

City of Fredericksburg, Virginia

City Council

AGENDA

Council Chambers

715 Princess Anne Street

Fredericksburg, Virginia 22401

August 23, 2016

7:30 P.m.

Mayor Mary Katherine Greenlaw, Presiding

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

1. **Call To Order**

2. **Invocation**

Councilor Matthew J. Kelly

3. **Pledge Of Allegiance**

Mayor Mary Katherine Greenlaw

4. **Presentations**

A. Update On Habitat For Humanity - Thomas Carlson, Executive Director

5. **Public Hearing**

A. Ordinance 16-___, First Read, Granting A Fifteen-Year Non-Exclusive License To Extenet Systems, Inc. To Install, Maintain, And Use Telecommunication Cable And Equipment In City Rights-Of-Way

Documents:

[5A EXTENET LICENSE.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. Resolution 16-___, Renaming The Aquatic Facility At Dixon Park The Doris E. Buffett Pool

Documents:

[7A POOL NAME CHANGE.PDF](#)

8. Consent Agenda

- A. Resolution 16-74, Second 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:

[8A R-BOARD FINANCE.PDF](#)

- B. Ordinance 16-21, Second Read, Expanding Residential Area Parking Permit Zone 6 To Add The Block Of Pitt Street Between Caroline Street And Princess Anne Street

Documents:

[8B PITT ST PARKING.PDF](#)

- C. Ordinance 16-22, Second Read, Expanding Residential Area Parking Permit Zone 7, "The College Heights Parking Zone," To Add College Avenue

Documents:

[8C COLLEGE AVE PARKING.PDF](#)

- D. Transmittal Of The July 13, 2016, Planning Commission Comprehensive Plan Compliance Review Action For A New Public Facility At 1100 Belman Road (Resolution 2016-04)

Documents:

[8D BELMAN ROAD.PDF](#)

- E. Transmittal Of Boards And Commission Minutes

- E.i. Board Of Social Services - June 9, 2016

Documents:

[8E1 BSS 6-9-16.PDF](#)

- E.ii. Fredericksburg Clean & Green (Green Committee) - February 9, 2016

Documents:

[8E2 GREEN 2-9-16.PDF](#)

E.iii. Fredericksburg Clean & Green Committee - March 7, 2016

Documents:

[8E3 CLEAN GREEN 3-7-16.PDF](#)

E.iv. Fredericksburg Clean & Green Committee - June 6, 2016

Documents:

[8E4 CLEAN GREEN 6-6-16.PDF](#)

E.v. Fredericksburg Clean & Green Committee - July 11, 2016

Documents:

[8E5 CLEAN GREEN 7-11-16.PDF](#)

9. Minutes

A. Public Hearing - August 9, 2016

Documents:

[9A 8-09-16 PUBLIC HEARING MINUTES.PDF](#)

B. Regular Session - August 9, 2016

Documents:

[9B 8-09-16 REGULAR SESSION MINUTES.PDF](#)

10. City Manager Agenda

A. 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:

[10A ZONING MAP AMEND.PDF](#)

B. Resolution 16-___, First Read, Amending The Fiscal Year 2016 Budget For Final Adjustments

Documents:

[10B YEAR END ADJUSTMENT.PDF](#)

C. Resolution 16-___, Authorizing The City Manager To Execute The Fiscal Year 2017 Asphalt Rehabilitation Program Contract With Fredericksburg Asphalt And Paving In The Amount Of \$1,352,808

Documents:

[10C ASPHALT REHAB.PDF](#)

D. City Manager's Update

Documents:

[10D CITY MANAGER REPORT.PDF](#)

E. Calendar

Documents:

[10E CALENDAR.PDF](#)

11. Closed Session

- A. To Convene In Closed Session For Consultation With Legal Counsel And Briefings By Staff Members Or Consultants Under Code Of Virginia 2.2-3711(A)(7) Pertaining To NBB, LLC V. City Council, CL15-0787, And City Council V. Architectural Review Board And NBB, LLC, CL15-0820, Where Such Consultation Or Briefing In An Open Meeting Would Adversely Affect The Negotiating Or Litigating Posture Of The City Council

Documents:

[11A CLOSED MEETING.PDF](#)

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

12. Adjournment



W. H. H. H.

MEMORANDUM

TO: Timothy J. Baroody, City Manager
Kathleen Dooley, City Attorney
FROM: Dave King, Assistant Director of Public Works
DATE: August 15, 2016
RE: Extenet license – distributed antenna system in public right-of-way

ISSUE

Should the City grant Extenet Systems Virginia, LLC (Extenet) a license to install a cellular distributed antenna system in the public right-of-way?

