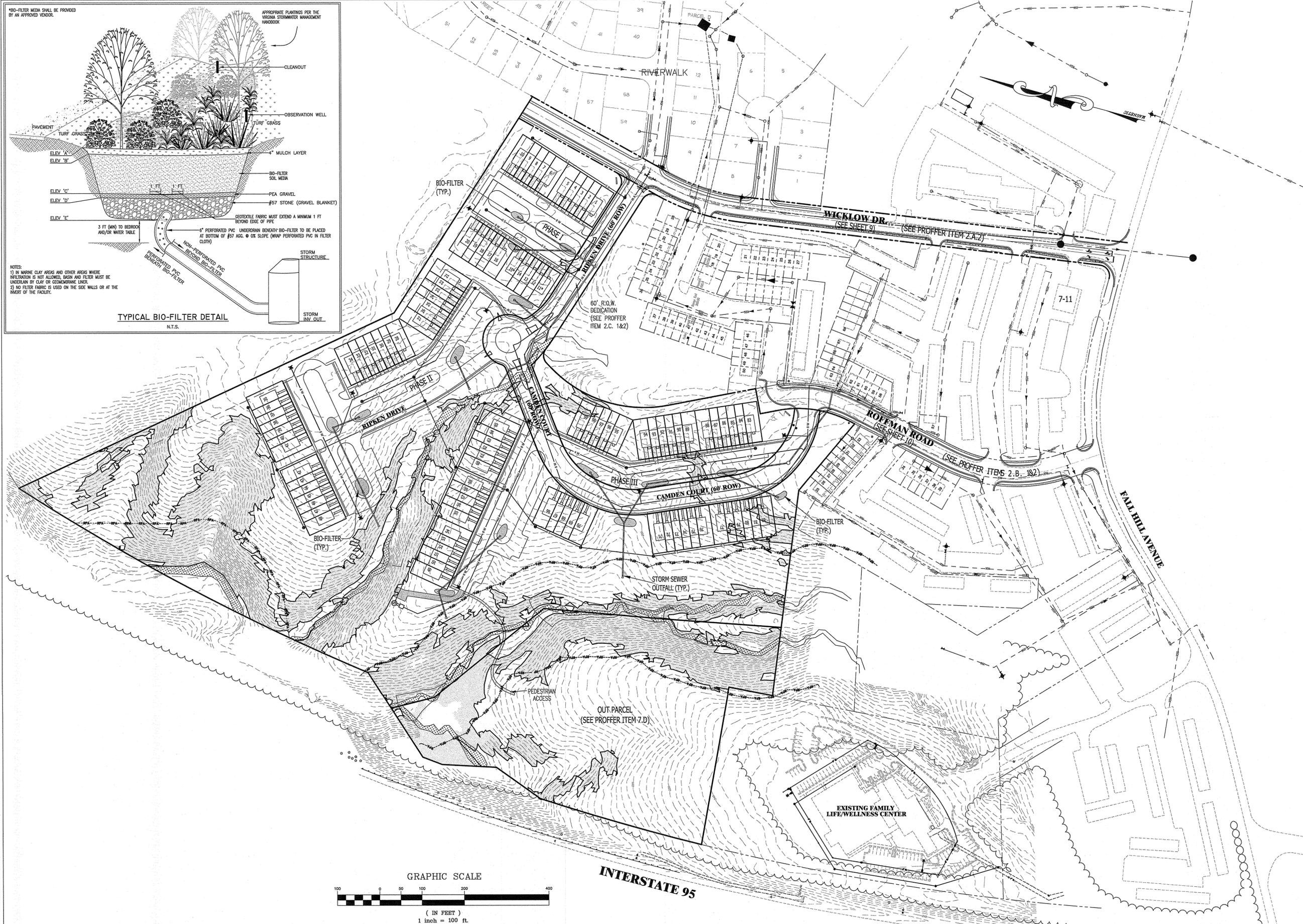
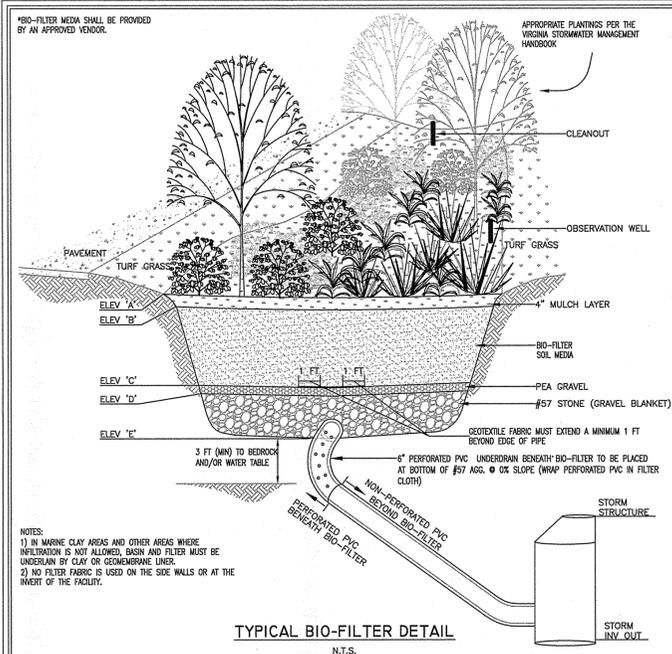
DATE	REVISIONS

BCA
BAGBY, CALDWELL and ASSOCIATES, P.C.
CIVIL ENGINEERS AND LAND SURVEYORS
1088 JEFFERSON DAVIS HIGHWAY
FREDERICKSBURG, VA 22401
TELEPHONE: (540) 723-5178
FAX: (540) 373-6881

STATE OF VIRGINIA
MICHAEL M. BAGBY
Lic. No. 11785
PROFESSIONAL ENGINEER

EXISTING CONDITIONS (2)
EMBREY HILLS
GPIN# 7860-90-3994
APPLICATION FOR ZONING MAP AMENDMENT
CITY OF FREDERICKSBURG VIRGINIA

DATE:	2-27-14
SCALE:	1" = 100'
DESIGNED BY:	
DRAWN BY:	LT
CHECKED BY:	
FILE NAME:	20471-2 R12LAYOUT
JOB NO.	20471-2
PLAN NO.	



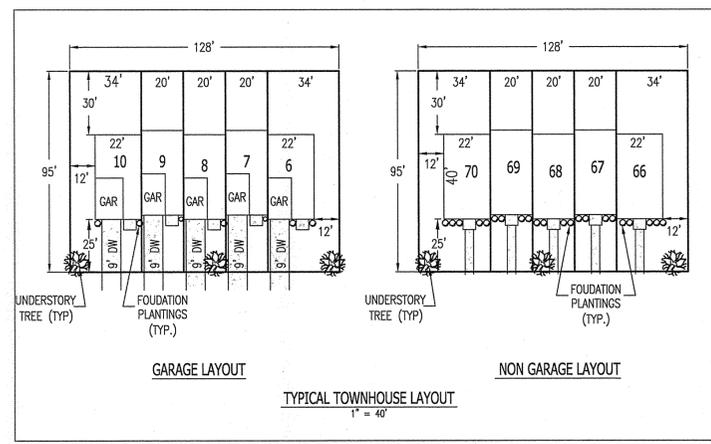
REVISIONS	
DATE	

BCA
BAGBY, CALDWELL and ASSOCIATES, P.C.
CIVIL ENGINEERS AND LAND SURVEYORS
1885 PEPERSON DAVIS HIGHWAY
FREDERICKSBURG, VIRGINIA 22401
TELEPHONE: (540) 373-5178
FAX: (540) 373-6281

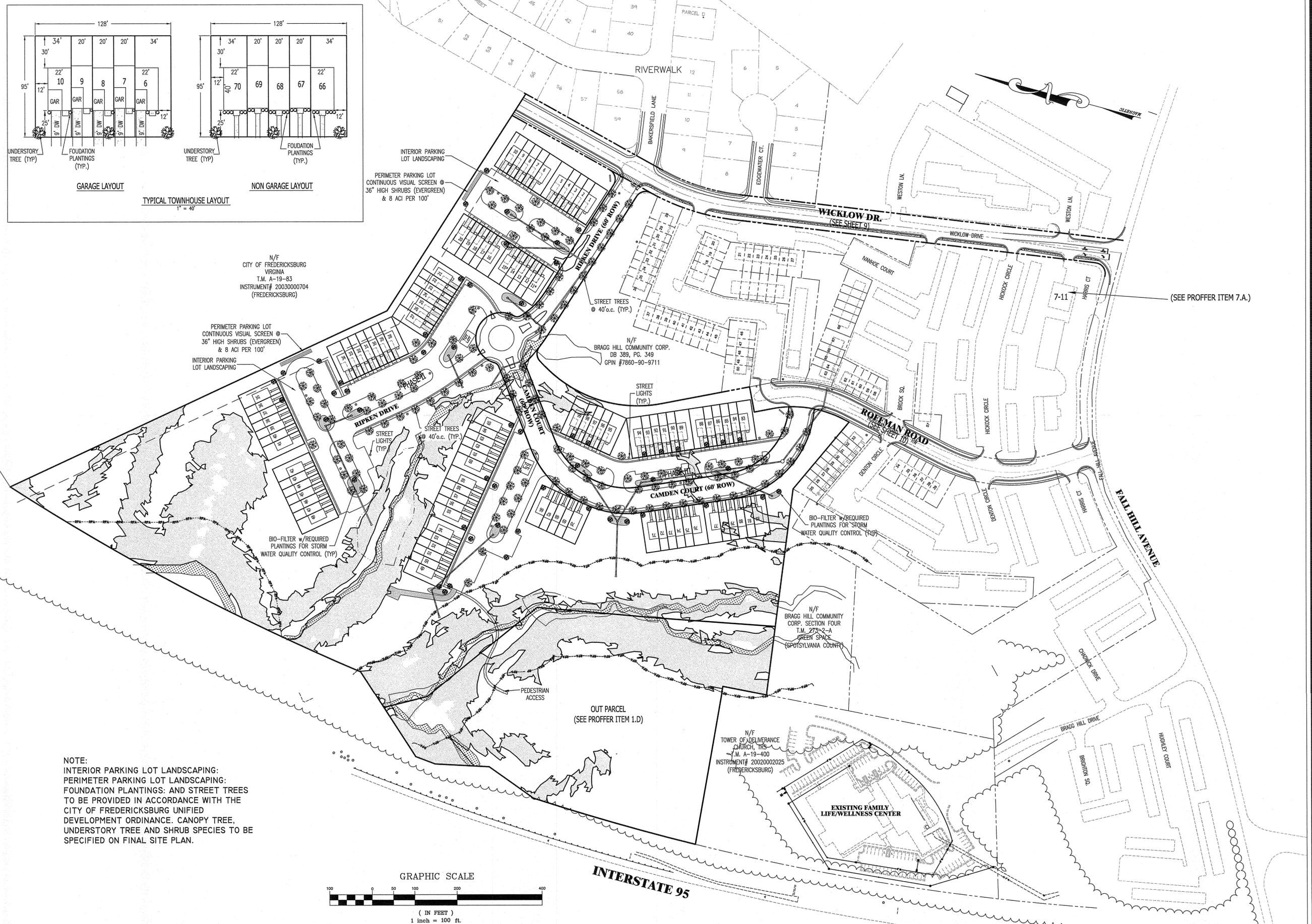
COMMUNITY OF VIRGINIA PROFESSIONAL ENGINEER
MICHAEL M. BAGBY
Lic. No. 11785

GDP - STORMWATER MANAGEMENT PLAN
EMBREY HILLS
GPN# 7860-90-3994
APPLICATION FOR ZONING MAP AMENDMENT
CITY OF FREDERICKSBURG, VIRGINIA

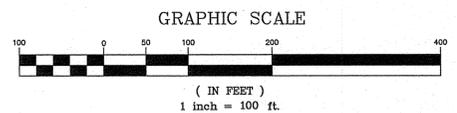
DATE:	2-27-14
SCALE:	1" = 100'
DESIGNED BY:	
DRAWN BY:	LT
CHECKED BY:	
FILE NAME:	20471-2_R12LAYOUT
JOB NO.	20471-2
PLAN NO.	



N/F
CITY OF FREDERICKSBURG
VIRGINIA
T.M. A-19-83
INSTRUMENT# 2003000704
(FREDERICKSBURG)



NOTE:
INTERIOR PARKING LOT LANDSCAPING:
PERIMETER PARKING LOT LANDSCAPING:
FOUNDATION PLANTINGS; AND STREET TREES
TO BE PROVIDED IN ACCORDANCE WITH THE
CITY OF FREDERICKSBURG UNIFIED
DEVELOPMENT ORDINANCE. CANOPY TREE,
UNDERSTORY TREE AND SHRUB SPECIES TO BE
SPECIFIED ON FINAL SITE PLAN.



REVISIONS	
DATE	

BCA
BAGBY, CALDWELL and ASSOCIATES, P.C.
CIVIL ENGINEERS AND LAND SURVEYORS
1000 COMMONWEALTH AVENUE
FREDERICKSBURG, VIRGINIA 22401
TELEPHONE: (540) 373-5178
FAX: (540) 373-6381

COMMONWEALTH OF VIRGINIA
MICHAEL M. BAGBY
Lic. No. 11765
PROFESSIONAL ZONING ENGINEER

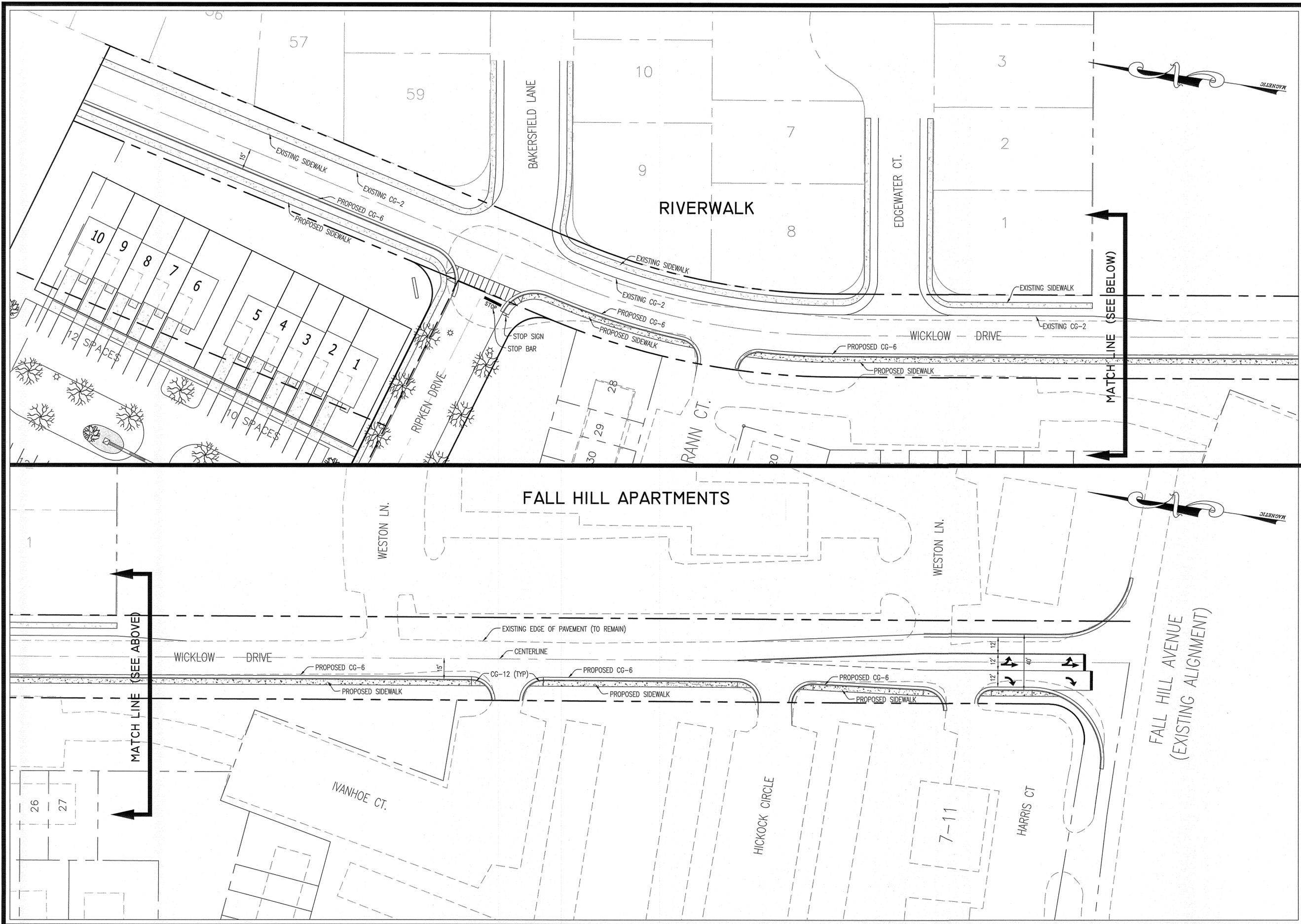
GDP - LIGHTING AND LANDSCAPING

EMBREY HILLS
GPIN# 7860-90-3994

APPLICATION FOR ZONING MAP AMENDMENT

CITY OF FREDERICKSBURG VIRGINIA

DATE:	2-27-14
SCALE:	1" = 100'
DESIGNED BY:	
DRAWN BY:	LT
CHECKED BY:	
FILE NAME:	20471-2 R12LAYOUT
JOB NO.	20471-2
PLAN NO.	



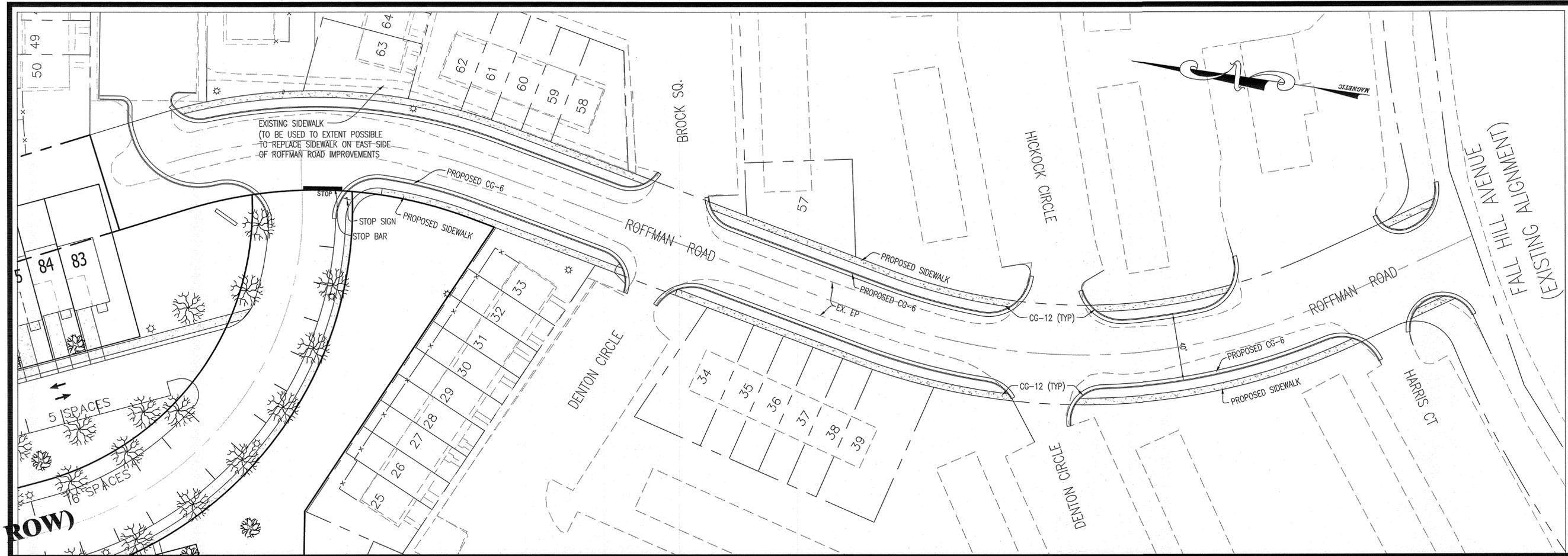
DATE	REVISIONS

BCA
BAGBY, CALDWELL and ASSOCIATES, P.C.
 CIVIL ENGINEERS AND LAND SURVEYORS
 198 JEFFERSON DAVIS HIGHWAY
 FREDERICKSBURG, VIRGINIA 22401
 TEL: (800) 541-7178
 FAX: (840) 372-6281



WICKLOW DRIVE IMPROVEMENTS
EMBREY HILLS
GPIN# 7860-90-3994
APPLICATION FOR ZONING MAP AMENDMENT
 CITY OF FREDERICKSBURG VIRGINIA

DATE:	2-27-14
SCALE:	1" = 30'
DESIGNED BY:	
DRAWN BY:	LT
CHECKED BY:	
FILE NAME:	20471-2 R12LAYOUT
JOB NO.	20471-2
PLAN NO.	



DATE	REVISIONS

BCA
 BAGBY, CALDWELL and ASSOCIATES, P.C.
 CIVIL ENGINEERS and LAND SURVEYORS
 1885 JEFFERSON DAVIS HIGHWAY
 FREDERICKSBURG, VIRGINIA 22401
 TEL: (840) 374-6281
 FAX: (840) 374-6281



ROFFMAN ROAD IMPROVEMENTS
EMBREY HILLS
GPIN# 7860-90-3994
APPLICATION FOR ZONING MAP AMENDMENT
 CITY OF FREDERICKSBURG
 VIRGINIA

DATE:	2-27-14
SCALE:	1" = 30'
DESIGNED BY:	
DRAWN BY:	LT
CHECKED BY:	
FILE NAME:	20471-2 R12LAYOUT
JOB NO.	20471-2
PLAN NO.	

EXHIBIT C

State Maintenance UPDATE
CITY OF FREDERICKSBURG
EXHIBIT 4 - APPENDIX H

User MARILLA
L-Chg 7/13/2015
Batch 15205MM
SSN#2: 0000,000,00

TREASURER
FREDERICKSBURG
VA 22404-0267
FREDERICKSBURG VA 22404-0267
ADDRESS SERVICE REQUESTED



CITY OF FREDERICKSBURG
IMPORTANT--PLEASE READ

2014/2015 REAL ESTATE TAX

ELDERLY OR DISABLED MAY BE ELIGIBLE FOR A REAL ESTATE EXEMPTION IF THEY ARE AGE 65 OR OLDER OR PERMANENTLY DISABLED AND MEET FINANCIAL CRITERIA ESTABLISHED BY LOCAL ORDINANCE. FOR FURTHER INFORMATION CONTACT THE COMMISSIONER OF REVENUE AT (540)372-1004.

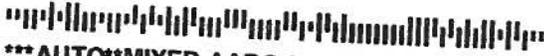
THE TREASURER COLLECTS TAXES, DOES NOT ASSESS PROPERTY, FIX VALUATIONS, SET RATES OR GRANT EXEMPTIONS AND HAS NO AUTHORITY TO MAKE CHANGES TO THE TAX ROLL.

INFORMATION INQUIRIES

Commissioner of Revenue
Payments

540-372-1004
540-372-1001

003017



***AUTO**MIXED AADC 280 3017 T11:16
BRAGG HILL CORPORATION
11541 GRANARY HILLS DR
AMELIA COURT HOUSE VA 23002-4285

MSG14

YEAR	DEPT. # / TICKET #	PARCEL NUMBER / GPIN
2015	RE 2015: 679	7860-90-9711

DUE DATE: 5/15/2015
After 5/15/2015 add 47.76 penalty
After 6/01/2015 add 4.38 interest per month

DESCRIPTION	RATE	TOTAL VALUE	TOTAL TAX CHARGES
0.806AC S6 BL 273-5-50A WICKLOW DR IMPROVEMENTS ANNUAL TAX-REGULAR ASSESSMENT	.790	120,900	955.12
AC .81		TOTAL NOW DUE	477.56

PD 4/25/15
#1169

955.12

IT IS THE OBLIGATION OF THE TAXPAYER TO SEE THAT THE PROPER TAX BILL IS RECEIVED AND PAID ON TIME.

DETACH AND RETAIN THIS PORTION FOR YOUR RECORDS.

EXHIBIT 4 - APPENDIX I

2016 Real Estate Tax Bill

CITY OF FREDERICKSBURG



BRAGG HILL COMMUNITY CORP
 PO BOX 7266
 FREDERICKSBURG VA 22404-7268

P. O. BOX 267
 FREDERICKSBURG, VA 22404-0267
 BRENDA A. WOOD, TREASURER

Department: RE2016 **Ticket No:** 741
Account No: 5888
Property ID: 7860-90-9711

Property Description	Acres	Land Value	Land Use	Improvements	Mineral Value	Total Taxable Assessed	Tax Due 05/16/2016
0.806AC S6 BL 273-5-50A WICKLOW DR	2.54	120,900				120,900	\$495.69
Tax Rate per \$100:							.8200
Annual Tax:							\$991.38
Total Due on 05/16/2016:							\$495.69

Version: 2015-12-10-16.18.01.629230

EXHIBIT 4 - APPENDIX I

2016 Real Estate Tax Bill

CITY OF FREDERICKSBURG



BRAGG HILL CORPORATION
 11541 GRANARY HILLS DR
 AMELIA COURT HOUSE VA 23002

P. O. BOX 267
 FREDERICKSBURG, VA 22404-0267
 BRENDA A. WOOD, TREASURER

Department: RE2016 **Ticket No:** 741
Account No: 5888
Property ID: 7860-90-9711

Property Description	Acres	Land Value	Land Use	Improvements	Mineral Value	Total Taxable Assessed	Tax Due 11/16/2015
0.806AC S6 BL 273-5-50A WICKLOW DR	.81	120,900				120,900	\$495.69
Tax Rate per \$100:							.8200
Annual Tax:							\$991.38
Total Due on 11/16/2015:							\$495.69

Version: 2015-12-10-16.18.01.629230

EXHIBIT 4 - APPENDIX I

2015 Real Estate Tax Bill

CITY OF FREDERICKSBURG



BRAGG HILL CORPORATION
 1206 WASHINGTON AVE
 FREDERICKSBURG VA 22401

P. O. BOX 267
 FREDERICKSBURG, VA 22404-0267
 BRENDA A. WOOD, TREASURER

Department: RE2015 **Ticket No:** 679
Account No: 5888
Property ID: 7860-90-9711

Property Description	Acres	Land Value	Land Use	Improvements	Mineral Value	Total Taxable Assessed	Tax Due 11/17/2014
0.806AC S6 BL 273-5-50A WICKLOW DR	.81	120,900				120,900	\$477.56
Tax Rate per \$100:							.7900
Annual Tax:							\$955.12
Total Due on 11/17/2014:							\$477.56

Version: 2015-12-10-16.18.01.629230

EXHIBIT 4 - APPENDIX I

2014 Real Estate Tax Bill

CITY OF FREDERICKSBURG



BRAGG HILL CORPORATION
 1206 WASHINGTON AVE
 FREDERICKSBURG VA 22401

P. O. BOX 267
 FREDERICKSBURG, VA 22404-0267
 BRENDA A. WOOD, TREASURER

Department: RE2014 **Ticket No:** 7917
Account No: 5888 **Supplement No:** 04
Property ID: 7860-90-9711

**** This is a supplemental bill ****

Property Description	Acres	Land Value	Land Use	Improvements	Mineral Value	Total Taxable Assessed	Tax Due 05/15/2014
0.806AC S 6 BL 273-5-50A WICKLOW DR	.81			60,450		60,450	\$447.33
						Annual Tax:	\$447.33
						Total Due on 05/15/2014:	\$447.33

Version: 2015-12-10-16.18.01.629230

EXHIBIT 4 - APPENDIX I

2014 Real Estate Tax Bill

CITY OF FREDERICKSBURG



BRAGG HILL CORPORATION
 1206 WASHINGTON AVE
 FREDERICKSBURG VA 22401

P. O. BOX 267
 FREDERICKSBURG, VA 22404-0267
 BRENDA A. WOOD, TREASURER

Department: RE2014 **Ticket No:** 7882
Account No: 5888 **Supplement No:** 02
Property ID: 7860-90-9711

**** This is a supplemental bill ****

Property Description	Acres	Land Value	Land Use	Improvements	Mineral Value	Total Taxable Assessed	Tax Due 01/31/2014
0.806AC S 6 BL 273-5-50A WICKLOW DR	.81			20,196		20,196	\$149.45
						Annual Tax:	\$149.45
						Total Due on 01/31/2014:	\$149.45

Version: 2015-12-10-16.18.01.629230

EXHIBIT 5

Community Planning
and Building Department
Planning Services Division



City of Fredericksburg
715 Princess Anne Street
P.O. Box 7447
Fredericksburg, VA 22404-7447
Telephone: 540 372-1179
Fax: 540 372-6412

PRE-APPLICATION CONFERENCE APPLICATION

DATE: FEBRUARY 29, 2016

LOCATION OF PROPERTY: END OF WICKLOW DRIVE

APPLICANT: MARK GLAZEBROOK

MAILING ADDRESS: 1154 GRANARY HILLS DRIVE

AMELIA COURTHOUSE, VA, 23002

PHONE: 540-226-1618 E-MAIL ADDRESS: MJGLAZEBROOK@gmail.com

ZONING OF PROPERTY: R-12 GPIN #: 7860-90-911

PREVIOUS USE: VACANT PROPOSED USE: TOWNHOUSES (10)

PLEASE DESCRIBE THE PURPOSE FOR ATTENDING THE PRE-APPLICATION CONFERENCE.

DISCUSS DEVELOPMENT OF TEN (10) TOWNHOUSES
ON 0.806 ACRE PARCEL ON WICKLOW
DRIVE. PARCEL IS ADJACENT TO SECTION 6
OF BRAGG HILL AND CAL ZIPKIN PARK
TO NORTH.

SITE PLAN, PLAT, OR TAX MAP ATTACHED

Mark Glazebrook
SIGNATURE OF APPLICANT

2-29-16
DATE

DATE RECEIVED: _____ DATE OF MEETING _____

If you have questions, please contact Marne Sherman in Planning Services Division at (540) 372-1179 or Debby Hall in Building Services Division at (540) 372-1080.

For Office Use:

CHECK IF APPLICABLE:

- SITE PLAN SUBMITTAL
 SPECIAL USE PERMIT REQUIRED
 REZONING REQUIRED

- PLAT/SUBDIVISION SUBMITTAL
 SPECIAL EXCEPTION REQUIRED
 OTHER

NO FEE REQUIRED

EXHIBIT 6

Mike Craig
Zoning Administrator



City of Fredericksburg
PO Box 7447
Fredericksburg, VA22404-7447
Telephone: 540-372-1179
Fax: 540-372-6412
mjcraig@fredericksburgva.gov

012-16D

March 10, 2016

Bragg Hill Corporation
C/O Mr. Mark Glazebrook
11541 Granary Hills Dr.
Amelia Courthouse, Va 23002

Re: Technical Review Committee Application regarding GPIN 7870-00-3906

Dear Mr. Glazebrook:

We received your Technical Review Committee (TRC) application regarding the development of a portion of your property now identified as GPIN 7870-00-3906 into 10 ten townhomes. The zoning on the application is listed as R-12, Residential. The City's official zoning map shows that this property is zoned R-2, Residential.

The City Council rezoned 1,121 acres from R-1 to R-2 Residential, R-12 Residential, R-16 Residential, and R-30 Residential by ordinance #14-06 on February 11, 2014. A copy of the ordinance is attached to this letter. GPIN 7870-00-3906 was not individually identified on the exhibit maps at the time of the rezoning, however, I've sketched it onto the attached map for illustrative purposes. The portion of the property now identified as GPIN 7870-00-3906 was rezoned from R-1 Residential to R-2 Residential by Ordinance 14-06.

Any person aggrieved by this determination may have the right to appeal to the Board of Zoning Appeals within 30 days of the date of this determination. Such appeal shall be in writing to the Zoning Administrator, specify the grounds for the appeal and include an appeal fee of \$400.00.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mike Craig', is positioned above the printed name.

Mike Craig
Zoning Administrator

ENC: Ordinance 14-06
Technical Review Committee Application

CC: Bagby, Goodpasture, and Associates, P.C.
1985 Jefferson Davis Highway
Suite 102
Fredericksburg, Virginia 22401



Memorials Advisory Commission

Commission Members

Nancy Moore, Chair
Michael Spencer, Vice-Chair
Marilyn Lloyd, Secretary
Jervis Hairston
Betty Massey
Garnett Parker
Paula Raudenbush
Susan Spears

July 21, 2016

Dear Mayor Greenlaw and City Council
City of Fredericksburg
P.O. Box 7447
Fredericksburg, VA 22404

Dear Mayor and Members of City Council,

The Memorials Advisory Commission met on June 20, 2016, to consider the Recreation Commission's request that the pool at Dixon Park be named in honor of Doris Buffett. (Letter is attached.)

The commission voted unanimously to name the pool the Doris E. Buffett Pool. We hope that the City Council will agree, recognizing Mrs. Buffett's important contribution to open free public access to the facility.

Sincerely,

Nancy Moore
Chair, Memorials Advisory Commission



Fredericksburg Parks, Recreation & Public Facilities

Jane C Shelhorse, Director
408 Canal Street
Fredericksburg, VA 22401
Phone: 540-372-1086
Fax: 540-372-3475

June 29, 2016

Ms. Nancy Moore
Chairman
Fredericksburg Memorials Advisory Commission
314 Princess Anne Street
Fredericksburg, VA 22401

Dear Ms. Moore:

The Recreation Commission at its June meeting voted unanimously to support the naming of the pool at Dixon Park in honor of Doris Buffett. Since its inception Mrs. Buffett has given her full support to ensure that all children in Fredericksburg may swim all season long at no cost. This has made it possible for so many more children to learn to love and be safe in water. Her generosity and extraordinary contribution cannot be overstated.

The Recreation Commission would like the Memorials Advisory Commission at its next meeting to vote to make a recommendation to the City Council to name the aquatic facility at Dixon Park the "Doris E. Buffett Pool" in her honor, and so designate it with an appropriate plaque.

Sincerely,

A handwritten signature in cursive script that reads 'Susan Tyler'.

Susan Tyler, Chair
Chairman
Recreation Commission

Commission Members:
Susan C. Tyler, Chairman
Sharon Null, Vice-Chairman
James Bailey
Timothy Duffy
George Foster
John Gordon III
Kenneth S. Kroko
Brandon McVade
D. Marcus Tepaske



MEMORANDUM

TO: Kathleen Dooley, City Attorney
FROM: Rob Eckstrom, Assistant City Attorney
DATE: June 21, 2016
RE: Meals tax amendments

Issue

Should the City update its meals tax ordinance to conform with state law, and to eliminate the meals tax exemption for meals exempt from state sales tax?

Recommendation:

Yes.

First, the General Assembly regularly adds and changes mandatory exemptions to our meals tax authority. These exemptions are codified in the Code of Virginia. The City Code should be updated to reference the state statute containing those exemptions instead of attempting to list the ever-changing mandatory exemptions in our code.

Second, the Virginia Department of Taxation recently made a policy change exempting from sales tax certain meals which had previously been taxed. The City currently exempts from the meals tax meals which are exempt from state sales tax. Removing this exemption will maintain the status quo and also bring the City's meals tax into line with most other Virginia localities.

Background:

Conformance with state law:

When the Commonwealth granted cities the authority to impose an excise tax on meals, it included several exemptions to that authority in the enabling statute (for example, any food purchasable with food stamps). The City incorporated those exemptions into its meals tax ordinance. Over the years, the General Assembly has added to the list of mandatory exemptions and amended the existing ones. The City has not kept its ordinance up-to-date with the state code, and to continue to update every time the General Assembly amends the statute would be unnecessarily burdensome. The City Code should be updated to reference the state code instead of attempting to reiterate the frequently-updated list.

Because the Commissioner of the Revenue is obligated to follow the state list of exemptions, this amendment will not substantively affect the meals tax; it will merely eliminate confusion over which exemptions are applicable.

The exemptions in subsections (A) and (B) of the ordinance are local exemptions distinct from those in the state code. The Commissioner does not recommend amending those sections.

Exemption on meals exempt from sales tax:

The City Code contains several exemptions that go beyond those required by state law. One of these exemptions is on meals that are exempt from state sales tax.

Until May 2, 2016, prepared meals and catering were excluded from the list of items that non-profit and governmental organizations were able to purchase without paying state sales tax. This was essentially because those meals and catering were considered to be partially a taxable service, rather than purely non-taxable tangible personal property. Meals purchased for individual use (as opposed to those purchased for a tax-exempt entity's use) were also taxable.

On May 2nd, the Virginia Department of Taxation issued a tax bulletin explaining a change in policy. Purchases of catering and meals by tax-exempt organizations will no longer be taxed on the basis that those meals and catering are a taxable service, and the exemption will no longer be denied on the basis that the tax-exempt entity had purchased the meals and services for consumption by individuals.

The proposed amendment will not result in an increase in taxes; instead it will allow the City to continue to tax the meals that were taxable before the Virginia Department of Taxation's recent policy change.

Fiscal Impact:

The first proposed change makes no substantive change to the meals tax, and therefore has no fiscal impact.

Not making the change would reduce meals tax revenue, but because the meals at issue are not tracked as a sub-category of meals taxes by the Commissioner of the Revenue, it is difficult to quantify the fiscal impact. The change is intended to maintain the status quo in regard to meals tax revenue.



MOTION:

August 9, 2016
Regular Meeting
Ordinance No. 16-19

SECOND:

RE: **CONFORMING THE CITY MEALS TAX TO STATE LAW, AND ELIMINATING THE MEALS TAX EXEMPTION FOR MEALS EXEMPT FROM THE VIRGINIA RETAIL SALES AND USE TAX IN RESPONSE TO VIRGINIA DEPARTMENT OF TAXATION TAX BULLETIN 16-3**

FIRST READ: July 12, 2016 SECOND READ: _____

ACTION: APPROVED: Ayes: 0; Nays: 0

IT IS HEREBY ORDAINED by the Fredericksburg City Council that Chapter 70—Taxation, Article IX—Meals Tax of the City Code is amended as follows:

SEC. I. City Code Amendment.

1. Sec. 70-433. Exemptions; limits on application.

A. The tax imposed under this article shall not be levied on the following items when served exclusively for off-premises consumption:

- (1) Factory-prepackaged candy, gum, nuts and other items of essentially the same nature;
- (2) Factory-prepackaged donuts, ice cream, crackers, nabs, chips, cookies and items of essentially the same nature;
- (3) Food sold in bulk. For purposes of this subsection, a bulk sale shall mean the sale of any item that would exceed the normal, customary and usual portion sold for on-premises consumption (e.g., a whole cake, a gallon of ice cream); a bulk sale shall not include any food or beverage that is catered or delivered by a food establishment for off-premises consumption;
- ~~(4) Alcoholic and non-alcoholic beverages sold in factory-sealed containers;~~
- ~~(5) Any food or food product purchased with food coupons issued by the United States Department of Agriculture under the Food Stamp Program or drafts issued through the Virginia Special Supplemental Food Program for Women, Infants, and Children; and~~
- ~~(6) Any food or food product purchased for home consumption, as defined in the federal Food Stamp Act of 1977, 7 U.S.C. § 2012, as amended, except hot food or hot food products ready for immediate consumption. For the purposes of administering the tax levied under this article, the following items, whether or not purchased for immediate consumption, are~~

~~excluded from the definition of food in the federal Food Stamp Act: sandwiches, salad bar items sold from a salad bar, prepackaged single serving salads consisting primarily of an assortment of vegetables, and non factory sealed beverages. This subsection shall not affect provisions set forth in Subsection C(3), (4) and (6) of this section.~~

- B. A grocery store, supermarket, or convenience store shall not be subject to the tax, except for any portion or section therein designated as a delicatessen or designated for the sale of prepared food and beverages.
- C. The tax imposed under this article shall not be levied on *items exempted under Code of Virginia § 58.1-3840*. ~~the following purchases of food and beverages:~~
- ~~(1) Food and beverages furnished by food establishments to employees as part of their compensation, when no charge is made to the employee;~~
 - ~~(2) Food and beverages sold by day care centers or public or private elementary or secondary schools or food sold by any college or university to its students or employees;~~
 - ~~(3) Food and beverages for use or consumption and which are paid for directly by the commonwealth, any political subdivision thereof, or the United States;~~
 - ~~(4) Food and beverages furnished by a hospital, medical clinic, convalescent home, nursing home, home for the aged, infirm or disabled, battered women, narcotic addicts or alcoholics, or other extended care facility to patients or residents thereof;~~
 - ~~(5) Food and beverages furnished by a fraternity or sorority to its members;~~
 - ~~(6) Food and beverages furnished by a public or private nonprofit charitable organization or establishment or a private establishment that contracts with the appropriate agency of the commonwealth to offer meals at concession prices to elderly, infirm, blind, disabled, or needy persons in their homes or at central locations;~~
 - ~~(7) Food and beverages sold on an occasional basis (i.e., not exceeding three occasions or events of not more than two days each per calendar year), by a nonprofit educational, charitable or benevolent organization, church, or religious body as a fundraising activity, the gross proceeds of which are to be used by such organization exclusively for nonprofit educational, charitable, benevolent or religious purposes;~~
 - ~~(8) Any other sale of a meal which is exempt from taxation under the Virginia Retail Sales and Use Tax Act, Code of Virginia, § 58.1-600 et seq. or administrative rules and regulations issued pursuant thereto; and~~
 - ~~(9) Food and beverages sold through vending machines.~~

SEC. II. Effective Date.

This ordinance is effective immediately.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Approved as to form:

Kathleen Dooley, City Attorney

Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Ordinance No. 16-19 duly adopted at a meeting of the City Council meeting held August 9, 2016 at which a quorum was present and voted.

Tonya B. Lacey, CMC
Clerk of Council



MEMORANDUM

TO: Kathleen Dooley, City Attorney
FROM: Rob Eckstrom, Assistant City Attorney
DATE: June 21, 2016
RE: Perquisites to issuance of business license – zoning and building approvals

Issue

Should the City amend Chapter 70 (Taxation) of the City Code to require new businesses, and existing businesses in new or expanded locations, to provide evidence of zoning and building code approvals as a prerequisite to the issuance of a business license?

Recommendation:

Yes. This would restore a longstanding City policy and a valuable code compliance tool.

Background:

This requirement existed in § 78-964 of the City's former zoning ordinance. While developing the UDO in 2013, staff decided that the requirement more appropriately belonged in the taxation chapter of the code. However, the ordinance that would have accomplished this was never brought before Council.

Relocation to the City's tax code seems to be the more logical location for this prerequisite to the issuance of a business license. The requirement is more related to taxation than it is to the traditional planning considerations of the public health, safety and welfare. Relocation would seem to make the provision more visible to new businesses.

The Commissioner of Revenue administers this requirement. Satisfactory evidence includes an approved zoning permit or building certificate of occupancy or even an issued, valid building permit. This prerequisite essentially provides for coordination between the City's zoning, building, and taxing authorities. Failure to obtain zoning or building approval does not relieve the business owner from the tax liability.

Fiscal Impact:

None.



MOTION:

**August 9, 2016
Regular Meeting
Ordinance No. 16-20**

SECOND:

**RE: REQUIRING ZONING AND BUILDING OFFICIAL APPROVAL
BEFORE A BUSINESS LICENSE IS ISSUED**

ACTION: APPROVED; Ayes: 0; Nays: 0

FIRST READ: July 12, 2016 SECOND READ: _____

IT IS HEREBY ORDAINED by the Fredericksburg City Council that Chapter 70—Taxation, Article VII—License Taxes, Division 1—Generally of the City Code is amended as follows:

1. Section 70-304.1:

Sec. 70-304.1. ~~Payment of delinquent taxes as a~~ Prerequisites to issuance of license; noncompliance not to eliminate liability for tax

- (a) No license shall be issued under this article until the applicant has produced satisfactory evidence to the commissioner that all delinquent business license, personal property, meals, transient occupancy, and admissions taxes properly assessed against the applicant and owed by the business to the city have been paid.
- (b) *No license shall be issued under this article until the applicant has produced satisfactory evidence to the commissioner that all applicable zoning and building code approvals have been obtained for any new business or existing business in a new or expanded location.*
- (c) Any person who engages in a business without obtaining a license required by this article, or after having been refused a license, shall not be relieved of the tax imposed by this article.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Approved as to form:

Kathleen Dooley, City Attorney

Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Ordinance No. 16-20 duly adopted at a meeting of the City Council meeting held August 9, 2016 at which a quorum was present and voted.

Tonya B. Lacey, CMC
Clerk of Council



MEMORANDUM

TO: Timothy Baroody, City Manager
FROM: Deidre Jett, Budget Manager
DATE: August 3, 2016
SUBJECT: Resolution Appropriating FY 2016 Funds for Public Works Vehicles

ISSUE

Shall the City Council amend the FY 2017 budget by appropriating FY 2016 fund balance for the purchase of two vehicles in the Public Works Department?

RECOMMENDATION

This resolution requires two readings. The first reading was approved on July 12, 2016. Staff recommends approval of this resolution.

BACKGROUND

In the spring of 2015, the City issued the 2015A General Obligation bonds for various projects. This included \$700,000 for Public Works equipment. As the chart below shows, Public Works spent a portion of those funds in FY 2016 and desires to have the balance appropriated in FY 2017 to begin the procurement process to purchase additional equipment.

2015A General Obligation Bonds Proceeds Public Works Equipment			
Street Sanitation		Refuse Collection	
FY 16 Allocation of Bond Proceeds	\$350,000	FY 16 Allocation of Bond Proceeds	\$350,000
<u>Street Sweeper</u>	<u>(\$210,000)</u>	<u>Two Packer Trucks (net of trade-ins)</u>	<u>(\$200,000)</u>
Balance	\$140,000	Balance	\$150,000
FY 17 Appropriation	\$140,000	FY 17 Appropriation	\$150,000
<u>Street Flusher</u>	<u>(\$140,000)</u>	<u>Packer Truck</u>	<u>(\$150,000)</u>
Balance	\$0	Balance	\$0

FISCAL IMPACT

The attached resolution will reduce the Fiscal Year 2016 Fund Balance (Assigned) by \$290,000. This portion of fund balance reflects the portion of unspent bond proceeds assigned for Public Works equipment.

The FY 2017 authorized spending for vehicle replacements in the street sanitation budget will increase by \$140,000 and the authorized spending for vehicle replacements in the refuse collection budget will increase by \$150,000.

Attachment: Resolution

cc: Mark Whitley, Assistant City Manager
Clarence Robinson, Director of Fiscal Affairs
Doug Fawcett, Director of Public Works



August 9, 2016
Regular Session
Resolution No. 16-64

MOTION:

SECOND:

RE: **AMENDING THE FISCAL YEAR 2017 BUDGET BY APPROPRIATING FISCAL YEAR 2016 CARRYOVER FUNDS FOR PUBLIC WORKS VEHICLES**

ACTION: **APPROVED: Ayes: 0; Nays: 0**

FIRST READ: July 12, 2016 SECOND READ: _____

WHEREAS, the City of Fredericksburg fiscal year runs from July 1 to June 30; and

WHEREAS, the City has ongoing equipment needs for which the purchase was not completed as of June 30; and

WHEREAS, the City has fund balance amounts as of June 30 to continue this work;

NOW, THEREFORE, BE IT RESOLVED, that the following appropriations are recorded amending the FY 2017 budget in the following funds;

GENERAL FUND

Source

Fund Balance

3-100-061010-0015	Fund Balance (Assigned)	\$ 290,000
	Department Total	\$ 290,000

Total Source: \$ 290,000

Use

Street Sanitation

4-100-042200-8105	Motor Vehicles & Equip - Replacement	\$ 140,000
	Department Total	\$ 140,000

Refuse Collection

4-100-042300-8105	Motor Vehicles & Equip - Replacement	\$ 150,000
	Department Total	\$ 150,000

Total Use: \$ 290,000

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Resolution No. 16-64 duly adopted at a meeting of the City Council meeting held August 9, 2016 at which a quorum was present and voted.

*Tonya B. Lacey, CMC
Clerk of Council*

FREDERICKSBURG
ECONOMIC
DEVELOPMENT
AUTHORITY

706 Caroline Street
Fredericksburg, VA 22401

(540) 372-1216
(540) 372-6587 Fax

ECONOMIC DEVELOPMENT AUTHORITY MINUTES (EDA)

June 13, 2016

8:30 a.m. • EDA Regular Meeting

City Hall, The Suite

715 Princess Anne St.

Fredericksburg, VA

The Economic Development Authority of the City of Fredericksburg, Virginia met in regular session on Monday, June 13, 2016 beginning at 8:30 a.m. in the Suite at City Hall.

EDA MEMBERS PRESENT. Amy LaMarca, Vice Chair, presiding. Tom Crimmins, Joe Wilson, Bob Carter, Michael Colangelo (8:32 a.m.), Chris Muldrow and Bill Beck.

ABSENT. None.

ALSO PRESENT. **Fredericksburg Police Department:** Chief David Nye; **Fredericksburg Food Co-Op:** Rich LaRochelle, Jessica Beringer, Gloria Lloyd, Valerie Setzer; **Fredericksburg Theatre Ensemble:** Kimberly Leone; **Fredericksburg Regional Alliance:** Curry Roberts; **Walmart:** Loss Prevention Associate; **Department of Economic Development and Tourism:** Karen Hedelt, Director; Bill Freehling, Assistant Director for Economic Development; Amy Peregoy, Economic Development Specialist.

DETERMINATION OF QUORUM. Bob Carter.

AGENDA. Upon a motion by Bob Carter, seconded by Tom Crimmins, the agenda was approved as presented: Ayes (6); Nays (0); Absent from Meeting (1).

Vice Chair LaMarca requested introductions for new members of the EDA board.

PUBLIC COMMENTS. None.

APPROVAL OF MINUTES. Upon a motion by Tom Crimmins, seconded by Bob Carter the minutes from the May 9, 2016 meeting were approved: Ayes (5); Nays (0); Abstain: (2).

PRESENTATION BY CHIEF DAVID NYE, FREDERICKSBURG POLICE DEPARTMENT, CRIME REPORT – Vice Chair LaMarca introduced Chief Nye. Chief Nye presented a comparison of national, state and regional statistics along with the benchmark cities of Charlottesville, Manassas, Winchester and Staunton listed in the Garner report. He gave a brief overview of the types of crimes and categories. The city reports crimes by number of victims not number of incidents. After a brief question and answer period, Chief Nye closed his presentation by distributing a report for review by the board. Vice Chair LaMarca thanked Chief Nye for his presentation.

PRESENTATION BY RICH LAROCHELLE, FREDERICKSBURG FOOD CO-OP, UPCOMING GRANT REQUEST – Vice Chair LaMarca introduced Mr. Larochelle. Mr. Larochelle presented background, benefits, development model, vision, memberships, implementation and accomplishments of the Fredericksburg

Food Co-Op. After a brief question and answer period, Vice Chair LaMarca thanked Mr. Laroche for his presentation.

PRESENTATION BY KIMBERLY LEONE, EXECUTIVE DIRECTOR, FREDERICKSBURG THEATRE ENSEMBLE, PERFORMING ARTS VENUE – Vice Chair LaMarca introduced Ms. Leone. Ms. Leone presented a background of the groups which contribute to the performing arts in Fredericksburg. She gave an overview to include: non-profit status, lease terms, current location conditions, required renovations, budget, economic impact, references/testimonials and funding request of \$58,000. Picker's Alley (902 Caroline St.) will serve as the new venue for performances. After a brief question and answer period, Vice Chair LaMarca thanked Ms. Leone for her presentation.

PRESENTATION BY CURRY ROBERTS, PRESIDENT, FREDERICKSBURG REGIONAL ALLIANCE (FRA), FRA UPDATE – Vice Chair LaMarca introduced Mr. Roberts. Mr. Roberts presented an update to include: organizational metrics, top 30 websites hits by geographic location, fiscal year activity tracking report, marketing metrics and marketing calendar. After a brief question and answer period, Vice Chair LaMarca thanked Mr. Roberts for his update.

TREASURER'S REPORT.

- a. The financial statement and budget reports for May were accepted and filed with the minutes.
- b. Mr. Carter presented the draft FY2017 budget for review.

OLD BUSINESS.

- a. ***EDA Strategic Acquisition Plan*** – Vice Chair LaMarca informed the board former EDA Chairman Chris Hornung will continue to assist with the EDA Strategic Acquisition plan. Vice Chair LaMarca requested the board identify properties for Mr. Hornung's review.
- b. ***Grant Program Update*** – Vice Chair LaMarca requested Bob Carter and Chris Muldrow form a Grant Program Review Sub Committee. They accepted; Amy Peregoy will forward web links for review.

NEW BUSINESS.

- a. ***Spencer Devon Brewing Matching Grant*** – Mr. Freehling presented a request to the EDA to commit to providing the required local match up to \$27,000 if Spencer Devon is approved for the state grant. Spencer Devon Brewing has established a successful microbrewery and farm-to-table restaurant at 106 George St. in the heart of downtown Fredericksburg. Business owner Shawn Phillips now seeks to build a new structure including an outdoor beer garden and community gathering space on an adjacent property at 823 Caroline St. This vacant property is owned by Jim Nikitakis; paintings of local artists are displayed across the front of the lot. This outdoor expansion will greatly enhance Spencer Devon's business by offering additional seating and frontage along Caroline Street. It will be a community amenity that will be available for downtown events and gatherings. The budget for this project is approximately \$181,500. Mr. Phillips is requesting that 15 percent of the cost, approximately \$27,000, be funded by a grant from the Virginia Tourism Growth Fund. A local match is required for the state grant. If the EDA commits to this match, an application will be submitted shortly afterward to the program manager for the Virginia Tourism Growth Fund. Mr. Phillips would fund the remainder of the project, approximately \$127,000, with a crowd-sourcing campaign and personal investments. This project, with its emphasis on contributing to a vibrant downtown and expanding the city's culinary offerings, conforms to the city's Comprehensive Plan, Economic Development Master Plan and Tourism Development Plan. Staff is enthusiastic about the project and hopes the EDA will agree to the local match. After a brief question and answer period, upon a motion by Michael Colangelo, seconded by Chris Muldrow the board approved to match the state funding of \$27,000: Ayes (6); Nays (1).
- b. ***Slate of Officers/EDA Board Elections*** – Mr. Carter presented the slate of officers as follows: Amy LaMarca, Chairwoman; Tom Crimmins, Vice Chair; Michael Colangelo, Secretary; Bob Carter, Treasurer. Upon a motion by Joe Wilson, seconded by Bill Beck the board approved the officers as presented: Ayes: (6); Nays: (0); Abstain: (1).

- c. **Grants Committee New Member Discussion** – Vice Chair LaMarca notified the board Chris Muldrow resigned and nominated Cathy Wack to serve on the Grants Committee. Mr. Freehling will extend the offer to Ms. Wack.

COMMITTEE REPORTS. Fredericksburg VA Main Street (FVMS) Committee – Mr. Crimmins requested the funding request of \$20,000 for FY2017 matching grant on behalf of FVMS. He presented Exhibit I of the Memorandum of Understanding for review. After a brief question and answer period, upon a motion by Tom Crimmins, seconded by Bill Beck the funding of \$20,000 for FY2017 to FVMS was approved and for its Chairman to execute on behalf of the EDA, the Memorandum of Understanding subject to EDA counsel review and approval: Ayes (7); Nays (0).

Upon a motion by Michael Colangelo, seconded by Tom Crimmins the board retains Mr. Chris Hornung as a business consultant to the EDA board for a \$75 monthly stipend for one year. After a brief discussion, upon a motion by Bill Beck, seconded by Bob Carter the issue will be tabled until counsel is consulted: Ayes (7); Nays (0).

STAFF REPORT. Mr. Freehling requested the EDA discuss the presentations this morning. Mr. Carter explained the larger grant requests come before the board and not as a Grant Committee recommendation. Mr. Carter would like to explore a request allocating \$30,000 in grant funding for the performing arts venue at Picker's Alley, 902 Caroline St. After a brief question and answer segment, upon a motion by Bob Carter, seconded by Tom Crimmins the EDA approved \$30,000 in grant funding and for its Chairman to execute on behalf of the EDA, the Performance Agreement subject to EDA counsel review and approval: Ayes (7); Nays (0).

Mr. Freehling noted Mr. Tim Baroody will begin as City Manager on June 27.

CHAIRMAN'S REPORT. None.

BOARD MEMBERS COMMENTS. Chair LaMarca requested two presentations per meeting.

CLOSED SESSION.

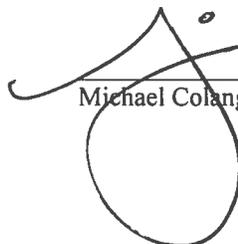
Mr. Colangelo moved for the adoption of Resolution 16-07 the investment of EDA funds, for the purpose of discussion or consideration of the investment of EDA (public) funds, as a loan or other investment, to assist an enterprise in acquiring facilities in the City of Fredericksburg, Virginia, where competition or bargaining is involved, where if made public initially, the financial interest of the EDA, a governmental unit, would be adversely affected, which closed meeting is specifically authorized under Virginia Code §2.2-3711.A.6. Seconded by Bob Carter and passed by the following recorded votes: Ayes (6); Nays (0); Absent from Meeting (1).

Where upon the members went into closed session.

Upon coming out of closed session, a motion was made by Michael Colangelo, to adopt Resolution No. 16-08, certifying the proper conduct of the closed session. It was seconded by Tom Crimmins; the motion was passed: Ayes (6); Nays (0); Absent from Meeting (1).

A motion was made by Michael Colangelo, seconded by Tom Crimmins; the EDA authorized the Chairman to award \$8,500 in relocation costs to Alpha Media in the city the motion was passed: Ayes (6); Nays (0); Absent from Meeting (1).

ADJOURNMENT. There being no further business to come before the Economic Development Authority at this time, Vice Chair LaMarca declared the meeting officially adjourned at 11:25 a.m.



Michael Colangelo, Secretary

**Resolution 16-07 for Economic Development Authority to Hold Closed Meeting Under
The Virginia Freedom Of Information Act**

Date of Adoption: June 13, 2016

Proposed by: Colangelo

Vote: Ayes: 6; Nays: 0 Absent From Meeting: 1 Seconded by: Carter

Resolved that the Economic Development Authority convene a closed meeting under the Virginia Freedom of Information Act in order to discuss:

Personnel – specific City officers, appointees, or employees, for the purpose of considering such person’s assignment, appointment, promotion, performance, demotion, salary, disciplining, or resignation, under Virginia Code §2.2-3711.A.1, more particularly, the performance of the _____ of the Department of _____ of the City of Fredericksburg, VA.

Investment of EDA Funds:

the investment of EDA funds,
for the purpose of discussion or consideration of the investment of EDA (public) funds, as a loan or other investment, to assist an enterprise in acquiring facilities in the City of Fredericksburg, Virginia, where competition or bargaining is involved, where if made public initially, the financial interest of the EDA, a governmental unit, would be adversely affected, which closed meeting is specifically authorized under Virginia Code §2.2-3711.A.6.

Prospective Business -

a prospective business or industry, OR

the expansion of an existing business or industry,

for the purpose of holding a discussion concerning : _____, where no previous announcement has been made of the business or industry’s interest in locating or expanding its facilities in the community, under Virginia Code §2.2-3711.A.5.

Legal Matters -

actual litigation specifically, _____, with legal counsel, where such consultation in open session would adversely affect the negotiating or litigating posture of the Economic Development Authority, **OR**

probable litigation with legal counsel, staff, or consultants, where (1) litigation has been specifically threatened or on which the Economic Development Authority or its counsel has a reasonable basis to believe will be commenced by or against a known party, and (2) such consultation in open session would adversely affect the negotiating or litigating posture of the Economic Development Authority, **OR**

legal matters, _____, with counsel, where such matters require the provision of legal advice, under Virginia Code §2.2-3711.A.7.

Other – (Specify subject matter, purpose of discussion, and applicable Code Section)

Secretary’s Certificate

I, the undersigned, certify that I am the Secretary for the Economic Development Authority of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Resolution 16-07 duly adopted at a meeting of the Economic Development Authority held on June 13, 2016, at which a quorum was present and voted. Given under my hand and the official seal of the Economic Development Authority of the City of Fredericksburg, Virginia.

Date: 7/11/16

Secretary, EDA

FREDERICKSBURG
**ECONOMIC
DEVELOPMENT
AUTHORITY**

706 Caroline Street
Fredericksburg, VA 22401

(540) 372-1216
Fax (540) 372-6587

**RESOLUTION 16-08
CERTIFICATION OF CLOSED EDA MEETING**

Proposal by: Colangelo
Seconded by: Crimmins

IT IS HEREBY RESOLVED by the Economic Development Authority of the City of Fredericksburg, Virginia, as follows:

WHEREAS, the Authority has this date convened a closed meeting under Virginia Code §2.2-3711.A.6, pursuant to an affirmative recorded vote adopting **Resolution 16-08** and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712.D of the Code of Virginia requires a certification by this Authority that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Authority hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law (Chapter 37 of Title 2.2) were heard, discussed or considered in such closed meeting, and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the closed meeting by the Authority.

Date of Adoption: June 13, 2016

VOTE: Ayes: 6; Nays: 0; Absent From Meeting: 1

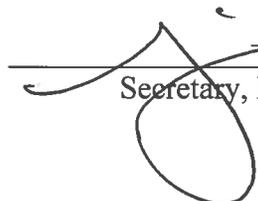
CERTIFICATION:

Secretary's Certificate

I, the undersigned, certify that I am the Secretary for the Economic Development Authority of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Resolution 16-08 duly adopted at a meeting of the Economic Development Authority held on June 13, 2016, at which a quorum was present and voted.

Given under my hand and the official seal of the Economic Development Authority of the City of Fredericksburg, Virginia.

Date: 7/11/16


Secretary, EDA



PLANNING COMMISSION MINUTES

June 8, 2016

7:30 p.m.

**City of Fredericksburg
715 Princess Anne Street
Council Chambers**

You may view and listen to the meeting in its entirety by going to the Planning Commission page on the City's website: fredericksburgva.gov

MEMBERS

Roy McAfee – Chair
Richard Dynes, Vice-Chair
Jim Pates, Secretary
Jim Beavers
Roy Gratz
Tom O'Toole
Kenneth Gantt

CITY STAFF

Erik Nelson, Deputy Director
Mike Craig, Zoning Administrator

1. CALL TO ORDER

The June 8, 2016, Planning Commission meeting was called to order by Chairman McAfee. Mr. McAfee explained the standard meeting procedures.

Chairman McAfee welcomed our newest Commission member, Mr. Kenneth Gantt, and thanked him for volunteering to serve the citizens of our great City.

2. PLEDGE of ALLEGIANCE

3. ADOPTION OF MINUTES

- **May 11, 2016 – Regular Meeting - Adopted**

UNFINISHED BUSINESS/ACTION

- 4. SE2016-01 - Timbernest, LTD, requests special exceptions for general density and density in the floodplain to redevelop 506 – 512 Sophia Street and a portion of 525 Caroline Street in the Commercial-Downtown (CD) Zoning District.**

Mr. Craig presented the revisions made to the application since the public hearing, which was held on May 11, 2016, and he provided a brief slide presentation of the project site and proposal. He said the applicant has clarified that he does not intend to convert the tent and gazebo areas to parking lots, as had been previously planned. He said the applicant said the tent and gazebo are critical to his current business operations, which is why he has chosen not to opt for the infill areas. He has added a pedestrian connection between the project and Caroline Street, and added a vehicular connection – an alley access, Riverwalk Place - extending into the Fredericksburg Square lot. He has changed the materials of the internal sidewalks to stamped concrete, to make it more visible to a vehicular driver that a pedestrian walkway could be in the area. He has added the full Sophia Street streetscape to be in line with [Department of] Public Works planning – full brick sidewalk, rubber mulch, colonial street lights, etc. He has also modified the architecture of the building in response to ARB comments. He said the ARB has not yet seen the revised drawings but Mr. Perroy has made the changes in response to comments made at their meeting. Mr. Craig reviewed the staff analysis that was included in the staff report. He said parking continues to be a concern. He said that the City is aware that this is a debatable project. Therefore, he said that staff recommends approval, with the recommendation that the applicant either:

- a. Revise the project, as described in the body of the staff report, to infill the Caroline Street block face and maintain an equivalent parking and service area to what exists today; or
- b. Propose a viable alternative to off-set the impact of eliminating 26 on-site spaces currently used by the Fredericksburg Square building.

Mr. Craig also suggested that any recommendation for approval should include, at a minimum, the following proposed conditions:

1. The project shall be developed in substantial accordance with the General Development Plan, entitled "Townhomes at Riverwalk Square," by Commonwealth Architects, dated May 31, 2016 (the "GDP"). The GDP may be modified by the City's Architectural Review Board during the Certificate of Appropriateness process.
2. A direct pedestrian access from Riverwalk Square to Caroline Street, as generally shown on the GDP, shall be constructed by the developer prior to the first issuance of the first occupancy permit for Riverwalk Square.
3. Pedestrian and vehicular access between Riverwalk Square and Fredericksburg Square, along Riverwalk Square, shall be maintained in perpetuity as generally shown on the GDP.
4. The developer shall construct the Sophia Street streetscape, as generally shown on the GDP and in accordance with Public Works comments, prior to the issuance of the first occupancy permit for Riverwalk Square.
5. The developer shall remove the two curb cuts and driveways on either side of the Fredericksburg Square building, restore the streetscape in the area, and re-stripe the parking lane along Caroline Street to maximize the amount of public parking spaces, prior to the issuance of the first occupancy permit for Riverwalk Square.

Mr. Beavers said that Mr. Craig used the [phrase] that this project is “fairly debatable.” Frankly, all projects are fairly debatable. He said that in his opinion, what currently exists is not architecturally appealing. He asked Mr. Craig what would be any other downside with this investment other than the parking. And, other than the parking, why would the City not want to see this improved project near the river?

Mr. Craig said staff has tried to identify clearly what the impacts would be in the area and the [Fredericksburg Square} service area is number one. He said the ARB is still not completely sold on the architecture, but he believes that they were generally okay with things too if it could be fit within the context of the overall picture.

Mr. Dynes asked for clarification as to exactly what service impacts there are in terms of things being pushed out into the street or public space, that are not currently there today.

Mr. Craig said mostly parking.

Mr. Dynes asked if the applicant has the option to use the parking deck.

Mr. Craig said there was the potential of a long-term lease when the [downtown] hotel project was being considered. The Marriot won that long-term lease. He said due to bonding, the City is no longer able to sign long-term leases [for the parking deck]. He said staff looked into using the garage and its capacity. He said most of the time there is enough capacity for Mr. Perroy’s patrons to use the garage, or book 25 or so spaces for events. He said the exception to that is during holiday months. He said the garage is at peak capacity during holiday months on a regular basis.

Mr. Dynes asked about the proposed “administrative exceptions” [for the project]. He said the internal architecture does not bother him at all as long as it is done well, and maintaining the access to the rear of the commercial space is essential. He said the maintenance issues for the internally-configured houses concern him, and he asked if brick would be used on the rear facing walls so that they would not require maintenance for quite some time, or whether some other material that will require maintenance in a fairly short amount of time will be used. He asked how the increase in density [would] impact the [proposed] One Hanover project next door.

Mr. Craig said he believes One Hanover got a higher density special exception than what is being requested by Mr. Perroy and that the One Hanover property is also within the floodplain.

Dr. Gratz referenced the site plan and asked if Lot One would have any parking at all.

Mr. Craig said Mr. Perroy has not shown any parking but he could potentially provide parking.

Mr. Pates said he did not understand the application. He asked how many special exceptions are actually being requested, and he asked Mr. Craig to explain them.

Mr. Craig said two special exceptions are being requested. One is for “general density.”

Mr. Pates asked which one is for general density and for which lots.

Mr. Craig explained that the special exceptions are for a new lot -- Lot 2 -- which is comprised of a portion of an existing lot, which is the Fredericksburg Square lot; and the full 506-512 Sophia Street lot. He said diagram A1 is the old configuration and A2 is the new configuration. He confirmed that the special exception would be strictly for Lot 2.

Mr. Pates asked if they are going from three lots to two lots.

Mr. Craig said no, it is only two lots. He explained the acreage of each parcel/lot.

Mr. Pates asked if the acreage is included in the staff report.

Mr. Craig directed Mr. Pates to the portion of the staff report that reflects the acreage. He noted that there is no density exception for Lot 1.

Mr. Pates and Mr. Craig continued to discuss the special exception requests for clarification.

Mr. Pates asked about the "floodplain density" special exception issues involved with this property. He said that there were approximately four different floodplain categories. He asked what portions of the subject properties fall within which of the different floodplain categories.

Mr. Craig said the properties are only in one floodplain category, which is the 100-year floodplain. He said they are not within the floodway or flood fringe.

Mr. Pates asked Mr. Craig for his opinion on why there is a floodplain overlay district in the Code.

Mr. Craig said he believes it is important to have these types of overlay districts to ensure that there are regulations that are followed. He said he believes there is less density allowed because of environmental reasons or impacts.

Mr. Pates said it was also his understanding that a special exception is supposed to be used for something that is extraordinary or special. He asked what is so different (extraordinary or special) about this property, as opposed to any other property in the floodplain, and why a special exception should be granted in this case.

Mr. Craig said this area is in the core downtown. The City Public Works Department is planning infrastructure for this area and the use of the parking garage and the use of the train. Portions of the Comp Plan also talk about the hard edge on Sophia Street. He said it is a balancing act for the Planning Commission and City Council to weigh the issues and come to a decision.

Mr. Pates said he believes ordinances were written and enacted for a purpose and they should be followed unless there is some compelling reason not to. He asked if Mr. Craig sees any compelling reason to do that now.

Mr. Craig said yes, from a planning perspective. The subject property is in the core area. It is close to transportation facilities and other infrastructure amenities, such as the Riverfront Park, and there are also other plans for that area.

Mr. McAfee said that, for clarification, we are talking about an exception for an increase in density than what is allowed by right and if this project moves forward the density is actually being lowered from what currently exists.

Mr. Craig said that is correct – the density would go from 42 units to 29 units per acre.

Dr. Gratz asked how the footprint of the proposed project would affect the flood level of adjacent properties.

Mr. Craig said that in order to construct buildings within the floodplain, a Base Flood Elevation Study is required, which shows exactly the type of offset to which Dr. Gratz refers. No building is permitted that will raise the flood level anywhere in the City, he said.

Mr. Nelson explained that the displacement of water (with new construction) is actually less than what currently exists even with a larger footprint, due to current building code requirements such as blow out plugs in the walls and other measures. Therefore, he said there is no additional hazard to adjacent properties.

Dr. Gratz referenced the pedestrian sidewalk access. He asked how people will be affected who live in the townhouse development [that will be] accessing Caroline Street. He voiced concern that with this configuration, people would have to walk directly past a party or gathering at the Gazebo/Tent area at Fredericksburg Square, while trying to access Caroline Street.

Mr. Craig said he would allow Mr. Perroy to address this concern. He said staff believes the pedestrian access is a necessary component of the project.

Dr. Gratz said he agrees it is an important component but simply wanted to know how this would affect activities being held at Fredericksburg Square.

Mr. O'Toole noted that the staff report indicates that the Technical Review Committee has reviewed this project and submitted comments. He asked if there were any concerns/comments that should be shared with the Commission.

Mr. Craig said other than what staff has identified as impacts, there were no other engineering or technical impacts that were a concern. He said Mr. Perroy addressed the rear access when he agreed to bring the alley through to the next lot.

Mr. O'Toole asked if the Fire Department has looked at the project and if they are in agreement with having adequate access to the subject property with the back entrance.

Mr. Craig said, yes, they approve and were actually the ones that requested it.

Mr. O'Toole said that during the public hearing on this item, it was said that the project does not require parking because of the building being in the Historic District. He said so essentially the applicant is asking to eliminate the parking that is currently there and to be allowed to construct townhouses in place of the parking.

Mr. Craig said this was correct.

Mr. Dynes said what it comes down to then is you have an existing use of a historic building that has adequate parking today, and we are considering whether to allow the applicant to subdivide the lot that the existing use and building are on, in order to eliminate all the parking that is on site. [This would mean] that: 1) it can be subdivided so it can be joined with another parcel and allow for the construction of townhomes; and 2) for historical architectural reasons we don't want them to actually utilize what remains of the parking that is not in use today but would be available in what they originally proposed. He said so the net deficit here really is all 41 spaces. He said we may recover some from reconfiguring the on-street parking. He asked if this truly meets the spirit of the code that exempts historic buildings from parking requirements.

Mr. Craig said that question came up from Mr. Pates during the public hearing. He said it is a policy that was set by the City Council – reuse of historic buildings is such a priority that we do not have parking requirements. He said that in terms of whether or not it meets the requirements of the UDO, he believes it does. He said, however, that the Comp Plan does state that parking strategies should be evaluated. He said that by choosing to build on that service area in the back, you are losing usable parking spaces, which is a measurable impact. He said it is really a Comp Plan type of issue. He said it could be offset in a couple ways and, as a staff member, he believes there are ways to address this.

Mr. Dynes said, though, that no one has come forward with a credible way or adequate way to mitigate it.

Mr. Craig responded, no sir.

Mr. McAfee asked the applicant if he would like to address the Commission.

Mr. Van Perroy, applicant, thanked City staff for working with them to mitigate and address the issues. He said they have gone back to their architects a number of times and overall, he said, the project has been improved greatly.

Mr. Perroy addressed a question asked earlier by Dr. Gratz as to whether people living in the townhouses will have to walk past a wedding party or other event being hosted at Fredericksburg Square. He said this will not be the case. He said he intends to apply for a wall permit (with ARB approval) that would be constructed to protect that walkway. He reaffirmed changes made that were mentioned during Mr. Craig's presentation of the application.

Mr. Perroy addressed the recommended conditions of approval that were outlined in the staff report. Specifically, Condition #5 states:

"The developer shall remove the two curb cuts and driveways on either side of the Fredericksburg Square building, restore the streetscape in the area, and restripe the parking lane along Caroline Street to maximize the amount of public parking spaces prior to the issuance of the first Occupancy Permit in Riverwalk Square."

He said he cannot accept taking away the curb cuts and that it would create a disaster. He said taking out the curb cuts would prohibit future owners from utilizing driveways and could affect the economic viability of the entire Fredericksburg Square area. He said adding five additional parking spaces as suggested by staff will make no difference for downtown parking and was somewhat irrelevant. Mr. Perroy said [his business] tells its guests that their best bet is to utilize the parking deck and it has always worked out best for them and their guests.

He addressed comments made regarding the service area. He noted that almost all of their deliveries are made from Caroline Street (Sisco, Premium Beverage, Fick, PFG, etc.). He noted that you cannot get a semi-truck into a 12-foot-wide gate, which exists off of Sophia Street. He said if you look at the "service area," there are very few people who access there. He said once in a while, FedEx is able to access that area if the gate is open, but at times it is not open. He said with respect to parking, the ordinance is very clear with respect to historic buildings. He said he is trying to make Fredericksburg Square as viable as possible and he has a City parking deck located right around the corner, that has in excess of 280 spaces; and with the new Spotsylvania VRE station, it is under-utilized. He said there is never a problem with his guests using the deck. He emphasized that the City saying he has to provide parking gets down to a legal issue where, if the City requires him to provide parking, they are essentially saying the UDO is what it is and no one utilizing historic buildings has to provide parking - except for Fredericksburg Square/Timbernest, Ltd. He said he did not write the UDO but he bought the building in 1996 and the UDO parking provision was passed in October 2013 and he believes it was passed for a reason. He said he believes everyone needs to be treated fairly.

Mr. Perroy also addressed pedestrian access to townhomes 5 – 7. He said he does not believe there is going to be heavy pedestrian usage. He said this is a neighborhood where they currently have 13 people who all know each other, and they are going up to 14 with the new proposal. He said there won't be a reason for most people to be in the area unless they are visiting someone.

Mr. Beavers asked Mr. Perroy if the removal of the curb cuts is his biggest objection to what staff has suggested as conditions.

Mr. Perroy said there are a couple of conditions he has a problem with, but, yes, the curb cuts is the biggest concern.

Mr. Pates said he wanted to go back to the question raised earlier about the present configuration of the property. He asked if Mr. Perroy has two or three "lots of record."

Mr. Perroy said there are only two lots – the Fredericksburg Square lot fronts on Caroline Street and the rear fronts on Sophia Street. The 506-516 Sophia Street property is a rectangular lot, as Mr. Craig described it.

Mr. Dynes asked how many guests typically attend weddings at Fredericksburg Square.

Mr. Perroy said approximately 100 – 125. He said it used to be 150 but people are more conservative now with the unstable economy.

Mr. Gantt referenced parking. He said that with the opening of the VRE Lot in Spotsylvania, he is aware that parking at the City parking deck is available. He noted, however, that the events that are held at Fredericksburg Square are typically on weekends and holidays, days which the City also has a larger influx of visitors to the downtown. He asked if Mr. Perroy looked at those numbers or only times when activities and other events are down in numbers.

Mr. Perroy said he spoke with the people who work at the parking deck and was told that during the week, parking is certainly down in numbers. The only times there have been issues has been on weekends, when the deck fills up with activities such as Oktoberfest.

Mr. Craig said that staff contacted the parking deck staff as well. He said between June 2015 and January 2016, on weekdays, there was consistently a weekday peak that hit the capacity at the deck. Since then, he said, the Feb – April 2016

numbers have trended down by about 20 spaces but still hits capacity on weekends. He said there is a weekend peak that does coincide with the Holiday season.

There were no further questions for the applicant or staff.

Mr. McAfee asked the will of the Commission.

Mr. Dynes said he thought the recommendations requested by staff would need to be significantly altered. He said the parking issue for him has been addressed and satisfied. He said he would be in favor of the project. He noted specifically that the following items would need to be removed from the recommendations and/or conditions for him to recommend that the application move forward [reading from staff report]:

Recommend approval on the condition that the Applicant either:

- a. *Revises the project as described in the body of this report to infill the Caroline Street block face and maintain an equivalent parking and service area to what exists today; or*
- b. *Proposes a viable alternative to off-set the impact of eliminating 26 on-site spaces currently used by the Fredericksburg Square building.*

Any recommendation for approval should include at a minimum the following proposed conditions:

5. *The developer shall remove the two curb cuts and driveways on either side of the Fredericksburg Square building, restore the streetscape in the area, and restripe the parking lane along Caroline Street to maximize the amount of public parking spaces prior to the issuance of the first Occupancy Permit in Riverwalk Square.*

Mr. McAfee asked if there is a motion to be offered by Commissioners.

Mr. Beavers made a motion to recommend approval of the two special exception requests and removing Condition #5 regarding curb cuts.

Mr. Gantt asked for clarification of the motion.

Mr. McAfee confirmed with Mr. Beavers that his motion was to recommend approval of the two special exception requests and to include conditions 1 – 4 outlined in the staff report.

Mr. Dynes asked what happens with Recommendations a. and b., which were also suggested in the staff report.

Mr. McAfee said those are options that are not being discussed.

Mr. Beavers said but they are options.

Mr. McAfee asked Mr. Beavers if they were then part of his motion.

Mr. Beavers said yes.

Mr. McAfee said that was not made clear when Mr. Beavers made his motion. He asked Mr. Beavers to restate his motion.

Mr. Dynes said he would like to make an amendment to the motion made by Mr. Beavers.

Mr. McAfee said Mr. Dynes would need to second the motion first as it has not been seconded.

Mr. Beavers withdrew his motion to allow Mr. Dynes to make the motion.

Mr. Dynes made a motion to recommend approval of the two special exceptions, with the following alterations to the conditions recommended by staff: **Remove condition "a."** [reading from staff report]:

- a. *Revises the project as described in the body of this report to infill the Caroline Street block face and maintain an equivalent parking and service area to what exists today;*

Remove condition "5":

6. *"The developer shall remove the two curb cuts and driveways on either side of the Fredericksburg Square building, restore the streetscape in the area, and restripe the parking lane along Caroline Street to maximize the amount of public parking spaces prior to the issuance of the first Occupancy Permit in Riverwalk Square.;*

And to add a new 5th condition which reads:

"5. Construction of a new wall, which is to be approved by the ARB, and to be installed along the new pedestrian sidewalk/walkway from Caroline Street along the Southern Drive to Lot 2.

Mr. Beavers seconded the motion.

Mr. McAfee asked if there was any further discussion of the motion.

Mr. Pates said the motion before them is to recommend approval, provided the applicant proposes a viable alternative to offset the impact of eliminating 26 on-site spaces currently used by the Fredericksburg Square building. He said he does not understand how the Planning Commission can recommend approval of something when it does not know what it is. He said this is like saying, "We recommend approval of your application

if you revise your application.” He asked what this gets the City and how it can possibly help the City Council. He said he would much rather see the Commission delay action on this application until the next meeting and have the applicant come back with a viable alternative that the Commission can vote on. He said he believes this constitutes the Planning Commission not doing its job.

Mr. Gantt said he is the new member, but he has read the Minutes from the public hearing on this matter and it appears that the Planning Commission continues to “kick the can” on this application. He said he understands the concerns of Mr. Pates but at the same time he would imagine that if there is something that is not provided to the ARB or City staff that takes this into consideration for City Council, then the City Council can still come back and say they do not agree with the proposal at this point. He confirmed that the Commission is only making a recommendation to City Council.

Mr. McAfee said Mr. Gantt is correct and that the Commission is an advisory body.

Mr. Gantt said he would agree with Mr. Pates that there is probably more that can be done with respect to continuing to ask Mr. Perroy to come back regarding parking issues. However, at the same token, the Commission is advising that this application move forward and that a viable solution comes forward from Mr. Perroy, through the ARB, on what can be done with respect to parking. He said the question becomes, does the Commission decide what viable is, or does the City Council need to say that it agrees with the Parking Ordinance that it passed. He said he believes the Commission has met the letter or the intent because the City wants something that addresses parking.

Dr. Gratz asked if the motion made by Mr. Dynes is [recommending approval of] both special exception requests.

Mr. McAfee said normally there would be a Resolution, which would clarify the two requests but that the City Attorney has not able to get that to the Commission. He said he had called the City Attorney a couple days ago and has not heard back from her.

Mr. Craig said the Planning Commission is voting on a motion and that for these types of applications, the City Council [members] are the ones who vote on Resolutions or Ordinances. He said he believes the Commission has made a coherent motion, which is to recommend approval of both special exceptions. He said since it is a recommendation and it has the clear language of the motion, it is consistent and adequate. However, he said the Council will take two votes.

Mr. McAfee asked Mr. Dynes and Mr. Beavers if it was their intent to include both special exception requests in the motion and the second, respectively.

Mr. McAfee and Mr. Dynes confirmed it was their intent.

Mr. McAfee called for the vote.

Motion carried by a vote of 5 – 2, with Mr. Pates and Dr. Gratz voting against the motion.

GENERAL PUBLIC COMMENT

6. A general public comment period is provided at each regular meeting for comments by citizens regarding any matter **related to Commission business that is not listed on the Agenda for Public Hearing**. The Chair will request that speakers observe the **three-minute time limit** and yield the floor when the Clerk indicates that their time has expired. No dialogue between speakers will be permitted.

Mr. McAfee opened the floor for general public comment.

There were no speakers.

Mr. McAfee closed the General Public Comment period.

OTHER BUSINESS

7. Planning Commissioner Comment

Mr. Dynes said he was not present at the May 11, 2016 meeting but that he had read Mr. Pates' comments from the last meeting regarding the Planning Commission not being engaged in the planning processes of the City. He said he would like to see it happen. He said he is also concerned and disappointed that the Planning Commission was not involved with the hiring process for the consultant for the Comprehensive Plan Area Plans.

Mr. McAfee clarified that he (as Chairman) has been the representative for the Planning Commission during the entire process of the selection of a consultant for the Area Plans process, and therefore had input.

Mr. Beavers said he would also like to point out to Mr. Pates that his comments said that the Commission did not meet for its second meeting of the month in November or December. Mr. Beavers clarified that there is only one meeting scheduled for the months of November and December, both of which were held. He noted that due to the holidays, there is no second meeting scheduled for those two months. And, regarding the proffers [policy], he said, six months ago he would have agreed but now given what the General Assembly has done, he asked Mr. Pates (as an Attorney) if the City should really go down that path.

Mr. Pates responded, "Absolutely, no question!"

Mr. Beavers asked if there is no risk to the City by doing so.

Mr. Pates said no.

Mr. Beavers said finally, he would like to address the last comment made by Mr. Pates, which said: *"Fifth, and perhaps most importantly, by doing little or no planning, this Commission is abdicating its responsibilities to assist the City Council in planning the future of the City and turning that function over to City staff. How can the City Council do its job when the Commission is not doing its own?"* He said City staff are paid professionals and that is why they are here. He said the rest of us are lay people who have a great interest in our City, but this is why the City hires professional planning staff. He said he has a Master's Degree in Public Administration with a focus on Urban Planning, but he can say with confidence that he

does not know what the Deputy Director, the Director, or the Zoning Administrator does because it has been close to 40 years.

Mr. Gantt said he is happy to be appointed to the Planning Commission and he looks forward to serving the City. However, he said, he was a bit concerned when he read the comments made by Mr. Pates at the May 11, 2016 meeting because we have a member who has some concerns regarding the activities of the Commission. He said he would be interested in the actuality of the work the Commission does and how they do it in conjunction with the City staff. He said he agrees with Mr. Beavers comments and does not have a degree in public administration. But he said, what he does have is a love for the City, common sense, and the ability to listen to the experts who provide the information to help us as a Commission to advise City Council. He said but if there is a concern that something is not happening with the Commission, then we need, as a group, to take a look at that.

Mr. Pates asked if there is a meeting scheduled for June 29th.

Mr. Craig said there is no business to move forward for the 29th of June so the next scheduled meeting is July 13th.

Mr. Pates said this was exactly what he was talking about [at the last meeting]. He said unless there is some developer here with a project to be reviewed, the Commission does not meet. He said there is a tremendous amount of work to be done and it seems to him that we need to take advantage of our next meeting time to do a little actual planning. He said there are many topics. He said it would be nice to have a discussion with the Economic Development Department to discuss a recently-released study that he believes is relevant to the Planning Commission's responsibilities.

Mr. McAfee said he believes some of what Mr. Pates is saying is a bit of a misrepresentation and he takes issue with it. He said the Commission goes through a lot of effort when it creates and/or revises the City's planning documents and that there is a time for everything. He told Mr. Pates he is sorry if he missed that curve and did not get enough work in with those processes, but he is confident that if Mr. Pates continues to serve on the Commission, he will have ample opportunity to bite into some of it in the future. He noted that the Area Plan process will be kicking in which will also provide for quite a bit of Commissioner input.

Mr. Gantt referenced the Planning Commission By-Laws, which under Article 5, states that if there are no actions or other applications to move forward there will be no meeting.

Mr. Dynes said work sessions have been scheduled in the past. He said that in reference to the comment made by Mr. Pates to meet with the Economic Development Department, he would not want it to be a multi-hour event, but he certainly thinks it is worth an hour or an hour-and-a-half of his time and believes it would be very useful for the Commission and the City.

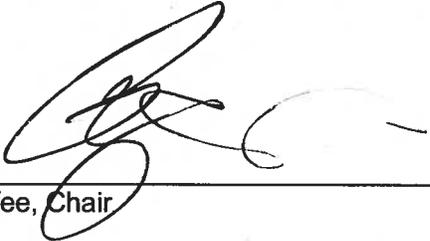
Mr. Craig said that once Mr. Johnston returns from his trip, he will discuss the best route to take with Mr. Freehling to meet with the Economic Development Authority.

Planning Director Comment

None.

ADJOURNMENT

Meeting adjourned.



Roy McAfee, Chair

June 7, 2016
Regular Meeting
Res. No. 16-07-01

MOTION: KELLY
SECOND: JONES
RE: APPROVE – MINUTES – JUNE 2, 2016
ACTION: APPROVED

WHEREAS, on June 2, 2016, at 7:00 p.m. the Potomac and Rappahannock Transportation Commission (“PRTC” or the “Commission”) convened their regular meeting at the PRTC Transit Center, located at 14700 Potomac Mills Road, Woodbridge, Virginia; and

WHEREAS, PRTC conducted business in accordance with a published agenda dated June 2, 2016.

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission does hereby approve the minutes of June 2, 2016.

Votes:

Ayes: Anderson (Richard), Anderson (Ruth), Barker, Jenkins, Jones, Kelly, Lawson, Milde, Principi, Skinner, Trampe, Thomas, Way

Nays: None

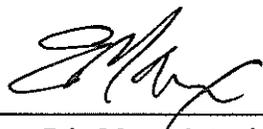
Abstain: Caddigan, Nohe

Absent from Vote: Miller

Alternate Present Not Voting: Barg, Durany

Absent from Meeting: Aveni, Horsley, Lasch, Lovejoy, Maurer, McLaughlin, Mitchell, Naddoni, Pittard, Ross, Sellers, Withers, Wren

ATTEST:



Eric Marx, Interim Executive Director

**June 2, 2016
Regular Meeting
Res. No. 16-06-01**

MOTION: JONES

SECOND: KELLY

RE: APPROVE – MINUTES – MAY 5, 2016

ACTION: APPROVED

WHEREAS, on May 5, 2016, at 7:00 p.m. the Potomac and Rappahannock Transportation Commission (“PRTC” or the “Commission”) convened their regular meeting at the PRTC Transit Center, located at 14700 Potomac Mills Road, Woodbridge, Virginia; and

WHEREAS, PRTC conducted business in accordance with a published agenda dated May 5, 2016.

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission hereby approves the minutes of May 5, 2016.

Votes:

**Ayes: Anderson (Richard), Anderson (Ruth), Barg, Barker, Durany, Jenkins, Jones, Kelly,
Lawson, Principi, Skinner, Way**

Nays: None

Abstain: Thomas

Absent from Vote: Miller

Alternate Present Not Voting: None

**Absent from Meeting: Aveni, Caddigan, Horsley, Lasch, Lovejoy, Maurer, McLaughlin, Milde,
Mitchell, Naddoni, Nohe, Pittard, Ross, Sellers, Trampe, Withers, Wren**

June 2, 2016
Regular Meeting
Res. No. 16-06-02

MOTION: KELLY
SECOND: JONES
RE: APPROVE – AGENDA – JUNE 2, 2016
ACTION: APPROVED

WHEREAS, the Potomac and Rappahannock Transportation Commission (“PRTC” or the “Commission”) meets on a monthly basis and an agenda is presented to the Commission for review and approval.

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission does hereby approve the agenda of June 2, 2016, as presented.

Votes:

Ayes: Anderson (Richard), Anderson (Ruth), Barg, Barker, Durany, Jenkins, Jones, Kelly, Lawson, Principi, Skinner, Thomas, Way

Nays: None

Abstain: None

Absent from Vote: Miller

Alternate Present Not Voting: None

Absent from Meeting: Aveni, Caddigan, Horsley, Lasch, Lovejoy, Maurer, McLaughlin, Milde, Mitchell, Naddoni, Nohe, Pittard, Ross, Sellers, Trampe, Withers, Wren

ATTEST:



Eric Marx, Interim Executive Director

June 2, 2016
Regular Meeting
Res. No. 16-06-03

MOTION: WAY

SECOND: LAWSON

**RE: AUTHORIZE CLOSED MEETING OF THE POTOMAC AND RAPPAHANNOCK
TRANSPORTATION COMMISSION**

ACTION: APPROVED

WHEREAS, the Potomac and Rappahannock Transportation Commission ("PRTC" or the "Commission") desires to discuss the following matter in Closed Meeting:

- Consultation with legal counsel concerning proposed changes to the Commission's guidelines governing commercial advertising.

WHEREAS, pursuant to § 2.2-3711(A)(7), VA Code Ann., such discussions may occur in Closed Meeting.

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission hereby authorizes discussion of the aforesated matter in Closed Meeting.

- Adjourned into Closed Meeting at 7:20 p.m.

Votes:

Ayes: Anderson (Richard), Anderson (Ruth), Barg, Barker, Durany, Jenkins, Jones, Kelly, Lawson, Principi, Skinner, Thomas, Way

Nays: None

Abstain: None

Absent from Vote: Miller

Alternate Present Not Voting: None

Absent from Meeting: Aveni, Caddigan, Horsley, Lasch, Lovejoy, Maurer, McLaughlin, Milde, Mitchell, Naddoni, Nohe, Pittard, Ross, Sellers, Trampe, Withers, Wren

ATTEST:



Eric Marx, Interim Executive Director

June 2, 2016
Regular Meeting
Res. No. 16-06-04

MOTION: SKINNER

SECOND: KELLY

RE: CERTIFICATION OF CLOSED MEETING

ACTION: APPROVED

WHEREAS, the Potomac and Rappahannock Transportation Commission ("PRTC" or the "Commission") has this day adjourned into Closed Meeting in accordance with a formal vote, and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act requires certification that such Closed Meeting was conducted in conformity with the law;

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission hereby certifies that to the best of each member's knowledge, i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting session to which this certification applies, and ii) only such public business matters as were identified in the Motion by which the said Closed Meeting session was convened were heard, discussed or considered by it.

- Concluded Closed Meeting at 7:50 p.m.

Votes:

Ayes: Anderson (Richard), Anderson (Ruth), Barg, Barker, Durany, Jenkins, Jones, Kelly, Lawson, Principi, Skinner, Thomas, Way

Nays: None

Abstain: None

Absent from Vote: Miller

Alternate Present Not Voting: None

Absent from Meeting: Aveni, Caddigan, Horsley, Lasch, Lovejoy, Maurer, McLaughlin, Milde, Mitchell, Naddoni, Nohe, Pittard, Ross, Sellers, Trampe, Withers, Wren

ATTEST: 
Eric Marx, Interim Executive Director

June 2, 2016
Regular Meeting
Res. No. 16-06-05

MOTION: JENKINS

SECOND: LAWSON

**RE: AUTHORIZATION TO REVISE GUIDELINES GOVERNING COMMERCIAL
ADVERTISING**

ACTION: APPROVED

WHEREAS, the Potomac and Rappahannock Transportation Commission (“PRTC” or the “Commission”) has used bus advertisements as a source of supplemental revenue since the mid-1990s and the currently adopted guidelines have served the agency well for many years; and

WHEREAS, PRTC’s contract with OUTFRONT Media contains advertising guidelines the contractor uses to approve or reject bus advertisements; and

WHEREAS, to clarify that PRTC permits advertising solely as a means of generating revenue and not to provide a public forum, management recommends that PRTC revise its advertising guidelines to explicitly provide that it will not permit political, religious, sexually explicit, and issue ads; and

WHEREAS, legal counsel has approved the proposed guidelines.

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission hereby adopts the attached Guidelines Governing Commercial Advertising.

BE IT FURTHER RESOLVED that the Potomac and Rappahannock Transportation Commission hereby directs the Interim Executive Director to modify its contract with OUTFRONT Media to replace current advertising guidelines with the attached Guidelines Governing Commercial Advertising.

June 2, 2016
Regular Meeting
Res. No. 16-06-05
Page Two

Votes:

Ayes: Anderson (Richard), Anderson (Ruth), Barg, Barker, Durany, Jenkins, Jones, Lawson,
Principi, Thomas

Nays: Kelly, Skinner, Way

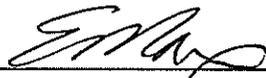
Abstain: None

Absent from Vote: Miller

Alternate Present Not Voting: None

Absent from Meeting: Aveni, Caddigan, Horsley, Lasch, Lovejoy, Maurer, McLaughlin, Milde,
Mitchell, Naddoni, Nohe, Pittard, Ross, Sellers, Trampe, Withers, Wren

ATTEST:



Eric Marx, Interim Executive Director

**Guidelines Governing
Commercial Advertising
Revised June 2, 2016**

Statement of Intent: PRTC operates in a proprietary capacity as a provider of transportation and it accepts transit advertising to generate additional revenue to augment PRTC's budget. PRTC does not intend to create a public forum for public discourse or expressive activity, or to provide a forum for all types of advertisements.

This policy is intended to provide clear guidance as to the types of advertisements that will allow the PRTC to generate revenue and enhance transit operations by:

- Increasing and maximizing revenue;
- Preventing the appearance of favoritism by the PRTC;
- Preventing the risk of imposing views on a captive audience;
- Maintaining a position of neutrality on controversial issues;
- Preserving the marketing potential of the advertising space by avoiding content that the community could view as offensive, inappropriate or harmful to the public generally or to minors in particular;
- Maximizing ridership;
- Avoiding claims of discrimination and maintaining a nondiscriminatory environment for riders;
- Preventing any harm or abuse that may result from running controversial or offensive advertisements; and
- Reducing the diversion of resources from transit operations that are caused by controversial or offensive advertisements.

To maximize advertising revenue, advertisements are subject to the viewpoint-neutral restrictions set forth below.

1. All advertising shall comply with the spirit of all applicable laws and regulations of the various jurisdictions in which it is displayed unless the inconsistencies among the various jurisdictions prevent such compliance. Advertising will not be accepted that is false, misleading or deceptive.
2. Advertisers promoting contests shall ensure the contest is being conducted with fairness to all entrants and complies with all applicable laws and regulations.

3. Testimonials should be authentic and shall honestly reflect the response of the person making them. (The sales contract shall provide for the indemnification of PRTC against action by any person quoted or referred to in any advertisement).
4. Medical and health-related messages will be accepted only from government health organizations, or if the substance of the message is currently accepted by the American Medical Association or the Food and Drug Administration or both.
5. Advertisers shall avoid illustrations or references which disregard normal safety precautions.
6. Advertising offering premiums or gifts shall avoid representations which would enlarge the value of the item in the minds of the viewers.
7. Use of PRTC graphics or representations in advertising is subject to approval by PRTC.
8. No implied or declared endorsement of any product or service or message by PRTC is permitted.
9. Advertisements intended to influence members of the public regarding an issue on which there are varying opinions are prohibited. This includes, but is not limited to, advertisements that advocate or express an opinion, position, or viewpoint regarding disputed economic, political, moral, religious or social issues or related matters, or support for or opposition to disputed issues or causes.
10. Advertisements that promote alcohol or tobacco products, tobacco-related products, or e-cigarettes are prohibited.
11. Advertisements that support or oppose any political opinion, political party or candidate are prohibited.
12. Advertisements that promote or oppose any religion, religious practice or belief are prohibited.
13. Advertisements that support or oppose an industry position or industry goal without any direct commercial benefit to the advertiser are prohibited.
14. Advertisements that are intended to influence public policy are prohibited.
15. Advertisements that promote unlawful or illegal goods, services, or activities, or involve other unlawful conduct are prohibited.

16. Advertisements that depict or describe in an offensive manner sexual or excretory activities so as to satisfy the definition of obscene material under applicable law are prohibited.
17. Advertisements that contain an image or a person who appears to be a minor in sexually suggestive dress, pose, or context.
18. Advertisements for hiring bus drivers and mechanics for providers of bus services other than PRTC are prohibited.

June 2, 2016
Regular Meeting
Res. No. 16-06-06

MOTION: KELLY

SECOND: JONES

RE: APPROVE – CONSENT AGENDA – JUNE 2, 2016

ACTION: APPROVED

WHEREAS, the Potomac and Rappahannock Transportation Commission (“PRTC” or the “Commission”) was presented with a consent agenda; and

WHEREAS, an opportunity was afforded for items to be added or deleted from the consent agenda.

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission hereby approves the consent agenda of June 2, 2016, as presented.

Votes:

Ayes: Anderson (Richard), Anderson (Ruth), Barg, Barker, Durany, Jenkins, Jones, Kelly, Lawson, Principi, Skinner, Thomas, Way

Nays: None

Abstain: None

Absent from Vote: Miller

Alternate Present Not Voting: None

Absent from Meeting: Aveni, Caddigan, Horsley, Lasch, Lovejoy, Maurer, McLaughlin, Milde, Mitchell, Naddoni, Nohe, Pittard, Ross, Sellers, Trampe, Withers, Wren

ATTEST:



Eric Marx, Interim Executive Director

June 2, 2016
Regular Meeting
Res. No. 16-06-07

MOTION: KELLY

SECOND: JONES

**RE: ACCEPTANCE OF THE POTOMAC AND RAPPAHANNOCK
TRANSPORTATION COMMISSION MONTHLY JURISDICTIONAL
FINANCIAL REPORT FOR THE PERIOD ENDED MARCH 31, 2016**

ACTION: APPROVED

WHEREAS, a financial report for each jurisdiction is prepared each month for presentation to the Potomac and Rappahannock Transportation Commission ("PRTC" or the "Commission"); and

WHEREAS, this report supplies information on the current month and year-to-date motor fuel tax collections; earned interest, other revenues, state administration cost, expenditures, transfers and encumbrances; and

WHEREAS, this information covers the PRTC as a whole, as wells as each separate jurisdiction.

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission hereby accepts the Jurisdictional Financial Report for the period ended March 31, 2016, as presented.

Votes:

Ayes: Anderson (Richard), Anderson (Ruth), Barg, Barker, Durany, Jenkins, Jones, Kelly, Lawson, Principi, Skinner, Thomas, Way

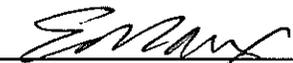
Nays: None

Abstain: None

Absent from Vote: Miller

Alternate Present Not Voting: None

Absent from Meeting: Aveni, Caddigan, Horsley, Lasch, Lovejoy, Maurer, McLaughlin, Milde, Mitchell, Naddoni, Nohe, Pittard, Ross, Sellers, Trampe, Withers, Wren

ATTEST: 
Eric Marx, Interim Executive Director

June 2, 2016
Regular Meeting
Res. No. 16-06-08

MOTION: KELLY

SECOND: JONES

**RE: AUTHORIZATION TO BUDGET AND APPROPRIATE CITY OF MANASSAS
MOTOR FUELS TAX FUNDS FOR THE LEASE OF PARKING LOTS IN FY17**

ACTION: APPROVED

WHEREAS, the City of Manassas leases property at several locations for the purpose of providing parking; and

WHEREAS, the City of Manassas, by Resolution #R-2016-29, requests approval to budget and appropriate \$63,270 of Manassas' motor fuels tax account for parking.

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission hereby authorizes the budgeting and appropriation of \$63,270 of City of Manassas' motor fuels tax account for lease payments of parking lots in FY17.

Votes:

Ayes: Anderson (Richard), Anderson (Ruth), Barg, Barker, Durany, Jenkins, Jones, Kelly, Lawson, Principi, Skinner, Thomas, Way

Nays: None

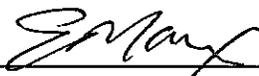
Abstain: None

Absent from Vote: Miller

Alternate Present Not Voting: None

Absent from Meeting: Aveni, Caddigan, Horsley, Lasch, Lovejoy, Maurer, McLaughlin, Milde, Mitchell, Naddoni, Nohe, Pittard, Ross, Sellers, Trampe, Withers, Wren

ATTEST:



Eric Marx, Interim Executive Director

June 2, 2016
Regular Meeting
Res. No. 16-06-09

MOTION: KELLY

SECOND: JONES

RE: AUTHORIZATION TO BUDGET AND APPROPRIATE THE CITY OF
MANASSAS' MOTOR FUELS TAX ACCOUNT FOR DEBT SERVICE
PAYMENTS ON THE VRE PARKING GARAGE FOR FY17

ACTION: APPROVED

WHEREAS, the City of Manassas, by Resolution #R-2016-29, requests approval to budget and appropriate \$222,540 of Manassas' motor fuels tax account for FY17 for debt service payments on the VRE parking garage.

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission hereby authorizes the budgeting and appropriation of \$222,540 of the City of Manassas' motor fuels tax account for FY17 debt service payments on the VRE parking garage.

Votes:

Ayes: Anderson (Richard), Anderson (Ruth), Barg, Barker, Durany, Jenkins, Jones, Kelly,
Lawson, Principi, Skinner, Thomas, Way

Nays: None

Abstain: None

Absent from Vote: Miller

Alternate Present Not Voting: None

Absent from Meeting: Aveni, Caddigan, Horsley, Lasch, Lovejoy, Maurer, McLaughlin, Milde,
Mitchell, Naddoni, Nohe, Pittard, Ross, Sellers, Trampe, Withers, Wren

ATTEST: _____



Eric Marx, Interim Executive Director

MOTION: KELLY

SECOND: SKINNER

RE: RECOMMEND AUTHORIZATION TO EXECUTE THE SECOND YEAR OF THE FIRST OPTION PERIOD FOR TRAIN OPERATIONS AND AMEND THE EXISTING CONTRACT TO REMOVE MAINTENANCE SERVICES

ACTION: APPROVED

WHEREAS, on October 16, 2009, the Virginia Railway Express (VRE) Operations Board approved a five year contract with Keolis Rail Services Virginia for VRE operations and maintenance services and mobilization in the amount of \$18,459,348 through June 30, 2011.

WHEREAS, a contract amendment was approved on December 17, 2010 in the amount of \$2,085,000.

WHEREAS, on May 20, 2011, the VRE Operations Board approved the second contract year, through June 30, 2012, in the amount of \$17,954,527, for a total contract value not to exceed \$38,498,875; and

WHEREAS, on April 20, 2012, the VRE Operations Board approved the third contract year, through June 30, 2013, in the amount of \$18,008,591, for a total contract value not to exceed \$56,507,466.

WHEREAS, on April 19, 2013, the VRE Operations Board approved the fourth contract year, through June 30, 2014, in the amount of \$18,974,041, for a total contract value not to exceed \$75,481,507; and

WHEREAS, on April 18, 2014, the VRE Operations Board approved the fifth contract year, through June 30, 2015, in the amount of \$20,115,047, for a total contract value not to exceed \$95,596,554; and

WHEREAS, on May 15, 2015, the VRE Operations Board approved the first year of the first option period, through June 30, 2016, in the amount of \$20,931,000, for a total contract value not to exceed \$116,527,554; and

June 2, 2016
Regular Meeting
Res. No. 16-06-10
VRE Agenda Item 8-H
Page Two

WHEREAS, the VRE Operations Board recommends the following action.

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission hereby authorizes the VRE Chief Executive Officer to amend the existing Operations and Maintenance Contract by removing the requirements for Maintenance of Equipment and Facilities.

BE IT FURTHER RESOLVED that the Potomac and Rappahannock Transportation Commission authorizes modifying the Contract with Keolis Rail Services Virginia, LLC for Train Operations by approving up to \$15,463,003, for the second year of the first option period for a total contract value not to exceed \$131,990,557 through June 30, 2017.

Votes:

Ayes: Anderson (Richard), Anderson (Ruth), Barg, Barker, Durany, Jenkins, Jones, Kelly, Lawson, Miller, Principi, Skinner, Thomas, Way

Nays: None

Abstain: None

Absent from Vote: None

Alternate Present Not Voting: None

Absent from Meeting: Aveni, Caddigan, Horsley, Lasch, Lovejoy, Maurer, McLaughlin, Milde, Mitchell, Naddoni, Nohe, Pittard, Ross, Sellers, Trampe, Withers, Wren

ATTEST:



Eric Marx, Interim Executive Director

MOTION: KELLY

SECOND: SKINNER

RE: RECOMMEND AUTHORIZATION TO AMEND THE FIRST YEAR OF THE CONTRACT FOR MAINTENANCE SERVICES FOR COMMUTER RAIL

ACTION: APPROVED

WHEREAS, the Virginia Railway Express (VRE) Operations Board previously recommended, and the Northern Virginia Transportation Commission and the Potomac and Rappahannock Transportation (the "Commissions") approved a Contract for Maintenance Services for Commuter Rail with Keolis Rail Services Virginia, LLC; and

WHEREAS, the Contract was previously scheduled to start on July 1, 2015; and

WHEREAS, after the Commissions authorized the VRE Chief Executive Officer (CEO) to execute the Contract, VRE received a protest of the award of the Contract; and

WHEREAS, the VRE CEO rejected the protest and the offeror filed suit; and

WHEREAS, the contract extension was postponed pending the outcome of the suit; and

WHEREAS, the Alexandria Circuit Court ruled in favor of VRE awarding the Contract to Keolis Rail Services Virginia, LLC on March 1, 2016; and

WHEREAS, the Contract authorization needs to be amended to reflect the new Contract start date of July 1, 2016; and

WHEREAS, the Contract amount needs to be increased above the initial Contract authorization of \$6,410,603 for additional rolling stock maintenance including maintenance and inspections for the additional Fredericksburg Line train and life cycle maintenance work scheduled for FY 2017; and

WHEREAS, the VRE Operations Board recommends the following action.

June 2, 2016
Regular Meeting
Res. No. 16-06-11
VRE Agenda Item 8-I
Page Two

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission hereby authorizes the VRE Chief Executive Officer to amend the previously authorized, but not executed First Year of the Contract for Maintenance Services with Keolis Rail Services Virginia, LLC for Maintenance Services for Commuter Rail from July 2, 2015 to July 1, 2016.

BE IT FURTHER RESOLVED that the Potomac and Rappahannock Transportation Commission authorizes the VRE Chief Executive Officer to increase the Contract authorization for the First Year of the Contract with Keolis Rail Services Virginia, LLC for Maintenance Services for Commuter Rail by \$841,768, for a total amount not to exceed \$7,252,371, through June 30, 2017.

Votes:

Ayes: Anderson (Richard), Anderson (Ruth), Barg, Barker, Durany, Jenkins, Jones, Kelly, Lawson, Miller, Principi, Skinner, Thomas, Way

Nays: None

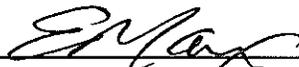
Abstain: None

Absent from Vote: None

Alternate Present Not Voting: None

Absent from Meeting: Aveni, Caddigan, Horsley, Lasch, Lovejoy, Maurer, McLaughlin, Milde, Mitchell, Naddoni, Nohe, Pittard, Ross, Sellers, Trampe, Withers, Wren

ATTEST:


Eric Marx, Interim Executive Director

Eric Marx, Interim Executive Director

June 2, 2016
Regular Meeting
Res. No. 16-06-12
VRE Agenda Item 8-J

MOTION: BARKER

SECOND: SKINNER

RE: RECOMMEND AUTHORIZATION TO EXTEND THE AMENDED AND RESTATED OPERATING ACCESS AGREEMENT WITH CSX TRANSPORTATION

ACTION: APPROVED

WHEREAS, the Northern Virginia Transportation Commission and the Potomac and Rappahannock Transportation (the "Commissions") currently have an Amended and Restated Operating Access Agreement with CSX Transportation (CSXT) relating to VRE operations in the Fredericksburg to Washington corridor, with the agreement ending on June 30, 2016; and

WHEREAS, staff is currently engaged in ongoing discussions with CSXT concerning a new agreement and does not anticipate conclusion of these discussions prior to the expiration of the Amended and Restated Operating Access Agreement on June 30, 2016; and

WHEREAS, a provision in the current agreement permits extending the existing agreement through June 30, 2017, without any changes to the terms and conditions; and

WHEREAS, the purpose of this extension is to allow time to identify and negotiate additional capacity improvements projects in the corridor; and

WHEREAS, necessary funding has been incorporated into the FY 2017 budget to allow VRE to continue its operations over CSXT tracks via this extension; and

WHEREAS, the VRE Operations Board recommends the following action.

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission hereby authorizes the VRE Chief Executive Officer to execute an extension of the existing Amended and Restated Operating Access Agreement with CSX Transportation through June 30, 2017.

June 2, 2016
Regular Meeting
Res. No. 16-06-12
VRE Agenda Item 8-J
Page Two

Votes:

Ayes: Anderson (Richard), Anderson (Ruth), Barg, Barker, Durany, Jenkins, Jones, Kelly,
Lawson, Miller, Principi, Skinner, Thomas, Way

Nays: None

Abstain: None

Absent from Vote: None

Alternate Present Not Voting: None

Absent from Meeting: Aveni, Caddigan, Horsley, Lasch, Lovejoy, Maurer, McLaughlin, Milde,
Mitchell, Naddoni, Nohe, Pittard, Ross, Sellers, Trampe, Withers, Wren

ATTEST:



Eric Marx, Interim Executive Director

MOTION: KELLY

SECOND: SKINNER

RE: RECOMMEND AUTHORIZATION TO EXECUTE A MEMORANDUM OF AGREEMENT WITH THE DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION AND THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION FOR PHASE III OF THE LONG BRIDGE EXPANSION STUDY

ACTION: APPROVED

WHEREAS, the Virginia Railway Express (VRE) System Plan 2040 identified the expansion of railroad capacity, particularly expansion of the Long Bridge across the Potomac River, as a critical need to support long-term VRE growth and service expansion; and

WHEREAS, the District of Columbia Department of Transportation is proceeding towards completion of the first two phases of a Long Bridge Expansion Study and is prepared to conduct a third phase consisting of preliminary engineering and analyses required under the National Environmental Policy Act; and

WHEREAS, the District of Columbia Department of Transportation was awarded a \$2,800,000 planning grant under the TIGER VI program to advance the Phase III of a Long Bridge Expansion Study; and

WHEREAS, the TIGER VI grant requires a non-federal match of \$1,300,000, which the District of Columbia Department of Transportation, Virginia Department of Rail and Public Transportation, and VRE have committed to fund; and

WHEREAS, the District of Columbia Department of Transportation Virginia Department of Rail and Public Transportation, and VRE have drafted a Memorandum of Agreement defining VRE's partnership with the District of Columbia Department of Transportation and the Virginia Department of Rail and Public Transportation with respect to the contribution of the non-federal match of the TIGER VI grant and management of Phase III of the Long Bridge Expansion Study; and

WHEREAS, the VRE Operations Board recommends the following action.

June 2, 2016
Regular Meeting
Res. No. 16-06-13
VRE Agenda Item 8-K
Page Two

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission hereby authorizes the VRE Chief Executive Officer to execute a Memorandum of Agreement, in a form acceptable to VRE Legal Counsel, with the District of Columbia Department of Transportation and the Virginia Department of Rail and Public Transportation that sets the non-federal match to the TIGER VI grant and defines VRE's role in the management of Phase III of the Long Bridge Expansion Study.

Votes:

Ayes: Anderson (Richard), Anderson (Ruth), Barg, Barker, Durany, Jenkins, Jones, Kelly,
Lawson, Miller, Principi, Skinner, Thomas, Way

Nays: None

Abstain: None

Absent from Vote: None

Alternate Present Not Voting: None

Absent from Meeting: Aveni, Caddigan, Horsley, Lasch, Lovejoy, Maurer, McLaughlin, Milde,
Mitchell, Naddoni, Nohe, Pittard, Ross, Sellers, Trampe, Withers, Wren

ATTEST:



Eric Marx, Interim Executive Director

June 2, 2016
Regular Meeting
Res. No. 16-06-14

MOTION: WAY

SECOND: JONES

RE: AUTHORIZATION TO PURCHASE FIVE 45-FOOT MCI OMNIRIDE BUSES

ACTION: APPROVED

WHEREAS, the Potomac and Rappahannock Transportation Commission's ("PRTC" or the "Commission") current fleet includes four overaged vintage 2000 Orion buses and one model year 2002 Motor Coach Industries (MCI) bus needed for services that have been operating for some time; and

WHEREAS, via the recently executed Roaring Fork Transportation Authority (RFTA) joint procurement, PRTC is now in a position to purchase five 45-foot MCI buses and retire or move the older buses to the contingency fleet; and

WHEREAS, funding is included in PRTC's FY16 budget.

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission hereby authorizes the Interim Executive Director to purchase five 45-foot MCI buses via the RFTA joint procurement.

Votes:

Ayes: Anderson (Richard), Anderson (Ruth), Barg, Barker, Durany, Jenkins, Jones, Kelly, Lawson, Miller, Principi, Skinner, Thomas, Way

Nays: None

Abstain: None

Absent from Vote: None

Alternate Present Not Voting: None

Absent from Meeting: Aveni, Caddigan, Horsley, Lasch, Lovejoy, Maurer, McLaughlin, Milde, Mitchell, Naddoni, Nohe, Pittard, Ross, Sellers, Trampe, Withers, Wren

ATTEST:



Eric Marx, Interim Executive Director

MOTION: BARKER

SECOND: BARG

**RE: APPROVAL OF SERVICE AND FARE EQUITY ANALYSIS OF PRTC'S
PROPOSED FY17 SERVICE REDUCTIONS AND FARE INCREASE FOR
INCLUSION INTO PRTC'S TITLE VI PROGRAM**

ACTION: APPROVED

WHEREAS, the Potomac and Rappahannock Transportation Commission ("PRTC" or the "Commission") is responsible for conducting service and fare equity analyses for any major service change and/or fare change to determine if there is an adverse impact before implementing the change in compliance with applicable federal requirements (Title VI of the Civil rights Act 1964, 49 CFR Section 21, and FTA Circular 4702.1B); and

WHEREAS, the Board has proposed service changes that meet the definition of a major service change and to increase fares effective FY17; and

WHEREAS, the service and fare equity analysis was completed using the spring 2013 on-board survey, current ridership data, and thresholds provided in the adopted Disparate Impact and Disproportionate Burden Policies; and

WHEREAS, the service equity analysis indicates that there is a disparate impact to minority passengers on selected routes for OmniRide, Metro Direct, and Cross County services, but there is no disproportionate burden to the low-income passengers who ride PRTC transit services; and

WHEREAS, the fare equity analysis indicates that there is no disparate impact to minority passengers and no disproportionate burden to the low-income passengers who ride PRTC transit services; and

WHEREAS, after careful consideration of these alternatives, PRTC has determined that proposed service changes and proposed fare increase are the least discriminatory alternative based on the following substantial legitimate justifications:

June 2, 2016
Regular Meeting
Res. No. 16-06-15
Page Two

1. The proposed service reductions and fare increase are necessary because of inadequate local funding, falling fuel tax revenue, and reduced federal funding.
2. PRTC has no practical alternatives that would have a less disparate impact on the minority riders that would still allow PRTC to accomplish the agency's legitimate program goals.

WHEREAS, Commission approval of the service and fare equity analysis is necessary in order for PRTC to implement the FY17 service reductions and fare increases, as proposed.

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission hereby approves the service and fare equity analysis of PRTC's proposed FY17 service reductions and fare increases for inclusion into PRTC's Title VI Program.

Votes:

Ayes: Anderson (Richard), Anderson (Ruth), Barg, Barker, Durany, Jenkins, Jones, Kelly, Lawson, Miller, Principi, Skinner, Thomas, Way

Nays: None

Abstain: None

Absent from Vote: None

Alternate Present Not Voting: None

Absent from Meeting: Aveni, Caddigan, Horsley, Lasch, Lovejoy, Maurer, McLaughlin, Milde, Mitchell, Naddoni, Nohe, Pittard, Ross, Sellers, Trampe, Withers, Wren

ATTEST:



Eric Marx, Interim Executive Director

MOTION: BARG

SECOND: LAWSON

RE: APPROVAL AND APPROPRIATION OF PRTC'S FY17 BUDGET; AUTHORIZATION TO DRAW DOWN FROM MOTOR FUELS TAX FUNDS TO SUBSIDIZE PRTC ADMINISTRATIVE, OMNIRIDE, OMNILINK, MARKETING AND CAPITAL BUDGETS FOR FY17; AUTHORIZATION TO DRAW DOWN \$325,000 OF THE CITY OF MANASSAS' NORTHERN VIRGINIA TRANSPORTATION AUTHORITY (NVTA) 30% FUNDS TO SUBSIDIZE PRTC OMNILINK BUDGET FOR FY17; AND AUTHORIZATION TO APPLY FOR FEDERAL GRANT FUNDING ENVISIONED IN FY17

ACTION: APPROVED

WHEREAS, after years of providing bus and rail services with annual costs exceeding annual motor fuels tax revenues and no Prince William County general fund support, Prince William County's motor fuels tax reserve fund will be depleted in early FY17; and

WHEREAS, the \$56,046,300 PRTC FY17 proposed budget includes a combination of bus service cuts, fare increases, and other administrative savings in light of Prince William County's funding situation; and

WHEREAS, the proposed budget has been developed in conjunction with an annual update to the Transit Development Plan (TDP), a Virginia Department of Rail and Public Transportation (VDRPT) mandated six-year depiction of planned operations and capital investments; and

WHEREAS, despite the aforementioned cost reductions and Prince William County shifting Virginia Railway Express (VRE) funding to its Northern Virginia Transportation Authority (NVTA) 30 percent local distribution funds instead of from motor fuel tax funds, funding needed to sustain bus services beyond FY17 will be short approximately \$2.2M per year; and

WHEREAS, the proposed FY17 budget includes a three percent employee Cost of Living Adjustment (COLA) except for PRTC Interim Executive Director and Department Directors, whose salaries are frozen for one year in FY17; and

WHEREAS, a public review process was held in accordance with PRTC's Public Participation Policy, including public hearings on February 9, February 10, and February 16, 2016; and

June 2, 2016
Regular Meeting
Res. No. 16-06-16
Page Two

WHEREAS, the Potomac and Rappahannock Transportation Commission (“PRTC” or the “Commission”) at its April 7, 2016 meeting accepted the public input resulting from the public review process for the FY17 budget, fare increases, service cuts, and federal grant applications and has considered such comments in its FY17 budget deliberations; and

WHEREAS, the bus service cuts, fare increases, and other administrative savings included in the FY17 proposed budget presented to the Commission at its January 7, 2016 meeting will go into effect in FY17; and

WHEREAS, each jurisdiction has approved their respective subsidy shares by resolution (attached), and drawdowns will be made from the motor fuels tax revenues as follows; and

<u>Jurisdiction</u>	<u>Admin</u>	<u>OmniRide</u>	<u>OmniLink</u>	<u>Marketing</u>	<u>Capital</u>	<u>Total</u>
Prince William	\$247,700	\$3,834,000	\$7,212,900	\$701,200	\$1,647,300	\$13,643,100
Stafford	74,500	0	0	0	6,200	80,700
Manassas	21,300	0	3,300	21,400	11,600	57,600
Manassas Park	13,800	0	146,100	7,300	5,400	172,600
Fredericksburg	33,200	0	0	0	2,800	36,000
Spotsylvania	<u>92,600</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>7,700</u>	<u>100,300</u>
Total	<u>\$483,100</u>	<u>\$3,834,000</u>	<u>\$7,362,300</u>	<u>\$729,900</u>	<u>\$1,681,000</u>	<u>\$14,090,300</u>

WHEREAS, the City of Manassas will fund \$325,000 of its FY17 OmniLink subsidy totaling \$328,300 from its Northern Virginia Transportation Authority (NVTA) 30 percent local distribution funds instead of from motor fuel tax funds; and

WHEREAS, as the grant applicant for federally-participating PRTC and VRE projects, the proposed FY17 budget envisions PRTC applying for the following:

- PRTC Purchase of Buses and Bus Equipment
- PRTC Bus Preventive Maintenance
- PRTC TDM/Commuter Assistance Program
- PRTC Bus Shelter Program
- PRTC Western Maintenance Facility Project
- PRTC Security Enhancements
- VRE Track Lease/Improvement Payments

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- VRE Facilities Asset Management Program
- VRE Heavy Maintenance and Repair Facility
- VRE Capital Fleet Replacement and Expansion
- VRE Positive Train Control
- VRE Equipment Asset Management Program
- VRE Lorton Station Platform Projects
- VRE Rippon Station Platform Projects
- VRE Mid-Day Storage
- VRE Fare Collection EMV Compliance/Upgrade
- VRE Grant and Project Management
- VRE Station Security Cameras and Other Enhancements
- VRE Signage/Lighting Enhancements

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission does hereby approve the FY17 budget in the amount of \$56,046,300.

BE IT FURTHER RESOLVED that the Potomac and Rappahannock Transportation Commission does hereby authorize the drawdown in the amount of \$483,100 from the motor fuel tax revenues to subsidize the PRTC FY17 Administrative budget.

BE IT FURTHER RESOLVED that the Potomac and Rappahannock Transportation Commission does hereby authorize the drawdown from Prince William County's motor fuels tax revenues in intervals throughout FY17 in the amount of \$3,834,000 to subsidize the OmniRide budget.

BE IT FURTHER RESOLVED that the Potomac and Rappahannock Transportation Commission does hereby authorize drawdowns from the motor fuels tax revenues of Prince William County, and the Cities of Manassas and Manassas Park in intervals throughout FY17 in the amount of \$729,900 to subsidize the Marketing Budget and \$7,362,300 to subsidize the OmniLink budget.

BE IT FURTHER RESOLVED that the Potomac and Rappahannock Transportation Commission does hereby authorize the drawdown of \$325,000 from the City of Manassas' NVTA 30 percent local distribution funds throughout FY17 to subsidize the OmniLink budget.

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BE IT FURTHER RESOLVED that the Potomac and Rappahannock Transportation Commission does hereby authorize drawdowns from the motor fuels tax revenues in intervals throughout FY17 in the amount of \$1,681,000 to subsidize the Capital budget.

BE IT FURTHER RESOLVED that the Interim Executive Director is hereby authorized to apply for federal grant funding envisioned in FY17 on behalf of PRTC and VRE.

BE IT FURTHER RESOLVED that since actual revenues and expenses turn out differently than budget assumptions, the Interim Executive Director is hereby authorized to make budget and appropriation adjustments as they occur during the fiscal year.

BE IT FURTHER RESOLVED that since all appropriations for budget items, other than capital projects and grants, expire at the close of the fiscal year, the Interim Executive Director is hereby authorized to maintain appropriations designated for capital projects and grant funds until completion.

Votes:

Ayes: Anderson (Richard), Anderson (Ruth), Barg, Barker, Durany, Jenkins, Jones, Kelly, Lawson, Miller, Principi, Skinner, Thomas, Way

Nays: None

Abstain: None

Absent from Vote: None

Alternate Present Not Voting: None

Absent from Meeting: Aveni, Caddigan, Horsley, Lasch, Lovejoy, Maurer, McLaughlin, Milde, Mitchell, Naddoni, Nohe, Pittard, Ross, Sellers, Trampe, Withers, Wren

ATTEST:



Eric Marx, Interim Executive Director

MOTION: KELLY

SECOND: BARKER

**RE: AUTHORIZATION TO DRAW DOWN FROM MOTOR FUELS TAX FUNDS TO
SUBSIDIZE THE VRE OPERATING AND CAPITAL BUDGET FOR FY17**

ACTION: APPROVED

WHEREAS, the Virginia Railway Express (VRE) Master Agreement requires the Potomac and Rappahannock Transportation Commission (PRTC) and the Northern Virginia Transportation Commission (NVTC) to approve the annual budget of the VRE and forward it to the participating jurisdictions with a request to budget and appropriate their respective shares of the capital and operating costs of VRE; and

WHEREAS, Prince William County will fund its FY17 VRE subsidy totaling \$5,968,406 from the Northern Virginia Transportation Authority (NVTA) 30% local distribution funds instead of from motor fuel tax funds; and

WHEREAS, drawdowns for the other PRTC member jurisdictions will be made for payment to VRE on July 1, 2016 and January 3, 2017, from the motor fuels tax revenues as indicated by the participating jurisdictional breakdown as follows; and

<u>Jurisdiction</u>	<u>July 1, 2016</u>	<u>January 3, 2017</u>
Stafford	\$1,323,611.00	\$1,323,611.00
Manassas	374,685.50	374,685.50
Manassas Park	255,888.50	255,888.50
Fredericksburg	241,762.00	241,762.00
Spotsylvania	<u>691,374.50</u>	<u>691,374.50</u>
Total	<u>\$2,887,321.50</u>	<u>\$2,887,321.50</u>

WHEREAS, Total FY17 drawdowns from motor fuel tax funds are as follows:

<u>Jurisdiction</u>	
Stafford	\$2,647,222.00
Manassas	749,371.00
Manassas Park	511,777.00
Fredericksburg	483,524.00
Spotsylvania	<u>1,382,749.00</u>
Total	<u>\$5,774,643.00</u>

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NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission hereby authorizes the drawdown from motor fuel tax funds in two (2) installments to the VRE with the total drawdown in the amount of \$5,774,643 to subsidize the VRE operating and capital costs for FY17.

Votes:

Ayes: Anderson (Richard), Anderson (Ruth), Barg, Barker, Durany, Jenkins, Jones, Kelly, Lawson, Miller, Principi, Skinner, Thomas, Way

Nays: None

Abstain: None

Absent from Vote: None

Alternate Present Not Voting: None

Absent from Meeting: Aveni, Caddigan, Horsley, Lasch, Lovejoy, Maurer, McLaughlin, Milde, Mitchell, Naddoni, Nohe, Pittard, Ross, Sellers, Trampe, Withers, Wren

ATTEST: _____



Eric Marx, Interim Executive Director

June 2, 2016
Regular Meeting
Res. No. 16-06-18

MOTION: KELLY

SECOND: JENKINS

RE: AUTHORIZATION TO RENEW MEDICAL AND DENTAL INSURANCE PLANS FOR PRTC AND VRE EMPLOYEES

ACTION: APPROVED

WHEREAS, the Potomac and Rappahannock Transportation Commission (“PRTC” or the “Commission”) has historically offered PRTC and the Virginia Railway Express (VRE) employees a choice of health care options and providers to accommodate all employees regardless of whether they live in Virginia, Maryland, or DC; and

WHEREAS, PRTC conducted a competitive procurement in 2015 resulting in Board authorization to award one-year contracts to Aetna, Kaiser Permanente, and Delta Dental, with an effective date of July 1, 2015 and up to nine one-year options awarded at PRTC’s sole discretion; and

WHEREAS, PRTC has received renewal rates from all three providers with premium changes that are deemed reasonable and are within the amounts included in the proposed FY17 budget; and

WHEREAS, management recommends awarding one-year renewal contracts to all three providers and retaining the employer/employee percentages used to split premium costs that have been used since 2009.

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission hereby authorizes the Interim Executive Director to renew one-year contracts with Aetna, Kaiser Permanente, and Delta Dental Plan of Virginia with coverage effective July 1, 2016.

BE IT FURTHER RESOLVED that the Potomac and Rappahannock Transportation Commission also approves management’s recommendation to retain the existing employer/employee premium arrangements.

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Votes:

Ayes: Anderson (Richard), Anderson (Ruth), Barg, Barker, Durany, Jenkins, Jones, Kelly,
Lawson, Miller, Principi, Skinner, Thomas, Way

Nays: None

Abstain: None

Absent from Vote: None

Alternate Present Not Voting: None

Absent from Meeting: Aveni, Caddigan, Horsley, Lasch, Lovejoy, Maurer, McLaughlin, Milde,
Mitchell, Naddoni, Nohe, Pittard, Ross, Sellers, Trampe, Withers, Wren

ATTEST:



Eric Marx, Interim Executive Director

June 2, 2016
Regular Meeting
Res. No. 16-06-19

MOTION: BARG

SECOND: JENKINS

**RE: AUTHORIZATION TO FINALIZE A WHEELS-TO-WELLNESS GRANT APPLICATION
TO THE WASHINGTON METROPOLITIAN COUNCIL OF GOVERNMENTS**

ACTION: APPROVED

WHEREAS, the Potomac and Rappahannock Transportation Commission (“PRTC” or the “Commission”) authorized management to aid in identifying possible permanent funding sources to include applying for grants on behalf of the Wheels-to-Wellness program; and

WHEREAS, PRTC staff submitted an Enhanced Mobility of Seniors and Individuals with Disabilities grant application to the Metropolitan Washington Council of Governments (“COG”) on November 2, 2015; and

WHEREAS, the purpose of the Enhanced Mobility Program is to improve mobility for seniors and individuals with disabilities by removing barriers to transportation services and expanding the transportation mobility options available, and toward this goal, the Federal Transit Administration (FTA) provides financial assistance for transportation services planned, designed, and carried out to meet the special transportation needs of seniors and individuals with disabilities; and

WHEREAS, the required 50 percent local match amounting to \$125,000 for the COG grant is being provided by the Potomac Health Foundation (PHF), ensuring there is no fiscal impact for PRTC; and

WHEREAS, PRTC was advised on January 20, 2016 that the grant application was recommended for approval; and

WHEREAS, the COG, as the administrative agency for the National Capital Region Transportation Planning Board (TPB), is the designated recipient for the Washington, DC-VA-MD Urbanized Area for the FTA’s Enhanced Mobility of Seniors and Individuals with Disabilities Program; and

WHEREAS, this resolution is necessary for the COG to submit an electronic application to the FTA.

June 2, 2016
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Res. No. 16-06-19
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NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission hereby acknowledges the Enhanced Mobility of Seniors and Individuals with Disabilities grant application.

BE IT FURTHER RESOLVED that the Potomac and Rappahannock Transportation Commission hereby certifies and assures that it will comply with federal and state/District of Columbia statutes, regulations, executive orders, and administrative requirements related to the applications set by the FTA, TPB, COG, and other applicable entity and grants received by PRTC from the FTA, as well as the provisions of Section 1001 of Title 18, U.S.C.

BE IT FURTHER RESOLVED that that the Potomac and Rappahannock Transportation Commission hereby authorizes the Interim Executive Director to finalize the grant application, assure provision of the required local match, and enter into an agreement with the Metropolitan Washington Council of Governments to implement a Federal Transit Administration grant.

Votes:

Ayes: Anderson (Richard), Anderson (Ruth), Barg, Durany, Jenkins, Jones, Kelly, Lawson, Miller, Principi, Skinner, Thomas, Way

Nays: None

Abstain: Barker

Absent from Vote: None

Alternate Present Not Voting: None

Absent from Meeting: Aveni, Caddigan, Horsley, Lasch, Lovejoy, Maurer, McLaughlin, Milde, Mitchell, Naddoni, Nohe, Pittard, Ross, Sellers, Trampe, Withers, Wren

ATTEST:



Eric Marx, Interim Executive Director

June 2, 2016
Regular Meeting
Res. No. 16-06-20

MOTION: JONES

SECOND: THOMAS

**RE: AUTHORIZE CLOSED MEETING OF THE POTOMAC AND RAPPAHANNOCK
TRANSPORTATION COMMISSION**

ACTION: APPROVED

WHEREAS, the Potomac and Rappahannock Transportation Commission ("PRTC" or the "Commission") desires to discuss the following matter in Closed Meeting:

- Personnel discussion and consultation with legal counsel concerning Employment Agreement and Annual Evaluation of the Interim Executive Director of PRTC.

WHEREAS, pursuant to § 2.2-3711(A) (1) and (7), VA Code Ann., such discussions may occur in Closed Meeting.

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission hereby authorizes discussion of the aforesated matter in Closed Meeting.

Adjourned into Closed Meeting at 9:15 p.m.

Votes:

Ayes: Anderson (Richard), Anderson (Ruth), Barg, Barker, Durany, Jenkins, Jones, Kelly, Lawson, Miller, Principi, Skinner, Thomas, Way

Nays: None

Abstain: None

Absent from Vote: None

Alternate Present Not Voting: None

Absent from Meeting: Aveni, Caddigan, Horsley, Lasch, Lovejoy, Maurer, McLaughlin, Milde, Mitchell, Naddoni, Nohe, Pittard, Ross, Sellers, Trampe, Withers, Wren

ATTEST:



Eric Marx, Interim Executive Director

June 2, 2016
Regular Meeting
Res. No. 16-06-21

MOTION: JONES
SECOND: THOMAS
RE: CERTIFICATION OF CLOSED MEETING
ACTION: APPROVED

WHEREAS, the Potomac and Rappahannock Transportation Commission (PRTC) has this day adjourned into Closed Meeting in accordance with a formal vote of the Commission, and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act requires certification that such Closed Meeting was concluded in conformity with the law.

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission does hereby certify that to the best of each members' knowledge, (i) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in the Closed Meeting to which this certification applies, and (ii) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed or considered by the Commission. No member dissents from the aforesaid certification.

Concluded Closed Meeting at 10:15 p.m.

Votes:

Ayes: Anderson (Richard), Anderson (Ruth), Barg, Barker, Durany, Jenkins, Jones, Kelly, Lawson, Miller, Principi, Skinner, Thomas, Way

Nays: None

Abstain: None

Absent from Vote: None

Alternate Present Not Voting: None

Absent from Meeting: Aveni, Caddigan, Horsley, Lasch, Lovejoy, Maurer, McLaughlin, Milde, Mitchell, Naddoni, Nohe, Pittard, Ross, Sellers, Trampe, Withers, Wren

ATTEST:



Eric Marx, Interim Executive Director

June 2, 2016
Regular Meeting
Res. No. 16-06-22

MOTION: WAY

SECOND: LAWSON

**RE: APPROVAL OF THE POTOMAC AND RAPPAHANNOCK TRANSPORTATION
COMMISSION INTERIM EXECUTIVE DIRECTOR'S 2016 REVIEW**

ACTION: APPROVED

WHEREAS, in accordance with Section 5(b) of the Employment Agreement ("Employment Agreement") between the Potomac and Rappahannock Transportation Commission ("PRTC or the "Commission") and its Interim Executive Director, the Commission established performance incentives and metrics for the first year of such agreement; and

WHEREAS, the Commission's Evaluation Subcommittee has evaluated the performance of the Interim Executive Director; and

WHEREAS, the Commission's Executive Board has recommended acceptance of the performance evaluation of the Interim Executive Director; and

WHEREAS, it has been determined by the Commission that the Interim Executive Director has attained his performance incentives for the first year of the Employment Agreement to a degree that entitles him to an incentive payment totaling \$15,000; and

WHEREAS, in accordance with Section 5(b) of the Employment Agreement subsequent year incentives and metrics shall be established within 30 days of the annual anniversary of the Employment Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission hereby authorizes the acceptance of the performance evaluation of the Interim Executive Director.

BE IT FURTHER RESOLVED that the Interim Executive Director will receive an incentive payment totaling \$15,000 for the first year of the Performance Agreement.

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BE IT FURTHER RESOLVED that the Commission's Evaluation Subcommittee is authorized to work with the Interim Executive Director to establish the performance incentives and metrics for the second year of the Employment Agreement between PRTC and its Interim Executive Director.

Votes:

Ayes: Anderson (Richard), Anderson (Ruth), Barg, Barker, Durany, Jenkins, Jones, Kelly, Lawson, Miller, Principi, Skinner, Thomas, Way

Nays: None

Abstain: None

Absent from Vote: None

Alternate Present Not Voting: None

Absent from Meeting: Aveni, Caddigan, Horsley, Lasch, Lovejoy, Maurer, McLaughlin, Milde, Mitchell, Naddoni, Nohe, Pittard, Ross, Sellers, Trampe, Withers, Wren

ATTEST:



Eric Marx, Interim Executive Director

June 2, 2016
Regular Meeting
Res. No. 16-06-23

MOTION: THOMAS

SECOND: DURANY

RE: APPROVAL OF RECRUITMENT PLAN FOR PRTC EXECUTIVE DIRECTOR

ACTION: APPROVED

WHEREAS, at its June 2016 meeting, the Potomac and Rappahannock Transportation Commission (“PRTC” or the “Commission”) decided that the recruitment process for selecting an Executive Director (“Director”) will be led by PRTC Chairman Principi and Vice Chairman Jones; and

WHEREAS, the Chairman and Vice Chairman have met to map out the recruitment process more explicitly, concluding that each PRTC member jurisdiction should participate as members of the “recruitment and candidate evaluation panel” and that a subcommittee of Chairman Principi, Immediate Past-Chairman Jenkins, Council Member Way, Mayor Jones, Supervisor Thomas, and Delegate Anderson would serve as a search committee to facilitate the selection of a Director (“Search Committee”); and

WHEREAS, the Chairman’s and Vice Chairman’s more explicit plan for the recruitment (“Recruitment Plan”) is in the form of:

1. A proposed schedule for conducting the recruitment; and
2. A proposed advertisement for the position and places for placement of the advertisement; and
3. A proposed position description; and
4. A generalized description of the proposed compensation package; and
5. A proposed budget for the conduct of the recruitment; and
6. An approach for screening applicants and conducting interviews, whereby:
 - a. The screening would be done by the Search Committee to select candidates for the first round of interviews by the PRTC Executive Committee and Commissioner Anderson (“the final screening committee”); and
 - b. The final screening committee would select a short list of the most promising candidates for subsequent interviews by the Commission at-large; and
 - c. The Commission at-large interviews the short-listed candidates and rank orders the short-listed candidates; and

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WHEREAS, the PRTC Executive Board has reviewed the Recruitment Plan and endorsed it.

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission hereby endorses the Recruitment Plan, including the proposed budget set forth therein, as proposed.

BE IT FURTHER RESOLVED that on behalf of the Commission, the Search Committee is authorized to develop and finalize the advertising for the position, the proposed position description and a generalized description of the proposed compensation package.

BE IT FURTHER RESOLVED that on behalf of the Commission, the Search Committee is authorized to contract with a contractor to assist in conducting a nationwide search for a Director, such contract not to exceed the amounts set forth in the proposed budget.

BE IT FURTHER RESOLVED that if the Search Committee is unsatisfied with any contractor with a contract currently available for use by PRTC, or if the Search Committee is unable to engage any such contractor, the Search Committee is authorized to provide for the issuance of an RFP to solicit proposals from contractors to conduct a nationwide search for a Director.

Votes:

Ayes: Anderson (Richard), Anderson (Ruth), Barg, Barker, Durany, Jenkins, Jones, Kelly,
Lawson, Miller, Principi, Skinner, Thomas, Way

Nays: None

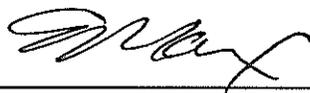
Abstain: None

Absent from Vote: None

Alternate Present Not Voting: None

Absent from Meeting: Aveni, Caddigan, Horsley, Lasch, Lovejoy, Maurer, McLaughlin, Milde,
Mitchell, Naddoni, Nohe, Pittard, Ross, Sellers, Trampe, Withers, Wren

ATTEST:



Eric Marx, Interim Executive Director

MINUTES

PUBLIC TRANSIT ADVISORY BOARD

April 6, 2016

8:30 a.m.

Conference Room at FREDericksburg Regional Transit

- Members in Attendance: Lawrence A. Davies, City of Fredericksburg
Erma Baker, University of Mary Washington
Angeline Crowder, Caroline County
Joey Hess, Stafford County
Kevin Koziol, disAbility Resource Center
Diana Utz, George Washington Regional Commission
Dr. Roy Weinstock, Community Representative
- Staff Present: Wendy Kimball, Director of Public Transit/FRED
Rodney White, Assistant Director of Public Transit/FRED
Glenn Jenkins, Operations Manager/FRED
R. Craig Reed, Manager, Policy, Planning and Compliance/FRED
Sharon Sullivan, Administrative Assistant/FRED
- Others Present: Don Engiles, Travel Trainer/RAAA
Arnold Levine, Consultant/FRED
Elisabeth (Lib) Rood, Senior Transportation Planner/KFH Group, Inc.
William Sutton, Transportation Planner/KFH Group, Inc.
- Members Absent: Jan Erkert, Fredericksburg Regional Chamber of Commerce
Doug Morgan, Spotsylvania County
- Others Absent: Denis Paddeu, Regional Mobility Manager/RAAA

The meeting was called to order by Rev. Davies on April 6, 2016, at 8:32 a.m. in the conference room at the FREDericksburg Regional Transit facility (a/k/a The Lawrence A. Davies Transit Center), 1400 Jefferson Davis Highway, Fredericksburg, VA.

There were no public comments.

The minutes of the December 9, 2015 meeting were presented for approval. A motion was made by Dr. Weinstock and seconded by Mr. Koziol to approve the minutes as written. In addition, the minutes of the February 3, 2016 meeting were presented for approval. A motion was made by Ms. Baker and seconded by Mr. Koziol to approve the minutes as written. Both motions were approved by unanimous vote.

Report of Director of Public Transit:

- Transit Development Plan (TDP): Ms. Kimball introduced consultant Ms. Elizabeth Rood, KFH Group, Inc., who will be working with FRED on its six-year Transit Development Plan. Ms. Rood reviewed a list of questions with PTAB members for discussion. Ms. Rood distributed a draft on-board survey for PTAB review and comments. A copy of the list of questions and on-board survey are attached hereto and made a part of these minutes. Ms. Rood discussed how the on-board survey will be conducted on all FRED routes to help identify any transportation needs in the area. There was lengthy discussion as members reviewed the list of questions and draft on-board survey.
- Update on IT Project: Mr. Reed reported that all FRED drivers went paperless effective February 8, 2016. FRED has experienced some hardware issues on select buses but which have now been resolved. Mr. Reed also reported that FRED was advised by RouteMatch staff (the software vendor) to wait until the next software upgrade before implementing the RouteShout module. The new software upgrade will provide additional functionality to help improve the predicted arrival times in the RouteShout module. The timing of this software upgrade is currently unknown. FRED is currently in the process of implementing the paratransit module which is used for deviation services. Effective April 7, 2016, FRED will begin a trial run on select routes to test the paratransit module in RouteMatch.
- Update on Maintenance Facility: Mr. White reported that the remaining punch list items have been completed. Contractor will be notified of completion.
- Budget Status Update (FY'17): Ms. Kimball reported that all FY'17 budgets have been submitted to the localities. Ms. Kimball also reported some challenges with local funding due to the two percent gas tax that helps localities fund transit services. This challenge is directly connected to lower gas prices. FRED staff is currently waiting for feedback from localities and should have a further update at the next PTAB meeting in June.
- Fare Analysis Update: Mr. Reed reviewed and discussed the highlights of the revised FY2017 Fare Options document with PTAB. Mr. Reed noted a few changes to the document that was previously discussed at the February 2016 PTAB meeting. A copy of the revised document is attached hereto and made a part of these minutes. Following the discussion, Ms. Baker made a motion to expand the half-fare program (Option #3). Ms. Utz seconded this motion and upon vote, the motion was passed unanimously.
- Beverly Cameron Commendation: PTAB members reviewed and discussed the commendation to be presented to the City of Fredericksburg's City Manager, Mr. Beverly (Bev) Cameron. Following the discussion, Ms. Utz made a motion to adopt the commendation with noted changes and present to Mr. Cameron at the June 2016 PTAB meeting. Ms. Crowder seconded this motion and upon vote, the motion was passed unanimously.
- Recognize the Dedicated Service of Ann Woolford: Ms. Kimball reported that Ms. Woolford has been moved to a Richmond office and will no longer be able to serve on the PTAB board. PTAB members were asked to review and discuss a prepared resolution that recognizes the dedicated service of Dr. Ann Woolford on the PTAB. Following the discussion, Mr. Koziol made a motion to adopt the resolution with noted changes. Ms. Utz seconded this motion and upon vote, the motion was passed unanimously.

Committee Reports:

(1) Mission, Goals and Objectives:

- Dr. Weinstock reported that FRED staff will be soon finalizing the Mission, Goals and Objectives End-of-year report for TY2016 and drafting the new report for TY2017 for

the July 2016 PTAB meeting. Mr. Reed shared the updated on-time performance figures based on late arrival and early departure thresholds of 15 minutes. Dr. Weinstock added that this information will also be included in the Mission, Goals and Objectives End-of-year report for TY2016.

(2) Partnership/Marketing:

- No committee report. Mr. White reported that FRED received \$3,000 from Bethany Christian Services for a six month in-bus advertisement.

(3) Services to the Underserved:

- Mr. Koziol commended Ms. Woolford's service and dedication to the committee and PTAB. Mr. Koziol reported that he made revisions to the draft survey based on feedback that was received from PTAB members. Mr. Koziol discussed in detail the revisions made to the draft survey. A copy of the revised draft survey is attached hereto and made a part of these minutes. Following that discussion, Ms. Baker made a motion to adopt the draft survey with noted amendments. Ms. Utz seconded this motion and upon vote, the motion was passed unanimously.

(4) Operations and Oversight:

- Mr. White reported that FRED has a full-time driver position open. FRED is also accepting part-time driver applications. FRED continues to work well with localities by reviewing plans and requesting transit infrastructure during the development review process.

RAAA Trainer Report:

- Mr. Engiles gave a report on his recent presentations and training trips. A copy of this report is attached hereto and made a part of these minutes.

Other Business:

- Mr. Koziol announced that disAbility Resource Center will hold its first Independent Living Expo at the Fredericksburg Expo and Conference Center on Saturday, May 7, 2016. This event is free to the public. Mr. Koziol thanked Ms. Kimball for supporting disAbility Resource Center by participating as a vendor at this event.

Announcements:

- Ms. Kimball announced that FRED will be sending a six-person team to compete at the 2016 CTAV State Roadeo in Chesterfield, VA on April 9, 2016. New this year, FRED will have three drivers competing in the body-on-chassis (BOC) division and three drivers competing in the Mini-Van division. Ms. Kimball thanked RAAA for allowing FRED drivers to participate in their Roadeo/Training Event to help familiarize them with driving mini-vans.
- The next PTAB meeting will be held on June 1, 2016.

The meeting was adjourned at 10:16 a.m.

Approved by the Public Transit Advisory Board


Sharon L. Sullivan


Date

FRED TDP - PTAB preparation for the kick-off meeting

At the April PTAB meeting, KFH Group will provide an overview of the TDP process. We would like PTAB members to be prepared to discuss the following questions:

- 1) Are you aware of any unmet public transportation needs in the Fredericksburg region? These needs could potentially fall into a number of categories, including:
 - a. Geographic
 - b. Time of day
 - c. Frequency
 - d. Specific needs for particular user groups
 - e. Other

- 2) Are there particular projects that you think FRED should focus on over the six-year period?

- 3) What is your vision for public transportation in the FRED region for the six-year planning period? What is your long-term vision for public transportation in the FRED region?



FIXED ROUTE ON-BOARD RIDER SURVEY

Fredericksburg Regional Transit (FRED) is seeking input concerning our services. Please take a minute to complete this survey during your bus trip. Please complete only one survey. Thank you!

Tell me about your trip:

1. Which FRED route did you board?

- | | |
|---|--|
| <input type="checkbox"/> C1/C2 Caroline | <input type="checkbox"/> F1 Fredericksburg |
| <input type="checkbox"/> D1 South Stafford | <input type="checkbox"/> F2 Fredericksburg |
| <input type="checkbox"/> D2 South Stafford | <input type="checkbox"/> F3 Fredericksburg |
| <input type="checkbox"/> D3 North Stafford | <input type="checkbox"/> F4 Fredericksburg |
| <input type="checkbox"/> D4 North Stafford | <input type="checkbox"/> F5 Fredericksburg |
| <input type="checkbox"/> D5 South Stafford | <input type="checkbox"/> S1 Spotsylvania |
| <input type="checkbox"/> D6 North Stafford | <input type="checkbox"/> S4 Spotsylvania |
| <input type="checkbox"/> E1 Eagle Express | <input type="checkbox"/> S5 Spotsylvania |
| <input type="checkbox"/> E2 Eagle Express | <input type="checkbox"/> VF1 Fred. VRE |
| <input type="checkbox"/> E2LN Eagle Express | <input type="checkbox"/> VS1 Spots. VRE |

2. How many FRED buses will it take to complete this one-way trip today?

- 1 2 3 4+

3. What is the purpose of your trip today?

You may check more than one.

- | | |
|--|---|
| <input type="checkbox"/> Work | <input type="checkbox"/> School |
| <input type="checkbox"/> Social/Recreation | <input type="checkbox"/> Medical/Dental |
| <input type="checkbox"/> Shopping/Errands | <input type="checkbox"/> Tourism |
| <input type="checkbox"/> Child Care | <input type="checkbox"/> Other |

4. Is your trip part of a round-trip on the bus?

- Yes No Don't Know

Where are you COMING FROM?

5. Where did this one-way trip start?

Please select only one.

- | | |
|-------------------------------------|---|
| <input type="checkbox"/> Home | <input type="checkbox"/> Shopping/Errands |
| <input type="checkbox"/> School | <input type="checkbox"/> Medical/Dental |
| <input type="checkbox"/> Work | <input type="checkbox"/> Social/Sports/Recreation |
| <input type="checkbox"/> Child Care | <input type="checkbox"/> Other |

6. How did you get to the bus stop for this bus?

You may check more than one.

- Walked – How many blocks? _____
- Another bus – Which Route? _____
- Car – Drove Alone Car - Carpooled
- Bicycle VRE
- Other: _____

Where are you GOING TO?

7. Where will this one-way trip end?

Please select only one.

- | | |
|-------------------------------------|---|
| <input type="checkbox"/> Home | <input type="checkbox"/> Shopping/Errands |
| <input type="checkbox"/> School | <input type="checkbox"/> Medical/Dental |
| <input type="checkbox"/> Work | <input type="checkbox"/> Social/Sports/Recreation |
| <input type="checkbox"/> Child Care | <input type="checkbox"/> Other |

8. How will you get to your final destination once off the bus? *You may check more than one.*

- Walk – How many blocks? _____
- Another bus – Which Route? _____
- Car – Drive Alone Car - Carpool
- Bicycle VRE
- Other: _____

How satisfied are you with FRED's service?

9. Please rate FRED in the following areas:

	<u>Strongly</u> Satisfied	Satisfied	Neutral	Dis-satisfied	<u>Strongly</u> Dis-satisfied	<u>No</u> Opinion
a. Frequency of Bus Service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Areas that are Served by Bus Routes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Bus Running On-Time	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Hours of Bus Service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Availability of Schedules & Route Information	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Cost of the Bus Fare	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Sense of Security on Buses & at Stations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Cleanliness of Buses and Stations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Courtesy/Friendliness of Bus Drivers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j. Overall Service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Turn Over Please

How Can We Make FRED Better?

10. What do you like the **MOST** about FRED?

11. What do you like the **LEAST** about FRED?

12. Are there places in the region that you need to go that FRED does not serve?

Yes No

If Yes, Where? _____

13. Which of the following improvements would be **MOST** useful to you? *Please choose your top 3.*

- More frequent service Weekend service
- Bus stop shelters/benches Shorter travel times
- Earlier morning service Later evening service
- Real-time arrival info Wifi onboard buses
- Other: _____

14. If FRED were to make one service improvement, what would be your top choice?

Tell Me About Yourself:

15. How often do you typically ride FRED per week?

1 2 3 4 5+

16. What is your home ZIP Code? _____

17. Are you: Male Female

18. How many people live in your household? _____

19. What is your age?

- 12 or younger 35 - 49
- 13 - 17 50 - 64
- 18 - 24 65 and older
- 25 - 34

20. Do you have a driver's license?

Yes No

21. How many cars are in your household?

0 1 2 3 or more

22. Was a car available to you for this trip?

Yes No

23. Do you have a cell phone with internet access?

Yes No

24. Are you aware of or have you ever used Google Transit to plan your trip? Yes No

25. What is your employment status?

- Employed Full-Time Employed Part-Time
- Not Employed Retired

26. What is your total annual household income?

- Under \$20,000 \$60,000 - \$79,999
- \$20,000-\$39,999 Over \$80,000
- \$40,000 - \$59,999 Don't Know

27. Are you of Hispanic origin?

Yes No

28. How would you classify yourself?

- African American/Black
- Asian or Pacific Islander
- Caucasian/White
- Native American
- Other: _____

Comments:

Thank you for taking the time to complete this survey!

ROUTE: _____ DATE: _____ TIME: _____

OPTIONS PAPER
FRED FARE LEVELS AND STRUCTURE
FOR FY2017

February 18, 2016

**OPTIONS PAPER
FRED FARE LEVELS AND STRUCTURE**

FRED'S Current Fare Level and Structure

For its regular service FRED charges passengers \$1.00 for each boarding anywhere on its system any time of the day. Passengers can purchase a monthly pass for \$40.00 and an annual pass for \$225.00.

Children less than three (3) years old ride free.

The fare for an individual trip on a VRE feeder bus is \$1.50; a monthly pass costs \$50.00.

As a benefit of making significant contributions/grants to FRED (either in cash or in kind), students and employees of the University of Mary Washington and Germanna Community College, and employees of Mediacorp Health Care System, the Star Radio Group, the Free Lance Star, the City and Spotsylvania, Stafford, and Caroline counties may ride for free upon showing a valid work/school ID.

On July 1, 2015, FRED began offering a half-fare program. The program is available during non-peak hours which are currently defined as 4:00 a.m. to 8:00 a.m. and 8:00 p.m. to 1:00 a.m. Persons with permanent or temporary disabilities, Medicare recipients, and seniors greater than 62 years of age are eligible.

Table 1 summarizes fares during the last seven fiscal years.

Table 1

Fare	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016
Basic	\$0.50	\$0.50	\$0.75	\$0.75	\$1.00	\$1.00	\$1.00
Monthly Pass	\$25.00	\$25.00	\$30.00	\$30.00	\$35.00	\$35.00	\$40.00
Annual Pass	\$200.00	\$200.00	\$200.00	\$200.00	\$200.00	\$200.00	\$225.00
VRE Service	\$1.25	\$1.25	\$1.50	\$1.50	\$1.50	\$1.50	\$1.50
VRE Monthly Pass	\$40.00	\$40.00	\$45.00	\$45.00	\$45.00	\$45.00	\$50.00

FRED did not change its fares in fiscal years 2009, 2011, 2013 or 2015.

Ridership

- Ridership has declined in each of the last three fiscal years.
- Ridership decreased in FY2013 due to the loss of service in King George County.
- Ridership continued to decrease in FY2014 and FY2015 (see Figure 1).
- The total ridership decline in FY2015 was 23,150. Ninety-four percent of that decline was in City ridership (21,758).
- During FY2015 ridership increased in all counties, led by Stafford with an increase of 4,092, and followed by Caroline (1,074) and Spotsylvania (255).

Figure 1

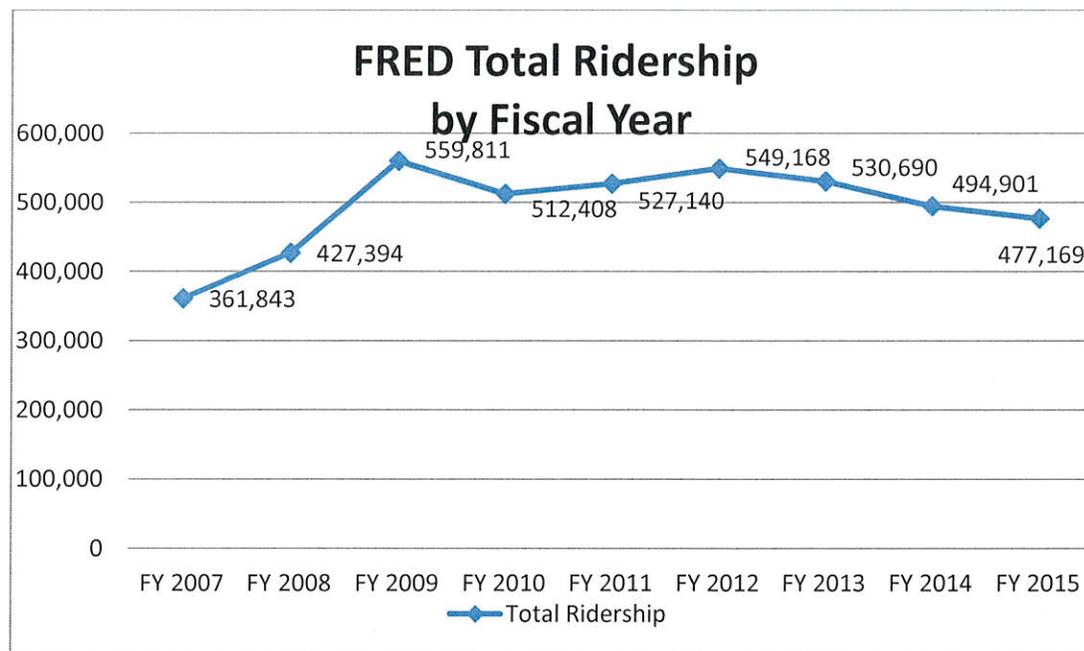


Figure 1: Ridership Fiscal Years 2007-2015

Fare Box Revenue and Recovery

- FRED's fare box revenues increased each year from \$54,963 in FY2007 to \$368,072 in FY2012, an increase of almost 700 percent.
- PTAB at its March 2009 meeting set as a target for FY2015 a fare box recovery ratio of 12% (the ratio of fare box revenues to operating expenses). PTAB's recommendation considered only true fare box revenue and did not consider cash contributions made by four major non-government partners in lieu of fares. Major non-government partners include – the University of Mary Washington, Mary Washington Healthcare, and Germanna Community College. They collectively contribute \$102,750.
- Despite the decline in ridership in FY2010, the FY2010 fare rate increase offset the temporary decline in ridership and increased fare-box revenue by 70 percent over the prior fiscal year to \$271,610.
- Revenue increased in FY2012 due to a rate increase and an increase in ridership.
- Fare box revenue decreased slightly in FY2013 due to the loss of service in King George County.
- Ridership decreased in FY2014 in part to re-routing Fall Hill Avenue service due to the construction road closure and to the particularly cold and snowy winter which resulted in the loss of service days. However, the FY2014 fare increase offset decreased ridership to produce a gain in fare box revenue.
- With no fare increase in FY2015, the decrease in ridership resulted in a corresponding decrease in revenue.
- FY2015 farebox recovery remained nearly equal to FY2014 at just under 12%.

Figure 2 Farebox Revenue

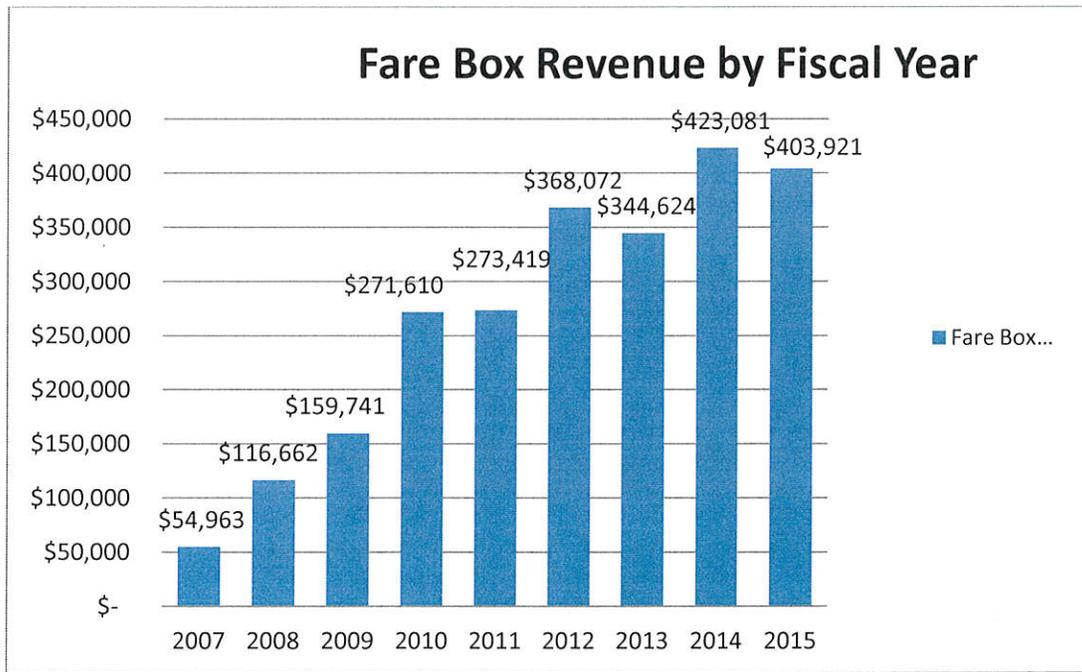
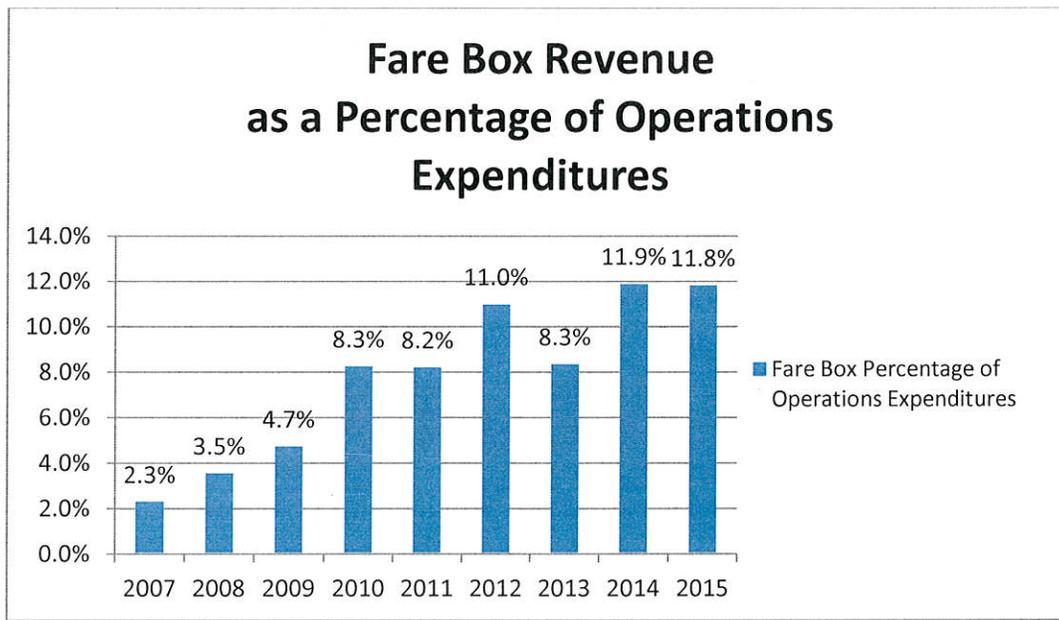


Figure 3 Farebox Recovery



Required Half-fare Program

FRED Transit (FRED) implemented its half-fare program on July 1, 2015. Current program policy offers reduced fares for trips during non-peak hours of operation. Non-peak is currently defined as 4:00 a.m. to 8:00 a.m. and 8:00 p.m. to 1:00 a.m. Persons eligible for reduced fares include: permanently or temporarily disabled; Medicare recipients; and persons greater than 62 years old.

During the first six months of FY2016 FRED tallied 33 half-fare trips. These trips produced a revenue reduction of \$31 compared to full fare rates.

Performance-based Operating Assistance

Enacted during the 2011 General Assembly session, Senate Joint Resolution (SJR) 297 directed the Department of Rail and Public Transit (DRPT) to examine key issues related to the distribution of funding to transit agencies within the Commonwealth of Virginia. The legislation specifically called for the examination of Virginia's current transit funding practices with respect to performance, prioritization, stability, and allocation. DRPT completed its work in December 2012 and delivered a report to the General Assembly (Senate Document No. 11). Subsequently, the 2013 General Assembly responded to the SJR 297 findings and passed SB 1140 that established a new process for allocating state operating assistance funding above \$160 million. These funds are to be distributed based upon the performance of competing transit agencies. The performance metrics used in the performance-based operating assistance allocation model and the percent of available funding that will be allocated to each metric are defined as follows:

Net Cost per Passenger (50%): Total operating costs less depreciation related to transit assets and any operating income derived from a source other than taxpayers divided by ridership. (An example of a non-operating income item would be interest income.)

Customers per Revenue Hour (25%): Ridership divided by revenue hours

Customers per Revenue Mile (25%): Ridership divided by revenue miles.

Options for Future Fare Levels

Fare changes include adjusting the prices for one, many, or all fare types which include:

- Regular Fare
- VRE Fare
- Regular fare monthly and yearly passes
- VRE passes
- Half-fare Program and
- Discounts and Other Free Ride Policies.

Fare adjustments necessarily must be considered within the context of the business environment.

Existing and anticipated important factors relating to fare adjustment decisions include:

1. Total ridership has declined in each of the last three fiscal years.
2. The metrics as defined in DPRT's performance allocation model would show improved agency performance if ridership increased.
3. FRED's FY2017 budget is only a 0.3% increase over FY2016.
4. FRED's farebox revenue for the FY2017 budget is estimated to be \$10,000 less than FY2015's actual farebox revenue.
5. Gasoline and diesel prices are anticipated to remain low during FY2017.

Options considered for FY2017 include:

Option 1: Discontinue Offering Annual Pass

Option 2: Offer Daily or Weekly Passes.

Option 3: Expand Half-fare Program to All Hours of Operation

Option 4: No change.

Discussion

FRED Fare Options – February 2016

Option 1 – Discontinue Annual Passes

During last year's fare discussions PTAB recommended that FRED consider discontinuing annual passes and also implementing daily or weekly passes, Options 1 and 2.

Regarding annual passes, we continue to sell 20-30 per year. Purchasers are predominantly area agencies on aging and social service organizations and are used by their staff for attending meetings and training events. During calendar year 2015, annual passes accounted for 1%¹ of total trips for the year (4,404 trips of 354,080 total trips). Based upon 28 passes sold for the year at a price of \$200, annual passes generated \$5,600 in revenue. Based upon the number of trips taken by annual pass holder, users of the annual passes would have generated \$4,404 based upon our \$1.00 fare. **Given the favorable revenue difference and the value to FRED of the agencies using the annual passes, we recommend continuing the annual pass program.**

Option 2 – Implement Daily or Weekly Passes

As a follow-up to last year's fare adjustment discussions, FRED prepared a briefing that evaluated daily and weekly passes and recommended that FRED implement a \$5 daily pass. We did not move forward with the recommendation due to the workload already placed on our drivers associated with implementing the real-time transit information system. **Given that FRED began "paperless" operations in early February and that we still need to implement the paratransit module of the software, we recommend deferring a daily pass for another year.**

Option 3 – Expand the Half-fare Program

Under this option, FRED proposes to expand the half-fare program to all hours of operation.

During the first six months of the program we recorded 33 half-fare trips. The low participation was not unexpected given the program's defined non-peak hours of operation. These trips resulted in a potential \$31 in lost revenue when comparing the half-fare rate to a full cash fare.

As noted in the ridership section of this paper, ridership has declined for the last three fiscal years. We also noted that two of the three DRPT model's metrics improve as ridership increases. Given this fact there is a compelling argument for taking steps that could increase ridership.

Expanding the half-fare program would affect our fare box revenue and the amount of revenue loss is difficult to estimate. According to our 2013 ridership survey 12% of our trips are taken by persons age 65 or more. In addition, we average approximately 1,500 wheel chair trips annually. Using our projected number of trips for FY2017 of 475,000 and assuming that 12% of all trips and all wheel chair trips were at the half-fare rate of \$0.50 instead of the regular fare of \$1.00, FRED's fare box revenue could decline by \$30,000. This represents a "worst case" scenario because it assumes that:

- 100% of all persons that qualify for half-fares would take advantage of the program and
- All persons would not currently be receiving discounted fares through monthly or annual passes.

FRED staff considers it more realistic that the probable revenue loss could be \$15,000 or less.

According to our current half-fare policy senior citizens are defined as age 62 and therefore VRE ridership could be affected by expanding the program to all hours of operation. We currently do not have data to accurately estimate the number of VRE riders that could qualify however it is worthy to note that paying the half-fare rate of \$0.50 per trip would be less than the cost of a VRE monthly pass even when riding the VRE twice per day for 22 days per month. VRE ridership in FY2015 accounted for 48,000 trips or approximately 10% of our total ridership; VRE fares are nearly evenly split between cash, fare

¹ Based upon RouteMatch data only.

cards and monthly passes. If we assume that 12% of VRE riders are seniors, our VRE service we could experience an additional \$5,000 in lost revenue. This is also a worst case due to the assumption that all qualified riders were paying full fare.

It should be noted that revenue loss would be offset by an increase in ridership however a significant increase in ridership would be necessary to fully offset losses.

FRED staff recommends this option given the potential to increase ridership, the marginal impact on revenue, and its benefit to the community.

Option 4 – Do Nothing

In FY2016 FRED raised the cost of regular service monthly and annual passes, and the monthly VRE pass. Historically, FRED has not increased fares in consecutive years. Given the decline in ridership and increases in the cost of passes for the current fiscal year, no increase in fares is an option to be considered.

Conclusions

Estimating the effect of changing fares on ridership with any certainty is challenging. The FY2008's elimination of free transfers had the effect of raising fares. Fares were also raised in FY2010, FY2012 and FY2014. Given these four increases, decreases in ridership occurred in only two of the four fiscal years, FY2010 and FY2014. Note that ridership also decreased in 2013 a fiscal year during which fares did not increase due to the loss of King George County service.

Based on the revenue and ridership effects of the adjustments made to FRED fares in FY2010 and FY2012, we believe that FRED's fare elasticity tends to be more inelastic given that ridership increased in FY2012 when fares increased indicating that factors other than price having a greater influence on ridership. VRE ridership also appears to be inelastic and more sensitive to changes in transportation subsidies provided to Federal workers than to FRED's fares. FRED has not had the opportunity to truly observe the affect on ridership of decreasing fares due to the very limited availability of half-fare rates during non-peak hours.

Increasing ridership should be an important consideration in driving our fare decisions.

Option 1 – Annual Passes

Based upon current data, annual passes and the agencies using annual passes are favorable to FRED. Discontinuing annual passes is not recommended.

Option 2 – Daily or Weekly Passes

Offering a daily pass may be beneficial but is not recommended at this time due to current and anticipated demands on drivers.

Option 3 – Expanding Half-fare Program Availability

We recommend expanding the half-fare program to all hours of FRED operation. We have no means to estimate the impact on ridership however, we anticipate that the expanded program could attract new riders and possibly increase ridership. From a community perspective, discounted fares for senior citizens, persons on Medicare, and persons with disabilities would benefit those with the greatest need and be a positive contribution to the community.

This program can result in reduced farebox revenue when comparing fares at full-price to half-price for a given number of riders. However, if it has the effect of attracting new and/or more riders, it could lessen fare box revenue loss when considering half-fare vs. no-fare or possibly negate revenue loss. If program

expansion would in fact result in an increase in ridership, it would benefit FRED by improving our DRPT two of our three performance measures and potentially improve our competitiveness for the funds to be distributed by DRPT's performance model. The potential to increase ridership would help our competitiveness and would offset some of the farebox revenue loss. The loss of farebox revenue, if any, would marginally impact our competitiveness as reflected in the "net cost per passenger" metric.

We cannot estimate a potential revenue amount from improved standing in the performance allocation model.

Option 3 provides opportunity to:

- explore the impact of a fare reduction on ridership;
- attract new riders; and
- possibly improve FRED's competitiveness regarding DRPT's performance based operating assistance.

FRED staff recommends expanding the half-fare program and changing the age for program eligibility from 62 to 65. Person's age 62 that already registered for the program would be "grandfathered into the expanded program.

Option 4 – Do Nothing

Given the decline in ridership over the last three fiscal years we do not recommend the do-nothing option.

Next Steps

Once an option is selected (assuming there is a change of some type), FRED should:

- 1) Brief all partners on the prospective change;
- 2) Provide the public with opportunity to review and comment on the prospective change;
- 3) Advertise the prospective change on all buses, at FRED Central, on the FRED website and in local media;
- 4) Provide ample notice of when the prospective change is to take place; and
- 5) Make certain that all drivers and other FRED staff who deal with the public are fully trained on the prospective changes and on how to handle inquiries regarding same.

Prepared by: FRED Staff
January 2016
Revised: February 2016

Public Transit Advisory Board
Committee on Services to the Traditionally Underserved

Needs-Identification Survey Questions

Please tell us about yourself.

1) What is your age?

- Under 62
- 62 or older

2) Where do you live?

- City of Fredericksburg
- Caroline County
- Spotsylvania County
- Stafford County

Zip code? _____

Neighborhood, development, etc. (optional)? _____

3) How would you describe your race and/or ethnicity (you may select more than one category)

- White (For example, German, Irish, English, Italian, Polish, French, etc.)
- Hispanic, Latino, or Spanish (For example, Mexican or Mexican American, Puerto Rican, Cuban, Salvadorian, Dominican, Columbian, etc.)
- Black or African American (For example, African American, Jamaican, Haitian, Nigerian, Ethiopian, Somalian, etc.)
- Asian (For example, Chinese, Filipino, Asian Indian, Vietamese, Korean, Japanese, etc.)
- American Indian or Alaska Native (For example, Cherokee, Chikahominy, Manahoac, Meherrin, etc.)
- Middle Eastern or North African (For example, Lebanese, Iranian, Egyptian, Syrian, Moroccan, Algerian, etc.)
- Native Hawaiian or Other Pacific Islander (For example, hative Hawaiian, Samoan, Chamorro, Tongan, Fijian, Marshallese, etc.)
- Some other race, ethnicity, or origin
Please describe: _____

4) What is your yearly gross income? _____

Please tell us about your driving habits.

5) Do you drive?

- Yes
- Yes, but only during daylight hours
- No (skip to #7)

6) Do you own or have access to a vehicle?

- Yes
- No

7) Do you expect you will experience any driving limitations in the foreseeable future?

- I am already experiencing some limitations
- I will probably have some limitations in the next year or two
- I will probably have some limitations in the next three to five years
- I don't foresee any limitations in the next five years

8) Do you have a disability that prohibits you from driving?

- Yes
- No
- Prefer not to say

If yes, have you been referred to transportation alternatives?

- Yes – Which ones?
- No

Please tell us about your travel habits and needs.

9) Please circle any statements that apply

- I'm not aware of FRED bus service.
- FRED bus service adequately meets my needs.
- FRED bus service schedules and days of operation don't meet my needs.
- FRED bus service doesn't go where I need to go.
- FRED bus stop locations aren't convenient for me
 - Where is the closest bus stop? _____
 - How far is this bus stop from your home? _____
- I have difficulty getting to/from the bus stop
 - What stop? _____
 - Why? _____
- Would you use FRED bus service if you could get to the stop? Y/N
- I don't feel safe using FRED bus service
- I have access to a private community shuttle, bus, or van service

10) What type of transportation do you use most often to run errands or get around?

- I drive myself
- My spouse, family member, or caregiver drives me
- I take a taxi
- I walk
- I use the FRED bus system
- Other: _____

11) Where do you go most often? (check up to 2)

- Work
- Social or recreational activities
- Grocery or other shopping
- Doctor's appointments/healthcare visits
- Worship or church-related activities

12) How well are your overall transportation needs being met?

- Very well
- Fairly well
- Poorly
- Very poorly

13) On what day of the week is it hardest for you to get to your destination(s)? (check all that apply)

- Monday
- Tuesday
- Wednesday
- Thursday
- Friday
- Saturday
- Sunday

14) During what times of day is it hardest to get to your destination(s)? (check all that apply)

- Early morning (5:00-8:30am)
- Late morning (8:30am-12noon)
- Early afternoon (noon-3:00pm)
- Late afternoon (3:00-6:00pm)
- Evening (6:00-9:00pm)
- Late night (9:00pm or later)
- Other time (please specify): _____

15) What areas of the Fredericksburg Region are hard to get to because of lack of transportation? (please be as specific as possible)

- _____
- _____
- _____
- _____
- _____

16) Have you ever quit a job or lost a job because you had no reliable transportation to get to work?

- Yes
- No

17) Does a lack of transportation options prevent you now from working?

- Yes
- No

18) Which of the following services do you use?

- FRED bus service
- Greyhound
- Amtrak
- Rappahannock Area Agency on Aging transportation
- Taxis
- Transportation Network Companies (Uber, Lyft, etc.)
- GW RideConnect**

Which of the above do you use most often? _____

Please tell us your thoughts about FRED bus service.

19) Based on your experience, how easy is it to get from the FRED bus line to other transit providers, such as Amtrak, Greyhound, and VRE?

- Very easy
- Easy
- Difficult
- Very difficult
- Not applicable

20) Are you aware that FRED now offers a half-fare program during off-peak hours to people with disabilities, senior citizens, and Medicare recipients?

Yes
No

21) If the half-fare program were available all day, would you be more likely to ride FRED?

Yes
No

I don't believe I'm eligible for the program

22) Which of the following would most likely increase your use of FRED bus service?

More convenient routes and stop locations

More frequent service

Stop(s) closer to my home

Bus shelters

Other: _____

If any of the above are circled, please explain: _____

DRAFT

Report for PTAB Meeting by DJE

Meeting Date 6 April 2016 @ 0830; Location FRED Central.

Activities since the 3 February 2016 Meeting:

<u>Special Events/Presentations made:</u>		Four (4)
02/08/16	The Madonna House	(9)
3/10/16	Enoch George Apts.	(4)
3/12/16	Family Day, Caroline County Middle School	(24)
3/29/16	RAAA/RACSB/FRED Driver Safety Rodeo	(80)
	Total Attendees:	(117)

Special Events/Presentations Scheduled: Two (2)

05/16/16	The Evergreens Apartments
06/08/16	Partners in Aging Event, @ Expo Center

Training Trips made: Three (3)

02/11/16	Olde Forge Rd. to Bragg Hill Area	(1)
02/25/16	The Commons Apts. to Downtown Fred'burg	(3)
03/16/16	Enoch George Apts. to Spotsy Courthouse	(3)
	Total Individuals:	(4)

Training Trips – Scheduled: One (1)

04/28/16	Lee's Hill Center to Downtown Fred'burg
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I researched several requests for information on feasibility of riding FRED. I also provided information pertaining to several deviation requests.

**FREDERICKSBURG
RECREATION COMMISSION
Minutes of June 16, 2016**

The June meeting of the Fredericksburg Recreation Commission was held on Thursday, June 16, 2016 at Maury Commons. The meeting was called to order at approximately 6:30 p.m.

Commissioners Present: Mrs. Susan Tyler, Mrs. Sharon Null, Dr. Timothy Duffy, Dr. John Gordon, III, Mr. Ken Kroko, Mr. Brandon McVade, and Dr. Marcus Tepaske. Absent: Mr. James Bailey and Dr. George Foster. Also in attendance: Director Jane Shelhorse and Mrs. Patricia Sparks.

I. **Approval of Minutes:** The minutes of May 19, 2016 were unanimously approved.

II. **Public Comment:**

Assistant Director of Public Works, Mr. David King and Fredericksburg Tree Task Force Chairman, Mrs. Jeanette Cadwallender, gave a brief presentation to the Recreation Commission on the development of this task force by City Council. Due to opposition of the trees planted on the Washington Mall last November, City Council appointed a seven-member task force for reviewing citizen comments presented at the February 1, 2016 public forum. Based on these comments, the Task Force developed recommendations as to whether or not changes should be made to the current tree plan. City Council directed the task force to present its recommendations to the Recreation Commission and the Clean and Green Commission prior to presenting the final recommendation to City Council on July 12, 2016. Mrs. Jeanette Cadwallender reviewed the recommendations with the Recreation Commission as outlined in the Special Report and Recommendation by the Washington Avenue Mall Tree Task Force. As Chairman of the Fredericksburg Tree Task Force, Mrs. Cadwallender also presented the Recreation Commission with a (draft) Policy and Procedures plan for planting trees in Parks. Commissioner Null asked if this information can be put on the city's web page and if a hardcopy be placed in the Dorothy Hart Community Center. Commissioner Duffy commended the task force on their excellent work. Knowledge, sharing information and communicating the tree planting process to the residents of Fredericksburg will alleviate ill feelings among the City residents.

Fredericksburg Area Youth Foundation President, Mr. Ron Holmes, and board member Mr. Lynch, gave a brief presentation to the Recreation Commission requesting their support for building a third baseball field at the Sunshine Ball Park. The Foundation would like to have the Commission send a letter to City Council supporting the construction of a new baseball field. In the near future, Mr. Holmes and Mr. Lynch will make a formal presentation to City Council requesting support from the

City. Mr. Holmes stated the larger donors want to make sure the City is on board in building a third baseball field. The Commissioners agreed to have the Chairman send a letter on behalf of the Recreation Commission supporting the construction of a third baseball field at Sunshine Ball Park.

A motion was made by Commissioner Tepaske, seconded by Commissioner McVade and unanimously approved to have the Recreation Commission Chairman draft a letter to the City Council supporting the Fredericksburg Area Youth Foundation for the construction of a third baseball field.

III. Communications from Staff: The Commissioners reviewed the following reports:

Financial Report – May 2016

Sports/Parks Report – June 2016

Leisure/Special Events Report: none submitted

IV. Noteworthy Dates: The Commissioners reviewed upcoming programs and trips.

V. Old Business:

A. Riverfront Park – Next month Rhodeside and Harwell, the design firm will make a presentation to City Council.

B. Park Signs and Logo – Parks Signs and logo are on hold until the new City Manager begins. In early June, Director Shelhorse submitted a purchase requisition for Higashi and Glaeser for logo design work, but it was rejected by the City Manager, Bev Cameron. Funding for the project was cut from the budget for FY2017. Director Shelhorse spoke to City Manager, Tim Baroody, and he is aware of the work that has been done by both staff and the Recreation Commission. The Commissioners do not want to wait five years in developing a City park logo.

C. Commission Retreat – The retreat is scheduled for June 24 & 25th.

D. Public Sculpture Project – Director Shelhorse spoke with Julie of the Arts Commission about the concerns expressed by the Recreation Commission at their last monthly meeting. There is a selection committee that will determine which art sculptures will be placed at various sites. The Arts Commission will meet June 24th to discuss placing sculptures throughout the City. Director Shelhorse and Commission members were invited to attend the June meeting. Commissioners Kroko and Null plan to attend the meeting.

E. Memorials Committee - At the May 2016 Recreation Commission meeting the Commissioners asked Director Shelhorse to determine where we were on naming the pool at Dixon Park. Director Shelhorse contacted

Nancy Moore, Chairman of the Memorials Advisory Commission, in reference to the process for naming the City pool in honor of Doris Buffett. Nancy Moore had told Director Shelhorse that a letter needs to come from the Recreation Commission requesting the City pool be named in honor of Mrs. Doris Buffett, and the Memorials Commission will make a recommendation to City Council. The Commissioners discussed the actual name and it was determined to leave that up to Mrs. Buffett.

A motion was made by Commissioner Kroko, seconded by Commissioner Gordon, and unanimously approved to write a letter on behalf of the Recreation Commission to the Memorials Commission requesting that the City pool be named in honor of Doris Buffett for her gracious donations.

VI. New Business:

A. Election of Officers –

A motion was made by Commissioner Tepaske, seconded by Dr. Gordon nominating and electing Commissioner Null as Chairman and Commissioner McVade as Vice Chairman for the upcoming 2016-2017 year. Motion was passed unanimously.

B. Policies and Procedures – Trees in Parks – The Commissioners reviewed a draft plan for planting new trees in the City parks, but want to be notified of trees being planted in City parks. As discussed last month, the Recreation Commissioners do not want to be the final “decision making board” on planting trees; the decision should be made by the staff and the professionals. The Commission discussed which **staff** member should have the final approval and they agreed the Director of Parks, Recreation and Public Facilities should have the “final approval.”

A motion was made by Commissioner Kroko, seconded by Commissioner Gordon and unanimously approved the Policies and Procedures for Tree planting in City parks with the exception of one change: Final approval of the tree planting plan will be made by the Director of Parks, Recreation and Public Facilities.

VII. Commission Concerns and Topics:

Commissioner Duffy stated that he was sorry to see George Foster leaving the Commission. His replacement, David Dorsey is an excellent replacement. Commissioner Duffy stated that the new City Manager will be starting soon and there may be a little transitioning time so please be patient.

Commissioner Gordon asked if we could invite the new City Manager to meet the Recreation Commissioners. Director Shelhorse will ask when she meets with him.

Commissioner Null asked if the Food Truck goes to the Sunshine Ball Park. Commissioner Gordon answered that he thought the Food Truck was at Sunshine Ball Park, as well as Dixon Pool and other locations. This year there are two trucks, so more children will be served. Commissioner Null said she just thought it was a great program

Commissioner Tyler stated there were very fewer spectators for the Soap Box Derby this year, and she hadn't seen much advertising for the event. Next year we should try to advertise through The Free Lance-Star newspaper, and not do everything online.

Meeting Adjourned at 8:04 p.m.

 7/21/16
Jane C. Shelhorse **Date**
Director

**Next Regular Meeting July 21, 2016 6:30 p.m.
at Maury Commons, Suite 111.**



CITY OF FREDERICKSBURG, VIRGINIA
CITY COUNCIL
MINUTES
Council Chambers, 715 Princess Anne Street
Fredericksburg, Virginia 22401

ITEM #9A

HON. MARY KATHERINE GREENLAW, MAYOR
HON. WILLIAM C. WITHERS, JR., VICE -MAYOR, WARD TWO
HON. KERRY P. DEVINE, AT-LARGE
HON. MATTHEW J. KELLY, AT-LARGE
HON. BRADFORD C. ELLIS, WARD ONE
HON. DR. TIMOTHY P. DUFFY, WARD THREE
HON. CHARLIE L. FRYE, JR., WARD FOUR

Council Work Session
May 24, 2016

Board and Commission Interviews

The Council of the City of Fredericksburg, Virginia held a work session on Tuesday, May 24, 2016, beginning at 5:45 p.m. in the City Hall Conference Room.

Council Present. Mayor Mary Katherine Greenlaw, Presiding. Councilors William C. Withers, Jr., Kerry P. Devine, Timothy P. Duffy, Bradford C. Ellis, Charlie L. Frye, Jr. and Matthew J. Kelly.

Also Present. City Manager Beverly R. Cameron, Assistant City Manager Mark Whitley, City Attorney Kathleen Dooley, and Clerk of Council Tonya B. Lacey.

Interviews. Council interviewed the following applicants for possible appointment to the Economic Development Authority and the Planning Commission.

Ben Keddie – Defined economic development as growth in the City through tax base or job base diversity would also fall into that. He would like less retail jobs and more office jobs, because he feels they are more valuable. He believes the EDA would be an accelerant to helping businesses come to the City. If he was on the EDA he would like his first learn what the EDA has done then he would like to help businesses expand in the City and bring additional businesses to the City from out of state. He said it would be an incredible opportunity for the EDA to assist with more projects like Liberty Place he feels it would be hard for other localities to compete with that type of project, combining Class A office in the downtown area. When asked about incentives Mr. Keddie stated that the Liberty Place project was a good project to incentivize and the baseball project was not. He said smaller projects such as Liberty Place will provide longer term benefits and he did not feel baseball would do the same. Mr. Keddie said he wanted to serve on the Board because had a duty and an obligation and this was the first time he had been asked to serve in a position that was such a good fit for him.

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Chris Muldrow – Mr. Muldrow was asked how he felt the EDA could be used more proactively and he said in the master plan there were some target industries mentioned and he felt the EDA could use incentives to target those industries to attract them to the City. He would tailor the incentives to the individual businesses. He would like to see the EDA do a better job at attracting those industries. He would also like to see the Jumpstart Plan reevaluated. Mr. Muldrow said he did not think as many funds should be directed at façade improvements and that it seemed like the EDA was doing smaller projects and he would be a fan of larger projects but they have to be more diligent. When asked if he would give money upfront for a business he said sometimes front ending would be appropriate because there were bigger risk in the beginning of opening a business. Mr. Muldrow said he would like to market the City as a security hub because many commuters traveling north are cyber security employees. Another area of interest he believes should be marketed is the food industry. He said the City has the right environment for food entrepreneurs as well as high end craftsmanship and breweries.

Bill Beck – Going forward he stated that the EDA could improve on their ideas. He would like to see bigger and more meaningful ideas. He said he does not get excited about the little grants. He said he got interested in serving on the EDA when the Main Street program started. He said the EDA money was public money and should serve the public good. Mr. Beck stated that his real interest was downtown but the real money generator was Central Park. The standard strip retail developments were fading. He added that the downtown needed some recruitment and some polishing up and he felt EDA could make a difference. He said the EDA could be use more proactively to go out and promote Fredericksburg to small interest groups that need to be close to DC but not located in DC.

Rene Rodriguez – When asked what he thought was wrong with the Planning Commission he said there needed to be more transparency and more open dialog to get more public input. He said special exceptions must not be granted for every project they had to warrant the special exception. Mr. Rodriguez said the City Council sets the vision and the City Manager and the Planning Commission must enact he vision. There must be continuous dialog between the City Council, City Manager and the Planning Commission. He added that he loved the City and when he was looking for a place to settle Fredericksburg kept pulling him back in.

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Closed Meeting Approved. Upon the motion of Councilor Ellis, seconded by Vice-Mayor Withers and passed by the following recorded votes, Council approved a closed session pertaining NBB, LLC v. City Council, CL15-0787, and City Council v. Architectural Review Board and NBB, LLC, CL15-0820 where such consultations or briefings in an open meeting would adversely affect the negotiating or litigating posture of the City Council, under Virginia Code §2.2-3711(A)(7). Ayes (7) Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye, and Kelly. Nays (0).

Return to Open Meeting Approved. Upon the motion of Councilor Devine, seconded by Councilor Kelly and passed by the following recorded votes, Council approved a return to an open meeting. Ayes (7) Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye, and Kelly. Nays (0).

Resolution 16-42, Approved, Certifying Closed Meeting. Upon the motion Councilor Devine approved Resolution 16-42 certifying the closed meeting; seconded by Councilor Kelly and passed by the following recorded votes. Ayes (7) Councilors Greenlaw, Withers, Devine, Ellis, Frye, and Kelly. Nays (0).

Adjournment. There being no further business to come before the Council at this time. Mayor Greenlaw declared the work session officially adjourned at 7:26 p.m.

**Tonya B. Lacey
Clerk of Council
City of Fredericksburg**



CITY OF FREDERICKSBURG, VIRGINIA
CITY COUNCIL
MINUTES

Council Chambers, 715 Princess Anne Street
Fredericksburg, Virginia 22401

ITEM #9B

HON. MARY KATHERINE GREENLAW, MAYOR
HON. WILLIAM C. WITHERS, JR., VICE -MAYOR, WARD TWO
HON. KERRY P. DEVINE, AT-LARGE
HON. MATTHEW J. KELLY, AT-LARGE
HON. BRADFORD C. ELLIS, WARD ONE
HON. DR. TIMOTHY P. DUFFY, WARD THREE
HON. CHARLIE L. FRYE, JR., WARD FOUR

**Council Work Session
June 28, 2016**

**Changes to UDO Fence Regulations
Changes to UDO Breweries, Wineries and Distilleries
Closed Session – Proffer Legislation**

The Council of the City of Fredericksburg, Virginia held a work session on Tuesday, June 28, 2016, beginning at 5:30 p.m. in the City Hall Conference Room.

Council Present. Mayor Mary Katherine Greenlaw, Presiding. Councilors William C. Withers, Jr., Kerry P. Devine, Timothy P. Duffy, Bradford C. Ellis, Charlie L. Frye, Jr. and Matthew J. Kelly.

Also Present. City Manager Timothy J. Baroody, Assistant City Manager Mark Whitley, City Attorney Kathleen Dooley, Planning Services Director Charles Johnston, Zoning Administrator Michael Craig, Development Administrator Marne Sherman, Assistant Economic Development Director Bill Freehling and Clerk of Council Tonya B. Lacey.

Others Present. Fredericksburg Regional Alliance President Curry Roberts.

Changes to UDO Fence Regulations. Development Administrator Sherman presented a PowerPoint with photo examples of the fences and she reviewed her memorandum that covered staff's recommendation, the background, the current regulations and the alternatives. See attachments for more information.

Councilor Kelly asked why the staff was being so stringent and Mr. Johnston explained that they were trying to create a consistent pattern.

Council was in agreement to move forward with the next steps of changing the UDO fence regulations and Mr. Johnston explained that it would come as a resolution to City Council recommending it go before the Planning Commission.

Changes to UDO Breweries, Wineries and Distilleries. Zoning Administrator Mike Craig stated that the changes came about because the Fredericksburg

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Regional Alliance President Curry Roberts and Assistant Economic Development Freehling identified a couple of emerging markets. The first was for regional sized breweries which have tourism oriented commercial component and they had put together a marketing package to market a portion of Celebrate Virginia for such use but learned that it was only allowed by special exception. Staff reviewed the ordinance and looked at other craft markets such as wineries and they reviewed other localities that have dealt with these type of issues and staff came up with the documents that are attached. (See attachments for more information).

Councilor Ellis asked what the demand was for breweries and what was the economic impact and Mr. Curry stated that the economic impact depends on how big the production is and whether they have a full restaurant, brew pub or tasking. On the production side they will pay competitive manufacturing wages or pay a little higher.

Mr. Curry added that the City was probably 2-3 years behind on marketing for this industry but explained that breweries were being driven off the west coast because there is an east coast demand and they also have to limit their production on the west coast because of water restrictions and limits as well as transportation. He said the reason they chose this site is because this site was narrowed down after showing a prospect 20 different sites across the region and the fact that the concerts were next door was a plus. The target market is a brewery within 10,000-20,000 barrel range that wants to expand into the 40,000-50,000 barrels.

Mr. Curry stated that they have been doing site audits and this was another reason for getting this property ready. They are trying to get sites business ready because if they are not ready it puts the City at a disadvantage.

Vice-Mayor Withers was concerned with allowing these breweries in some of the zones because they back up to communities and he feels they should be allowed only by special use permit. Mr. Withers asked that criteria adjacent to residential and lot size be addressed in permitted areas.

Closed Meeting. Councilor Kelly asked the City Attorney to explain what the reason was for going into closed session. He said he's had some concerns from constituents on why the City Council was going into closed session.

City Attorney Dooley explained that the Freedom of Information Act allows closed session authority for consultation of the city attorney on specific matters that need legal advice and the specific matter is the proffer bill. She said there was a public interest in the confidentiality of those discussions. In the closed session, as the City Attorney, she would like

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to provide candor advice to the Council. She explained that there would not be any actions taken in the closed session

Councilor Duffy did not see the reason for going into closed session and Vice-Mayor Withers said if the City Attorney advises a closed session then it needs to be closed. Councilor Ellis also agreed with Councilor Duffy but went with majority or Council's decisions.

Closed Meeting Approved. Upon the motion of Vice-Mayor Withers, seconded by Councilor Kelly and passed by the following recorded votes, Council approved a closed session for consultation with City Attorney regarding the new proffer legislation (Acts of the Assembly Chapter 322) adopted by the 2016 General Assembly, and the City's legal authority to accept proffers for residential rezonings, under Virginia Code §2.2-3711(A)(7), where such matters require the provision of legal advice. Ayes (7) Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye, and Kelly. Nays (0).

Return to Open Meeting Approved. Upon the motion of Councilor Kelly, seconded by Vice-Mayor Withers and passed by the following recorded votes, Council approved a return to an open meeting. Ayes (7) Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye, and Kelly. Nays (0).

Resolution 16-42, Approved, Certifying Closed Meeting. Upon the motion Councilor Kelly approved Resolution 16-42 certifying the closed meeting; seconded by Vice-Mayor Withers and passed by the following recorded votes. Ayes (7) Councilors Greenlaw, Withers, Devine, Ellis, Frye, and Kelly. Nays (0).

Adjournment. There being no further business to come before the Council at this time. Mayor Greenlaw declared the work session officially adjourned at 7:19 p.m.

**Tonya B. Lacey
Clerk of Council
City of Fredericksburg**



MEMORANDUM

TO: Beverly R. Cameron, City Manager
FROM: Marne E. Sherman, Development Administrator
RE: Proposed Alternatives for Fences and Walls within Front Yards
DATE: June 20, 2016

ISSUE

Shall the Unified Development Ordinance (UDO) be amended to permit fences and walls within front yards on residential lots to exceed four feet in height?

RECOMMENDATION

Provide feedback on recommended alternative and direct staff to initiate the text amendments by scheduling a public hearing before the Planning Commission.

BACKGROUND

City residents, living on corner lots and through lots, have sought changes to the UDO to permit fences and walls exceeding four feet in height within secondary front yards. This is the area of a corner lot or through lot that many homeowners perceive as their back yard as it runs behind the house along a secondary street frontage. Residents would like to enclose this area of the lot to gain privacy from the street and neighboring uses. In some cases, there are neighborhoods with established (non-conforming) patterns of corner lots with six foot tall fences along the secondary front lot line.

In May, City Council directed staff to present alternatives to the UDO to permit taller fences within the secondary front yard, in keeping with traditional neighborhood patterns.

CURRENT REGULATION

The previous Zoning Ordinance and current UDO Section 72-56.2.B. regulate that "in any front yard of a site in any R District, a fence or wall shall not exceed four feet in height back to the front of the principal structure on the site. This provision shall also apply to residential uses in other districts." There are two presumptive reasons for the limitation - bulk/mass in the front yard and safety along public spaces.

Bulk/Mass in a Front Yard

The general purpose of a minimum front yard setback is to provide for open areas and access to and around structures, for visibility and traffic safety, access to natural light, ventilation and direct sunlight, separation of incompatible land uses, and space for privacy, landscaping and

recreation. The code currently allows for four foot fences to be placed anywhere on a residential lot and allows for taller fences to be placed in keeping with the minimum front yard setback. Just as the code limits principal structures (houses) and accessory structures (sheds and garages) from placement within close proximity to a street in residential zoning districts, fence heights are limited due to the mass and bulk they also create along the street. Fences along the street have the ability to provide privacy for the individual lot owner, but they may also disrupt an entire block face if not constructed in keeping with the context of adjacent properties.

Safety along Public Spaces

As taller structures are placed nearer to the street, there is a potential heightened risk to public safety. Taller fences within front yards can create potential sight distance conflicts with vehicles utilizing driveways and alleys intersecting with pedestrians on public sidewalks. Additionally, taller fences may increase potential dangers along the sidewalk by creating dark areas and places for people to hide if the fence is not adequately setback or built with a certain level of transparency.

ALTERNATIVES

To address the public's desire to allow for taller fences within the secondary front yard while maintaining good design in relation to bulk/mass and safety, staff recommends the following changes to UDO Section 72-56:

1. Within the secondary front yard, no fence or wall exceeding four feet in height shall extend forward of the following listed items, whichever is closest to the street.
 - a. The building front of the principal structure on the same lot or abutting lot(s); or
 - b. The required front yard setback on the lot or abutting lot(s); or
 - c. An accessory structure (such as a garage or shed) on the same lot.

Where the secondary front yard of a lot proposing a fence abuts the secondary front yard of another lot, the proposed fence may exceed four feet in height within the secondary front yard.

This allows taller fences within the secondary front yard but limits their placement by the context of the block face – where houses/sheds exist or could be built.

2. Maximum heights within the secondary front yard may be exceeded subject to approval of a Special Exception from the Board of Zoning Appeals as permitted by State Code.

This allows additional flexibility within the front yard and secondary front yard where it is merited and following public notice. The criteria to evaluate approval of a Special Exception may include location of the proposed fence on the lot, style of fence (i.e., openness / transparency), neighboring uses, and positioning of the principal structures on the abutting lots.

Additionally, staff proposes the following changes to the UDO:

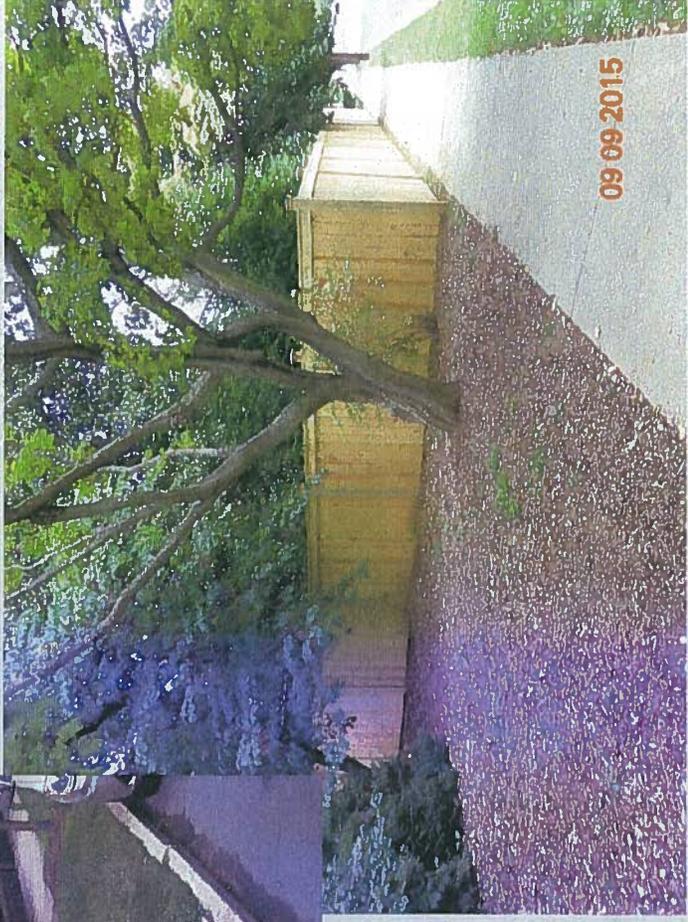
1. No barbed wire, razor wire, or similar style fence material is permitted within residential, planned development, or commercial zoning districts or on a lot containing or adjacent to a residential use. ***These fence materials would still be permitted on industrially zoned property.***

2. Limit fences within the C-T, C-H, C-SC, and C-D to four feet within front yard and in secondary front yard per Alternatives 1 and 2 noted above.
3. Amend Section 72-63.3.C., Non-conforming Structures, Minor Alterations, to specifically list a fence or wall as items permitted to be altered with a substantially similar replacement.
4. Amend Article 8 regarding the definitions for Front Yard, Secondary Front Yard, Front Lot Line, Secondary Front Lot Line, Building Front, and Through Lot.
5. Amend Article 5 and/or 8 establishing criteria to calculate a Sight Distance Triangle to address potential visibility conflicts with taller fences and vehicles using alleys and driveways.
6. Amend Article 2 to permit the Board of Zoning Appeals to consider applications for Special Exceptions for fence heights as permitted by State Code.

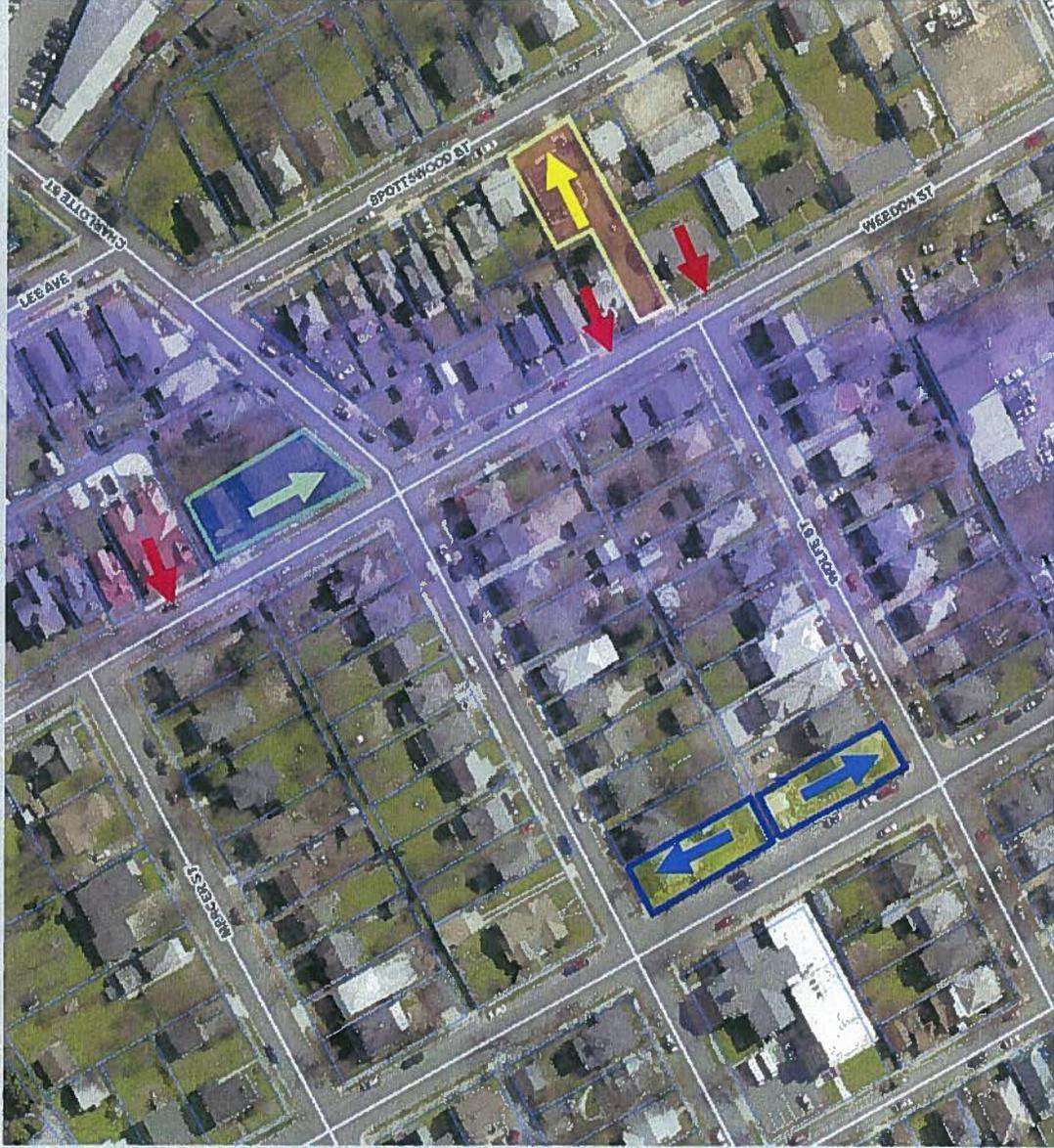
Alternatives that were considered but are not recommended:

1. Keeping the existing four foot height limit in any front yard and between the street and the building front. ***This was not recommended due to its restrictiveness.***
2. Allowing six foot fences within the secondary front yard on lots of less than 50 feet in width (or some other dimension) without consideration to context or transparency. ***This was not recommended due to its arbitrary selection of a dimension and because it would permit a solid fence in front of other principal structures on the same block face.***
3. Allowing six foot fences within the secondary front yard if there is a certain degree of transparency but without consideration to context. ***This option was not recommended due to the difficulty in equitably calculating degrees of transparency and possible manipulation of the standard.***
4. Allowing six foot fences with a minimum setback from the secondary front lot line without consideration to context or transparency. ***This option was not recommended because it would permit a solid fence in front of other principal structures on the same block face. It may also create a maintenance issue for the strip of land left on the outside of the fence.***
5. Allowing six foot fences directly on the secondary front lot line without consideration to context or transparency. ***This option was not recommended because it would permit a solid fence in front of other principal structures on the same block face.***

City Council Work Session – June 28, 2016
Fence Regulations

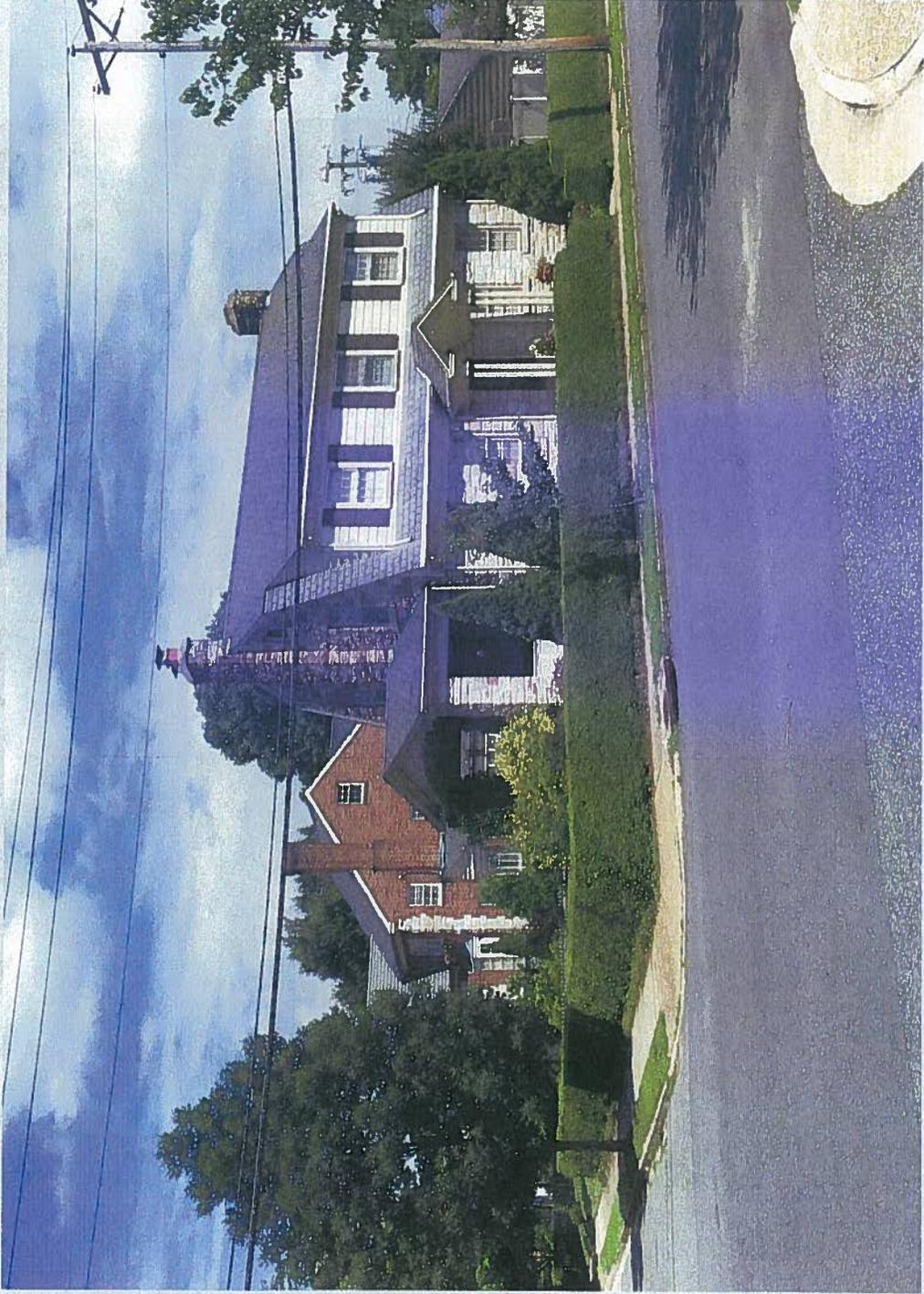


City Council Work Session – June 28, 2016
Fence Regulations



City Council Work Session – June 28, 2016
Fence Regulations

Bulk and Mass



City Council Work Session – June 28, 2016
Fence Regulations

Safety



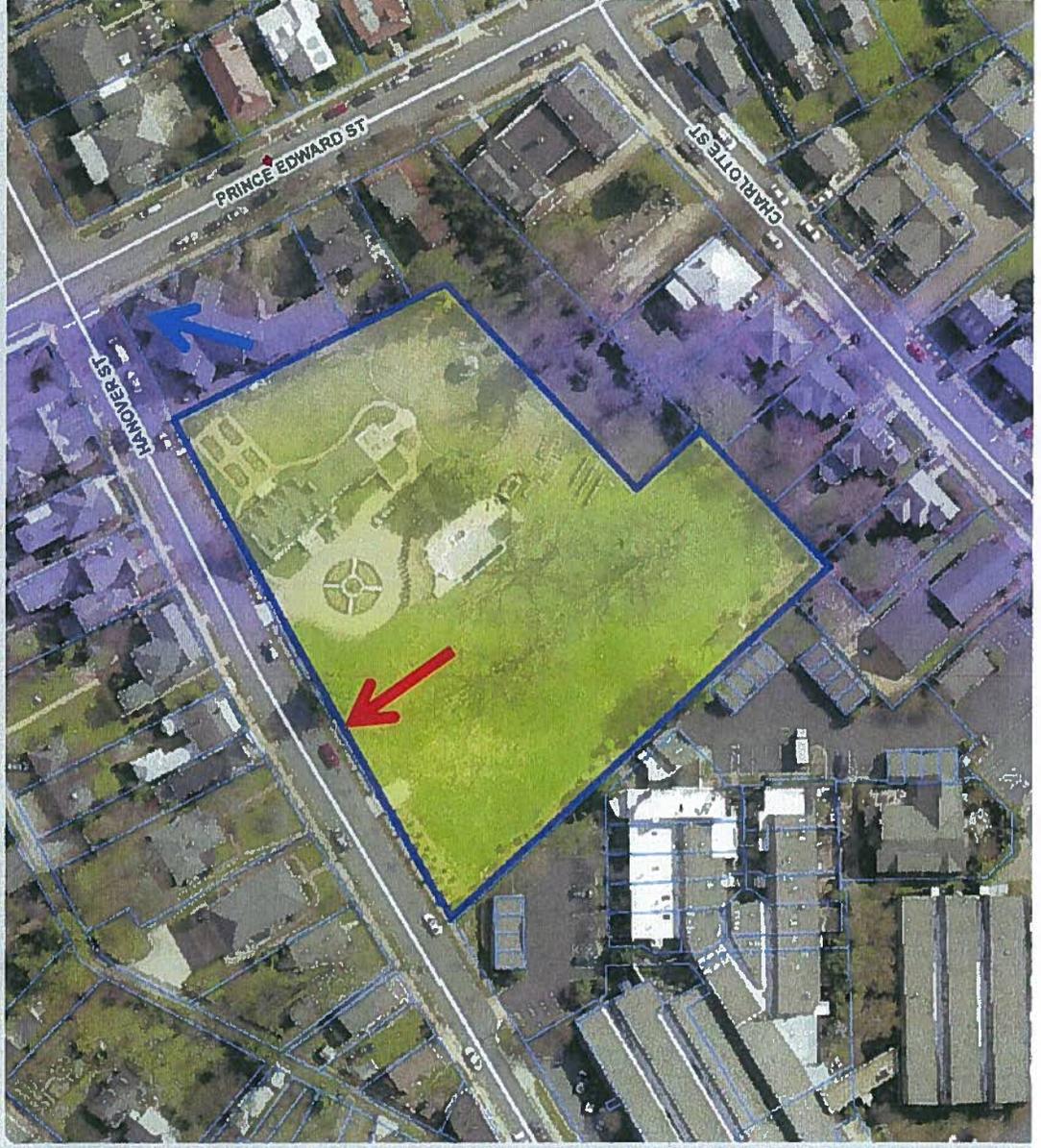
City Council Work Session – June 28, 2016
Fence Regulations

Alternative 1



City Council Work Session – June 28, 2016
Fence Regulations

Alternative 2



City Council Work Session – June 28, 2016
Fence Regulations

Alternative 2



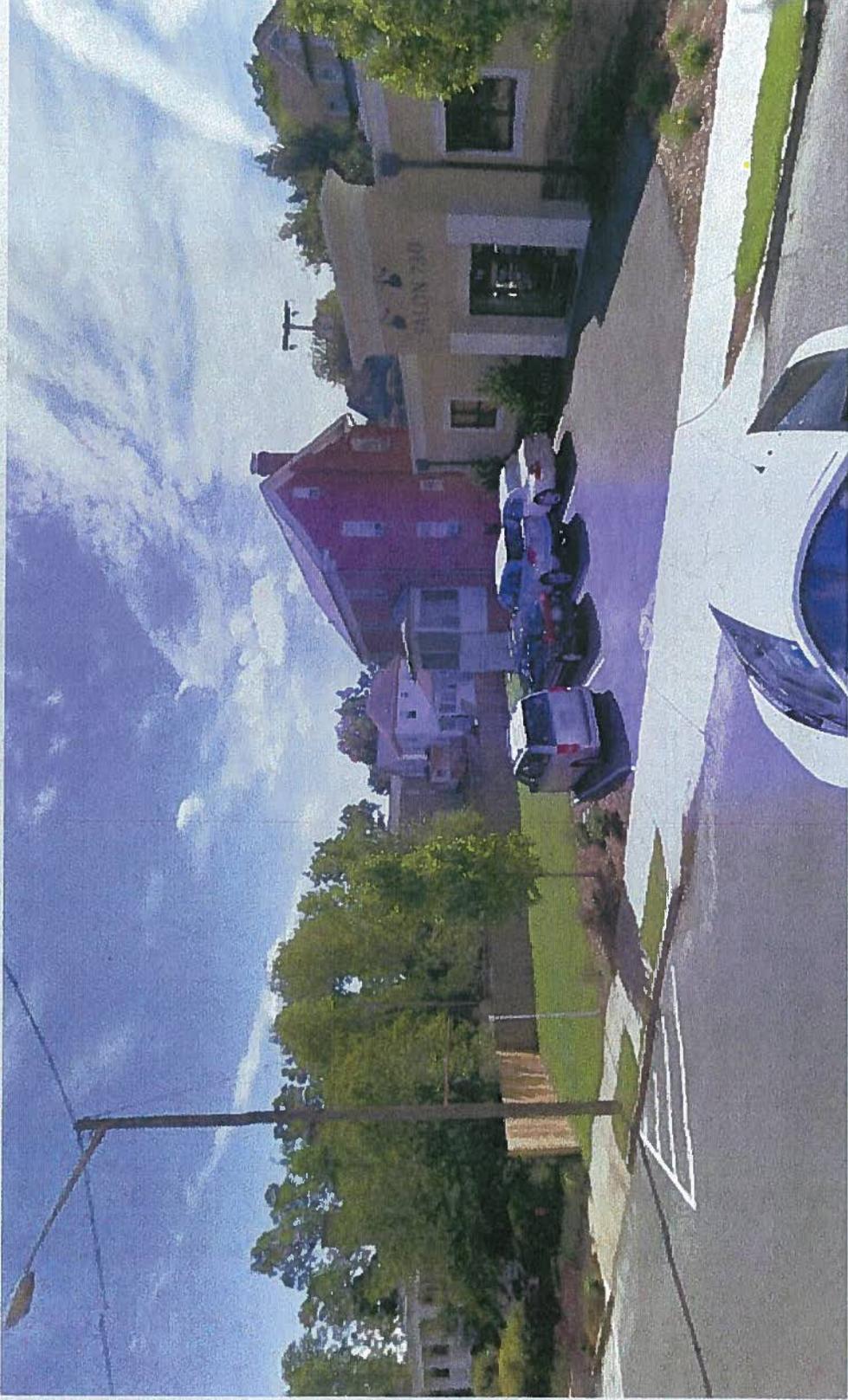
City Council Work Session – June 28, 2016
Fence Regulations

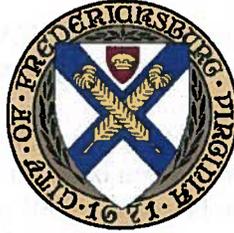
Alternative 2



City Council Work Session – June 28, 2016
Fence Regulations

Alternative 2





MEMORANDUM

TO: Beverly R. Cameron, City Manager
FROM: Mike Craig, Zoning Administrator
DATE: June 21, 2016 (for the June 28, 2016 meeting)
RE: Proposed Unified Development Ordinance Text Amendment– Breweries,
Wineries, Distilleries

ISSUE

Shall the Unified Development Ordinance be amended to define and locate different levels and types of Alcoholic Beverage Production facilities?

RECOMMENDATION

Discuss the proposed draft ordinance changes and direct staff to finalize the ordinance for initiation.

INTRODUCTION

The Fredericksburg Regional Alliance (FRA) and the City's Economic Development staff have identified that new markets for regional sized breweries and micro to regional scaled wineries and distilleries has arisen in Virginia. Many of these facilities have a significant commercial component (accessory restaurants, brewpubs, tasting rooms, and/or entertainment venues) that is central to their operation not only as a production facility but as a tourism destination. Specifically, FRA created the attached marketing proposal for Celebrate Virginia to respond to a recent Request For Proposal (RFP) for a regional brewery looking to locate in the state. Several regional breweries have developed in the state recently including the Stone brewery (in Richmond), the Deschutes brewery (in Roanoke), and the Ballast Point brewery (in Botetourt County near Roanoke).

During the RFP process, FRA identified that a regional brewery is currently included in the heavy manufacturing definition and would not be permitted in the Planned Development Commercial zoning district or in any other commercial zoning district. Currently, the City's ordinance limits commercial breweries to micro-breweries without a specific production limit.

Attached is a draft update to the Unified Development Ordinance's definitions (§ 72-84) and use table (§ 72-40.2). The update establishes Brewery, Distillery, and Winery as defined terms. Once defined, the terms are stratified and distributed into zoning districts based generally on levels of production and operational character.

BREWERIES

The draft ordinance proposes the creation of a unified brewery definition that is then stratified

based on VABC licensing levels, input from the FRA and Economic Development, and the practices of the National Brewers Association. Under the proposal, the Brewery definition would contain four different categories:

- 1) “Nano / Brewpub” – annual production less than 500 barrels per year.
- 2) “Micro / Brewpub” – annual production between 501 and 10,000 barrels per year.
- 3) “Regional” – annual production between 10,001 and 250,000 barrels per year.
- 4) “Large” – annual production exceeding 250,000 barrels per year.

WINERIES AND DISTILLERIES

As part of the discussion about Regional Breweries, Economic Development noted that, following the arc of the market for craft beer, there is also an emerging market for craft wine and spirits. Currently, the City’s ordinance does not accommodate Microwineries or Microdistilleries, instead treating both as Heavy Manufacturing¹. As a result of these discussions it was determined that positioning the City to accommodate these emerging types of uses required an update to the Unified Development Ordinance.

As with breweries, the proposal creates a definition for Wineries and Distilleries based upon levels of production. The three categories for winery and distillery include:

- 1) “Micro / Tasting Room” – up to 5,000 gallons per year.
- 2) “Regional” – between 5,001 and 36,000 gallons per year.
- 3) “Large” – over 36,000 gallons per year.

The production amounts assigned to the Regional Distillery and Regional Winery are the limits established for “farm” wineries and distilleries by VABC.

CHANGES TO THE TABLE OF USES

The draft update would establish a new commercial use category in the use table called *Alcoholic Beverage Production*, and to allow the uses in different zoning districts in the City. The new Use Category is proposed to include specific use types based on the information described above. The updated microbrewery use type would also be moved into this use category. The new use types are:

- Microwinery and Microdistillery --- The “Micro” production facilities are proposed to be permitted in the same locations that Microbreweries are permitted in today.
- Regional Brewery, Regional Winery, and Regional Distillery --- The “Regional” uses could be either commercial or industrial in nature, depending upon several factors, including location, size, and the mix of accessory uses.
 - Regional Breweries and Regional Wineries would be permitted “by right” in the General Industrial district and by special use permit in the Light Industrial district, the Planned Development-Commercial district, and the Planned Development-Mixed Use zoning districts.
 - Regional Distilleries would also be permitted by special use permit in the Light Industrial district, the Planned Development-Commercial district, and the Planned Development-Mixed Use zoning districts. However, Regional Distillery is also

¹ VABC differentiates between micro-wineries and distilleries who produce 5,000 gallons or less annually and general wineries and distilleries who produce more than 5,000 gallons annually. VABC also has a separate category of farm winery and distillery that permits up to 36,000 gallons of production annually.

proposed to be a special use in the General Industrial Zoning District. This differentiation is due to the higher alcohol content of its product and different treatment under the building code.

The draft ordinance update also proposes to formally sort the smallest and largest types of these uses into existing use types.

- Nanobreweries are the smallest designation of brewery and have been added into the existing definition of a Specialty Eating Establishment. No change in the permitted location of Specialty Eating Establishments is proposed with this update.
- Large Breweries, Large Wineries, and Large Distilleries are considered Heavy Manufacturing under the current UDO and have been specifically added to that definition for clarity. No change in the permitted location of Heavy Manufacturing is proposed with this update.

ATTACHMENTS

1. Draft amendments to § 72-84 and § 72-40.2.
2. Fredericksburg Regional Alliance Brewery Development Package.

cc: Bill Freehling, Department of Economic Development and Tourism
Curry Roberts, Fredericksburg Regional Alliance
Kathleen Dooley, City Attorney

SECTION 72-84: DEFINITIONS

72-84.0 Definitions

...

BARREL, MALT BEVERAGE

The barrel used to contain a malt beverage with a volume of 31 gallons.

Comment [MC1]: Add a definition of Barrels because they are the unit of measurement used by Virginia ABC to differentiate brewery sizes.

BREWERY

A facility intended for the annual production, packaging, and distribution of any malt beverage.

A. NANOBREWERY - BREWPUB

Annual production, packaging, and distribution of 500 or fewer barrels of any malt beverage where at least 25% of the beverage produced on-site shall be consumed or sold at retail on-site. The facility is considered a specialty eating establishment.

Comment [CJ2]: Add a unified definition of the term Brewery with different levels of production. This definition generally reflects VA Alcoholic Beverage Control Board licensing levels based on brewery production (<https://www.abc.virginia.gov/licenses/get-a-license/industry>) and the terms and practices of the Brewer Association. However the levels differentiating a Regional Brewery and a Large Brewery have been revised at the recommendation of the Fredericksburg Regional Alliance.

B. MICROBREWERY - BREWPUB

Annual production, packaging, and distribution of 501 to 10,000 barrels of any malt beverage where at least 25% of the beverage produced on-site shall be consumed or sold at retail on-site. The facility may include an area for on-site consumption, an eating establishment, or the provision of live entertainment as an accessory use.

Comment [CJ3]: Add definition of a Nanobrewery to reflect contemporary practices in the brewery industry.

C. REGIONAL BREWERY

Annual production, packaging, and distribution of 10,001 to 250,000 barrels of any malt beverage. The facility may include an area for on-site consumption, an eating establishment, or the provision of live entertainment as an accessory use.

Comment [MC4]: Move the definition of Microbrewery into the unified Brewery definition. Change the term Taproom to Brewpub to reflect terms and practices of the Brewers Association.

D. LARGE BREWERY

Annual production, packaging, and distribution of more than 250,000 barrels of any malt beverage. A large brewery is considered heavy manufacturing.

DISTILLERY

A facility for the production and packaging of distilled spirits for distribution, retail, or wholesale, on or off premise.

A. MICRODISTILLERY – TASTING ROOM

Annual production, packaging, and distribution of 0 to 5,000 gallons of distilled spirits where at least 25% of the beverage produced on-site shall be consumed or sold at retail on-site. The facility may include an area for on-site consumption, an eating establishment, or the provision of live entertainment as an accessory use.

Comment [MJWC5]: Add a definition of the term Distillery. This definition reflects VA Alcoholic Beverage Control Board licensing levels based on distillery production (<https://www.abc.virginia.gov/licenses/get-a-license/industry>) with the exception that a middle category, Regional Distillery, has been added at the recommendation of the Fredericksburg Regional Alliance.

B. REGIONAL DISTILLERY

Annual production, packaging, and distribution of between 5,001 and 36,000 of distilled spirits for distribution, retail, or wholesale, on or off premise. The facility may include an area for on-site consumption, an eating establishment, or the provision of live entertainment as an accessory use.

C. LARGE DISTILLERY

A distillery producing more than 36,000 gallons annually is considered a large distillery. A large distillery is considered a heavy manufacturing use.

EATING ESTABLISHMENT, SPECIALTY

Any establishment selling specialty food and/or drink items that normally do not constitute a full meal, including but not limited to: ice cream parlors, dessert cafes, snack shops, juice, coffee houses, retail bakeries, and nano-breweries.

Comment [M26]: Update the definition of Specialty Eating Establishment to include a reference to Nanobreweries.

MANUFACTURING, HEAVY

Manufacturing uses include, but are not limited to: asphalt/concrete mixing and batching, manufacture or assembly of machinery, equipment, instruments, vehicles, appliances, communications equipment, computer or electronic equipment, precision items and other electrical items; the processing of food and related products; large brewery; large winery, large distillery, lumber mills, pulp and paper mills, and the manufacture of other wood products; and electric power generation plants. Specifically prohibited are rendering, petroleum/asphalt refining, concrete manufacturing plants, and manufacture of chemicals, fertilizers, paint, and turpentine.

Comment [MJWC7]: Update the definition of Heavy Manufacturing to include Large Brewery, Large Winery, and Large Distillery.

MICROBREWERY/TAPROOM

A facility intended for the production and packaging of beer for distribution, retail sale, or on-premise consumption. The development may also include restaurant and may also include a bar or provision of live entertainment

Comment [MC8]: Move the definition of Microbrewery into the unified Brewery definition.

WINERY

A facility for the production and packaging of wine for distribution, retail or wholesale, on- or off-premise.

A. MICROWINERY – TASTING ROOM

Annual production, packaging, and distribution of 0 to 5,000 gallons of wine where at least 25% of the beverage produced on-site shall be consumed or sold at retail on-site. The facility shall include an area for on-site consumption, an eating establishment, or the provision of live entertainment as an accessory use.

Comment [MJWC9]: Add a definition of the term Winery. This definition reflects VA Alcoholic Beverage Control Board licensing levels based on winery production (<https://www.abc.virginia.gov/licenses/get-a-license/industry>) with the exception that a middle category, Regional Winery, has been added at the recommendation of at the recommendation of the Fredericksburg Regional Alliance.

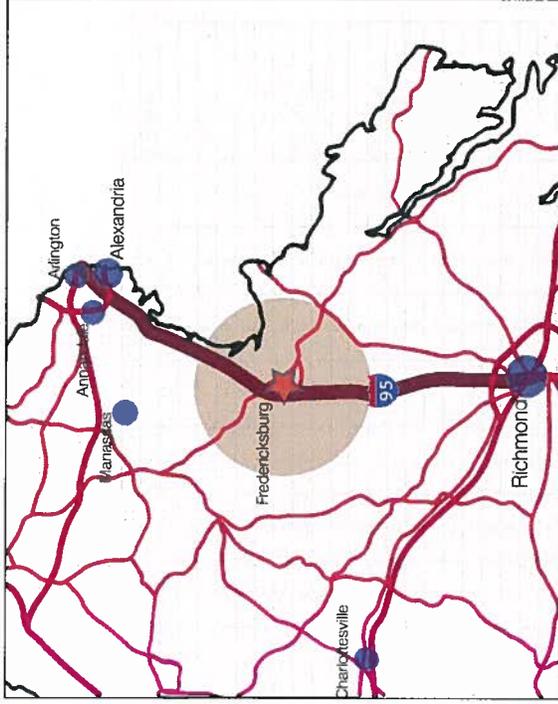
B. REGIONAL WINERY

Annual production, packaging, and distribution of between 5,001 and 36,000 gallons for distribution, retail, or wholesale, on or off premise. The facility may include an area for on-site consumption, an eating establishment, or the provision of live entertainment as an accessory use.

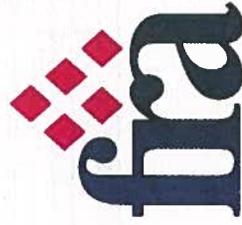
C. LARGE WINERY

Annual production, packaging, and distribution of more than 36,000 gallons per year. A large winery is considered a heavy manufacturing use.

FREDERICKSBURG, VIRGINIA BREWERY DEVELOPMENT



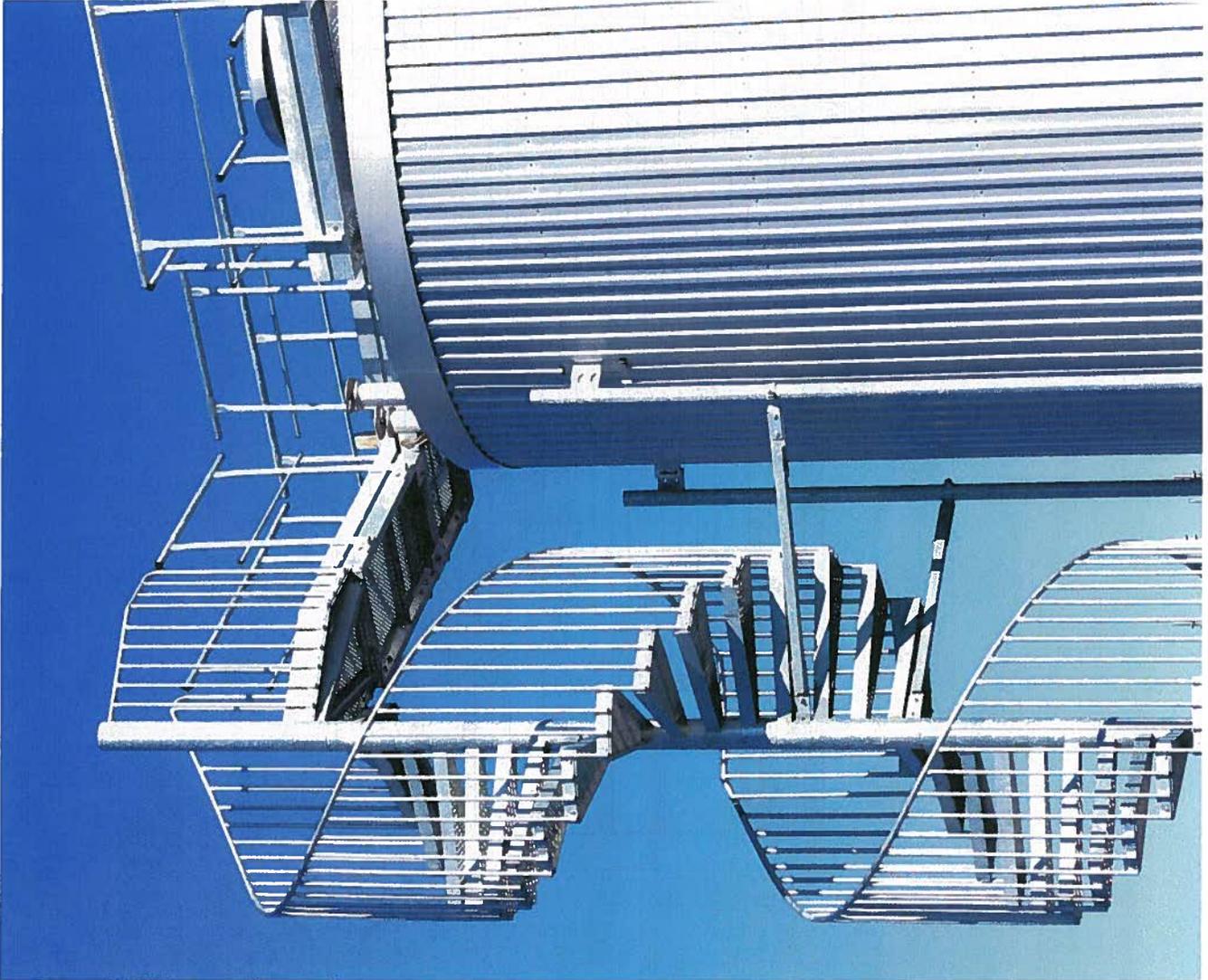
Scan QR Code below for a
video of the development



**Fredericksburg
Regional Alliance**

at the

**UNIVERSITY OF
MARY WASHINGTON**



Economic Development Partnership



Contact: **Curry Roberts**
Email: croberts@fredregion.com
Phone: 540.361.7373

Owner/Developer



Contact: **Jud Honaker**
Email: jhonaker@silverco.com
Phone: 540.785.9700

Design-Builder



Contact: **Michael Henley**
Email: mhenley@houriganconstruction.com
Phone: 804.249.0212

INGREDIENTS...

Like the brewing process, a successful building is the result of key ingredients.



TABLE OF CONTENTS "INGREDIENTS:"

Serving Size: 1 Craft Brewery

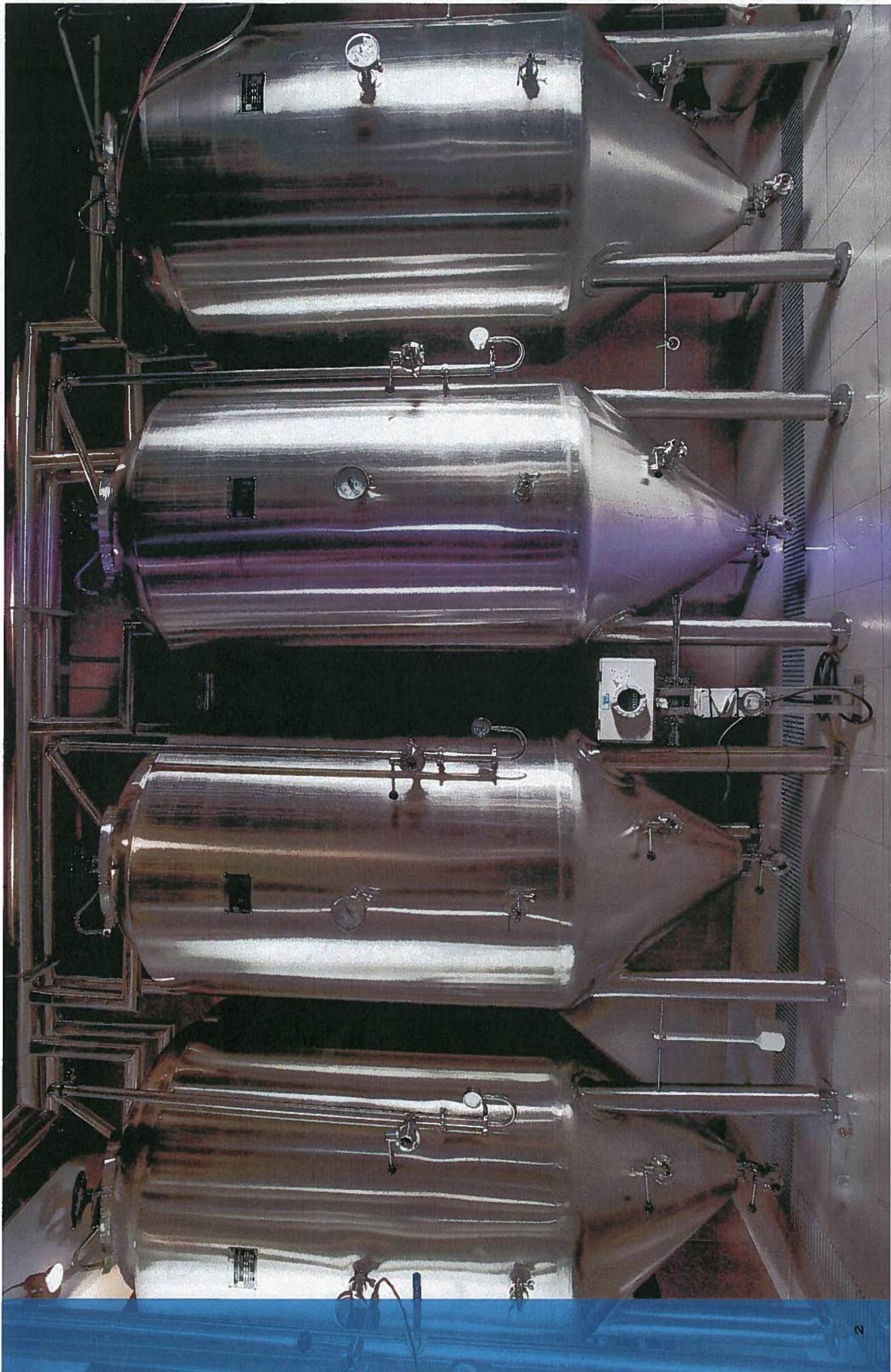
Site p. 3

Image p.10

Program p.16

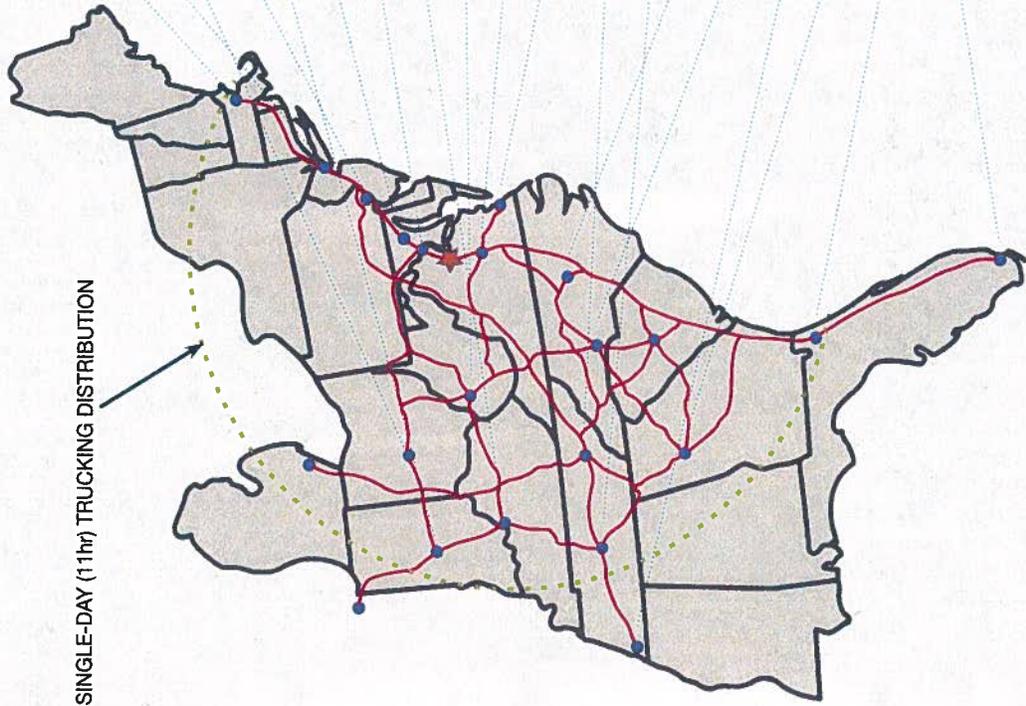
Team p.18

Celebrate Virginia South
Gordon W. Shelton Boulevard
Fredericksburg, VA 22401



EAST COAST LOCATION RELATIONSHIP "A CENTRAL DISTRIBUTION HUB"

SINGLE-DAY (11hr) TRUCKING DISTRIBUTION

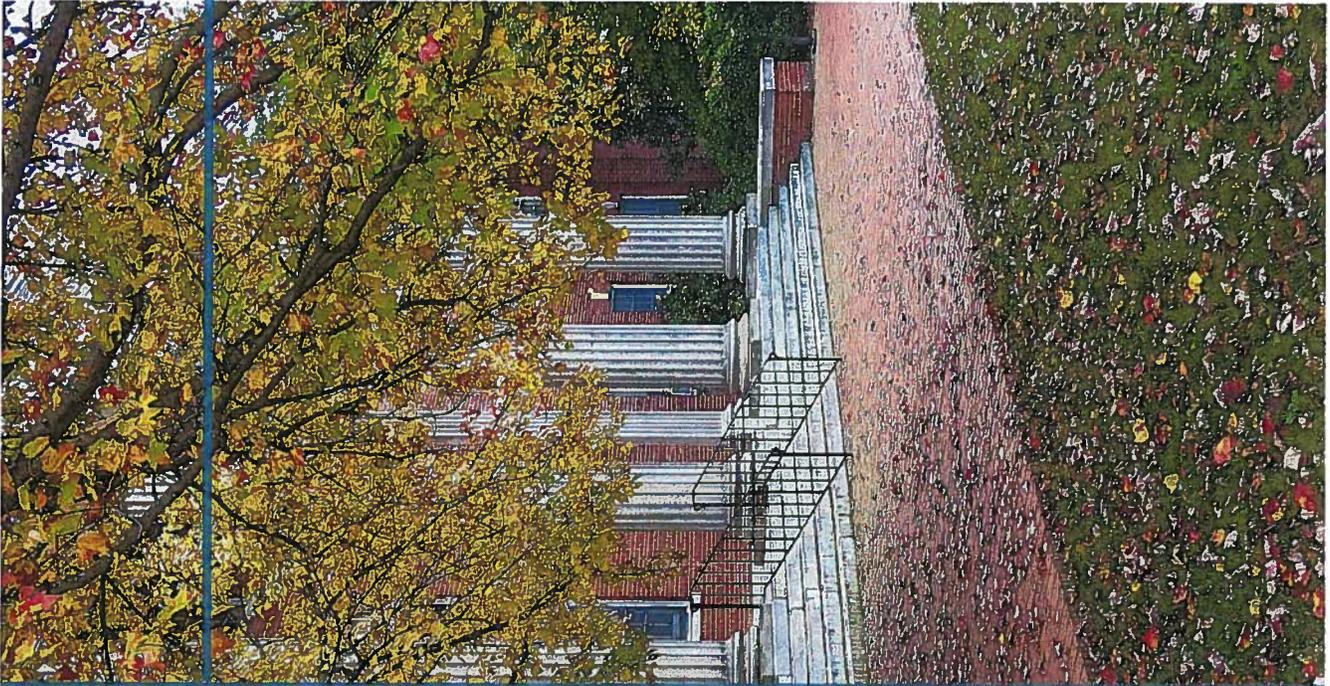


Boston Population: 617,594	Miles: 496	Drive Time: 8 hrs
New York City Population: 8,175,133	Miles: 283	Drive Time: 5 hrs
Indianapolis Population: 820,445	Miles: 593	Drive Time: 10 hrs
Philadelphia Population: 1,526,006	Miles: 197	Drive Time: 3.5 hrs
Columbus Population: 787,033	Miles: 419	Drive Time: 7 hrs
Baltimore Population: 620,961	Miles: 96	Drive Time: 2 hrs
Washington D.C. Population: 601,723	Miles: 53	Drive Time: 1 hr
Louisville Population: 597,337	Miles: 563	Drive Time: 9 hrs
Charleston Population: 50,821	Miles: 317	Drive Time: 5 hrs
Richmond Population: 214,114	Miles: 58	Drive Time: 1 hr
Virginia Beach Population: 437,994	Miles: 159	Drive Time: 2.5 hrs
Knoxville Population: 183,270	Miles: 436	Drive Time: 7 hrs
Nashville Population: 601,222	Miles: 614	Drive Time: 10 hrs
Raleigh Population: 431,746	Miles: 228	Drive Time: 3.5 hrs
Charlotte Population: 731,424	Miles: 350	Drive Time: 5 hrs
Memphis Population: 646,869	Miles: 825	Drive Time: 12.5 hrs
Atlanta Population: 420,003	Miles: 569	Drive Time: 9 hrs
Jacksonville Population: 821,784	Miles: 656	Drive Time: 10 hrs
Miami Population: 399,457	Miles: 1,000	Drive Time: 14 hrs

BENEFITS

- Excellent Access to 60% of the Nation's Population
- Central Location along I-95
- Ability to Reach Jacksonville and Boston in a Single Trucking Day





VIRGINIA LOCATION RELATIONSHIP "GREAT FOR BUSINESSES"

BENEFITS

Business Incentives

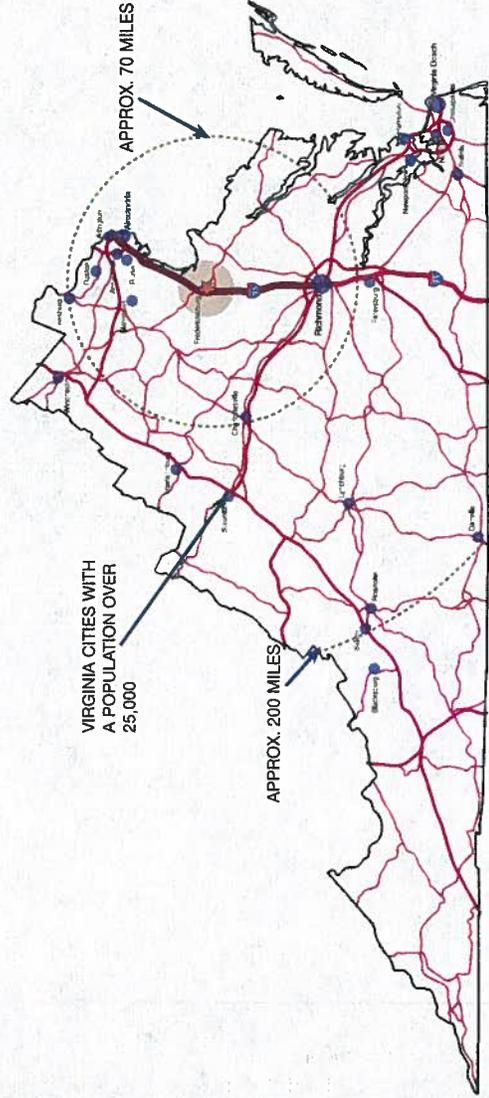
- Pro-Business Climate
- Commonwealth Opportunity Fund (COF) & Virginia Jobs Investment Program (VJIP)
- Property Tax Exemptions
- Virginia Small Business Financing Authority
- A Top 10 State for Business
#2 in Labor Supply
#5 in Quality of Life
(Forbes 2015)

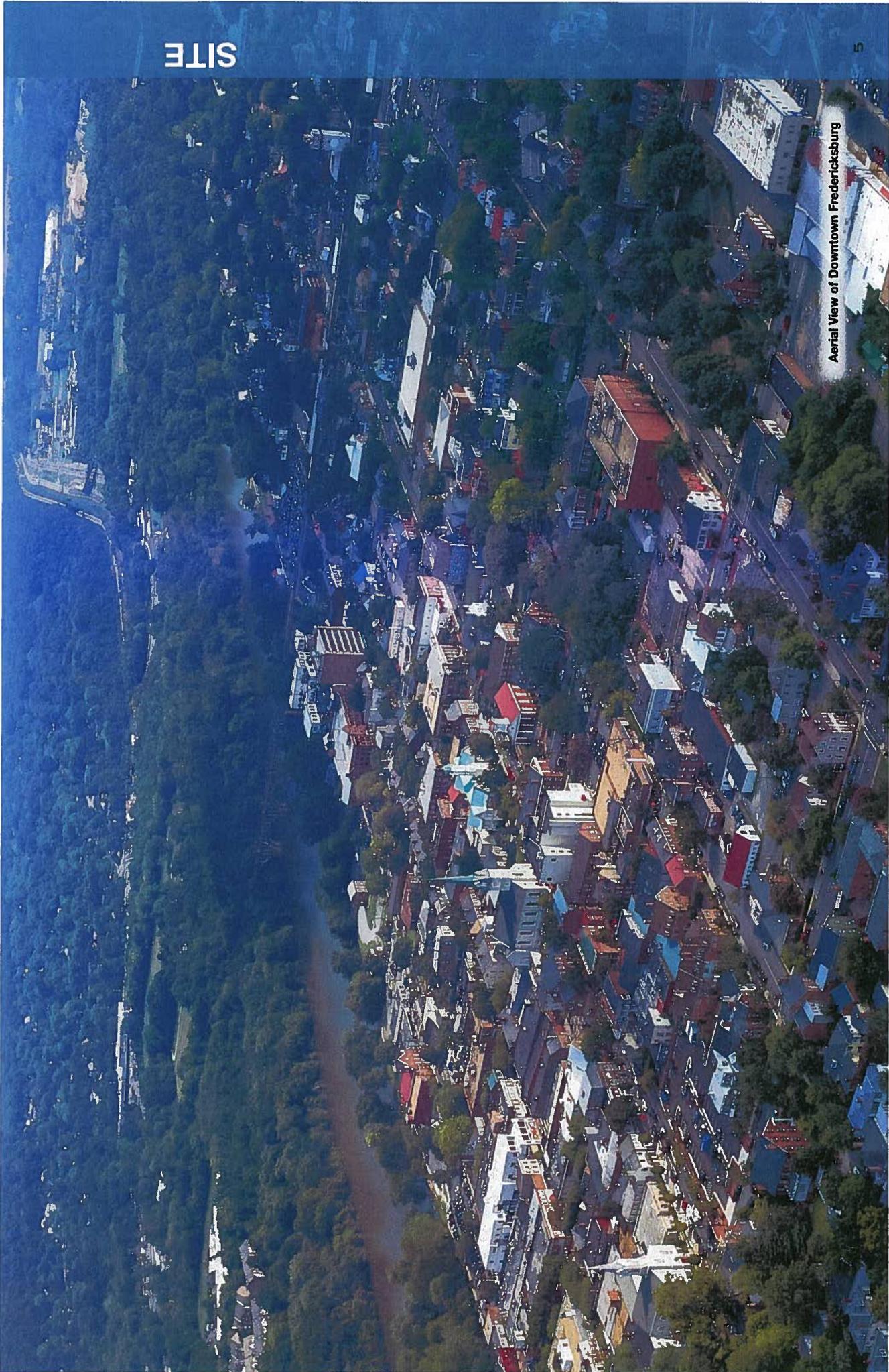
Virginia Attractions

- Historical attractions
- Excellent Higher Education Opportunities
- Virginia K-12 Schools rank #7 in the nation
- World class Healthcare facilities
- Temperate climate
- Mountains and Beaches

Distribution & Logistics

- Half way between Richmond and Washington D.C. on I-95
- CSX Railroad - Reliable and Efficient shipping options
- Population of over 600,000 within 40 minute drive time.
- Virginia's first Hop Farm will be located just outside of Leesburg, VA
- Virginia Population-8,326,289 (US Census Bureau)





SITE

Aerial View of Downtown Frederick, Maryland

FREDERICKSBURG, VIRGINIA

THE CITY



- "America's Most Historic City"
- 120,000 vehicles pass per day on I-95
- Tourism Industry - 1.5 million visitors annually
- Home of the University of Mary Washington
- Pro-business climate
- Growth rate of 2.4% compared to Virginia at 1.1% and the U.S. at .9%(Expected to increase an average of 2.7% over the next 10 years)

THE PEOPLE



- Median Age - 30 (Virginia - 37.5)
- 70 mile radius population - 7.4 million
- Population Density - 1,834 People/Sq. Mile
- Highly educated
- Over twice as many workers hold a bachelors degree as the national average
- Technically skilled workforce

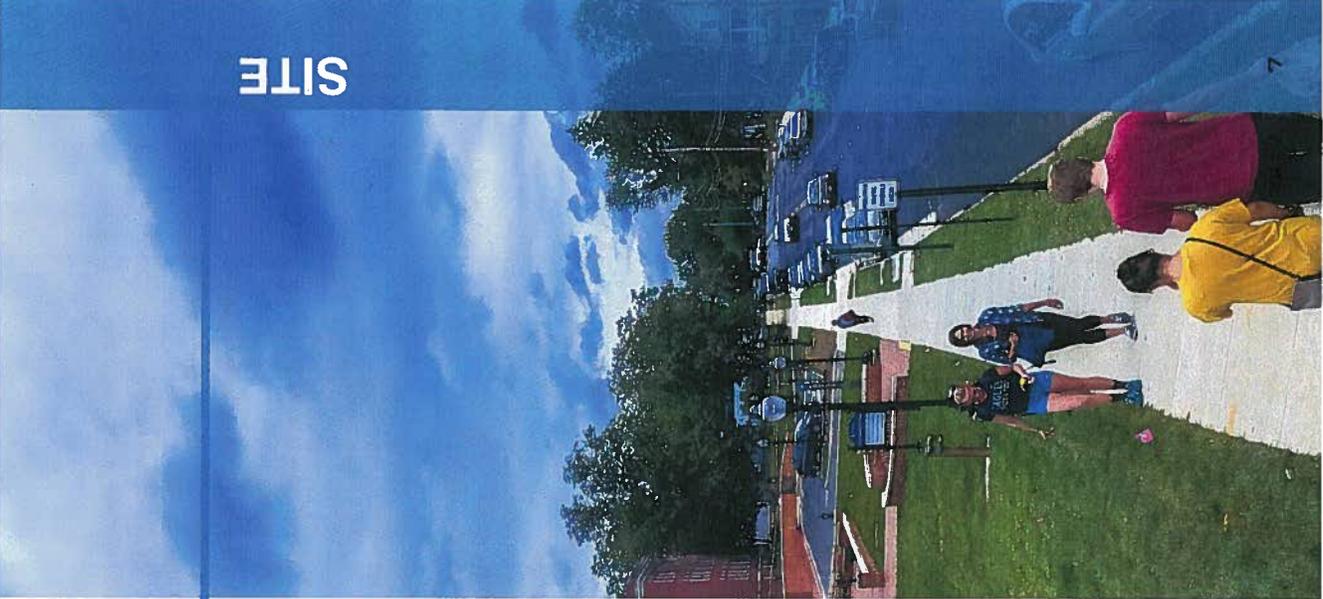
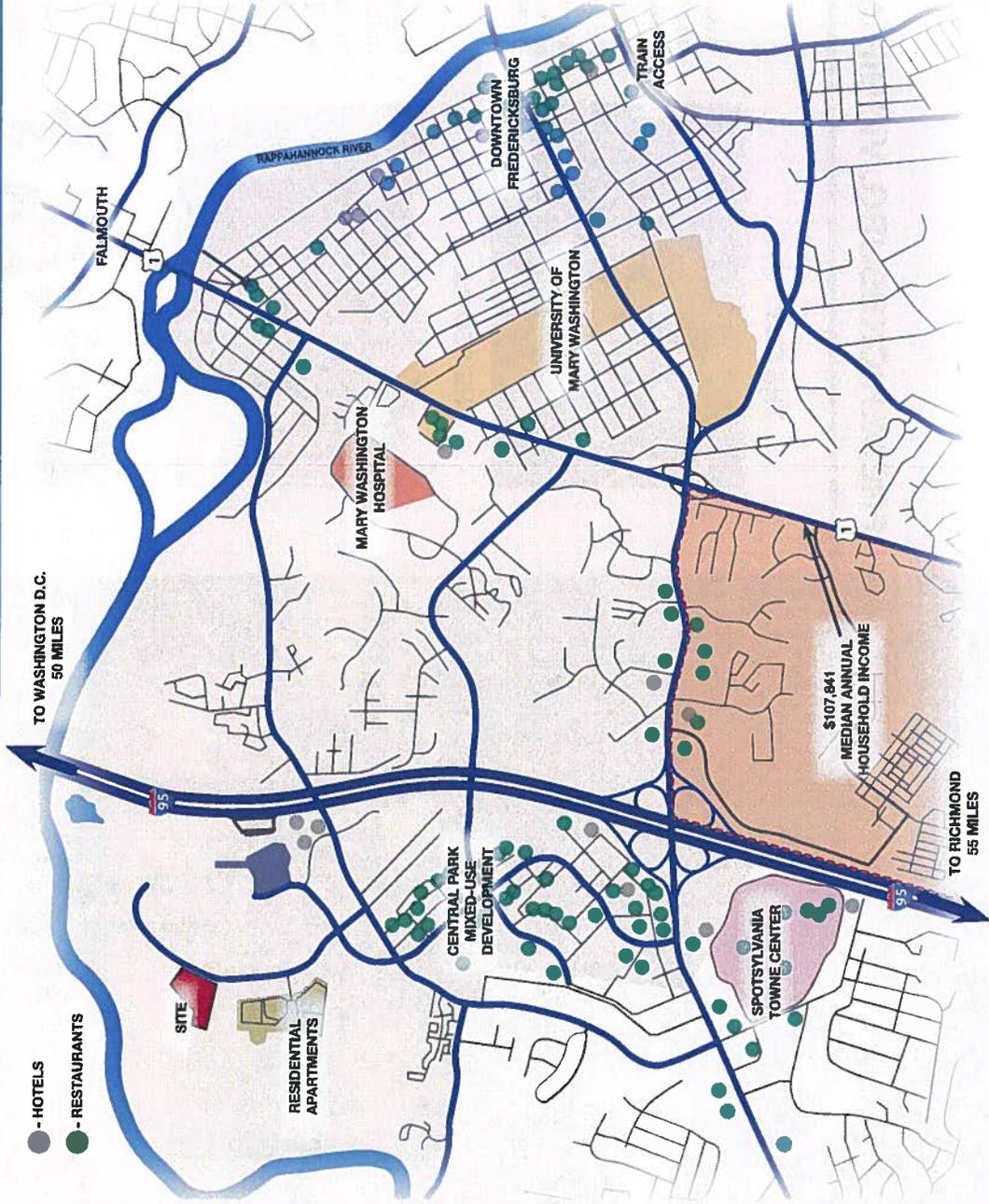
THE LIFESTYLE



- Numerous parks abound within the city limits
- Vibrant social community
- Celebrate Virginia After Hours (Adjacent to site)
- Recreation, outdoor activities, and access to two rivers and numerous lakes
- Quality business associations and civic organizations
- Opportunities to network in the community

LOCAL SITE RELATIONSHIP

“One of America’s Best Small Cities”



SITE



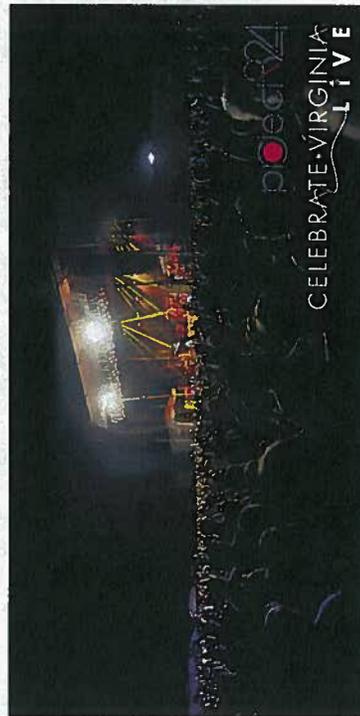
Fredericksburg Marine Corps Historic Half Marathon Starting Point at Celebrate Virginia

SILVER COMPANIES DEVELOPMENT FREDERICKSBURG, VIRGINIA

SITE CHARACTERISTICS

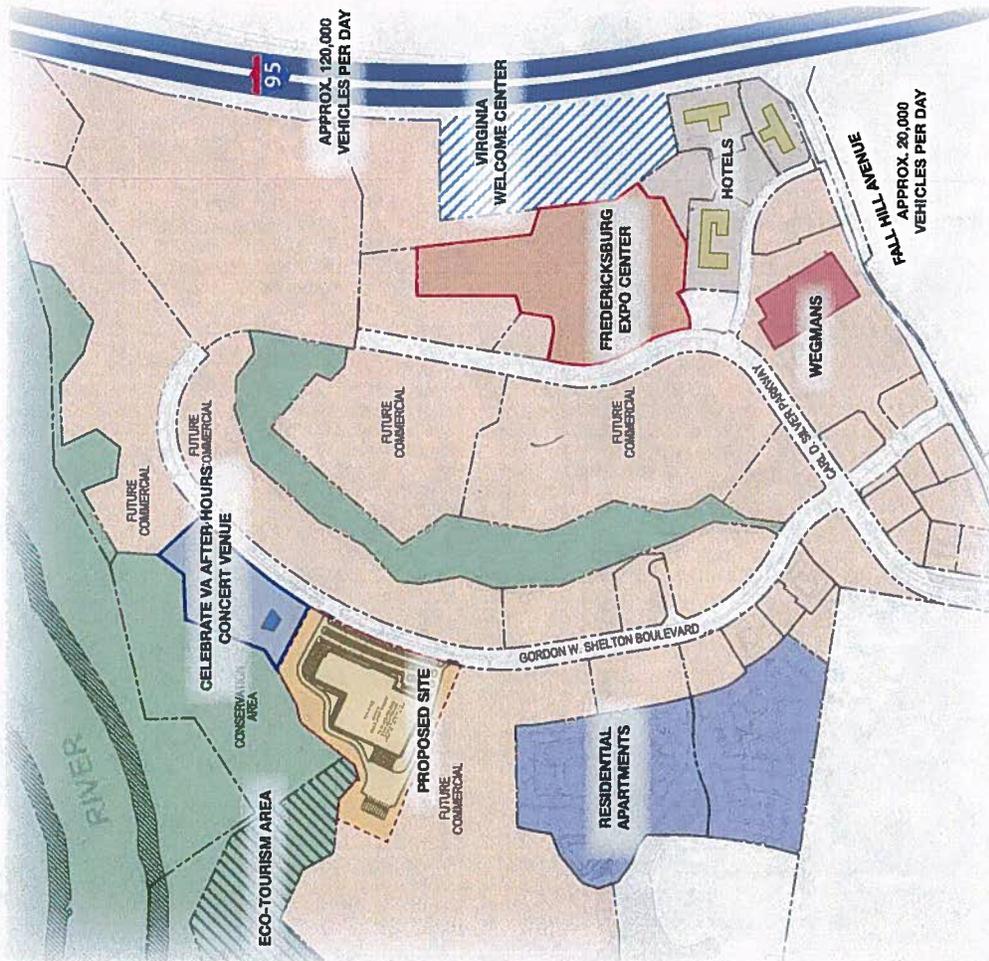
The 13.9+- acre site situated in a growing development within the heart of Fredericksburg. The site and surroundings offer many great attractions that would support the culture of beer enthusiasts such as:

- Conservation easement that offers a mix of urban development and rural activities
- Trail system for mountain biking, running, and jogging connects the site to Historic Fredericksburg
- Rappahannock River offers potential for kayak and river floating trips from nearby locations
- Concert venue adjacent to the site that draws sellout crowds for headlining performances
- The Fredericksburg Expo Center draws crowds for national events
 - » RV shows, Wedding Expo, Fredericksburg Gun Show, & Home Show events
 - » #50 in 101 Largest Expo Halls of the South
- Residential apartments adjacent to the site with per capita income over \$90,000 per year

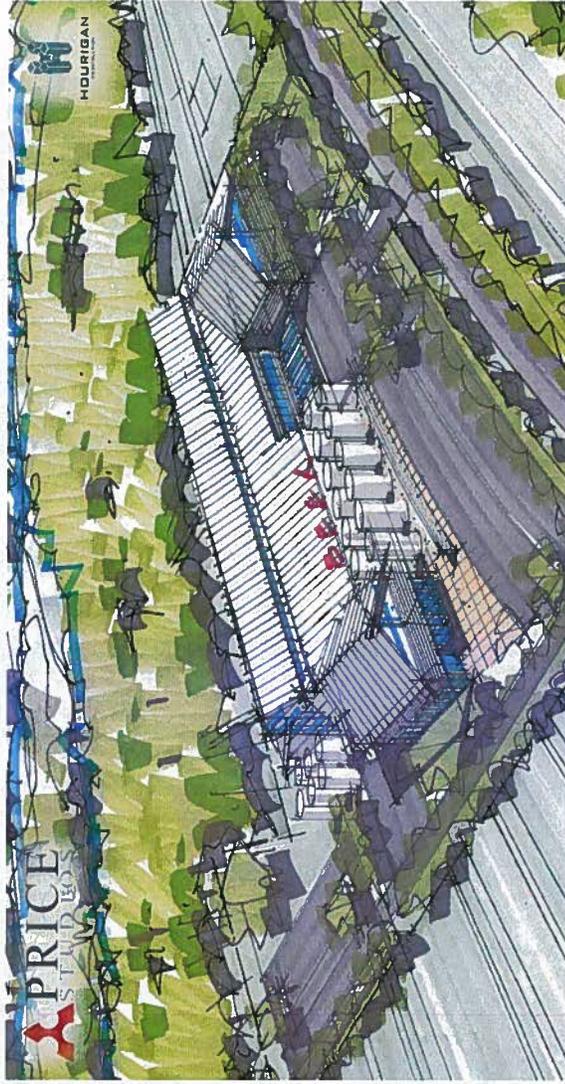


Adjacent Celebrate Virginia After Hours Concert Venue

CELEBRATE VIRGINIA



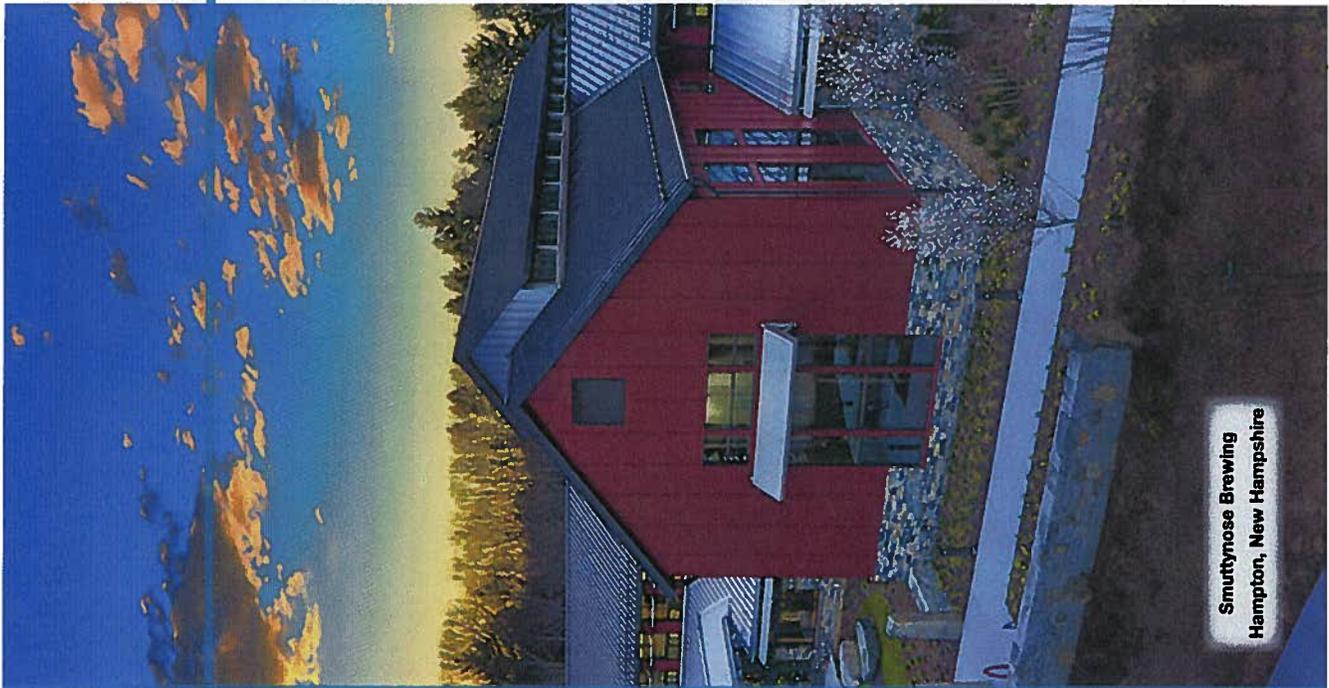
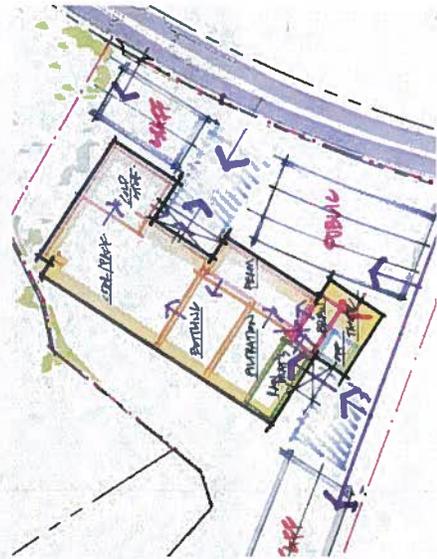
TRADITIONAL BREWERY CONCEPT DEVELOPMENT



Architectural Details

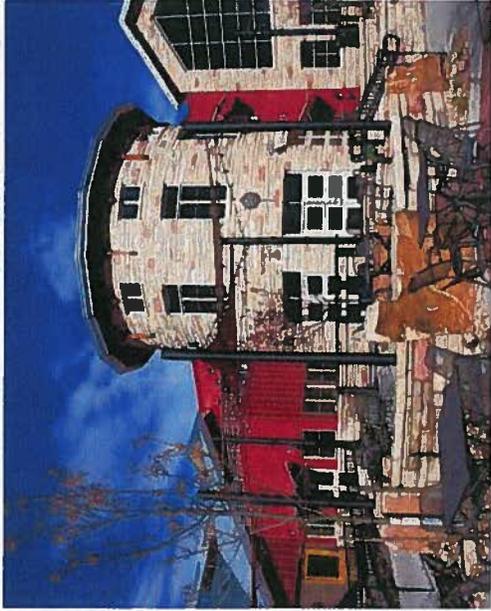
Tasting Room/Public Entry is positioned at the southern portion of the site, facing the traffic flow as well as the bulk of the neighboring development (hotels/retail/housing/etc).

Architecture is typical of the expected "brewery design" common throughout the United States. Elements include pitched metal roofs of varying slopes, vaulted interior spaces with exposed structure, and a palette of warm, natural materials (stone/wood).

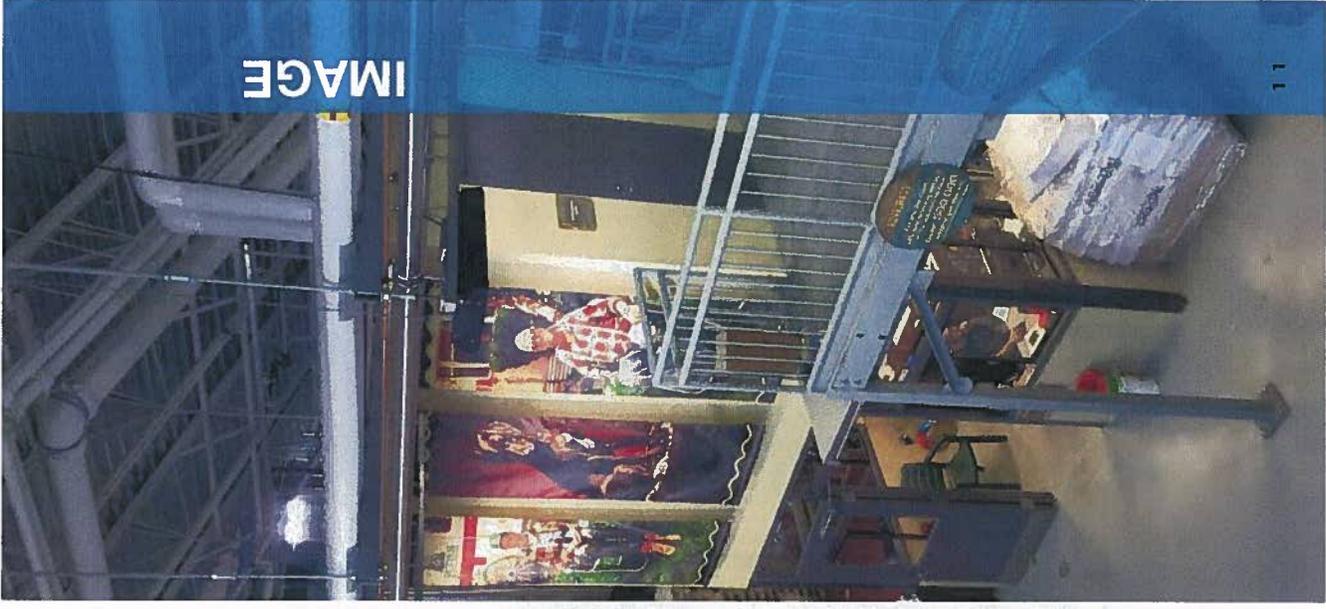
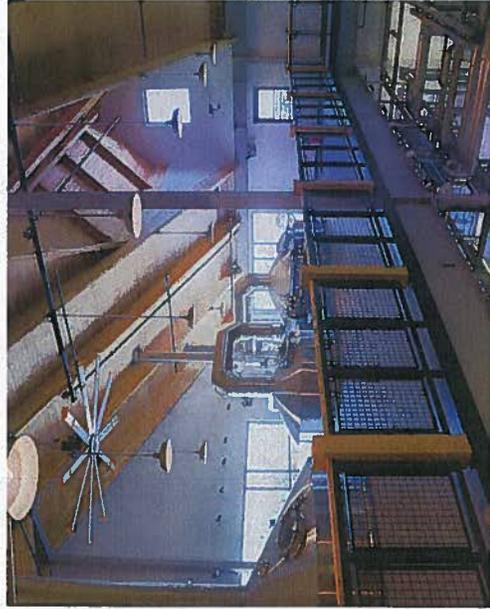
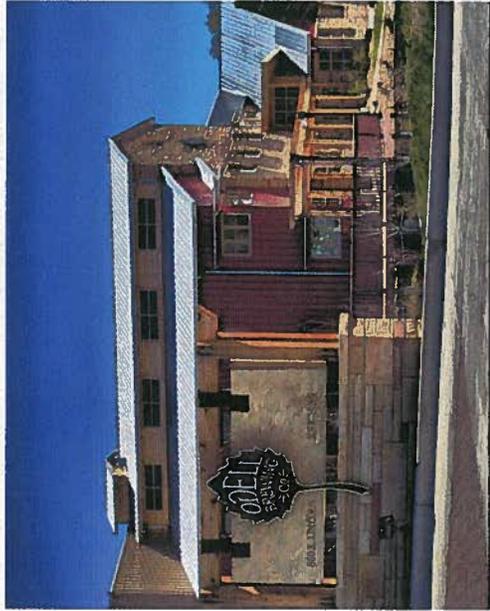
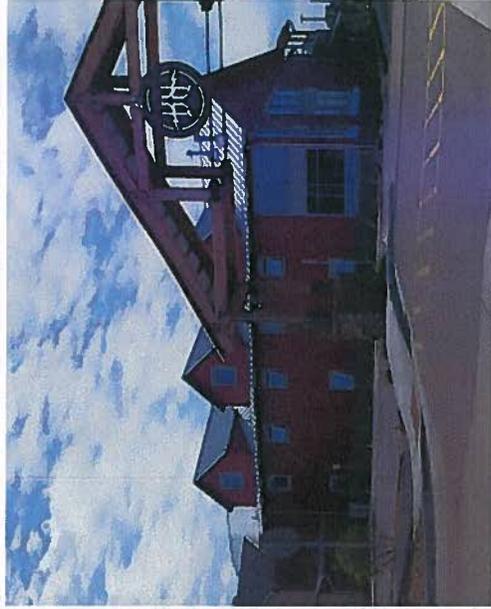


Smuttynose Brewing
Hampton, New Hampshire

Odell Brewing
Fort Collins, Colorado

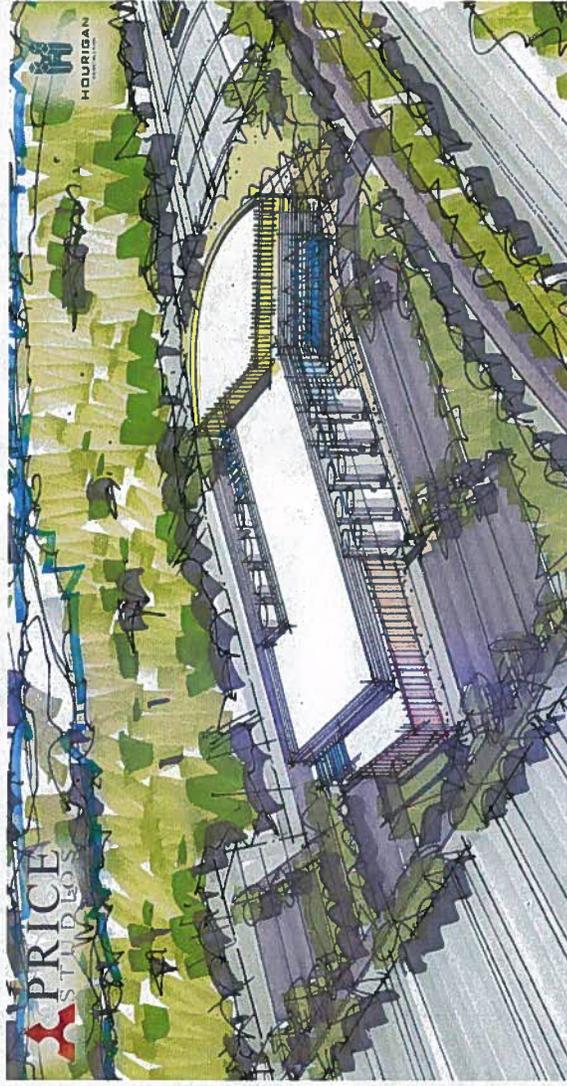


Breckenridge Brewing
Breckenridge, Colorado



IMAGE

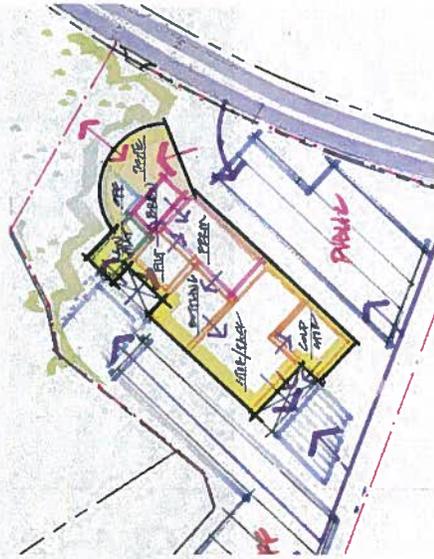
INDUSTRIAL BREWERY CONCEPT DEVELOPMENT



Architectural Details

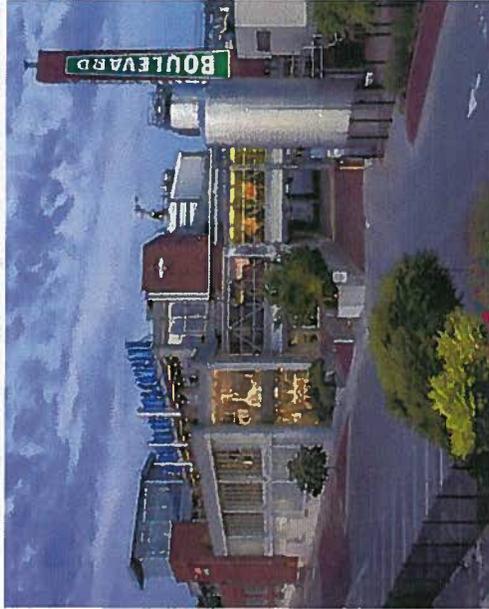
Tasting Room/Public Entry is repositioned on the north quadrant of the site to take advantage of the outdoor amenities and potential collaboration with the outdoor music venue.

Architecture is indicative of another common brewery style that expresses the industrial nature of the brewing process. Hard/durable materials (concrete/metal/glass/etc) continue the functional materials of the brewing tanks and equipment for a more cohesive overall appearance.

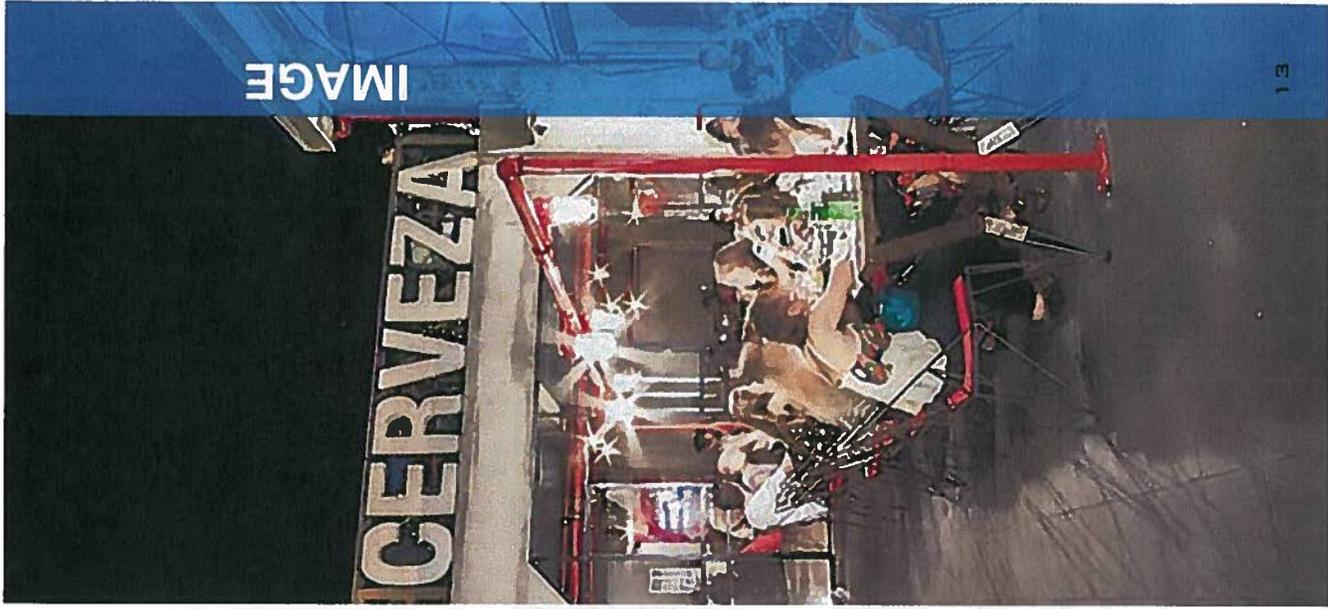
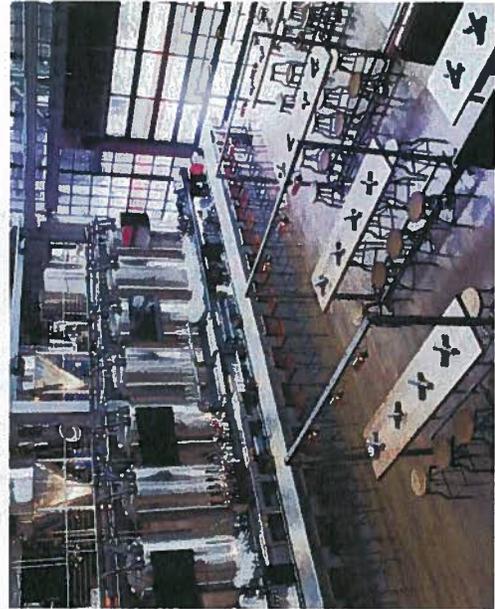
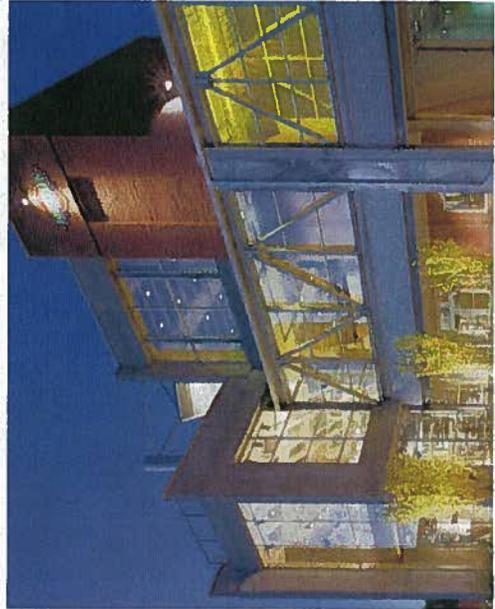


Capitán Central Brewery
Cordoba, Argentina

Boulevard Brewing
Kansas City, Missouri



Bluejacket Brewery
Washington D.C.



IMAGE

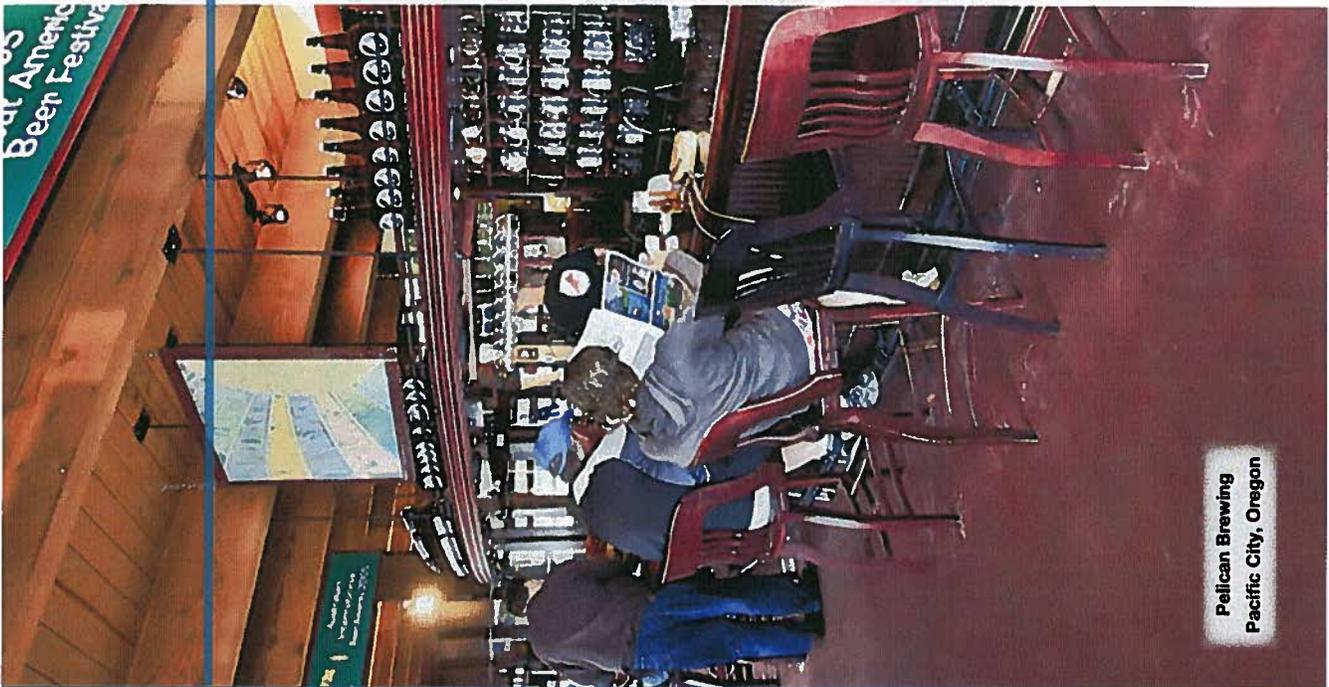
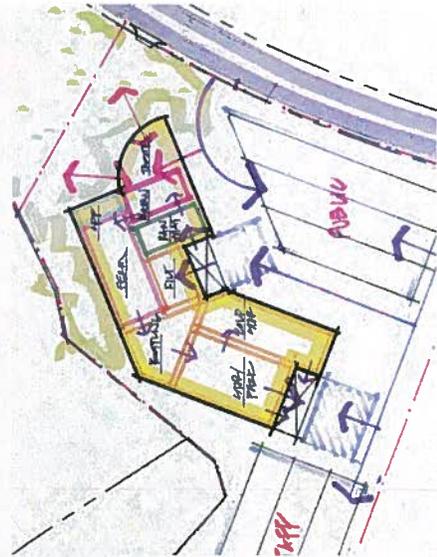
CONTEXTUAL BREWERY CONCEPT DEVELOPMENT



Architectural Details

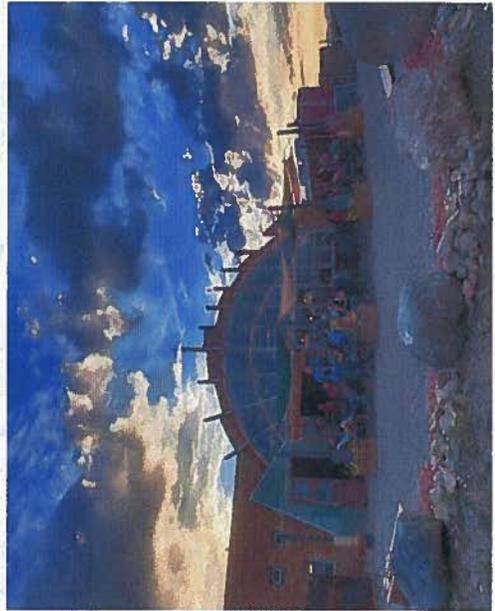
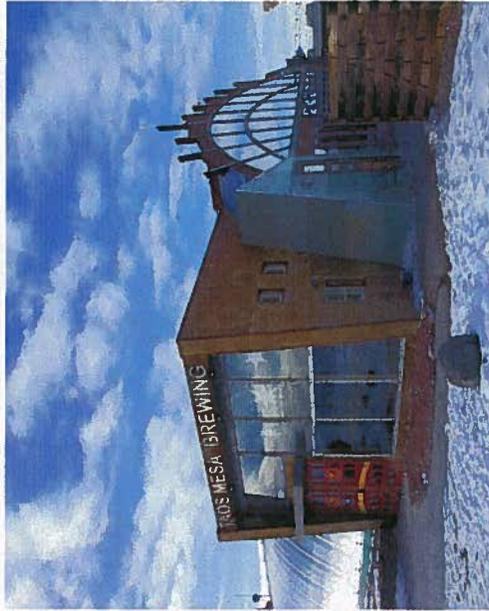
The basic rectangular complex is "bent" to maximize the site configuration, resulting in more usable land for both building space and parking. This positions the Tasting Room/Public Entry closer to the road for visibility while still offering a connection to the natural river park and outdoor music venue.

The architecture is respectful of the historic legacy of Fredericksburg, Virginia in its utilization of traditional materials (brick/white columns/detailing) and simple rectangular forms with pitched metal roofs.

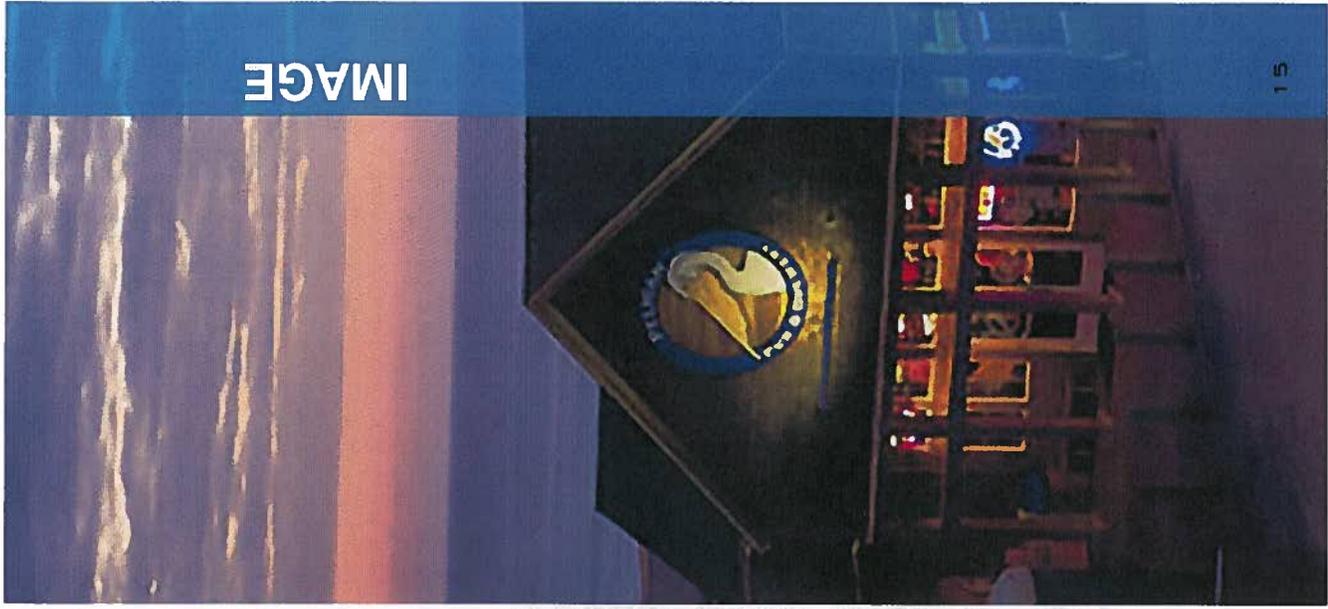


Pelican Brewing
Pacific City, Oregon

Taos Mesa Brewing
Taos, New Mexico



Brewery Ommegang
Cooperstown, New York



BREWERY DETAILS

SILVER COMPANIES DEVELOPMENT

Craft Brewery Concept Programs

Building Program	Small-Med Scale	Large Scale
Total Size:	80,000 SF	200,000 SF
• Retail/Restaurant:	12,000 SF	30,000 SF
• Office:	3,000 SF	10,000 SF
• Production:	32,500 SF	80,000 SF
• Distribution:	32,500 SF	80,000 SF

Examples layouts based on brewery precedents

*Square Footages are based on rough estimates in relationship to total building size

Utilities Required: Electrical service from 35 kVA (Amperage to be evaluated with brewery capacity needs)
Water service (16" Main on Gordon W. Shelton Blvd.)
Gas service (Available near the site for city connection)
Fire Suppression (Sprinklers throughout / ESFR at high-bay storage areas)

1

Structure/Envelope

- Precast or Tilt-up Concrete Construction - Exterior Walls, w/ mix of metal panels
- Steel frame structure w/ joist framing (40' x 40' open grid)
- 8" slab on grade for process areas and 5" slabs for limited loading areas
- Wood, brick, & glass facade systems to be reviewed with brewing company image/brand needs

2

Interiors

- Interior clear heights of 30' - 40' to support tanks, equipment, and fork lifts
- Clerestory windows/Skylights/Solar Tubes for daylighting
- Ventilation provided at production and warehouse areas to reduce process heat loads
- HVAC and Electrical provided for warm lit shell at Office/Retail/Restaurant areas to be defined

3

Exteriors

- Exterior amenities and beer garden to engage with the concert venue and/or conservation easement
- Adequate parking to accommodate truck traffic, staff and guest parking
- Lighting and landscaping to meet city requirements

4

Process

- Electrical (Est. 4-6k amps)
- Coordination support of underground utilities
- Plumbing main supply for process connection (Est. 6"-8")
- Drainage roughed-in for process layout (Est. 6"-8")

5

Retail/Restaurant

- Exterior storefront glazing at Office/Retail/Restaurant area
- Design-Build support and coordination for retail and restaurant space based on brewer needs





FREDERICKSBURG REGIONAL ALLIANCE ECONOMIC DEVELOPMENT PARTNERSHIP

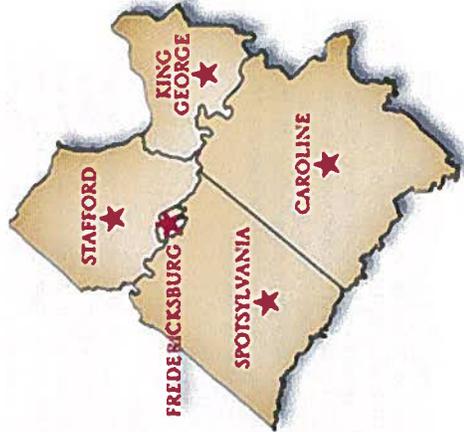
Our vision is that the Fredericksburg Region becomes the region of choice for businesses looking to expand or locate in Virginia.

The Fredericksburg Regional Alliance (FRA) is a public/private economic development marketing partnership created to provide CEOs, presidents, corporate real estate executives, and site selection consultants with a single source for comprehensive demographic, economic, and commercial real estate information on the Fredericksburg, Virginia Region — which includes the City of Fredericksburg and the counties of Caroline, King George, Spotsylvania, and Stafford — while also providing a wide range of services designed to facilitate the creation of jobs and capital investment while diversifying the economy and increasing the tax base.

By working in cooperation with local economic development offices, the Virginia Employment Commission (VEC), higher educational institutions, and other regional groups, the Alliance is able to offer a truly comprehensive collection of services and information vital to corporations considering expanding or relocating their operations.

Fundamental to economic development is an understanding of what prospects are searching for when they select a place to establish new facilities — these are generally called location factors. Broadly speaking they are: labor, markets, transportation, assorted business services, business climate,

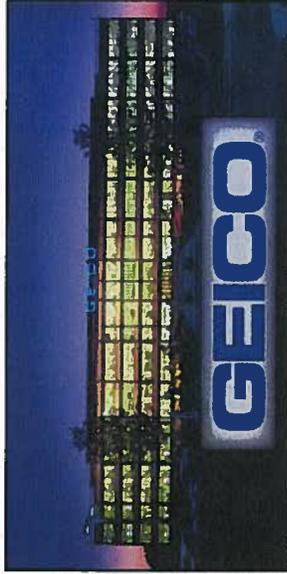
quality of life/amenities, and of course, a site for building or an existing structure. All of these factors, except sites or buildings are regional in nature. Prospects look for regions that can meet their location requirements and consequently approach the search regionally.



Fredericksburg Office
1125 Jefferson Davis Highway
Suite 240
Fredericksburg, VA 22401
540.361.7373
FredRegion.com



REGIONAL SUCCESS STORIES



GEICO
Virginia's second largest auto insurer, GEICO, originally opened its Stafford County facility to handle sales, service, and claims for the Mid-Atlantic region. The significant infrastructure, central location, and ample workforce prompted GEICO to expand the facility to house one of the company's main data centers as well as their printing operations. Since its opening in 20xx, GEICO's Fredericksburg office, has flourished and become the regions top private sector employer.



Harris Teeter
Expected to begin construction in 2017, the first phase of the Caroline County Harris Teeter Distribution Center is expected to be in excess of 650,000 SF. A subsidiary of the Kroger Co., Harris Teeter operates over 200 stores along the East Coast and chose the Fredericksburg region for the ability to reach over 50% of the U.S. population in a 10-hour drive. The Fredericksburg Regional Alliance, Caroline County, and the Virginia Economic Development Partnership were heavily involved in bringing this center to the area for years before the announcement was made in late 2015.



Lidl
Lidl, an arm of the Germany-based Schwarz Group, is the largest retailer in Europe and one of the largest in the world. Spotsylvania County was selected for its \$125 million U.S. Distribution facility due to its business-friendly, strategic location and ample workforce. The center is expected to create 200 jobs bolstering the employment opportunities in the area. Numerous incentive packages were approved providing Lidl almost \$10 million in savings over the next 17 years. According to Payton Reid, Lidl U.S. Vice President for Real Estate, "[Lidl] chose Spotsylvania not just for its central location, but also for its talented workforce and economic vitality."

SILVER COMPANIES OWNER/DEVELOPER

DRIVE. VISION. INTEGRITY

Silver Companies has been investing in real estate for more than 50 years. Our team of real estate professionals has extensive experience in the acquisition, development, financing, management, leasing and sale of properties. We manage a portfolio worth more than \$500 million. Our investments include apartment communities, retail and office buildings, hotels and commercial land.

During the last 10 years Silver Companies has acquired and developed \$1.3 billion of real estate. Our investments are funded with a combination of debt and equity. In addition to investing our own capital, we provide accredited individual and institutional investors opportunities to invest in our properties.

Silver Companies has developed more than 11 million square feet of retail and office space in Virginia. A few of these developments include:

- **Central Park**
(Discussed on the facing page)
- **Harrison Crossing**
This 70-acre development is located on Route 3 at the intersection of Harrison Road and Plank Road in Spotsylvania County, Virginia. It is anchored by a Super Giant Food and Pharmacy and Home Depot and features four national banks, two retail tire and auto service centers, Walgreens, Starbucks and other national retail tenants.)
- **Carter's Crossing**
This development is located at the busy intersection of I-95 and US Route 17 in South Stafford, Virginia and in close proximity to large employers and over 10 hotels. Carter's Crossing is situated at the entrance to a residential development with over 1,400 lots developed and nearby other residential communities with high average household incomes. This new, up-and-coming mixed-use development features over 34 acres of retail users including anchor tenants Target, PetSmart and Pohanka Honda.
- **Cosner's Corner**
Cosner's Corner, located in Spotsylvania, Virginia, features approximately 980,000 square feet of retail and medical space, and is slated for 1.5 million square feet upon completion. Anchor tenants and junior anchor tenants include Super Target, Marshalls, Ross, PetSmart, Best Buy, Dicks Sporting Goods, Kohl's, Staples, Joann Fabric, World Market and more.



Fredericksburg Office
1201 Central Park Blvd.
Fredericksburg, VA 22401
540.785.9700
SilverCompanies.com



CELEBRATE VIRGINIA FREDERICKSBURG

One of Silver Companies' signature Celebrate Destinations, Celebrate Virginia spans more than 2,400 acres across Stafford County, the Rappahannock River, and the City of Fredericksburg and attracts visitors from hundreds of miles away with its one-of-a-kind attractions and millions of square feet of retail and commercial space.

Extensive retail, convention, corporate, entertainment, leisure activities, and other attractions situated in the development include the Central Park mall, Fredericksburg Expo Center, and numerous high end hotels. This ideally situated property along the scenic Rappahannock River and I-95, America's #1 commerce route, provides unmatched close proximity attractions and distribution capabilities.

Celebrate Virginia is broken into two segments, Celebrate Virginia South and Celebrate Virginia North separated by the Rappahannock River.

Celebrate Virginia South abuts the 310 acre Central Park mall, ranked as the second largest mall on the East Coast in 2004, which serves as the primary retail and dining component of the greater Celebrate Virginia development. Totalling more than 2.4 million square feet of space, Central Park provides shoppers a choice of more than 90 retail and entertainment destinations and 50 restaurants. Celebrate Virginia South has access off of Carl D. Silver parkway and one traffic light to Interstate 95.

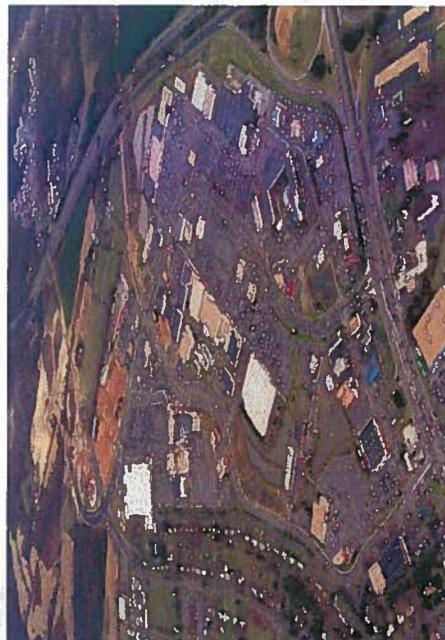
Major Big box tenants include: Ashley Furniture, Best Buy, DSW Shoe Warehouse, Ethan Allen, H-H Gregg, Kohls, Lowe's, Office Depot, Old Navy, PetSmart, The Sports Authority, Regal Theaters 15, Target, Toys "R" Us, Walmart, Wegmans, and Hobby Lobby.

Celebrate Virginia North has prime retail locations occupied and available locations along route 17 which has an ADT of over 65,000 vehicles a day and abuts a major national insurance company's headquarters. Celebrate Virginia North is a planned, mixed-use community along I-95 north of Rappahannock River, Celebrate Virginia North is home to Cannon Ridge Golf Club which is currently undergoing renovations, under the direction of Bobby Weed Golf Design.

Through the cooperation and combination of the Fredericksburg Regional Alliance and the Silver Companies, economic development projects in Celebrate Virginia are structured to benefit the client by streamlining property identification and incentive procurement.



Aerial view of Wegman's Grocery Store located at the intersection of Carl D. Silver Parkway & Gordon W. Shelton Boulevard



Aerial view of Central Park, part of the greater Celebrate Virginia development, and the proposed site.



Celebrate Virginia After Hours Concert Venue

Located adjacent to the proposed site in Celebrate Virginia South, this outdoor concert venue has hosted big name acts such as Lee Brice, Heart, and Alabama as well as many others. (Photos courtesy of Celebrate Virginia After Hours.)



HOURIGAN CONSTRUCTION

DESIGN - BUILDER

Building Success. One Story at a Time.

For over two decades, Hourigan Construction has established itself as the "go-to" firm when it comes to managing complex projects and delivering them to the highest standards. It's a distinction we have earned through a commitment to investing in the people, tools and technology required to build smart — not only for today, but also for the future. Our portfolio is filled with many success stories, but we're most proud of the strong relationships we have built and continue to grow.

Price Studios - Architect

Price Studios is an architectural and interior design firm located in the historic Fan District of Richmond, VA. We specialize in a variety of project types ranging from healthcare to aviation, with a growing reputation for unique ventures in hospitality, both locally and internationally. Our team recently led the design effort (as part of a design-build team) for the expansion of Hardywood Park Brewery, a major, well-established Virginia-based brewery, to a 24-acre natural site in Goochland County. The team assigned to the Hardywood project began the process with a design charrette, working with the client to establish the overall functional and brand direction envisioned for their ultimate strategic goal. As a result of this experience we are equipped with current relevant knowledge of this industry's requirements and its expectations.

"The core of what we do is about construction. The impact of what we do is about people."

Mark Hourigan, President

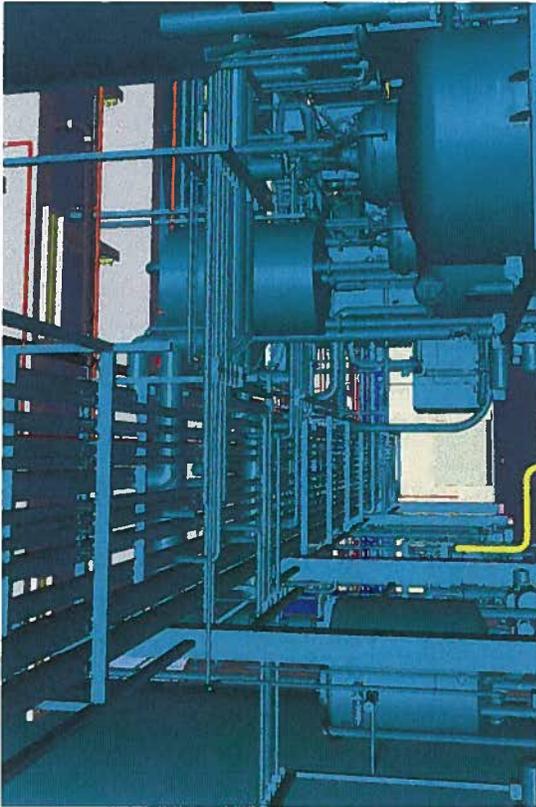
Design-Build Delivery Method

The ultimate success of a project is impacted long before groundbreaking - and that's where clients say Hourigan brings the most value. We place an emphasis on the Design-Build Project Delivery method having completed numerous large scale projects in this fashion. The Hourigan team embodies the idea of an integrated and collaborative delivery. The key is a comprehensive preconstruction plan that helps mitigate risks, address unforeseen issues and provides cost, quality, and schedule certainty.

Cost Modeling

From our experience on the Stone Brewery Distribution Facility in Richmond, Virginia, we have the most up to date and relevant cost data relating to large-scale breweries in the Virginia region. Our knowledge gained from this project has provided us the ability to understand the brewing process and put ourselves in the brewer's shoes.

Richmond Office
411 East Franklin Street
Suite 400
Richmond, VA 23219
804.282.5300
HouriganConstruction.com



Design coordination through the development of a 3D model with base building criteria, process points of connection, and MEP points of connection were crucial to the design and development of the brewing process. This image shows the pipe bridge over which a second level tour path will allow employees and visitors alike to look over the production, packaging, and distribution processes.



The project site consisted of 14.5 acres of developed site that includes 2 parking lots for 276 cars, and material receiving and distribution docks. The property was bisected by Gillies Creek and the CSX train tracks. 220 feet of reclaimed bridge will connect the parking to the front entry across Gillies Creek.



The elevated brew house mezzanine was designed with coordinated slab penetrations in the structural steel to accommodate all of the brewing equipment, including the lauter tun at over 25 feet in diameter. The roof structure was designed as a panelized system for removal of the roof assembly to allow for placement of water tanks, smaller fermentation vessels, and future equipment needs.



The five foot deep elevated cast-in-place concrete tank farm structure was designed to support 40 fermentation and bright tanks that support the annual production of 600,000 barrels per year.

STONE BREWERY RICHMOND, VIRGINIA

This 224,000 SF design-build facility will act as the east coast production facility for California based Stone Brewing Co. The building will provide for all aspects of the brewing process including production, packaging, storage, and distribution. The facility also supports offices and a retail/beer garden area. The elevated tank farm structure will support forty fermentation tanks to allow for the planned production of over 600,000 barrels of beer per year. This project required design and construction coordination with process engineering and production engineers for Virginia's largest craft brewery.



In December 2015, Governor McAuliffe and Richmond Mayor Dwight C. Jones as well as other city and state officials toasted in celebration of the arrival of the brew house and installation of the brewing system.

Mary Katherine Greenlaw
Mayor



City of Fredericksburg
P.O. Box 7447
Fredericksburg, VA 22404-7447
Telephone: 540-372-1022
Fax: 540-372-6412

February 1, 2016

Curry Roberts, President
Fredericksburg Regional Alliance at UMW
1125 Jefferson Davis Highway, Suite 240
Fredericksburg, VA 22401

Dear Curry,

Thank you for your continued efforts to recruit brewery to the City of Fredericksburg. As we have discussed, the City is very well suited for this company. Our location on Interstate 95 between Richmond and Washington would allow ease in distribution, access to lucrative markets and ample infrastructure and work force for such an operation. We are among the fastest-growing localities in Virginia and our workforce seeks regional job opportunities.

Potential sites for this business in Fredericksburg's Celebrate Virginia South tourism campus are very compatible for the production and visitor experience program envisioned.

The City of Fredericksburg also has a robust tourism zone incentive program that we could use to entice this prospect to our beautiful community. These programs return a portion of local revenues to qualified businesses that bring certain levels of capital investment and employment to the City. In addition, for extraordinary projects with strong capital investment and high quality job creation, the City has the capability to structure additional incentive packages. The City also has the capability of waiving development fees.

We look forward to discussing these possibilities soon.

Sincerely,

Mary Katherine Greenlaw, Mayor
Fredericksburg, Virginia

USB MEMORY DIRECT .COM

Opener Virtual Sample

Front

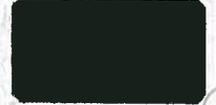


Drive Color



Silver

Logo Color



Pantone Black C



Pantone 485 C

Back



Not to scale. Please reduce image size to drive dimensions to see actual representation.



**Motion for Closed Meeting Under
The Virginia Freedom Of Information Act**

I move that the City Council convene a closed meeting under the Virginia Freedom of Information Act in order to discuss:

- Personnel** specific City officers, appointees, or employees, for the purpose of considering such person's assignment, appointment, promotion, performance, demotion, salary, disciplining, or resignation, under Virginia Code §2.2-3711(A)(1) _____

- Real Property**
 - Acquisition of real property for a public purpose, _____, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City Council, under Virginia Code §2.2-3711(A)(3)
OR
 - Disposition of publicly held real property for the purpose of discussing _____ where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City Council, under Virginia Code §2.2-3711(A)(3)

- Prospective Business**
 - Prospective business or industry, **OR**
 - Expansion of an existing business or industry for the purpose of discussing _____ where no previous announcement has been made of the business or industry's interest in locating or expanding its facilities in the community, under Virginia Code §2.2-3711(A)(5)

- Legal Matters**
 - Actual litigation specifically to _____, where such consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the City Council, **OR**
 - Probable litigation with legal counsel, staff, or consultants, where (1) litigation has been specifically threatened or on which the Council or its counsel has a reasonable basis to believe will be commenced by or against a known party, and (2) such consultation in open session would adversely affect the negotiating or litigating posture of the City Council, **OR**
 - Legal matters, specifically to discuss new proffer legislation (Acts of the Assembly Chapter 322) adopted by the 2016 General Assembly, and the City's legal authority to accept proffers for residential rezonings with counsel where such matters require the provision of legal advice, under Virginia Code §2.2-3711 (A)(7)

Other Closed Session Under Code of VA §2.2-3711(A)(--), _____



MOTION:

**June 28, 2016
Regular Session
Resolution No. 16-__**

SECOND:

RE: CERTIFICATION OF CLOSED MEETING

ACTION: APPROVED: Ayes: 0; Nays: 0

WHEREAS, the City Council of the City of Fredericksburg has this day adjourned into Closed Meeting in accordance with a formal vote of the Council, and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Freedom of Information Act requires the Council to reconvene in open session and to certify that such Closed Meeting was conducted in conformity with the law;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fredericksburg does hereby certify that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discuss in the Closed Meeting to which this certification applies, and (ii) only such public business matter as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed or considered by the Council.

-Adjourned into Closed Meeting at _____ p.m.
-Adjourned out from Closed Meeting at _____ p.m.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

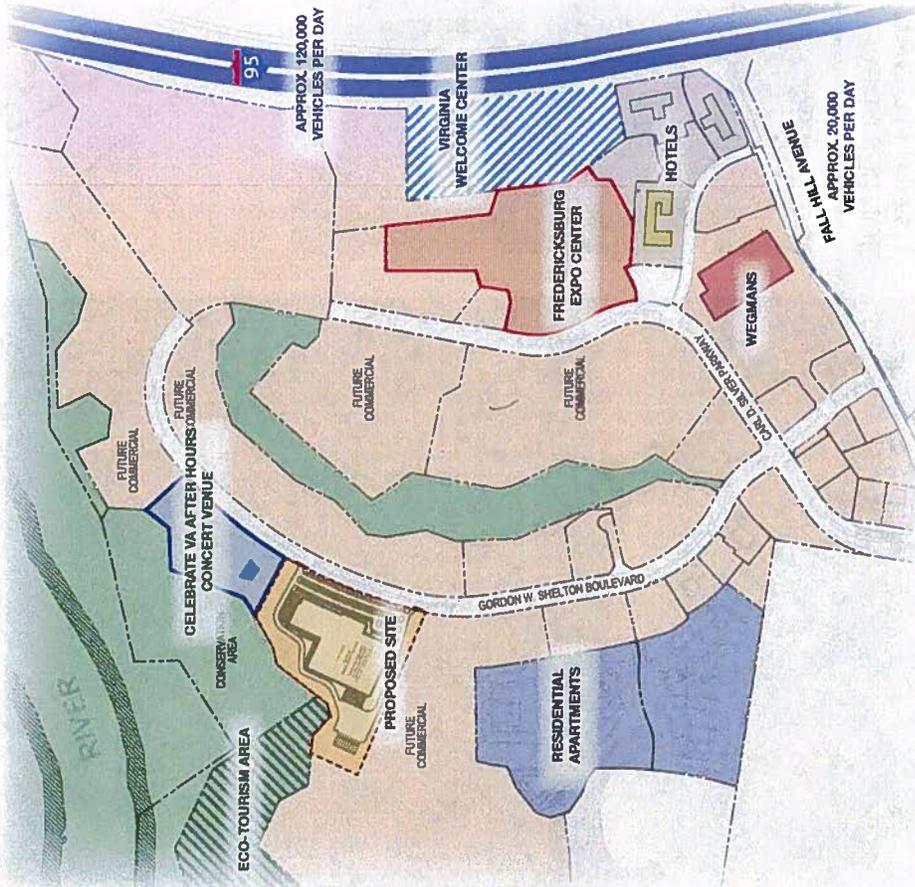
Clerk's Certificate

I, Tonya B. Lacey the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Resolution No. 16- duly adopted the City Council meeting held June 28, 2016 at which a quorum was present and voted.

***Tonya B. Lacey, CMC
Clerk of Council***

SILVER COMPANIES DEVELOPMENT FREDERICKSBURG, VIRGINIA

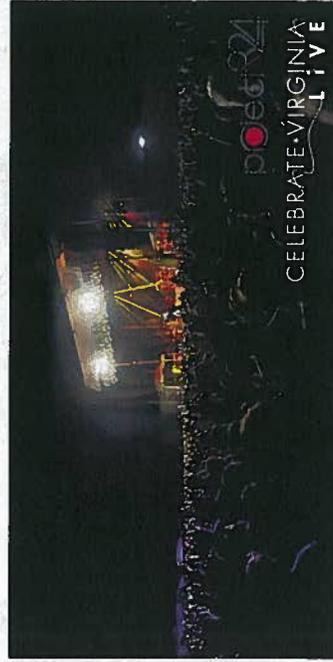
CELEBRATE VIRGINIA



SITE CHARACTERISTICS

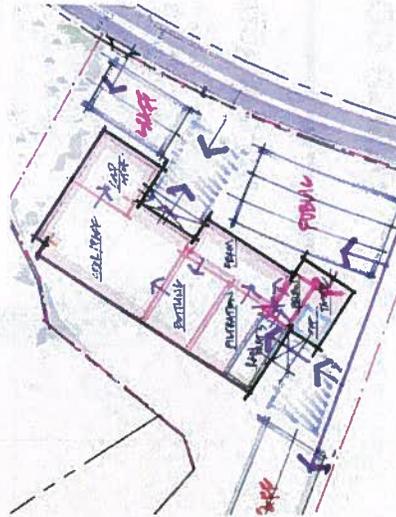
The 13.9 +/- acre site situated in a growing development within the heart of Fredericksburg. The site and surroundings offer many great attractions that would support the culture of beer enthusiasts such as:

- Conservation easement that offers a mix of urban development and rural activities
- Trail system for mountain biking, running, and jogging connects the site to Historic Fredericksburg
- Rappahannock River offers potential for kayak and river floating trips from nearby locations
- Concert venue adjacent to the site that draws sellout crowds for headlining performances
- The Fredericksburg Expo Center draws crowds for national events
 - » RV shows, Wedding Expo, Fredericksburg Gun Show, & Home Show events
 - » #50 in 101 Largest Expo Halls of the South
- Residential apartments adjacent to the site with per capita income over \$90,000 per year



Adjacent Celebrate Virginia After Hours Concert Venue

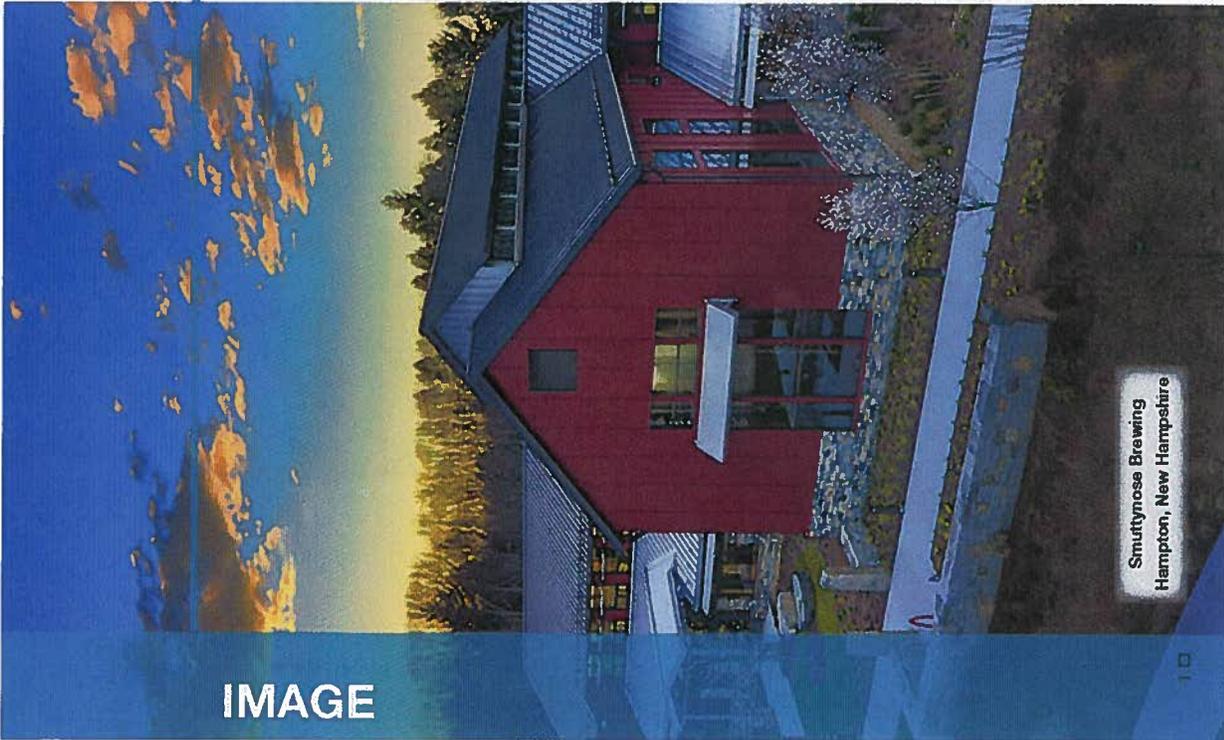
TRADITIONAL BREWERY CONCEPT DEVELOPMENT



Architectural Details

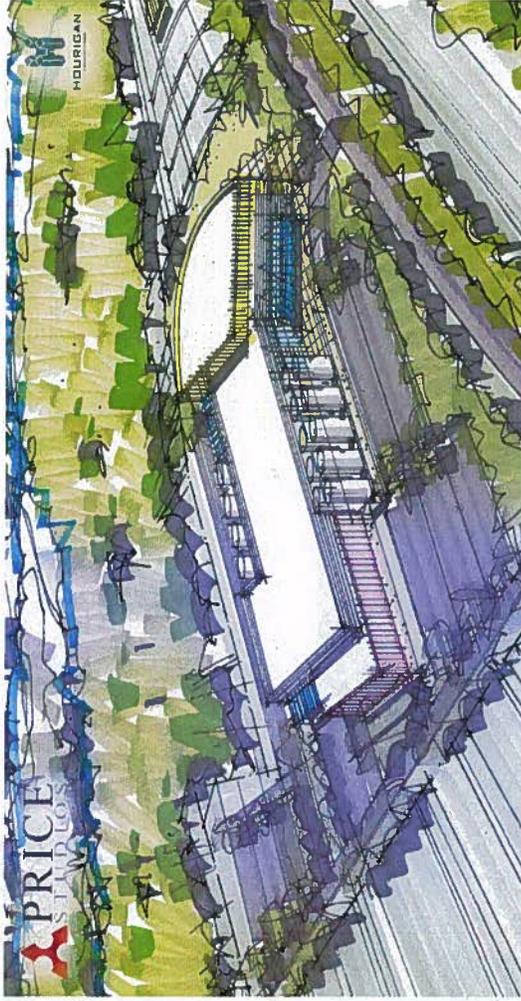
Tasting Room/Public Entry is positioned at the southern portion of the site, facing the traffic flow as well as the bulk of the neighboring development (hotels/retail/housing/etc).

Architecture is typical of the expected "brewery design" common throughout the United States. Elements include pitched metal roofs of varying slopes, vaulted interior spaces with exposed structure, and a palette of warm, natural materials (stone/wood).



IMAGE

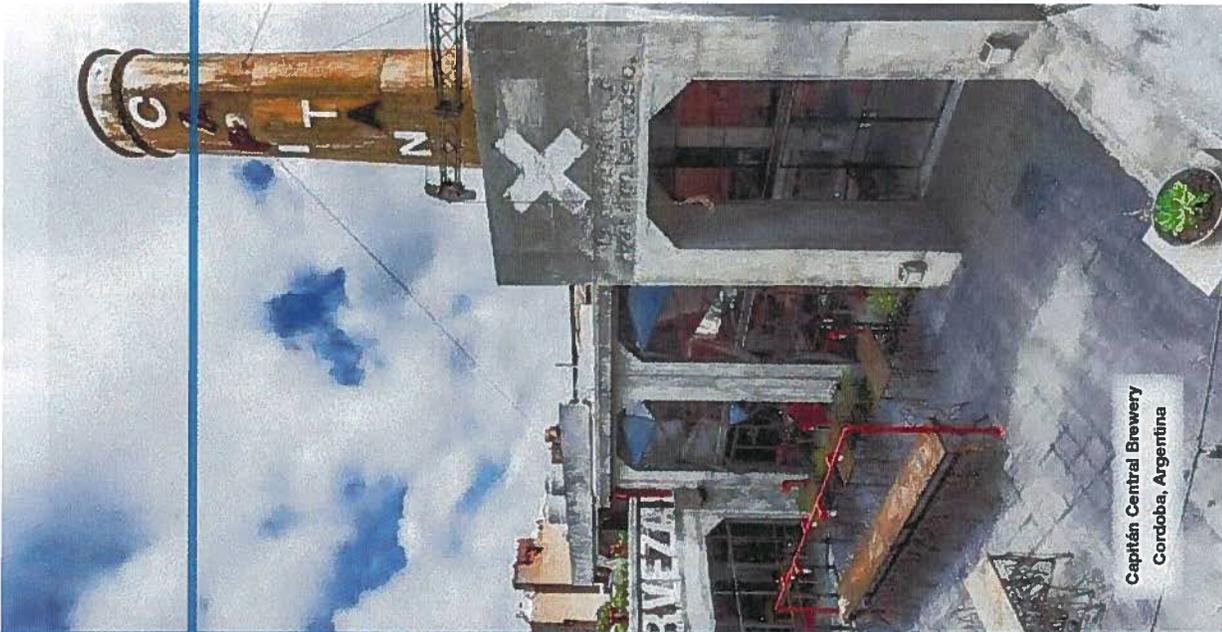
INDUSTRIAL BREWERY CONCEPT DEVELOPMENT



Architectural Details

Tasting Room/Public Entry is repositioned on the north quadrant of the site to take advantage of the outdoor amenities and potential collaboration with the outdoor music venue.

Architecture is indicative of another common brewery style that expresses the industrial nature of the brewing process. Hard/durable materials (concrete/metal/glass/etc) continue the functional materials of the brewing tanks and equipment for a more cohesive overall appearance.



Capitán Central Brewery
Cordoba, Argentina

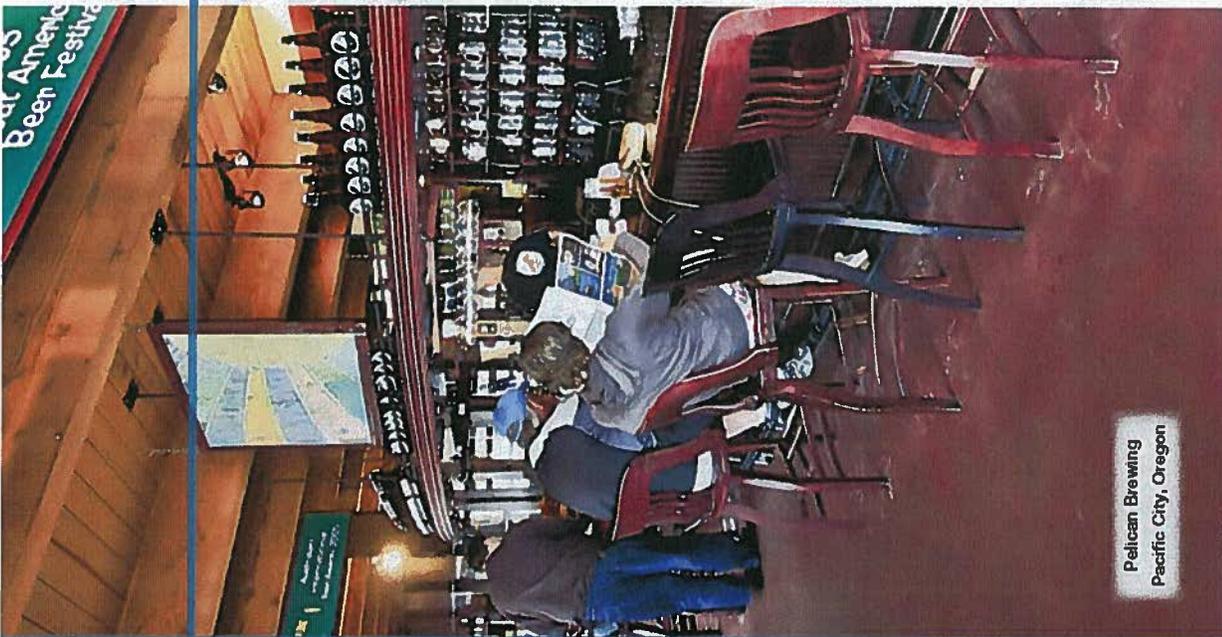
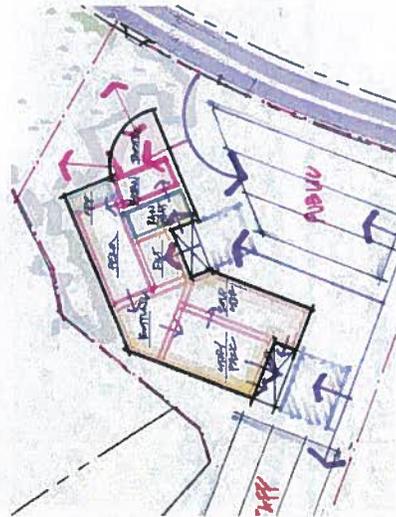
CONTEXTUAL BREWERY CONCEPT DEVELOPMENT



Architectural Details

The basic rectangular complex is "bent" to maximize the site configuration, resulting in more usable land for both building space and parking. This positions the Tasting Room/Public Entry closer to the road for visibility while still offering a connection to the natural river park and outdoor music venue.

The architecture is respectful of the historic legacy of Fredericksburg, Virginia in its utilization of traditional materials (brick/white columns/detailing) and simple rectangular forms with pitched metal roofs.



Pelican Brewing
Pacific City, Oregon

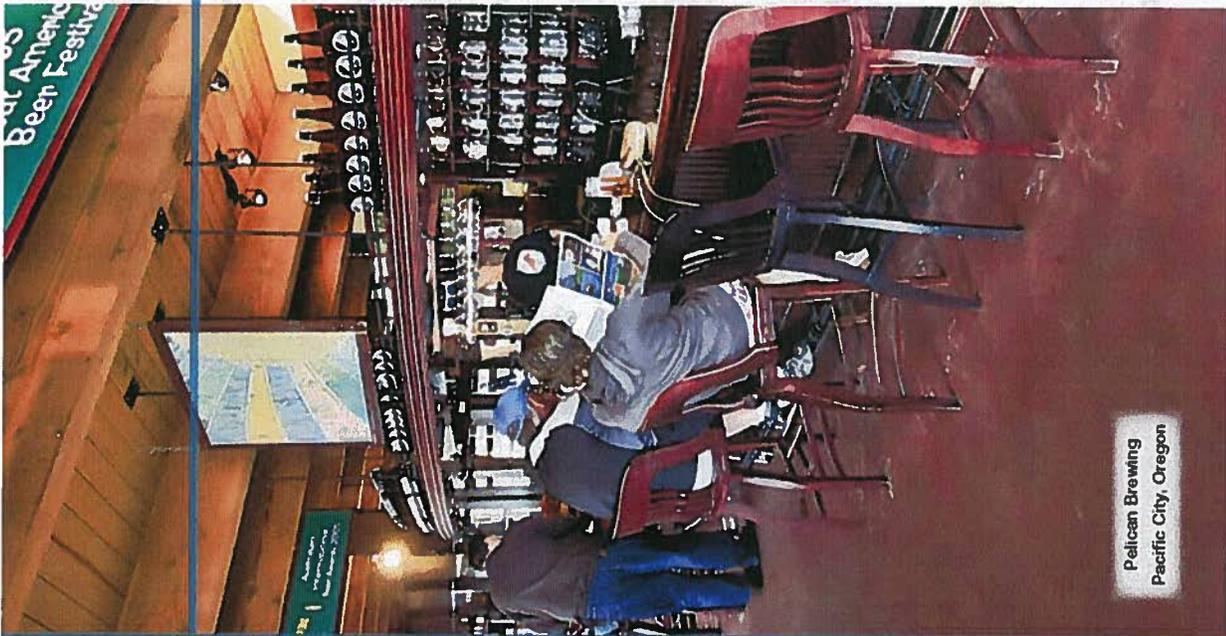
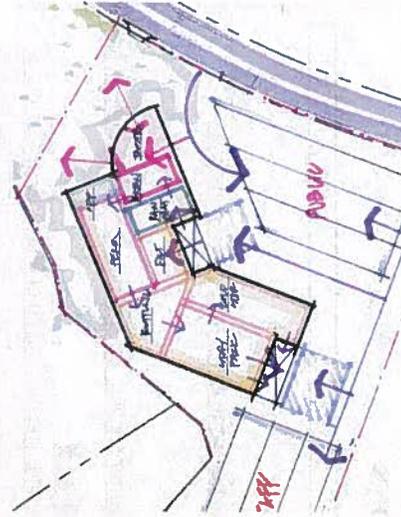
CONTEXTUAL BREWERY CONCEPT DEVELOPMENT



Architectural Details

The basic rectangular complex is "bent" to maximize the site configuration, resulting in more usable land for both building space and parking. This positions the Tasting Room/Public Entry closer to the road for visibility while still offering a connection to the natural river park and outdoor music venue.

The architecture is respectful of the historic legacy of Fredericksburg, Virginia in its utilization of traditional materials (brick/white columns/detailing) and simple rectangular forms with pitched metal roofs.



Pelican Brewing
Pacific City, Oregon

IMAGE

SECTION 72-84: DEFINITIONS

72-84.0 Definitions

BARREL MALT BEVERAGE

The barrel used to contain a malt beverage with a volume of 31 gallons.

Comment [MC1]: Add a definition of Barrels because they are the unit of measurement used by Virginia ABC to differentiate brewery sites.

BREWERY

A facility intended for the annual production, packaging, and distribution of any malt beverage.

Comment [C12]: Add a unified definition of the term Brewery with different levels of production. This definition generally reflects VA Alcoholic Beverage Control Board licensing levels based on brewery production (<https://www.abc.virginia.gov/licenses/abc-licenses/industry>) and the terms and practices of the Brewer Association. However the levels differentiating a Regional Brewery and a Large Brewery have been revised at the recommendation of the Fredericksburg Regional Alliance.

A. **NANOBREWERY - BREWPUB**

Annual production, packaging, and distribution of 500 or fewer barrels of any malt beverage where at least 25% of the beverage produced on-site shall be consumed or sold at retail on-site. The facility is considered a specialty eating establishment.

B. **MICROBREWERY - BREWPUB**

Annual production, packaging, and distribution of 501 to 10,000 barrels of any malt beverage where at least 25% of the beverage produced on-site shall be consumed or sold at retail on-site. The facility may include an area for on-site consumption, an eating establishment, or the provision of live entertainment as an accessory use.

Comment [C39]: Add definition of a Nanobrewery to reflect contemporary practices in the brewery industry.

C. **REGIONAL BREWERY**

Annual production, packaging, and distribution of 10,001 to 250,000 barrels of any malt beverage. The facility may include an area for on-site consumption, an eating establishment, or the provision of live entertainment as an accessory use.

Comment [MC4]: Move the definition of Microbrewery into the Unified Brewery definition. Change the term Taproom to Brewpub to reflect terms and practices of the Brewer's Association.

D. **LARGE BREWERY**

Annual production, packaging, and distribution of more than 250,000 barrels of any malt beverage. A large brewery is considered heavy manufacturing.

DISTILLERY

A facility for the production and packaging of distilled spirits for distribution, retail, or wholesale, on or off premise.

Comment [MJWC5]: Add a definition of the term Distillery. This definition reflects VA Alcoholic Beverage Control Board licensing levels based on distillery production (<https://www.abc.virginia.gov/licenses/abc-licenses/distillery>) with the exception that middle category, Regional Distillery, has been added at the recommendation of the Fredericksburg Regional Alliance.

A. **MICRODISTILLERY - TASTING ROOM**

Annual production, packaging, and distribution of 0 to 5,000 gallons of distilled spirits where at least 25% of the beverage produced on-site shall be consumed or sold at retail on-site. The facility may include an area for on-site consumption, an eating establishment, or the provision of live entertainment as an accessory use.

B. REGIONAL DISTILLERY

Annual production, packaging, and distribution of between 5,001 and 36,000 of distilled spirits for distribution, retail, or wholesale on or off premise. The facility may include an area for on-site consumption, an eating establishment, or the provision of live entertainment as an accessory use.

C. LARGE DISTILLERY

A distillery producing more than 36,000 gallons annually is considered a large distillery. A large distillery is considered a heavy manufacturing use.

EATING ESTABLISHMENT, SPECIALTY

Any establishment selling specialty food and/or drink items that normally do not constitute a full meal, including but not limited to: ice cream parlors, dessert cafes, snack shops, juice, coffee houses, retail bakeries, and nano-breweries.

MANUFACTURING, HEAVY

Manufacturing uses include, but are not limited to: asphalt/concrete mixing and batching, manufacture or assembly of machinery, equipment, instruments, vehicles, appliances, communications equipment, computer or electronic equipment, precision items and other electrical items; the processing of food and related products; large brewery, large winery, large distillery, lumber mills, pulp and paper mills, and the manufacture of other wood products, and electric power generation plants. Specifically prohibited are rendering, petroleum/asphalt refining, concrete manufacturing plants, and manufacture of chemicals, fertilizers, paint, and turpentine.

MICROBREWERY/TAPROOM

A facility intended for the production and packaging of beer for distribution, retail sale, or on-premise consumption. The development may also include restaurant and may also include a bar or provision of live entertainment.

WINERY

A facility for the production and packaging of wine for distribution, retail or wholesale, on- or off-premise.

A. MICROWINERY – TASTING ROOM

Annual production, packaging, and distribution of 0 to 5,000 gallons of wine where at least 25% of the beverage produced on-site shall be consumed or sold at retail on-site. The facility shall include an area for on-site consumption, an eating establishment, or the provision of live entertainment as an accessory use.

Comment [M26]: Update the definition of Specialty Eating Establishment to include a reference to Nano-breweries.

Comment [MJWC7]: Update the definition of Heavy Manufacturing to include Large Brewery, Large Winery, and Large Distillery.

Comment [MCS]: Move the definition of Microbrewery into the Unified Brewery definition.

Comment [MJWC9]: Add a definition of the term Winery. This definition reflects VA Alcoholic Beverage Control Board licensing levels based on winery production (<https://www.sbe.virginia.gov/licenses/types/>). The definition reflects VA Alcoholic Beverage Control Board licensing levels based on winery production (<https://www.sbe.virginia.gov/licenses/types/>). The exception that a middle category, Regional Winery, has been added at the recommendation of at the recommendation of the Fredericksburg Regional Alliance.

B. REGIONAL WINERY

Annual production, packaging, and distribution of between 5,001 and 36,000 gallons for distribution, retail, or wholesale, on or off premise. The facility may include an area for on-site consumption, an eating establishment, or the provision of live entertainment as an accessory use.

C. LARGE WINERY

Annual production, packaging, and distribution of more than 36,000 gallons per year. A large winery is considered a heavy manufacturing use.



CITY OF FREDERICKSBURG, VIRGINIA
CITY COUNCIL

MINUTES

Council Chambers, 715 Princess Anne Street
Fredericksburg, Virginia 22401

HON. MARY KATHERINE GREENLAW, MAYOR
HON. WILLIAM C. WITHERS, JR., VICE -MAYOR, WARD TWO
HON. KERRY P. DEVINE, AT-LARGE
HON. MATTHEW J. KELLY, AT-LARGE
HON. BRADFORD C. ELLIS, WARD ONE
HON. DR. TIMOTHY P. DUFFY, WARD THREE
HON. CHARLIE L. FRYE, JR., WARD FOUR

June 28, 2016

The Council of the City of Fredericksburg, Virginia, held a regular session on Tuesday, June 28, 2016, beginning at 7:30 p.m. in the Council Chambers of City Hall.

City Council Present. Mayor Mary Katherine Greenlaw, Vice-Mayor William C. Withers, Jr. and Council members Dr. Timothy P. Duffy, Bradford C. Ellis, Charlie L. Frye, Jr. and Matthew J. Kelly.

City Council Absent. Councilor Kerry P. Devine, out of town.

Also Present. City Manager Timothy J. Baroody, Assistant City Manager Mark W. Whitley, City Attorney Kathleen Dooley, Director of Economic Development Karen Hedelt, Visitor Center Manager Julie Perry and Clerk of Council Tonya B. Lacey.

Opening Prayer and Pledge of Allegiance. Council was led in prayer by Councilor Matthew J. Kelly followed by the Pledge of Allegiance led by Mayor Mary Katherine Greenlaw.

Officer Recognized. Mayor Greenlaw recognized the presence of Officer Chris Menck at this evening's meeting.

Fredericksburg Regional Alliance Update (D16-__). President Roberts presented a PowerPoint presentation that covered the Fiscal Year Activity Tracking, Organizational Metrics, Marketing Metrics, Top 30 Website Hits by Geographic Location,

FRA Marketing Calendar and Strengthening Regional Capacity. See document **D16-__** for more information.

Citizen Comment. The following speaker participated in the citizen comment portion of this evening's meeting.

Steve Gaske (D16-__), 1302 Washington Avenue, spoke in regards to the dense plantings on the Washington Avenue Mall. He also spoke about the Taskforce and the fact that he did not think the Taskforce gave serious consideration to the petitioner's request. Mr. Gaske said neither did they look at alternate landscaping requests that would address the petitioner's concerns. He said majority of the taskforce ruled that consideration of the petitioner's request and consideration of alternative plans was outside the scope of what the City Council authorized for the Taskforce. He said the Taskforce chair added that that this was not a part of the mission statement that the Council provided the Taskforce, therefore it was not a part of their assignment. Mr. Gaske said he had a professional Landscape company come to assist the unqualified taskforce but that assistance was rejected. Mr. Gaske felt the majority took the position that the outcome was already predetermined by the wording of the Council resolution before deliberations began. (See **D16-__** for more information).

Patrick Chesnut, 620 Lewis Street, stated that he was concerned that the Washington Avenue Tree Taskforce had not embraced the assigned mission to review alternatives and give recommendations to the Council. He also said it appeared that the plans submitted by the Washington Avenue residents were not reviewed or considered. He felt the Taskforce missed an opportunity to ensure the iconic views of the Washington

Avenue monuments were preserved and he requested the City Council give an alternative plan.

Richard Harrison, 1304 Washington Avenue, spoke to clear up some of the facts that he said were misconstrued in the newspaper. He said this was important enough to volunteer his time. He said the reason for the petition was started was for the voice of the 73 residents. He also stated that the neighbors had not been consulted prior to the plantings. He said many of the residents that were consulted were either deceased or had moved. He urged the Council to take common sense and compromise into account and to consider the modified professional tree planting plan.

Council Agenda Presented. The following items were presented to Council for discussion.

7A. Murder Free Fredericksburg – Councilor Frye

7B. Conflict of Interest Policy & Procedures – Councilor Kelly

7C. Tree Plan – Councilor Kelly

Murder Free Fredericksburg – Councilor Frye was happy to announce that going into July Fredericksburg was still murder free but there were more shots fired at the playground in Mayfield. He thanked the Police Department, Parks & Recreation, Assistant City Manager and the Mayor for their support. He noted that the staff was trying to get more lighting in the area to deter the problems.

Conflict of Interest Policy & Procedures – Councilor Ellis stated that there had been some issues with some of the Boards and Commissions with conflict of interest and he said there was no one point of contact person for them. He requested that City Attorney Dooley look into a policy and procedures as it relates to Board and

Commission Member conflict of interest. He also suggested there be one contact person for them.

City Attorney Dooley said she would be happy to provide a report. The Mayor clarified that Councilor Kelly wanted one contact point person.

Tree Plan – Councilor Kelly noted that he was the person who wanted options for the tree plan on Washington Avenue because he likes options but he clarified that he would look at everything and make a decision accordingly.

City Manager’s Consent Agenda Accepted for Transmittal as Recommended (D16-__ thru D16-__). Following review and as recommended Councilor Kelly moved approval of the City Manager’s consent agenda items; motion was seconded by Councilor Duffy and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Withers, Duffy, Ellis, Frye and Kelly. Nays (0).

- Resolution 16-55, Approved, Authorizing the City manager to Execute a Three-Year Memorandum of Understanding with Stafford and Spotsylvania Counties for the Fredericksburg Regional Tourism Partnership (D16-__).
- Transmitting Street Paving List (D16-__).
- Transmitting the Tree Task Force Report and Recommendation (D16-__).
- Transmitting the Tree Planting Policies and Procedures (D16-__).
- Transmittal of Boards and Commission Minutes
 - Architectural Review Board Supplemental – April 25, 2016 (D16-__).
 - Architectural Review Board Supplemental – May 9, 2016 (D16-__).

- Architectural Review Board – May 9, 2016 (D16-__).
- Board of Social Services – April 14, 2106 (D16-__).
- Economic Development Authority – May 9, 2016 (D16-__).
- Fredericksburg Arts Commission – October 21, 2015 (D16-__).
- Fredericksburg Arts Commission – November 18, 2015 (D16-__).
- Fredericksburg Arts Commission – December 16, 2016 (D16-__).
- Fredericksburg Arts Commission – January 20, 2016 (D16-__).
- Fredericksburg Arts Commission – March 16, 2016 (D16-__).
- Fredericksburg Arts Commission – April 20, 2016 (D16-__).

Adoption of Minutes (D16-__). Councilor Kelly moved approval of the May 10 & June 14, 2016 Work Sessions and the June14, 2016 Regular Session minutes; motion was seconded by Councilor Ellis and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Withers, Duffy, Ellis, Frye, and Kelly. Nays (0).

Resolution 16-52, Second Read Approved, Amending Fiscal Year 2017 Budget by Increasing the Appropriations to the School Operating Fund by \$141,368 (D16-__). – Councilors Duffy disclosed that they were members of a business, profession, occupation or group of three or more members affected by the transaction, namely they are employees of the Fredericksburg Public School system. Councilors Frye and Ellis disclosed that their spouses are members of a business,

profession, occupation or group of three or more members affected by the transaction, namely they are employees of the Fredericksburg Public School system.

Councilor Kelly made a motion to approve Resolution 16-52 on second read, amending Fiscal Year 2017 budget by increasing the appropriations to the School Operating Fund by \$141,368; motion was seconded by Vice-Mayor Withers and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Withers, Duffy, Ellis, Frye and Kelly. Nays (0).

Request to Finance R-Board Landfill Improvements (D16-__). Mr. Whitley explained that due to the financial constraints the R-Board deferred the capital expenditure for the permanent cap that was required for the cells that are no longer accepting waste. The R-Board had received bids and the cost to cap the cells would be \$3,083,120. The R-Board proposed to split the cost of the project between the R-Board, the City and Stafford County but the money from the City and the County would be a loan. The R-Board also requested assistance from the City and the County to finance a landfill compactor.

The proposed terms of the loan would be seven years at 1.5% interest. Mr. Whitley also suggested the City include a call provision by the R-Board. This provision would allow the R-Board to pay the funds back sooner than scheduled, if financial conditions allowed. He said this provision would only be used if it were allowed by their other financing arrangements. The total requested amount for financing would be \$1,175,534.

Councilor Kelly stated that the flow control had been determined to be a good decision and there had been a significant revenue increase but it will take some time to

rebuild the funds. He said the R-Board thought borrowing the funds would make better financial sense for them and it would allow them to continue to build up their reserves.

He suggested there was a need to take a look at trash on a regional approach. He said George Washington Regional Commission was looking into this to see if it would be beneficial.

Mr. Whitley stated that the financial advisors thought the seven years at 1.5% was a fair rate.

Resolution 16-56, Approved, Designating a Freedom of Information Act Officer for the City of Fredericksburg and Certain Local Public Bodies Subject to FOIA (D16-__). Councilor Kelly made a motion to approve Resolution 16-56, designating a Freedom of Information Act Officer for the City of Fredericksburg and certain local public bodies subject to FOIA; motion was seconded by Vice-Mayor Withers and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Withers, Duffy, Ellis, Frye and Kelly. Nays (0).

Resolution 16-57, First Read Approved, Amending the Fiscal Year 2017 Public Works Fund Budget and Increasing Appropriation by \$180,900 Reflecting an Increase in Funding from the Virginia Department of Transportation (VDOT) (D16-__). Councilor Kelly made a motion to approve Resolution 16-57 on first read, amending the Fiscal Year 2017 Public Works Fund budget and increasing appropriation by \$180,900 reflecting an increase in funding from the Virginia Department of Transportation (VDOT); motion was seconded

by Vice-Mayor Withers and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Withers, Duffy, Ellis, Frye and Kelly. Nays (0).

City Manager's Report and Council Calendar (D16-__ thru D16-__). City Manager Cameron asked if there were any questions regarding the Manager's report or the Council Calendar. Activities highlighted on the report were as follows: 4th Annual United Way Benefit Golf Tournament, Refuse and Recycling Cart Distribution, Public Works Confined Space Training, Videos Chronicle Fredericksburg's Appeal, Build on Line Content for Higher Recognition.

Closed Meeting Approved. Upon the motion of Councilor Kelly, seconded by Councilor Duffy and passed by the following recorded votes, Council approved a closed session pertaining to NBB, LLC v. City Council, CL15-0787, and City Council v. Architectural Review Board and NBB, LLC, CL15-0820 where such consultations or briefings in an open meeting would adversely affect the negotiating or litigating posture of the City Council, under Virginia Code §2.2-3711(A)(7). Ayes (6) Councilors Greenlaw, Withers, Duffy, Ellis, Frye, and Kelly. Nays (0).

Return to Open Meeting Approved. Upon the motion of Councilor Kelly, seconded by Vice-Mayor Withers and passed by the following recorded votes, Council approved a return to an open meeting. Ayes (6) Councilors Greenlaw, Withers, Duffy, Ellis, Frye, and Kelly. Nays (0).

Resolution 16-58, Approved, Certifying Closed Meeting. Upon the motion Councilor Kelly approved Resolution 16-58 certifying the closed meeting;

seconded by Vice-Mayor Withers and passed by the following recorded votes. Ayes (6)
Councilors Greenlaw, Withers, Duffy, Ellis, Frye, and Kelly. Nays (0).

Mary Katherine Greenlaw, Mayor

Tonya B. Lacey, Clerk of Council, CMC



CITY OF FREDERICKSBURG, VIRGINIA
CITY COUNCIL
MINUTES

Council Chambers, 715 Princess Anne Street
Fredericksburg, Virginia 22401

HON. MARY KATHERINE GREENLAW, MAYOR
HON. WILLIAM C. WITHERS, JR., VICE -MAYOR, WARD TWO
HON. KERRY P. DEVINE, AT-LARGE
HON. MATTHEW J. KELLY, AT-LARGE
HON. BRADFORD C. ELLIS, WARD ONE
HON. DR. TIMOTHY P. DUFFY, WARD THREE
HON. CHARLIE L. FRYE, JR., WARD FOUR

July 1, 2016

The Council of the City of Fredericksburg, Virginia, met in special session on Tuesday, July 1, 2016, beginning at 12:00 p.m. in the old Council Chambers of the Fredericksburg Area Museum and Cultural Center.

City Council Present. Mayor Mary Katherine Greenlaw, Vice-Mayor William C. Withers, Jr. and Council members Kerry P. Devine, Bradford C. Ellis, Charlie L. Frye, Jr. and Matthew J. Kelly.

City Council Absent. Dr. Timothy P. Duffy, out of town.

Also Present. City Manager Timothy J. Baroody, City Attorney Kathleen Dooley, Clerk of Council Tonya B. Lacey and Deputy Clerk of Council Brenda T. Martin.

Purpose. The purpose of this special session was as follows:

- Swearing in of the newly elected members of City Council
- Election of the Vice-Mayor
- Appointment of the City Attorney
- Appointment of the Clerk of Council
- Appointment of the Deputy Clerk of Council
- Adoption of Calendar

Prayer and Pledge of Allegiance. The meeting was opened with prayer by

Rev. Brittany Tamminga, Associate Pastor, The Presbyterian Church in Fredericksburg followed by the Pledge of Allegiance led by Mayor Greenlaw.

Welcoming Remarks. Welcoming remarks were made by Sara Poore, President and Chief Executive Officer of the Fredericksburg Area Museum and Cultural Center.

John Hennessy, Chief Historian and Chief of Interpretation of the Fredericksburg & Spotsylvania National Military Park – Mr. Hennessy offered the keynote address and he talked about the rich history of the City and its past leadership.

Swearing in of Newly Elected Members of City Council. The Honorable Gordon F. Willis, Judge of the Fifteenth Judicial Court of Virginia, administered the oath of office to each of the re-elected member of City Council beginning with Mayor Mary Katherine Greenlaw followed by Kerry P. Devine and Matthew J. Kelly.

Election of Vice-Mayor – William C. Withers. Councilor Kelly nominated Councilor Withers for the position of Vice-Mayor; motion was seconded by Councilor Devine and passed by the following unanimously recorded votes. Ayes (6). Councilors Greenlaw, Withers, Devine, Ellis, Frye and Kelly. Nays (0). None.

Appointment of City Attorney – Kathleen A. Dooley. Upon the motion of Councilor Devine, seconded by Councilor Kelly and passed by the following unanimously recorded votes, Kathleen A. Dooley was appointed as the City Attorney. Ayes (6). Councilors Greenlaw, Withers, Devine, Ellis, Frye and Kelly. Nays (0). None.

Appointment of Clerk of Council – Tonya B. Lacey. Upon the motion of Councilor Frye, seconded by Vice-Mayor Withers and passed by the following unanimously recorded votes, Tonya B. Lacey was appointed as the Clerk of Council by the following unanimously recorded votes. Ayes (6). Councilors Greenlaw, Withers, Devine, Ellis, Frye and Kelly. Nays (0). None.

Appointment of Deputy Clerk of Council – Brenda T. Martin. Upon the motion of Councilor Devine, seconded by Councilor Kelly and passed by the following unanimously recorded votes, Brenda T. Martin was appointed as the Deputy Clerk of Council by the following unanimously recorded votes. Ayes (6). Councilors Greenlaw, Withers, Devine, Ellis, Frye and Kelly. Nays (0). None.

Adoption of Calendar (D16-__). Councilor Kelly made a motion to accept the meeting calendar for fiscal year 2017; motion was seconded by Councilor Devine and passed by the following unanimously recorded votes. Ayes (6). Councilors Greenlaw, Withers, Devine, Ellis, Frye and Kelly. Nays (0). None.

Adjournment. There being no further business to come before the Council at this time, Mayor Greenlaw declared the meeting officially adjourned at 12:21 p.m.

Mary Katherine Greenlaw, Mayor

Tonya B. Lacey, Clerk of Council, CMC



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HON. DR. TIMOTHY P. DUFFY, WARD THREE
HON. CHARLIE L. FRYE, JR., WARD FOUR

July 12, 2016

The Council of the City of Fredericksburg, Virginia, held a public hearing on Tuesday, July 12, 2016, beginning at 7:56 p.m. in the Council Chambers of City Hall.

City Council Present. Mayor Mary Katherine Greenlaw, Vice-Mayor William C. Withers, Jr. and Council members Kerry P. Devine, Dr. Timothy P. Duffy, Bradford C. Ellis, Charlie L. Frye, Jr. and Matthew J. Kelly.

Also Present. City Manager Timothy J. Baroody, Assistant City Manager Mark W. Whitley, City Attorney Kathleen Dooley, Assistant City Attorney Robert Eckstrom, Public Works Director Doug Fawcett, Assistant Public Works Director David King, Planning Services Director Charles Johnston, Zoning Administrator Michael Craig, Budget Manager Deidre Jett, and Clerk of Council Tonya B. Lacey.

Notice of Public Hearings (D16-__ thru D16-__). The Clerk read the notice of the public hearings as they appeared in the local newspaper, the purpose being to solicit citizen input.

Denying Special Exception Applications by Timbernest, LTD. for 506-516 Sophia Street and the Rear of 525 Caroline Street (D16-__). 4 speakers. Zoning Administrator Craig explained that Timbernest, Ltd. owned two adjacent parcels and they were zoned commercial-downtown (CD) and they were within the 100 year floodplain. The parcel that contains the Fredericksburg Square building sits

on 0.66 acres and it also had 26 parking spaces. The lot with the 13 townhomes sits on 0.33 acres. The applicant requested a special exception to demolish the 13 existing apartment units and reconfigure the lots and build 14 new dwelling units (7 townhomes and 7 multi-family units). The reconfigured lot would equal .525 acres.

Mr. Craig explained that C-D zones permit townhomes 12 units per acre, multi-units 18 per acre. By right the .525 acre parcel would yield 3 townhomes and 5 multi-family units. This proposal is in the old and historical overlay district and would be under the ARB purview for the demolition, site planning and new construction. ARB reviewed these preliminarily and opted not to make a motion as a body. They were generally in favor of the special exception as long as the architecture could be made to fit in the surrounding context. The ARB had no issues with the site layout but two members were not in favor of the demolition of the apartment building. The applicant revised the project after the ARB review and that is what was presented to Council.

The Planning Commission held a Public hearing on this project and two members from the public spoke in favor and the Planning Commission deferred action so that the applicant could respond to comments from the Commission and the Technical Review Committee. Planning Commission voted 5-2 for City Council to approve the application on the condition that the applicant proposes a viable alternative to off-set the impact of eliminating 26 on-site parking spaces currently used by the Fredericksburg Square building.

Van Perroy, 525 Caroline Street, general partner of Timbernest, Ltd. proposed that this project was an adaptive reuse of the lot behind 525 Caroline Street as well as addressing the issue of the existing apartments that have reached the end of their useful

life. They were cinderblock structures built in the 40's converted into apartments in the 50's and they have never been up to standard. The applicant had received a demolition permit 8 years ago for another project they were looking at but it has since lapsed.

Mr. Perroy noted that the building was built in 1854 and adaptively reused in 1927 and conforms to being a historic building and because of this according to the Unified Development Ordinance (UDO) they have an exception with regards to parking. He explained that the proceeds from the changes in the rear would be reinvested into the front of Fredericksburg Square. He said that his vendors offload on Caroline Street and wheel the deliveries through the side drive because the gate on Sophia Street was too narrow for the trucks.

Mr. Perroy said this would make a substantial improvement on the Sophia Street corridor and the streetscape. He said it was in compliance with the Comprehensive Plan. The parking deck has been a major asset to the Square and many of their clients use the deck. He said they had made a proposal to utilize 26 parking spaces at the deck to replace the 26 spaces they were going to get rid of. They will issue parking permits for their clients to use in the deck.

Councilor Ellis asked if the 13 units were habitable and Mr. Perroy stated that nine units were but the remaining four have severe structural damage and it had been difficult to work on the stabilization. Councilor Ellis also asked what events may cause an impact to parking and Mr. Perroy said he does not see any because wedding receptions have been declining in number of invited guest and that they usually tell them to park in the deck unless they are staying at the Courtyard Marriott.

Councilor Ellis asked, if the UDO does not require parking for historic buildings

what is the difference in this building and staff said the issue is that the parking currently exist. Mr. Craig added that they have questions on whether the project is consistent with the UDO, Comprehensive Plan and other metrics. The Comprehensive Plan state that in this land area, the City needed to come up with parking strategies and eliminating the parking potentially makes this project not in compliance.

Ryguyn Mau Muhammed, 1112 Caroline Street, stated that the Sophia Street corridor has a number of increased events and he suggested that the police be switched out with MGT Fruit of Islam to police the area.

Jim Geotz, 501 Caroline Street, spoke in support of the project and said the changes would be great for the community because the area had been neglected for years. He also added that no one has really used the parking lot in the 15 years he has been working on his home. He also said the City needed the revenue that would be generated from the project.

Shawn Avery, 102 Wolfe Street, spoke in favor of the project. He said these were much needed renovations for the area. He also addressed parking stating that there would be more parking issues once the park was finished. He added that he would like to see the parking issues addressed for the residents that need day to day parking.

Mr. Perroy addressed comments on parking stating that every townhome and multi-family home would have two parking spaces. The current apartments only have enough parking for thirteen vehicles and any second vehicle had to utilize the street parking. The proposed project would completely eliminate the parking of the second vehicle on the street. He said 90 percent of the time they will not have to use the requested permit parking in the garage.

Councilor Kelly discussed some of the parking concerns and noted that in the future the number of VRE riders would increase again and many of the private parking lots have gone to customer parking only. He said there are many other issues that need to be addressed with the downtown infrastructure.

Mayor added that this project had caused some concerns with parking and she would like to have a work session in August to discuss this with the applicant.

Vice-Mayor Withers agreed with the Mayor but he also added that he would like to have a final decision from the ARB before Council action. Mr. Johnston explained that the applicant did not want to move forward with detailed architectural drawing without knowing if the special exception was going to be approved. Vice-Mayor Withers clarified that he would like to see the demolition approved by ARB before Council action. Councilor Duffy agreed with Vice-Mayor Withers on the demolition and he said it does give pause to lose 26 parking spaces.

Mayor asked staff to schedule a work session with the applicant.

Adjournment. There being no speakers to come before the Council at this time. Mayor Greenlaw declared the hearing officially adjourned at 8:09 p.m.

Mary Katherine Greenlaw, Mayor

Tonya B. Lacey, Clerk of Council, CMC

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HON. DR. TIMOTHY P. DUFFY, WARD THREE
HON. CHARLIE L. FRYE, JR., WARD FOUR

July 12, 2016

The Council of the City of Fredericksburg, Virginia, held a regular session on Tuesday, July 12, 2016, beginning at 7:30 p.m. in the Council Chambers of City Hall.

City Council Present. Mayor Mary Katherine Greenlaw, Vice-Mayor William C. Withers, Jr. and Council members Kerry P. Devine, Dr. Timothy P. Duffy, Bradford C. Ellis, Charlie L. Frye, Jr. and Matthew J. Kelly.

Also Present. City Manager Timothy J. Baroody, Assistant City Manager Mark W. Whitley, City Attorney Kathleen Dooley, Assistant City Attorney Robert Eckstrom, Public Works Director Doug Fawcett, Assistant Public Works Director David King, Planning Services Director Charles Johnston, Zoning Administrator Michael Craig, Budget Manager Deidre Jett, and Clerk of Council Tonya B. Lacey.

Opening Prayer and Pledge of Allegiance. Council was led in prayer by Councilor Bradford C. Ellis followed by the Pledge of Allegiance led by Mayor Mary Katherine Greenlaw.

Officer Recognized. Mayor Greenlaw recognized the presence of Officer Ted Marrs at this evening's meeting.

Proclamation on Disability Voter Registration Week (D16-__). Mayor Greenlaw presented Kevin Koziol a proclamation supporting the growing

involvement of the disability community in the political process; and designated the week of July 11-15, 2016 as Disability Voter Registration Week.

Mr. Koziol on behalf of the disAbility Resource Center thanked the Mayor and Council for supporting their efforts. He said it was important for those with disabilities to have their voices heard.

Citizen Comment. The following speaker participated in the citizen comment portion of this evening's meeting.

Steve Gaske (D16-__), 1302 Washington Avenue, spoke in regards to the Washington Avenue Tree issue. He discussed the dilemma he thought the Council would face because of the majority of the taskforces interpretation of the scope, the reasoning, the size and the community input. See **D16-__** for more information.

Jim Sencindiver (D16-__), 1307 Washington Avenue, stated that he had been a resident of Washington Avenue since 1995. He said Commonwealth Heritage Group (CHG) had conducted research and developed a plan to preserve the historic sightlines of the monuments. He said the research showed that there had never been more than a few canopy trees on the Mall at any one time. Mr. Sencindiver stated that he had attended a few of the Taskforce meetings and he said it appeared that majority of the Taskforce was biased against the Mall residents. He urged Council to approve the Commonwealth Heritage Group's plan because he felt it was a compromise and addressed everyone's concerns. See **D16-__** for more information.

Jackie Denison Emery (D16-__), 605 Fauquier Street, voiced her disappointment of the handling of the Washington Avenue Tree controversy by a city official. She felt the City missed the opportunity to enlist greater segments of the community in this issue at the

Community meeting that was held in February. She felt the meeting was largely attended by Rappahannock Garden Club members who had been recruited to attend. Ms. Emery felt many of the Taskforce members already had their minds made up regarding the issues and refused to consider any ideas or requests put forward by the residents. She stated the proposal presented by the Taskforce would increase the number of tree plantings and not decrease. Ms. Emory urged Council to send the Taskforce recommendation back and have the board start over and explore other options as well as the proposal submitted by the Commonwealth Heritage Group. See **D16-__** for more information.

Robert Deaderick, 1306 Washington Avenue, said he was addressing Council to speak about a compromise with the Washington Avenue mall tree issue. He said he would like to see compromise. He explained that the CHG Professional group came up with a plan starting with the original plan but less dense. He asked the Council to consider the CHG plan in the spirit of compromise.

Richard Harrison, 1304 Washington Avenue, stated that the intent of Council to appoint the Tree Taskforce for the Washington Avenue Mall was a good idea but in his opinion, in the end the overall compromise, leadership and charter of the group was orchestrated by a special interest group. He said it was orchestrated to influence a city policy. He felt the taskforce disqualified the input of the 73 petitioners. He asked the Council to hold off on a vote to approve the recommendation.

Tim Brown, 1225 Payne Street, spoke in support of residential parking only along College Avenue. He stated that he owned a home at 1616 College Avenue and that he can never find parking. He said it was not only the college but the four church centers and the

construction. He said the residents are like prisoners in their own homes and he asked Council to support the permit parking along the residential side of College Avenue.

Council Agenda Presented. The following items were presented to Council for discussion.

7A. Residential Permit Parking on College Avenue – Councilor Kelly

7B. Residential Permit Parking on Pitt Street – Councilor Frye

7C. Intersection of Charles and William Streets – Vice-Mayor Withers

Residential Permit Parking on College Avenue – Councilor Kelly addressed the issue of no available parking for visitors or friends of the residents who live on College Avenue. He said this was more of an issue of safety and quality of life for the residents of College Heights and those that live along College Avenue. He asked if Council would support taking steps to include the residential side of College Avenue in the College Heights Residential Parking Zone to allow residents to apply for residential parking only on their block.

Councilor Kelly made a motion to have staff move forward with residential parking along the residential side of College Avenue; motion was seconded by Councilor Devine.

Councilor Devine added that this problem had become increasingly worse and she would support going to residential parking.

Councilor Duffy agreed stating that he had spoken with many along College Avenue and many did not see it as a priority but he said he hoped to work with the University to see what they can do to help with the parking of students and staff.

Mayor Greenlaw added that this had been a topic of discussion with the College and they would continue to discuss it but she agreed they needed to ensure the residents had a place to park.

Councilor Ellis said he would support it but he said they needed to address all the streets in College Heights. Councilor Kelly explained that all the other streets had permit parking except Rappahannock which was located on the complete opposite side of the neighborhood.

Councilor Withers reminded Council that 75 percent of the residents had to agree to the permit parking in order to move forward. He said this was the perfect example of problems caused by building on an existing parking lot.

The motion passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Residential Permit Parking on Pitt Street – Councilor Frye reminded Council of the request they had received from the resident on Pitt Street requesting permit parking in the 200 block of Pitt Street. He asked if the staff could get this ready so that once the brewery opened everything would be in place for the permit parking. City Manager Baroody said he would have staff begin working on this.

Intersection of Charles and William Streets – Vice-Mayor Withers noted how dangerous this intersection was and he said he had spoken with Public Works Director Fawcett about the dangers and Mr. Fawcett was going to have an engineer assess the intersection and he would report back.

City Manager's Consent Agenda Accepted for Transmittal as Recommended (D16-__ thru D16-__). Councilor Kelly pulled item 8A for discussion.

Following review and as recommended Councilor Devine moved approval of the City Manager's consent agenda items; motion was seconded by Councilor Kelly and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

- Resolution 16-57, Second Read, Amending the Fiscal Year 2017 Public Works Fund Budget and Increasing Appropriations by \$180,900 Reflecting an Increase in Funding From the Virginia Department of Transportation (VDOT) (D16-__).
- Resolution 16-59, Appointing Christen Gallik to the Rappahannock Area Youth Services and Group Home Commission (D16-__).
- Resolution 16-60, Amending the Fiscal Year 2017 Budget by Increasing the Appropriations to the Rappahannock Area Office on Youth Fund by \$68,638 (D16-__).
- Ordinance 16-19, First Read, Conforming the City Meals Tax to State Law, and Eliminating the Meals Tax Exemption for Meals Exempt from the Virginia Retail Sales and Use Tax in Response to Virginia Department of Taxation Tax Bulletin 16-3 (D16-__).
- Resolution 16-61, Amending the Rappahannock Area Law Enforcement Mutual Aid Agreement to Add Stafford County Sheriff David P. Decatur as a Party (D16-__).

- Resolution 16-62, Authorizing the City Manager to Execute a Contract With Aegis ITS, Inc. for Provision of Equipment and Services Associated with the Establishment of an Advanced Traffic Management System (D16-__).
- Ordinance 16-20, First Read, Requiring Zoning and Building Official Approval Before a Business License is Issued (D16-__).
- Transmittal of Boards and Commission Minutes
 - Recreation Commission – April 21, 2016 (D16-__).
 - Recreation Commission – May 19, 2016 (D16-__).

Transmittal of Report on Conflict of Interest Act Opinions (D16-__). Councilor Kelly thanked the City Attorney for the options on the Conflict of Interest and he asked if there was any way to make it clear to staff when a member of a board should not vote on an issue. He also asked who makes the decision that a charge needs to be pursued in the event a person does decide to vote on an issue that they have a conflict with.

City Attorney noted that she has been doing trainings on the Conflict Of Interest Act with the Board and Commissions since 2014 and she stresses the importance of getting confident legal advice. The act is very complex and difficult to work with. She will continue to stress the importance of the Act. Councilor Kelly said he would like to see staff refer those with questions to counsel for legal advice and City Attorney agreed that is what needed to be done.

City Attorney said the police department would investigate violations of the Conflict of Interest Act and they would confer with the Commonwealth Attorney. Councilor Kelly said he would like to have a chain of command of this process for the

board and commissions.

Councilor Kelly also questioned the appeals process and the fact that there was almost not enough time for the City Council to meet to discuss appeal because of the time constraints. Ms. Dooley stated that she and the Planning staff were working on changes to the UDO and they had those concerns in mind for the changes.

Councilor Kelly moved to accept the transmittal report on the Conflict of Interest Act opinions; motion was seconded by Councilor Frye and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Appointments of City Council to Various Boards and Commissions (D14-283). The following appointments were made:

- **Board of Social Services** – No changes made Councilor Duffy will continue to serve.
- **Central Rappahannock Regional Library Board of Trustees** – No changes made Councilor Devine will continue to serve.
- **Community Policy & Management Team for Youth & Family Services** – No changes made Mayor Greenlaw will continue to serve.
- **Fredericksburg Area Museum & Cultural Center** - Upon a motion by Councilor Ellis, Councilor Kelly was appointed to the Fredericksburg Area Museum & Cultural Center Board of Directors; the motion was seconded by Vice-Mayor Withers and passed by the following unanimously recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

- **Fredericksburg Arts Commission** - Upon a motion by Councilor Kelly, Mayor Greenlaw and Councilor Devine were appointed to the Fredericksburg Arts Commission; the motion was seconded by Vice-Mayor Withers and passed by the following unanimously recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).
- **Fredericksburg Chamber of Commerce Military Affairs Council** – No changes made Councilor Ellis will continue to serve.
- **Fredericksburg Clean and Green Commission** – No changes made Councilor Devine will continue to serve.
- **Fredericksburg Regional Alliance** – No changes made Mayor Greenlaw and Councilor Duffy will continue to serve. Councilor Duffy will continue to serve as the alternate.
- **George Washington Regional Commission and Fredericksburg Area Metropolitan Planning Organization** – No changes made Councilors Kelly and Withers will continue to serve and Councilor Ellis will continue as the alternate.
- **Housing Advisory Committee** – No changes made Councilors Ellis and Frye will continue to serve.
- **MainStreet** – Upon a motion by Kelly, Councilor Ellis was appointed to MainStreet; the motion was seconded by Councilor Devine and passed by the following unanimously recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

- **Potomac Rappahannock Transportation Commission** – No changes made Councilor Kelly will continue to serve and Vice-Mayor Withers will continue to serve as the alternate.
- **Rappahannock Area Agency on Aging Board of Directors** – No action was taken on this board. Mayor Greenlaw will try to find someone to serve on this board.
- **Rappahannock Juvenile Detention Commission** - Upon a motion by Councilor Devine, Councilor Frye was appointed as the alternate to the Rappahannock Juvenile Detention Commission; the motion was seconded by Councilor Kelly and passed by the following unanimously recorded votes. Ayes (7). Councilors Greenlaw, Ellis, Devine, Howe, Kelly, Paolucci and Solley. Nays (0). None.
- **Rappahannock Regional Solid Waste Management Board** – No changes made Councilors Kelly and Vice-Mayor Withers will continue to serve.
- **Rappahannock River Basin Commission** – No changes made Vice-Mayor Withers will continue to serve.
- **Recreation Commission** – No changes made Councilors Duffy will continue to serve.
- **Regional Group Home Commission** – No changes made Councilor Duffy will continue to serve.
- **Taxi Board** - Upon a motion by Councilor Devine, Councilor Frye was appointed to the Taxi Board; the motion was seconded by Councilor Kelly and passed by the following unanimously recorded votes. Ayes (7). Councilors

Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

- **Town and Gown Committee** - Upon a motion by Councilor Devine, Councilor Duffy was appointed to serve with Councilor Devine on the Town and Gown Committee; the motion was seconded by Councilor Kelly and passed by the following unanimously recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).
- **Virginia Railway Express Operations Board** – No changes made Councilor Kelly will continue to serve and Vice-Mayor Withers will continue to serve as the alternate.

Resolution 16-63, Approved, Recommending the Appointment of Certain Persons by the Circuit Court to the Board of Equalization and Setting the Compensation of Board Members (D16-__). – Councilor Duffy made a motion to approve Resolution 16-63, recommending the appointment of certain persons by the Circuit Court to the Board of Equalization and setting the compensation of board members; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Resolution 16-64, First Read Approved, Amending the Fiscal Year 2017 Budget by Appropriating Fiscal Year 2016 Carryover Funds for Public Works Vehicles (D16-__). – Councilor Devine made a motion to approve Resolution 16-64 on first read, amending the Fiscal Year 2017 budget by appropriating Fiscal Year 2016 carryover funds for public works vehicles; motion was seconded by

Councilor Ellis and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Resolution 16-65, Approved, Initiating Actions in Response to SB 549 Relating to Conditional Zoning for Residential Rezonings and Proffer Amendments (D16-__). Councilor Frye made a motion to approve Resolution 16-65, initiating actions in response to SB 549 relating to conditional zoning for residential rezonings and proffer amendments; motion was seconded by Vice-Mayor Withers and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Resolution 16-66, Approved, Adopting the List of Streets to be Improved During the Fiscal 2017 Asphalt Rehabilitation Program (D16-__). Councilor Kelly reminded staff to be sure to coordinate with the private industries to be sure there was no scheduled work before the roads were paved.

Councilor Frye asked staff to look into the streets in Mayfield that have grass growing through them. He would like to see something done with those streets in the future.

Councilor Duffy made a motion to approve Resolution 16-66, adopting the list of streets to be improved during the Fiscal 2017 Asphalt Rehabilitation Program; motion was seconded by Vice-Mayor Withers and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Resolution 16-67, Approved, Approval of the Washington Avenue Tree Task Force Majority Report and Recommendations for Tree

Plantings on the Washington Avenue Mall (D16-__). Assistant Public Works Director King and the Taskforce Chair Jeanette Cadwellender presented a PowerPoint presentation and in that presentation they discussed the background of the Taskforce, their mission, the number of meetings held, the number of public comments received and reviewed the Taskforce's recommendation and tree maintenance. Ms. Cadwellendar assured the Council that the petitioner's concerns were weighed along with the public's input. Although the recommendations of the Taskforce were not all the petitioners wanted the majority on the Taskforce thought the proposed recommendation was a reasonable compromise. The Taskforce asked the Council to consider public awareness by putting information on the website that addressed information about trees and accommodations to Tree Fredericksburg and the City's Public Works Department because they had done so much to restore the trees across the City.

Vice-Mayor Withers said he hoped with the pruning of the large trees it would help with the sightlines because they were important.

Councilor Frye added that he wanted to be sure the views of the petitioners were heard and Ms. Cadwellendar said the entire process would not have happened without their petition. She said the petition served a good purpose it allowed good discussion and the Taskforce weighed their comments along with those of the public.

Councilor Ellis stated that he was surprised that the Council was not going to be presented a plan. He said the night Council gave staff direction he said he wanted to stop planting and get input from the entire community and from that input get a plan. He said there were no plans only two reports. He asked what the Council was supposed to do with what they were presented and Mayor Greenlaw said she disagreed and staff had presented

a plan from the Taskforce. She said the recommendation of the Taskforce included a plan that showed placement of trees, timing of trees and it showed removal of trees. She also pointed out that the composition of the Taskforce included members with certain expertise in certain areas and it included the recommendation of the petitioners.

Councilor Kelly asked what the rationale was with removing the magnolias and holding off on the cherry trees. Ms. Cadwellendar stated that the magnolia trees were not deciduous and as they grew they would obstruct the view of those monuments and the reason for holding off on the cherry trees was to see what it would look like after removing the magnolia trees and there were also a few dogwood trees that may not make it. She said they were suggesting keeping the plan fluid so that sight lines were maintained.

Councilor Devine thanked all who had been involved in the process. She recognized the hard work of the Taskforce. She added that there had been compromise and that there was a plan to move forward.

Councilor Devine made a motion to approve Resolution 16-67, to approve the Washington Avenue Tree Taskforce majority report and recommendations for tree plantings on the Washington Avenue Mall; motion was seconded by Councilor Duffy.

Mayor Greenlaw thanked the Taskforce for their diligence, time and effort and she thanked everyone who weighed in on the topic. Councilor Duffy agreed and added that he appreciated the passion of the petitioners but he said he preferred the trees to be scaled back. He said he was disappointed that they had such a bad feeling about the experience because this was an effort to bring in their views.

Vice-Mayor agreed with Councilor Duffy and said he had never seen an issue addressed so passionately. He said he hoped the proposed plan would allow better views of the monuments. He said he would support the Taskforces plan since they did what they were asked to do by the Council.

Councilor Frye said he appreciates everyone's efforts but he said he could not support the motion because he was looking for a more solid plan.

Councilor Kelly stated that he wanted this process to not only look at the petitioners concerns but the community as a whole. He said as a Councilor he had to look at all sides. He said he like to see options before making a final decision. Councilor Kelly said the issue he had was that the public did not have the opportunity to discuss the option that was presented from Commonwealth Heritage Group but he agreed that the Taskforce did what they were asked to do by Council.

Councilor Kelly made a substitute motion asking that before Council takes a vote they give some consideration and discussion of the Commonwealth Heritage Report; Councilor Ellis seconded the motion.

Mayor Greenlaw added that the Council appointed a Taskforce; gave them a task and she would support the recommendation of the Taskforce.

Councilor Ellis said he was not sure there was a plan that represents all the views because there was such a wide disparity between the two reports and he said he could not reconcile that and he could not support the original motion.

Vice-Mayor Withers said he understood the concerns but he said he could not vote against the Taskforces recommendation after they did what the Council assigned them to

do. He said they were asked to do a job and they were given a process and that process was fulfilled and he feels Council needed to support their decision.

The Council had further discussion on what would happen next if the substitute motion was accepted and Councilor Ellis said he would like staff to take the two reports and come up with something agreeable.

Vice-Mayor Withers said in the beginning he was under the understanding that the petitioners asked Council not to vote on the tree plan, to give them a committee, allow them the opportunity to express their opinions and they would accept what was heard. It was agreed that the City would appoint three members and the petitioners would appoint three members and he feels the rules changed because the Taskforce did not come up with a plan the petitioners wanted and they wanted to prolong it further. He said this was not the intent of appointing the Taskforce.

The substitute motion failed by the following recorded votes. Ayes (2). Councilors Ellis and Kelly. Nays (5). Councilors Greenlaw, Withers, Devine, Duffy and Frye.

The original motion to accept the recommendation of the Taskforce passed by the following recorded votes. Ayes (5). Councilors Greenlaw, Withers, Devine, Duffy and Kelly. Nays (2). Councilors Ellis and Frye.

Transmittal of Administrative Procedures for Planting of Street Trees and Trees in Parks (D16-__). Mr. King explained that this was a transmittal to be sure the Council was aware of the tree planting procedures. Mr. King said the procedures would be available on the City's website as well as the tree planting plans and maps.

City Manager's Report and Council Calendar (D16-__ thru D16-__). City Manager Baroody reviewed the Manager's report and Council Calendar. Activities highlighted on the report were as follows: Fredericksburg Police "Cram their Cruisers" with Items for Senior Citizens, Police Remind People to Slow Down and Move Over When They See Flashing Lights, Recreations Commission Retreat, Mary Washington Monument Fence Repainted, Hazel Hill Gas Service Update, Public Safety Radio System Update, New Small Area Comprehensive Plans for Area 3 and Area 6 and Safety Holds Water Safety Training.

Closed Meeting Approved. Upon the motion of Vice-Mayor Withers, seconded by Councilor Ellis and passed by the following recorded votes, Council approved a closed session to discuss the assignment of the City Manager, under Virginia Code §2.2-3711(A)(1). Ayes (7) Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye, and Kelly. Nays (0).

Return to Open Meeting Approved. Upon the motion of Councilor Kelly, seconded by Vice-Mayor Withers and passed by the following recorded votes, Council approved a return to an open meeting. Ayes (7) Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye, and Kelly. Nays (0).

Resolution 16-68, Approved, Certifying Closed Meeting. Upon the motion Councilor Kelly approved Resolution 16-68 certifying the closed meeting; seconded by Vice-Mayor Withers and passed by the following recorded votes. Ayes (7) Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye, and Kelly. Nays (0).

Mary Katherine Greenlaw, Mayor

Tonya B. Lacey, Clerk of Council, CMC



MEMORANDUM

TO: Mayor Greenlaw and City Council
FROM: Tonya B. Lacey, Clerk of Council
DATE: August 4, 2016
SUBJECT: Fredericksburg Arts Commission Appointment

BACKGROUND

As of May 17 Mr. Harvey Gold resigned from the Arts Commission. Due to his resignation the Arts Commission has one vacancy that needs to be filled. This appointment will fulfill the remainder of Mr. Gold's term.

I have received applications from Alicia Austin, Jon McMillian, and Elizabeth Woodford. Each of the applicants are eligible and are seeking appointment to the Arts Commission.

RECOMMENDATION

At the August 9, regular session, Council is requested to make one appointment to the Arts Commission. The appointment applications are attached for your review and consideration.

Tonya B. Lacey
Tonya B. Lacey
Clerk of Council

Attachments: Application



MEMORANDUM

TO: Timothy J. Baroody, City Manager
FROM: Brenda T. Martin, Executive Assistant & Deputy Clerk of Council
DATE: July 12, 2016
SUBJECT: Appointing the City Manager and Commonwealth Attorney to the Community Criminal Justice Board

ISSUE

Shall the City Council adopt a resolution reappointing the City Manager and the Commonwealth Attorney to the Community Criminal Justice Board (CCJB)?

RECOMMENDATION

Yes. The City Manager and the Commonwealth Attorney by virtue of his position is required to serve on the CCJB along with the other area County Administrators. The other localities have passed this resolution.

BACKGROUND

The Code of Virginia requires localities which jointly operate a community corrections program to establish a community criminal justice board, and requires representatives of certain offices to be members of the board. The Counties of Spotsylvania, King George, Stafford and the City of Fredericksburg jointly established the CCJB and in 1995 appointed initial members to the Board. The Board consists of representatives from law enforcement, court services, detention centers, Office on Youth, juvenile planners, substance abuse professionals, commonwealth attorneys; and judges. This board meets quarterly.

FISCAL IMPACT

None.



August 9, 2016
Regular Meeting
Resolution No. 16-

MOTION:

SECOND:

RE: APPOINTING MEMBERS TO THE COMMUNITY CRIMINAL JUSTICE BOARD

ACTION: APPROVED: AYES: 0; NAYS: 0

WHEREAS, § 9.1-178 of the Code of Virginia requires localities which jointly operate a community corrections program to establish a community criminal justice board, and requires representatives of certain offices to be members of the board; and

WHEREAS, the Counties of Spotsylvania, King George, Stafford and the City of Fredericksburg jointly established the Rappahannock Area Community Criminal Justice Board (CCJB) in 1995 and appointed initial members to the Board; and

WHEREAS, the following persons have been recommended by the CCJB to serve two year terms.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Fredericksburg that the following persons are appointed to the Rappahannock Area Community Criminal Justice Board, which terms shall begin July 1, 2016 and shall expire June 30, 2018.

1. The Honorable Charles S. Sharp, Circuit Court
2. The Honorable J. Bruce Strickland, General District Court
3. The Honorable Phillip U. Fines, Juvenile & Domestic Relations Court
4. Mr. Cliff Rose, Chief Magistrate
5. **The Honorable LaBravia Jenkins, Fredericksburg Commonwealth's Attorney**
6. Mr. Allen Bareford, Public Defender
7. Mr. Ron Cavanaugh, District 21 Chief Probation Officer
8. Mr. D. P. Grimes, Superintendent, Rappahannock Regional Jail
9. Ms. Carla White, Superintendent, Rappahannock Juvenile Detention Center
10. The Honorable David Decatur, Sheriff of Stafford County
11. Mr. Mark B. Taylor, Spotsylvania County Administrator
12. **Mr. Timothy J. Barody, City Manager of Fredericksburg**
13. Mr. Travis Quesenberry, King George County Administrator
14. Mr. Anthony Romanello, Stafford County Administrator
15. Mr. Vincent Butaitis, Director, 15th District Court Services Unit
16. Mr. Ron Branscome, Executive Director, RACSB
17. Ms. Diane W. Barbour, Executive Director, RAASAP
18. Mr. Benjamin Nagle, Executive Director, Rappahannock Area Office on Youth
19. Ms. Betsy Mathias, Program Manager, Regional Adult Education Program

In the event that any of the persons listed in the above list do not remain in their position throughout the term of their appointment to the Community Criminal Justice Board, their successors shall fill the remainder of such term without the necessity of further action from the local governing bodies.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Administrative Officer of the CCJB, Kevin Hudson, Director of Programs and Community Corrections, Rappahannock Regional Jail.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Resolution No. 16-__ duly adopted at a meeting of the City Council meeting held August 9, 2016 at which a quorum was present and voted.

Tonya B. Lacey, CMC
Clerk of Council



MEMORANDUM

TO: Timothy J. Barody, City Manager
FROM: Mark Whitley, Assistant City Manager
RE: Appointments to FAMPO and Rappahannock Regional Jail
DATE: July 29, 2016

ISSUE

Shall the City Council appoint the City Manager to FAMPO and the Rappahannock Regional Jail Authority?

RECOMMENDATION

Staff recommends adoption of the attached resolution, which requires one reading.

BACKGROUND

The City Manager has served as a member of both the Fredericksburg Area Metropolitan Planning Organization Policy Committee and the Rappahannock Regional Jail Authority. The attached resolution formally appoints Mr. Timothy J. Barody to both organizations, replacing Mr. Beverly Cameron, who retired July 1, 2016. These are two major regional organizations that require active appointment.

As information, under the City Code the City Manager also serves on the Rappahannock Regional Solid Waste Management Board, by reason of his office.

FISCAL IMPACT

None.



August 9, 2016
Regular Meeting
Resolution No. 16-__

MOTION:

SECOND:

RE: APPOINTING CITY MANAGER TIMOTHY J. BAROODY TO THE FREDERICKSBURG AREA METROPOLITAN PLANNING ORGANIZATION POLICY COMMITTEE AND THE RAPPAHANNOCK REGIONAL JAIL AUTHORITY

ACTION: APPROVED; Ayes: 0; Nays: 0

WHEREAS, the City Manager of the City of Fredericksburg has served in the past on both the Fredericksburg Area Metropolitan Planning Organization (“FAMPO”) Policy Committee and the Rappahannock Regional Jail Authority; and

WHEREAS, the City Council has appointed Timothy J. Baroody City Manager effective June 27, 2016; and

WHEREAS, the City Council wishes to appoint Timothy J. Baroody to serve on the FAMPO Policy Committee and the Rappahannock Regional Jail Authority;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fredericksburg that Timothy J. Baroody is hereby appointed to the FAMPO Policy Committee, and will serve until replaced; and

BE IT FURTHER RESOLVED by the City Council of the City of Fredericksburg that Timothy J. Baroody is appointed to the Rappahannock Regional Jail Authority and will serve until replaced.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Clerk’s Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Resolution No. 16-__ duly adopted at a meeting of the City Council meeting held August 9, 2016 at which a quorum was present and voted.

***Tonya B. Lacey, CMC
Clerk of Council***



TO: Timothy J. Baroody, City Manager
FROM: Erik F. Nelson, Senior Planner/Deputy Director
DATE: August 2, 2016
SUBJECT: Resolution to Support Submittal of Smart Scale Funding Request for Improvements to the Dixon Street/Beulah-Salisbury Street Intersection

ISSUE

The City has an opportunity to seek funds from the Virginia Department of Transportation for intersection improvements at Dixon Street/Beulah-Salisbury Street. Improvements are needed to ensure the safe movement of heavily laden vehicles into and out of the fuel terminal.

RECOMMENDATION

That the City Council adopt the attached resolution to support submittal of a Smart Scale funding request for intersection improvements at the Dixon Street/Beulah-Salisbury Street intersection.

BACKGROUND

The Commonwealth's Smart Scale program uses a range of technical data to ensure that selected transportation projects will provide the greatest benefit to taxpayers. Evaluation factors include safety, congestion reduction, accessibility, land use, economic development, and environmental protection. Proposed projects need to be set up in an on-line evaluation system by August 15, with a September 30 deadline for the application to be completed. Staff proposes that an intersection improvement project be submitted during this current funding cycle.

There is a range of transportation needs in the City and the region and staff pursues multiple funding sources to address them. As an example, one funding source can be used for initial study and refinement of a scope of work, to better ensure implementation funding can be secured from another source. In addition, transportation funding is programmed in six year increments, which allows for coordination and planning.

Within this context of multiple funding sources, there are other programmed projects that are within the city limits or that are within the region and will significantly benefit the city, as follows:

- Atlantic Gateway project to improve I-95 within the City and Stafford County
- I-95 interchange improvements at State Route 3
- Fall Hill Avenue widening and extension of Mary Washington Boulevard
- New bridge for the VCR Trail at Hazel Run near Idlewild
- US 1/Hazel Run bridge replacement
- Bicycle infrastructure study
- Princess Anne Street improvements/paving

In addition, other projects are being prepared for further work, as follows:

- U.S. Route 1 Bypass/Augustine Avenue intersection – study to develop a scope of work
- U.S. Route 1/Rappahannock Canal - potential candidate for State-of-Good-Repair funding after the U.S. Route 1/Mary Washington Boulevard intersection is completed

The Fredericksburg Area Metropolitan Planning Organization (FAMPO) is also developing or supporting the following regional projects for this round of the Smart Scale program:

- I-95, northbound improvements (applied for last year and not funded)
- I-95 improvements near Garrisonville
- VRE station improvements (various)
- Park and Ride lot in King George County (Route 3 east)
- Chatham Bridge bicycle/pedestrian improvements (State-of-Good-Repair funding will accelerate substantial repairs to the bridge and a bicycle/pedestrian component will be part of the overall project)

The City has two potential projects considered to be appropriate for Smart Scale funding. The first is this proposed intersection project at Dixon Street/Beulah-Salisbury Street. The second is a roundabout on Lafayette Boulevard, at Kenmore Avenue, with additional improvements at Lafayette Boulevard and Charles Street. This second project is not yet sufficiently developed, however, to allow a funding proposal to be considered at this point, but staff is working with VDOT to further evaluate this project's potential benefits.

FISCAL IMPACT

The overall cost of the Dixon Street/Beulah-Salisbury Street intersection improvement project is estimated to be \$675,000, which includes the cost of engineering, right-of-way, and construction. The City has \$32,000 in hand from a proffer, which is 4.7 percent of the cost. No City funds will be needed.

Attachment: Resolution



August 9, 2016
Regular Meeting
Resolution No. 16-

MOTION:

SECOND:

RE: ENDORSING A TRANSPORTATION PROJECT FOR A SMART SCALE FUNDING APPLICATION

ACTION: APPROVED: Ayes: 0; Nays: 0

WHEREAS, the City Council of the City of Fredericksburg desires to submit a funding request through the Commonwealth of Virginia’s Smart Scale transportation program; and

WHEREAS, the Dixon Street/Beulah-Salisbury Street intersection needs considerable improvement to safely handle the existing and projected traffic; and

WHEREAS, the City staff has worked with the Virginia Department of Transportation to develop a conceptual design and cost estimates,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fredericksburg, Virginia does hereby endorse a request for Smart Scale transportation funds for the Dixon Street/Beulah-Salisbury Street intersection improvement project.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Fredericksburg, Virginia does hereby authorize the City Manager to submit the related request for funds to the Virginia Department of Transportation.

Votes:

Ayes:

Nays:

Absent from Vote:

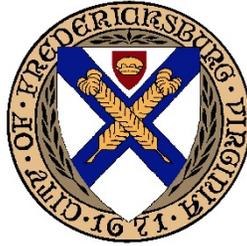
Absent from Meeting:

* * * * *

Clerk’s Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Resolution No. 16- duly adopted at a meeting of the City Council held August 9, 2016 at which a quorum was present and voted.

***Tonya B. Lacey, CMC
Clerk of Council***



MEMORANDUM

TO: Timothy J. Barody, City Manager
FROM: Mark Whitley, Assistant City Manager
RE: FY 2017 Budget Amendment - Request to Finance R-Board Landfill Improvements
DATE: August 2, 2016

ISSUE

The Rappahannock Regional Solid Waste Management Board (the “R-Board”) is requesting that the City help finance the closure of three landfill cells and the purchase of equipment. In order to accomplish this, the City must amend the budget and provide an appropriation to the R-Board.

RECOMMENDATION

Staff recommends approval of this item on first reading. If approved, second reading would be scheduled for the Council meeting of August 23, 2016.

BACKGROUND

The City Council was briefed in June regarding an issue with the R-Board and the need of the R-Board to close three cells of the landfill. The landfill also wishes to have the City and County be equal partners in financing the purchase of a landfill compactor. Although the landfill’s financial situation has brightened considerably, the financial struggles of the past several years has created a situation where the landfill’s combined liabilities exceed the current cash. The landfill management has requested that Stafford County and the City of Fredericksburg, as co-owners of the landfill, loan funds to the landfill to close three landfill cells and finance the purchase of the compactor. The total amount of the loan is \$1,175,534.

This is an unusual request for the City, and the City was initially looking into the matter as a possible loan to the R-Board from a financial reporting perspective. However, bond counsel and the City’s auditors have now opined that in order to accomplish this transaction, the City must appropriate these funds. The R-Board is still allowed, and the City will expect, that the funds will be paid back with interest, but rather than an asset on the balance sheet the future loan repayments of the R-Board will be revenue received in the year that the re-payment is made.

Based upon the findings of bond counsel and the auditors, the City’s investment policies will not need to be amended.

Prior Background from June 28 – Closure of Cells

The R-Board recently opened Cell F2, and with the adoption of flow control and residential fees, the financial situation has brightened. The City Council and the Stafford County Board of Supervisors both borrowed funds from the Virginia Resources Authority to help open Cell F2, and based on current performance the R-Board should be able to pay back those funds.

The Virginia Department of Environmental Quality requires that landfill cells which have been filled and no longer accept waste be given a permanent cap. The R-Board deferred these capital expenditures because of the recent period of poor financial performance, and there are now three cells (Cell B, Cell C, and Cell D) that require this work to be done.

The R-Board took bids for this work, and the low bidder was Sergeant Corporation, at a cost of \$3,083,120. The R-Board is proposing to split the cost of the project three ways – basically, one-third cash from the R-Board, and two-thirds as a “loan” from the City and the County (\$1,027,706 each). This will allow the work to be completed while at the same time providing for a residual amount of cash from the R-Board.

Prior Background from June 28 - Compactor

The R-Board is also requesting that the City and the County assist the R-Board by financing a landfill compactor. This is a major equipment purchase, and the R-Board investigated options for financing or lease-purchase, as opposed to paying cash up front. The lease-purchase option was significantly more expensive over the life of the equipment, and the R-Board is not allowed to finance from a lending institution without approval and backing from the City and County. The R-Board requested that the City and County instead finance the purchase of this equipment rather than a bank, on similar terms to the financing of the closure costs for Cells B, C, and D. The City is being asked to finance half the cost of the equipment replacement - \$147,827.50.

FISCAL IMPACT

The proposed transaction would benefit the R-Board in accomplishing important work, and the City and Stafford County both benefit from a financially secure R-Board.

Even though bond counsel and the auditors have opined that this must be treated as an expenditure in the current fiscal year, the City would still expect the R-Board to re-pay these funds. The R-Board is currently proposing terms of seven years at 1.5% interest. The total request for financing for these two items is \$1,175,534.

The City’s financial advisor has provided a proposed debt service table for the R-Board’s payments to the City, based on two payments per year beginning in October of 2017 (Fiscal Year 2018). This is meant to be illustrative – the attached resolution requests that the R-Board determine a schedule and provide that to the City.

Debt Service Schedule – for Illustration

Date	Principal	Interest	Total Debt Service
10/1/2017	76,500	13,225	89,725
4/1/2018	80,830	8,243	89,073
10/1/2018	81,432	7,637	89,069
4/1/2019	82,038	7,026	89,064
10/1/2019	82,649	6,411	89,060
4/1/2020	83,264	5,791	89,055
10/1/2020	83,884	5,166	89,050
4/1/2021	84,509	4,537	89,046
10/1/2021	85,138	3,903	89,041
4/1/2022	85,772	3,265	89,037
10/1/2022	86,410	2,621	89,031
4/1/2023	87,053	1,973	89,026
10/1/2023	87,701	1,320	89,021
4/1/2024	88,354	663	89,017
Total	1,175,534	71,780	1,247,314

Under this illustration, the R-Board would pay the City approximately \$178,000 every year from FY 2018 through FY 2024. In addition to the repayment of the principal, the City would earn \$71,780 in interest revenue from the transaction over this time period.

As of the close of FY 2015, the City held \$5,724,255 in a fund balance account “Assigned to Future Capital Projects.” The City Council appropriated \$3,007,000 of that total to fund capital needs in the FY 2016 budget; however, not all of that amount will be used. The staff projects that the balance at the close of FY 2016 will be approximately \$4 million, and the attached resolution will appropriate \$1.175 million of that total in FY 2017.

The FY 2017 budget also uses the Fund Balance Assigned to Future Capital Projects” in the amount of \$2.5 million to help fund the City’s FY 2017 capital budget. The total for both of these actions is \$3.675 million.

Attachments: Appropriation Resolution



August 9, 2016
Regular Meeting
Resolution No. 16-__

MOTION:

SECOND:

RE: AMENDING THE FISCAL YEAR 2017 BUDGET IN THE AMOUNT OF \$1,175,534 FOR THE PURPOSE OF FINANCING RAPPAHANNOCK REGIONAL SOLID WASTE MANAGEMENT BOARD CAPITAL CONSTRUCTION COSTS AND EQUIPMENT PURCHASES

ACTION: APPROVED: Ayes: 0; Nays: 0

FIRST READ: _____

SECOND READ: _____

WHEREAS, the City and the County jointly operate a landfill through the Rappahannock Regional Solid Waste Management Board, also known as the “R-Board”; and

WHEREAS, the “R-Board” has requested that the City and Stafford County help finance the closure of landfill cells B, C, and D in accordance with Virginia Department of Environmental Quality regulations; and

WHEREAS, the “R-Board” has also requested that the City and Stafford County help finance the purchase of a landfill compactor; and

WHEREAS, the “R-Board” is proposing to re-pay the City and Stafford County for these costs over the next seven years;

NOW, THEREFORE, BE IT RESOLVED that the following appropriations are made authorizing the following expenditures, in the General Fund (Fund 100);

GENERAL FUND

Source

Fund Balance

3-100-061010-0012	Fund Balance (Committed)	\$ 1,175,534
	Department Total	\$ 1,175,534

Total Source: \$ 1,175,534

Use

R-Board Landfill Construction – Cell F2

4-100-042400-7014	R-Board Landfill Closure Costs	\$ 1,027,706
4-100-042400-7015	R-Board Compactor Costs	147,828
	Department Total	\$ 1,175,534

Total Use: \$ 1,175,534

BE IT FURTHER RESOLVED, that the City Council requests that the R-Board adopt a schedule to reimburse the City for these funds over the next seven years, or sooner, subject to the financial condition of the R-Board; and

BE IT FURTHER RESOLVED, that the City Council requests that the R-Board, and Stafford County, enter into discussions concerning the possibility of amending the agreement, including but not limited to the possibility of extending the term or other changes that might be wise.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Resolution No. 16- duly adopted at a meeting of the City Council meeting held August 23, 2016 at which a quorum was present and voted.

Tonya B. Lacey, CMC
Clerk of Council



MEMORANDUM

TO: Timothy J. Baroody, City Manager
FROM: Doug Fawcett, Director of Public Works
DATE: August 4, 2016
SUBJECT: Amendments to the City Code – Adding Sections of College Avenue and Pitt Street to Residential Area Parking Permit Zones

ISSUE

Shall the City Council amend the City Code to add sections of College Avenue and Pitt Street to the list of streets on which residential permit parking zones may be established?

RECOMMENDATION

Yes. Staff recommends that the Council adopt the attached ordinances adding the south side of College Avenue between Buckner Street and Thornton Street to Zone 7 (College Heights parking zone) and the block of Pitt Street between Caroline Street and Princess Anne Street to Zone 6 (central business district parking zone.)

DISCUSSION

On certain streets within the City, residents may petition the City to establish a zone within which only residents of the zone and their guests may park on the public street. The streets that have been designated as potential residential parking permit zones are primarily in areas in which a high demand for on street parking by non-residents competes with, the desire of residents for access to the spaces. Examples include the College Heights neighborhood near the University of Mary Washington campus and the residential areas adjacent to the train station and the central business district.

Residents of both of the areas referenced above have recently requested that the blocks on which they live be added to the list of streets on which a residential parking permit zone may be established. College Avenue was not included in the College Heights zone when the residential parking permit system was established in the early 1990s. The proximity of the on street parking spaces on the south side of College Avenue to the UMW campus makes those spaces attractive to UMW faculty, staff and students. The block of Pitt Street between Caroline Street and Princess Anne Street is immediately adjacent to the location of Red Dragon Brewery, scheduled to open later this month, and parking demand associated with the operation of the brewery is anticipated to be high.

Adoption of the attached ordinances will not establish residential permit parking zones on either College Avenue or Pitt Street. Rather, it will provide the owners of properties on these streets the option to petition for creation of a zone. If they do so, City staff will then perform a parking survey to determine if the demand for on street parking in the area meets the threshold for establishment of a zone, i.e., “more than 75% of the parking spaces available on such blocks are occupied during any hours of any 14 days in a thirty-day period.” If the threshold is met, the City Manager then has the authority to implement residential permit parking in the designated area.

FISCAL IMPACT

The fiscal impact of establishment of residential permit parking zones is minimal and consists of the cost of materials for the parking signs and the labor to erect them and the personnel costs associated with issuance of permits and periodic enforcement of the parking restrictions by the Police Department.

Attachments: Ordinances (2)



August 9, 2016
Regular Meeting
Ordinance No. 16-__

MOTION:

SECOND:

RE: EXPANDING RESIDENTIAL AREA PARKING PERMIT ZONE 6 TO ADD THE BLOCK OF PITT STREET BETWEEN CAROLINE STREET AND PRINCESS ANNE STREET

ACTION: APPROVED: Ayes: 0; Nays: 0

FIRST READ: _____ SECOND READ: _____

IT IS HEREBY ORDAINED by the Fredericksburg City Council that Chapter 58 of the City Code is amended as follows:

I. Purpose and intent.

City Code Chapter 58, "Motor Vehicles and Traffic," Article IV, "Stopping, Standing and Parking," Division 2, "Residential Area Parking Permits," describes areas in the City where residents may petition the City Manager for a declaration that parking on the public streets is reserved for residents only. The purpose of the residential area parking permit program is stated in City Code §58-201, to include the reduction of hazardous traffic conditions, to protect residents from unreasonable burdens in gaining access to their residence, and to preserve the character of those areas as residential districts, as stated more fully in the City Code.

Residents on the block of Pitt Street between Caroline Street and Princess Anne Street seek to have their street added to the areas that are permitted to petition for resident-parking-only status. Having considered the request, the City Council concludes that the addition of the block of Pitt Street between Caroline Street and Princess Anne Street is necessary and consistent with the purposes of the program.

II. City Code Amendment.

City Code §58-203, "Zones designated; unlawful parking," is amended as follows:

Sec. 58-203 Zones designated; unlawful parking.

It shall be unlawful for any person to park a motor vehicle on a public street, alley, or right-of-way within any permit parking zone described in Subsection B of this section and that is conspicuously posted in accordance with this division, at any time when parking is restricted by posted signage, unless such vehicle displays a current permit parking decal, pass, or other valid authorization to park within such zone.

B. The following areas of the City are hereby designated as permit parking zones:

[Zones 1, 2, 3, 4, and 5 are not amended.]

Zone 6. The central business district parking zone. This zone shall consist of the following areas: Sophia Street, between the RF&P/CSXT railroad overpass and Lewis Street; Caroline Street, between the RF&P/CSXT railroad overpass and Lewis Street, except for the west side of the street between Lafayette Boulevard and Wolfe Street and the east side of the street beginning at Lafayette Boulevard and extending through 519 Caroline Street; Princess Anne Street, between the RF&P/CSXT railroad overpass and Lewis Street, except for that portion of the east side of the street beginning at 511 Princess Anne Street and extending through 513 Princess Anne Street and the west side of the street between Amelia Street and Lewis Street; Charles Street, between Hanover Street and Amelia Street; Prince Edward Street, between Kenmore Avenue and Amelia Street; Kenmore Avenue, between Lafayette Boulevard and William Street; Liberty Street; Barton Street; Jackson Street; Lee Avenue; Spottswood Street; Weedon Street; Lafayette Boulevard, between Sophia Street and Littlepage Street; Wolfe Street, between Sophia Street and Littlepage Street; Charlotte Street, between Sophia Street and Littlepage Street; Hanover Street, between Sophia Street and Littlepage Street; George Street; William Street, between Sophia Street and Littlepage Street; ~~and~~ Amelia Street between Sophia Street and Washington Avenue, except for the north side of Amelia Street between Princess Anne Street and Washington Avenue; *and the block of Pitt Street between Caroline Street and Princess Anne Street.*

[Zones 7, 8 and 9 are not amended.]

C. This section shall not apply to vehicles exempted under §58-206.

III. Effective date.

This ordinance shall be effective immediately.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Approved as to form:

Kathleen Dooley, City Attorney

Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Ordinance No. 16- duly adopted at a meeting of the City Council meeting held Date, 2016 at which a quorum was present and voted.

Tonya B. Lacey, CMC
Clerk of Council



MEMORANDUM

TO: Timothy J. Baroody, City Manager
FROM: Doug Fawcett, Director of Public Works
DATE: August 4, 2016
SUBJECT: Amendments to the City Code – Adding Sections of College Avenue and Pitt Street to Residential Area Parking Permit Zones

ISSUE

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RECOMMENDATION

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DISCUSSION

On certain streets within the City, residents may petition the City to establish a zone within which only residents of the zone and their guests may park on the public street. The streets that have been designated as potential residential parking permit zones are primarily in areas in which a high demand for on street parking by non-residents competes with, the desire of residents for access to the spaces. Examples include the College Heights neighborhood near the University of Mary Washington campus and the residential areas adjacent to the train station and the central business district.

Residents of both of the areas referenced above have recently requested that the blocks on which they live be added to the list of streets on which a residential parking permit zone may be established. College Avenue was not included in the College Heights zone when the residential parking permit system was established in the early 1990s. The proximity of the on street parking spaces on the south side of College Avenue to the UMW campus makes those spaces attractive to UMW faculty, staff and students. The block of Pitt Street between Caroline Street and Princess Anne Street is immediately adjacent to the location of Red Dragon Brewery, scheduled to open later this month, and parking demand associated with the operation of the brewery is anticipated to be high.

Adoption of the attached ordinances will not establish residential permit parking zones on either College Avenue or Pitt Street. Rather, it will provide the owners of properties on these streets the option to petition for creation of a zone. If they do so, City staff will then perform a parking survey to determine if the demand for on street parking in the area meets the threshold for establishment of a zone, i.e., “more than 75% of the parking spaces available on such blocks are occupied during any hours of any 14 days in a thirty-day period.” If the threshold is met, the City Manager then has the authority to implement residential permit parking in the designated area.

FISCAL IMPACT

The fiscal impact of establishment of residential permit parking zones is minimal and consists of the cost of materials for the parking signs and the labor to erect them and the personnel costs associated with issuance of permits and periodic enforcement of the parking restrictions by the Police Department.

Attachments: Ordinances (2)



August 9, 2016
Regular Meeting
Ordinance No. 16-__

MOTION:

SECOND:

RE: EXPANDING RESIDENTIAL AREA PARKING PERMIT ZONE 7, "THE COLLEGE HEIGHTS PARKING ZONE," TO ADD COLLEGE AVENUE

ACTION: APPROVED: Ayes: 0; Nays: 0

FIRST READ: _____ **SECOND READ:** _____

IT IS HEREBY ORDAINED by the Fredericksburg City Council that Chapter 58 of the City Code is amended as follows:

I. Purpose and intent.

City Code Chapter 58, "Motor Vehicles and Traffic," Article IV, "Stopping, Standing and Parking," Division 2, "Residential Area Parking Permits," describes areas in the City where residents may petition the City Manager for a declaration that parking on the public streets is reserved for residents only. The purpose of the residential area parking permit program is stated in City Code §58-201, to include the reduction of hazardous traffic conditions, to protect residents from unreasonable burdens in gaining access to their residence, and to preserve the character of those areas as residential districts, as stated more fully in the City Code.

Residents on College Avenue near the University of Mary Washington campus seek to have the residential side their street added to the areas that are permitted to petition for resident-parking-only status. Having considered the request, the City Council concludes that the addition of College Avenue is necessary and consistent with the purposes of the program.

II. City Code Amendment.

City Code §58-203, "Zones designated; unlawful parking," is amended as follows:

Sec. 58-203 Zones designated; unlawful parking.

It shall be unlawful for any person to park a motor vehicle on a public street, alley, or right-of-way within any permit parking zone described in Subsection B of this section and that is conspicuously posted in accordance with this division, at any time when parking is restricted by posted signage, unless such vehicle displays a current permit parking decal, pass, or other valid authorization to park within such zone.

B. The following areas of the City are hereby designated as permit parking zones:

[Zones 1, 2, 3, 4, 5, and 6 are not amended.]

Zone 7. The College Heights parking zone. This zone shall consist of the following areas: Snowden Street, between College Avenue and Jefferson Davis Highway; Seacobeck Street, between College Avenue and Augustine Avenue; Rowe Street, between College Avenue and Augustine Avenue; Parcell Street, between College Avenue and Augustine Avenue; Payne Street, between College Avenue and Augustine Avenue; Dandridge Street, between College Avenue and Augustine Avenue; Brent Street, between College Avenue and Augustine Avenue; Buckner Street, between College Avenue and Colony Road; Colony Road; High Street; Adams Street; Daniel Street; Bright Street; Moncure Street; ~~and~~ the north side of Hanover Street, between College Avenue and William Street *and the south side of College Avenue between Buckner Street and Thornton Street.*

[Zones 8 and 9 are not amended.]

C. This section shall not apply to vehicles exempted under §58-206.

III. Effective date.

This ordinance shall be effective immediately.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Approved as to form:

Kathleen Dooley, City Attorney

Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Ordinance No. 16-__ duly adopted at a meeting of the City Council meeting held Date, 2016 at which a quorum was present and voted.

Tonya B. Lacey, CMC
Clerk of Council



MEMORANDUM

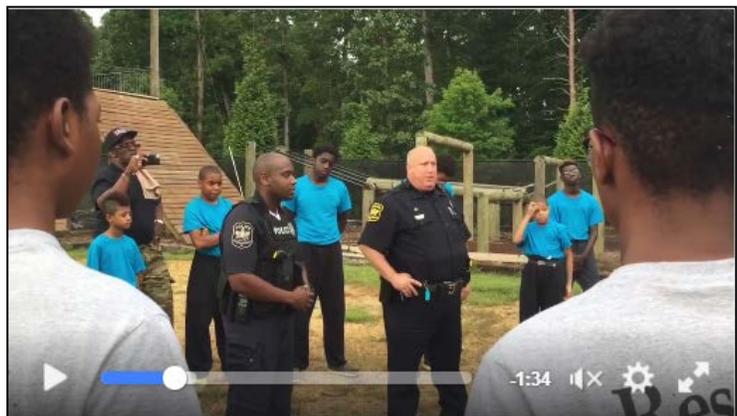
TO: Mayor Greenlaw and Members of City Council
FROM: Timothy J. Baroody, City Manager
DATE: August 2, 2016
SUBJECT: City Manager's Update

Highlights of major activities and other notable developments:

Police Department Forges Strong Relationship with City Youth – The Police Department hosted its 4th annual Camp Crime Fighters in July. Twenty-five children ages 8 to 12 learned life and safety skills from the men and women of the police department, including self-defense, first aid, and how to properly use a fire extinguisher. Campers also enjoyed fun activities, including rappelling, crime scene investigation, swimming at Dixon Park, exploring Braehead Farm, and fishing at Motts Reservoir. This program builds strong, healthy relationships between officers and City children.



Police Department Builds Character in Young Men – On Saturday, August 30, the Police Department participated in the 8th annual Rites of Passage camp and hosted young men from around the region at department headquarters. Officers spent time getting to know and building trust with the campers. Officers also built the campers' confidence by showing them how to use the department's obstacle course. [Click here](#) to watch a highlights video.



Cyclists Overnight In Fredericksburg During Two-Day Tour – After riding 75 miles in 100-degree-plus weather, approximately 200 participants in the inaugural [RVA2DC Bike Ride](#) took a much-needed break in Fredericksburg on Saturday, July 23. Some jumped in the Rappahannock River, while others found Carl's Ice Cream to be just what they needed. After either camping overnight at Old Mill Park or taking comfort in area hotels, these determined cyclists left

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Fredericksburg the next morning to conquer the final 80 miles to Washington, D.C. Organized by Richmond-based Sports Backers, the RVA2DC Bike Ride was a partnership with over eight other counties in the Commonwealth. Staff from Economic Development and Tourism, Parks and Recreation, Fire and Police assisted the event.

Agritourism Business Benefits From New Program – George and Roxanna Snead of Braehead Farm & Market couldn't be happier with the new tourist-oriented signage program created by the Department of Economic Development and Tourism. They have seen increased visitation of tourists and residents with the installation of the signs on the east and westbound lanes of the Blue and Gray Parkway. Amy Peregoy, economic development specialist, reviews the applications along with the Department of Public Works to determine if criteria are met, and the locations are suitable with public safety as the first priority. There are specific requirements and criteria that each type of business must meet to be eligible for the program. Approved businesses pay application and fabrication/installation fees for each sign. [Learn](#) more about the program.



Directional Signs Up At Industrial Park – If you ride through the Battlefield Industrial Park, you will now see directional signage on Belman and Central roads leading you to businesses throughout the park. Business owners had expressed concern to the Department of Economic Development that their customers and vendors were finding it difficult to locate their businesses. Amy Peregoy, economic development specialist, applied for an EDA grant on behalf of the business owners. The EDA agreed to partner with the businesses, creating a program that allows business owners to purchase a panel for \$300 each and pay an annual fee of \$50 for maintenance of the signs. Seventeen business owners immediately signed up, and there are only three panels remaining on the Central Road sign for purchase. The McDaniel and Janney families allowed the signs to be installed on their properties.

In September, when the weather breaks, Robin Saunders, garden supervisor of the Department of Parks, Recreation and Public Facilities, will supervise the installation of landscaping, and the project will be complete. For more information on the program contact [Amy Peregoy](#).



EDT Welcomes Two Gaming Conventions To Expo – Staff with Fredericksburg’s Department of Economic Development and Tourism welcomed two large gaming-focused events to the Fredericksburg Expo & Conference Center in July. Historicon returned to Fredericksburg for its fifth year July 14-17. The miniature-gaming convention attracts 3,000 attendees and has an approximately \$1.2 million local economic impact. EDT staff estimates that the event generated 1,100 room nights at city hotels. Historicon is schedule to return July 13-16, 2017.

GEXCon – Gaming and Entertainment Experience Convention – was held July 23-24 and attracted 2,000 attendees. This inaugural event was geared toward on-line gamers playing games such as League of Legends and older video game systems no longer sold. The convention also included non-tech card games such as Magic the Gathering and a vendor hall. Economic impact is being determined.

Badges for Baseball – On June 20 through June 24, over 60 children participated in the second annual Badges for Baseball Program for city youth. This program was spearheaded by the Fredericksburg Fire Department to bring youth between the ages of 6 and 14 together with personnel from city agencies for fun activities, along with teambuilding and life-skills workshops. This program is supported by the [Sunshine Ballpark Foundation](#) and the Fredericksburg Police Department and Sheriff’s Office provide personnel and equipment to support the event. Each day concluded with a baseball game and teambuilding exercises with the mentors and participants.

One of the highlights this year was that the participants learned “Hands Only” CPR. This method of CPR has been proven to save lives by youth providing CPR to adults. A sidebar to this training was showing students that they could be more beneficial to the patient by working as a team instead of working by themselves.

The success of this program would not have been possible without the teamwork of the city’s public safety agencies. A total of 32 personnel assisted to make this program memorable for the children and a success for the city. Mayor Mary Katherine Greenlaw also supported the program

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by participating in the welcoming and closing ceremony days. This program has already proven its value in that the number of participants doubled this year. Plans are in place to increase enrollment and get upwards of 80 city youth registered next year.





Building Statistics - Attached are the reports on building permits and property maintenance for the month of June and for Fiscal Year 2016. Also attached are building permit information for the past four fiscal years. Over that period of time the amount of new commercial square footage has declined, while the permits for commercial alterations have increased. In the past four fiscal years, one multi-family project has occurred. The number of detached single family homes and townhouses is the same in FYs 13 and 16 with declines in FYs 14 and 15. Finally, the number of residential alterations and additions has remained relatively constant. The goal is to provide future annual reports every August.

CITY OF FREDERICKSBURG, VIRGINIA
Community Planning and Building Department



PROPERTY MAINTENANCE REPORT - JUNE 2016

PROPERTY MAINTENANCE	Jun-16		Jun-15		FY 2016	FY 2015	
Complaints	32		21		215	191	
Inspections	134		45		753	681	
Notice of Violations Issued	67		38		386	387	
Number of Violations Corrected	55		42		399	443	
INOPERABLE VEHICLES							
Notice of Violations Issued	1		11		89	99	
Number of Violations Corrected	3		6		82	66	
Number of Vehicles Towed	0		0		0	3	
STOP WORK ORDERS							
Number Issued	1		7		25	33	
UNSAFE STRUCTURES							
Notice of Violation Issued	0		0		5	8	
WEEDS, TRASH & GRASS							
Notice of Violation Issued	89		0		193	246	
Notice of Violation Corrected	63		0		145	238	

COMMENTS

This month the majority cases dealt with are tall grass issues. These are mostly at vacant parcel/structures and rental properties. Notices have been sent to the property owner as well as the tenant.

CITY OF FREDERICKSBURG, VIRGINIA
Community Planning and Building Department



BUILDING CONSTRUCTION ACTIVITY - JUNE 2016

RESIDENTIAL	Jun-16		Jun-15		FY 2016		FY 2015	
New-Residential	15		7		72		31	
New-Plumbing/Electrical/Mechanical/Other	4		11		22		31	
Alterations/Additions	26		18		213		199	
Alt/Add - Plumbing/Electrical/Mechanical	42		33		435		456	
Certificates of Occupancy	4		7		38		30	
Fees Collected	\$21,655.55		\$12,947.25		\$145,935.00		\$113,234.40	
Fees Waived	\$0.00		\$0.00		\$229.50		\$0.00	
COMMERCIAL/MULTI-FAMILY	SQFT/#UNITS		SQFT/#UNITS		SQFT/#UNITS		SQFT/#UNITS	
New-Commercial	3	2,728 SF	2	8,188 SF	12	46,528 SF	15	127,642 SF
New-Multi-Family	0		0		5	128 units	0	
New-Plumbing/Electrical/Mechanical/Other	9		12		86		92	
Alterations	37		39		325		299	
Alt-Plumbing/Electrical/Mechanical	34		48		533		513	
Certificates of Occupancy	0		2		16		23	
Fees Collected	\$19,860.71		\$24,785.95		\$223,308.39		\$204,959.18	
Fees Waived	\$0.00		\$0.00		\$100.00		\$0.00	
CERTIFICATES OF OCCUPANCY-EXISTING								
	10		15		140		145	
BUILDING INSPECTIONS PERFORMED								
	439		504		5706		5475	
UTILITY FEES COLLECTED								
Water Tap	\$0.00		\$0.00		\$21,552.40		\$16,762.12	
Water Availability	\$0.00		\$32,800.00		\$435,800.00		\$225,758.00	
Sewer Tap	\$0.00		\$0.00		\$35,700.00		\$30,800.00	
Sewer Availability	\$0.00		\$48,000.00		\$726,200.00		\$384,927.00	

COMMENTS

Issued permits for 15 new single family attached townhomes, 7 in Cowan Crossing and 8 in Summerfield.
Issed permits for 3 commercial, 404 Willis Street, 1503 Central Park Boulevard and 1500 Beulah Salisbury Road.
See additional document with a spread sheet and graph showing construction activity from FY 2013 to FY 2016.

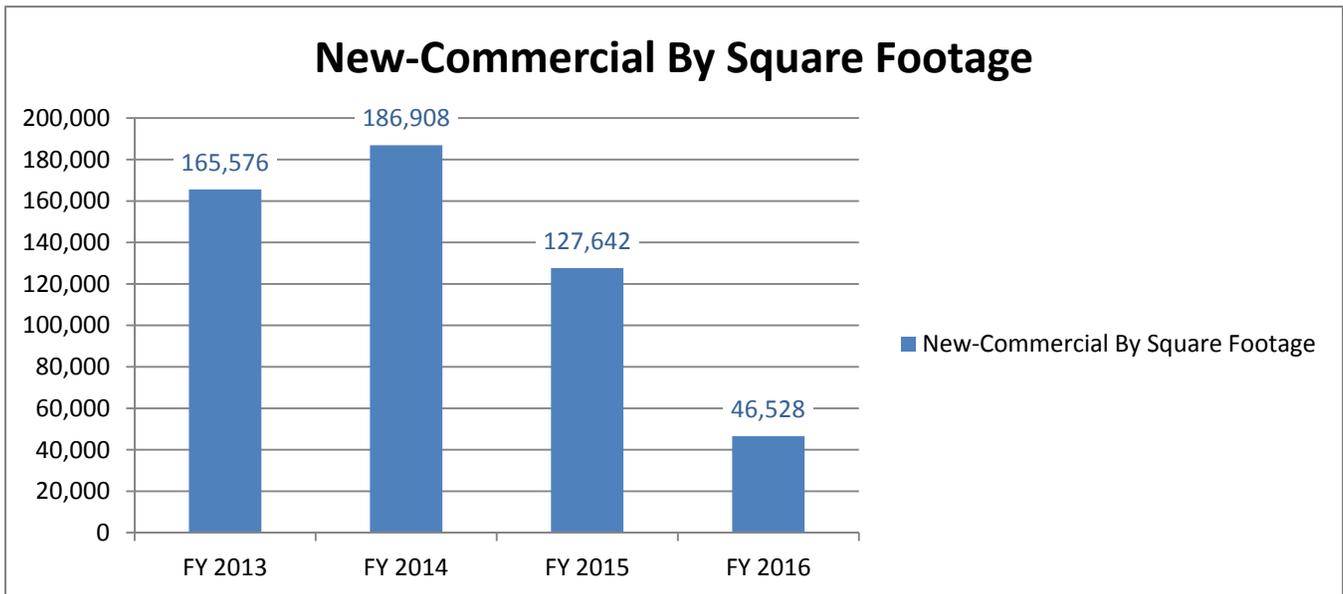
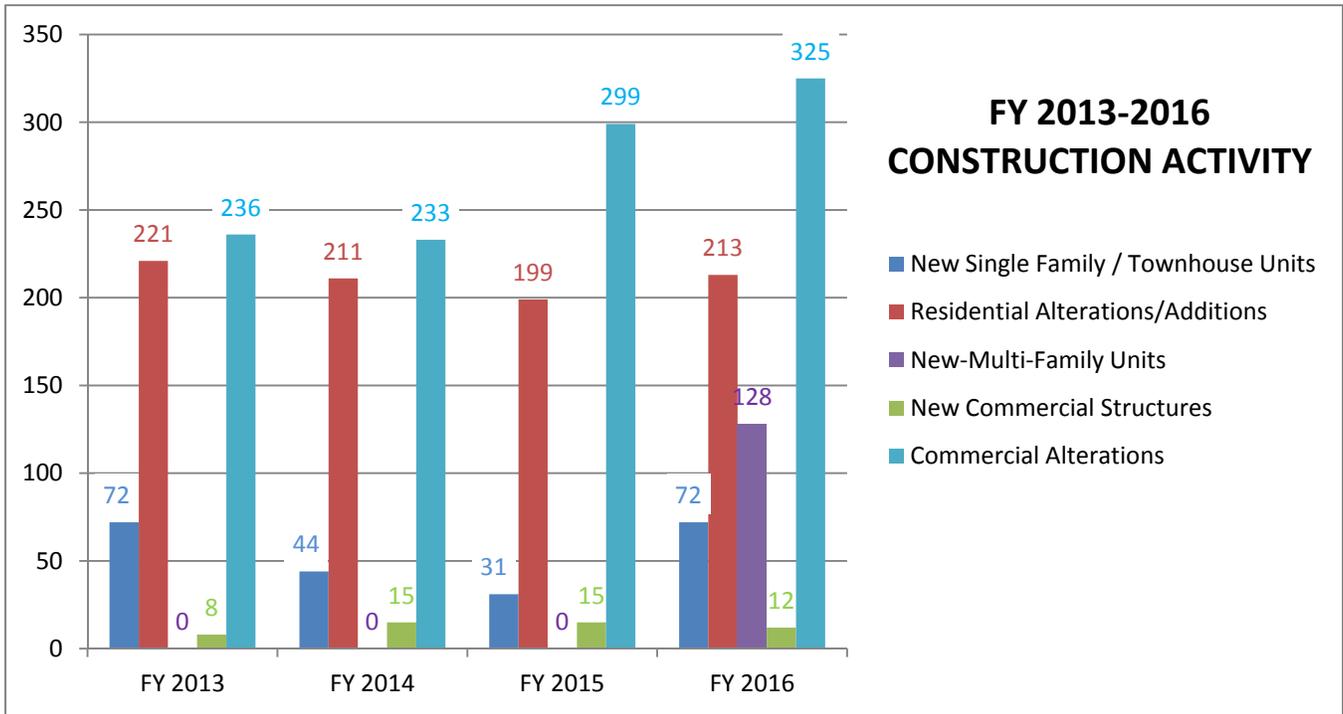
CITY OF FREDERICKSBURG, VIRGINIA
Community Planning and Building Department



BUILDING CONSTRUCTION ACTIVITY - FY2013-2016

RESIDENTIAL	FY 2013		FY 2014		FY 2015		FY 2016	
New-Residential	72		44		31		72	
New-Plumbing/Electrical/Mechanical/Other	24		25		31		22	
Alterations/Additions	221		211		199		213	
Alt/Add - Plumbing/Electrical/Mechanical	421		423		456		435	
Certificates of Occupancy	72		47		30		38	
Fees Collected	\$183,766.05		\$136,981.05		\$113,234.40		\$145,935.00	
Fees Waived	N/A		N/A		\$0.00		\$229.50	
COMMERCIAL/MULTI-FAMILY		SQFT/#UNITS		SQFT/#UNITS		SQFT/#UNITS		SQFT/#UNITS
New-Commercial	8	165,576 SF	15	186,908 SF	15	127,642 SF	12	46,528 SF
New-Multi-Family	0		0		0		5	128 units
New-Plumbing/Electrical/Mechanical/Other	94		116		92		86	
Alterations	236		233		299		325	
Alt-Plumbing/Electrical/Mechanical	463		468		1008		533	
Certificates of Occupancy	45		23		23		16	
Fees Collected	\$246,093.36		\$217,176.68		\$204,959.18		\$223,308.39	
Fees Waived	N/A		N/A		\$0.00		\$100.00	
CERTIFICATES OF OCCUPANCY-EXISTING								
	128		134		145		140	
BUILDING INSPECTIONS PERFORMED								
	5446		5249		5475		5706	
UTILITY FEES COLLECTED								
Water Tap	\$11,881.31		\$39,937.43		\$16,762.12		\$21,552.40	
Water Availability	\$270,810.50		\$350,859.25		\$225,758.00		\$435,800.00	
Sewer Tap	\$7,200.00		\$86,900.00		\$30,800.00		\$35,700.00	
Sewer Availability	\$417,245.70		\$563,636.15		\$384,927.00		\$726,200.00	
COMMENTS								

The Fiscal Year ends with more than double the number of permits for houses and town houses (year over year) and 128 multifamily units, when none were permitted last year.





CITY COUNCIL MEETINGS & EVENTS CALENDAR

City Hall Council Chambers, 715 Princess Anne Street, Fredericksburg, VA 22401

8/9/16	5:30 p.m.	Work Session <ul style="list-style-type: none"> • Briefing on Greenville, SC Redevelopment 	Suite, Room 218
	7:30 p.m.	Regular Session	Chambers
8/16/16	7:00 p.m.	Work Session (tentative)	Suite, Room 218
8/23/16	5:30 p.m.	Work Session <ul style="list-style-type: none"> • Timbarnest/Fences/Breweries 	Suite, Room 218
	7:30 p.m.	Regular Session	Chambers
9/13/16	5:30 p.m.	Work Session <ul style="list-style-type: none"> • Financial Policies/FY2016 Year End Update 	Suite, Room 218
	7:30 p.m.	Regular Session	Chambers
9/20/16	7:00 p.m.	Work Session <ul style="list-style-type: none"> • Main Street Signage/Streetscape 	Suite, Room 218
9/27/16	5:30 p.m.	Work Session <ul style="list-style-type: none"> • Discussion on UDO Amendments/ Proffers 	Suite, Room 218
	7:30 p.m.	Regular Session	Chambers
10/11/16	5:30 p.m.	Work Session	Suite, Room 218
	7:30 p.m.	Regular Session	Chambers
10/18/16	7:00 p.m.	Work Session (tentative)	Suite, Room 218
10/25/16	5:30 p.m.	Work Session	Suite, Room 218
	7:30 p.m.	Regular Session	Chambers



**Motion for Closed Meeting Under
The Virginia Freedom Of Information Act**

I move that the City Council convene a closed meeting under the Virginia Freedom of Information Act in order to discuss:

- Personnel** specific City officers, appointees, or employees, for the purpose of considering such person's assignment, appointment, promotion, performance, demotion, salary, disciplining, or resignation, under Virginia Code §2.2-3711(A)(1) to discuss the performance of the Clerk of Council.

- Real Property**
 - Acquisition of real property for a public purpose, _____, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City Council, under Virginia Code §2.2-3711(A)(3)
OR
 - Disposition of publicly held real property for the purpose of discussing _____ where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City Council, under Virginia Code §2.2-3711(A)(3)

- Prospective Business**
 - Prospective business or industry, **OR**
 - Expansion of an existing business or industry for the purpose of discussing _____ where no previous announcement has been made of the business or industry's interest in locating or expanding its facilities in the community, under Virginia Code §2.2-3711(A)(5)

- Legal Matters**
 - Actual litigation specifically to _____, where such consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the City Council, **OR**
 - Probable litigation with legal counsel, staff, or consultants, where (1) litigation has been specifically threatened or on which the Council or its counsel has a reasonable basis to believe will be commenced by or against a known party, and (2) such consultation in open session would adversely affect the negotiating or litigating posture of the City Council, **OR**
 - Legal matters, specifically to discuss _____ with counsel where such matters require the provision of legal advice, under Virginia Code §2.2-3711 (A)(7)

Other Closed Session Under Code of VA §2.2-3711(A)(--), _____



**August 9, 2016
Regular Session
Resolution No. 16-__**

MOTION:

SECOND:

RE: CERTIFICATION OF CLOSED MEETING

ACTION: APPROVED: Ayes: 0; Nays: 0

WHEREAS, the City Council of the City of Fredericksburg has this day adjourned into Closed Meeting in accordance with a formal vote of the Council, and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Freedom of Information Act requires the Council to reconvene in open session and to certify that such Closed Meeting was conducted in conformity with the law;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fredericksburg does hereby certify that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discuss in the Closed Meeting to which this certification applies, and (ii) only such public business matter as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed or considered by the Council.

-Adjourned into Closed Meeting at _____ p.m.

-Adjourned out from Closed Meeting at _____ p.m.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Clerk's Certificate

I, Tonya B. Lacey the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Resolution No. 16-__ duly adopted the City Council meeting held August 9, 2016 at which a quorum was present and voted.

***Tonya B. Lacey, CMC
Clerk of Council***