RECOMMENDATION

Yes. The system will improve cellular reception in the area without requiring obtrusive antennas and related facilities. The attached plans and license agreement have been reviewed and approved by Public Works and the City Attorney’s Office.

BACKGROUND

Extenet has previously applied for a license to install and operate a distributed antenna system (DAS) on 12 existing utility poles in the area around the UMW campus, which the City subsequently approved by City Ordinance 16-13. Extenet is currently seeking approval to install and operate additional DAS facilities on existing utility poles. Distributed antenna systems are an alternative to larger cellular facilities such as the tower in Central Park and the tower near the Powhatan water tower. Instead of one large antenna, several smaller antennas combine to provide cellular coverage. A picture of a typical DAS is included in the Council packet.

The proposed installation locations are:

- 3000 Plank Road
- Intersection of Fall Hill Avenue and Carl D. Silver Parkway

Extenet would own and operate the system, and have agreements with telecommunications companies for use of the system as well as agreements with Dominion for use of the poles.

The proposed license agreement requires City permission for any deviation from the attached plans. It also contains standard City terms for use of the rights-of-way, such as requiring utility permits before disturbing the right-of-way, relocation at Licensee’s expense if required by the City, and safety and quality requirements.

FISCAL IMPACT

ITEM #5A

Extenet would pay the City \$200 per year under the terms of the proposed license.

Attachments: Ordinance
License
Location Map



August 23, 2016
Regular Meeting
Ordinance No. 16-__

MOTION:

SECOND:

RE: GRANTING A FIFTEEN-YEAR NON-EXCLUSIVE LICENSE TO EXTENET SYSTEMS, LLC. TO INSTALL, MAINTAIN, AND USE TELECOMMUNICATION CABLE AND EQUIPMENT IN CITY RIGHTS-OF-WAY

ACTION:

FIRST READ: _____ **SECOND READ:** _____

IT IS HEREBY ORDAINED by the Fredericksburg City Council:

SEC. I. Introduction.

Extenet Systems, LLC has applied to the City Council for a fifteen-year, non-exclusive license to install certain telecommunications equipment in the public rights-of-way. The license allows installation and maintenance of telecommunication cable and equipment for use by wireless communication providers. Use of these facilities is not offered directly to individual consumers. The City and Extenet Systems, LLC have negotiated the terms of the attached license agreement.

SEC. II. Grant of License.

The City Council finds that the grant of the license is in the public interest. The City Manager is hereby authorized to execute the attached fifteen-year non-exclusive license between Extenet Systems, LLC and the City of Fredericksburg, on behalf of the City.

SEC. III. Effective Date.

This ordinance is effective immediately.

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 at which a quorum was present and voted.

Tonya B. Lacey, CMC
Clerk of Council

Location: public rights-of-way (no GPIN)



LICENSE

This license agreement, dated _____ 2016, is between the CITY OF FREDERICKSBURG, VIRGINIA, a municipal corporation, and EXTENET SYSTEMS (VIRGINIA) LLC, a Virginia limited liability company (“Licensee”).

Recitals

Licensee seeks to install, maintain, and use telecommunication cable and equipment in public rights-of-way owned and controlled by the City.

The City Council, by Ordinance 16-____, adopted on _____, 2016 after a public hearing, authorized the City Manager to sign this license agreement.

Terms

The City hereby grants a license to use the public rights-of-way within the city’s boundaries to Licensee, on these terms:

1. **Term.** The term of this license is from September 15, 2016 to September 14, 2031.
2. **Fee.** Licensee shall pay the City, as fair and reasonable compensation for use of the public rights-of-way owned and maintained by the City, an annual fee of \$200. This fee is due on September 1 of each year. Licensee shall pay a 10% late fee on any late payment. If a payment is more than 30 days late, the total amount due will bear 1% interest per month until paid in full.
3. **Location.** This license is for use of City property at two locations: 3000 Plank Road and the intersection of Fall Hill Avenue and Carl D. Silver Parkway, in accordance with the plans submitted to the Department of Public Works. Licensee shall not deviate from those plans without written permission from the City Manager.
4. **Generally applicable requirements.** This license is not a waiver of the requirements of any City ordinance, resolution, regulation, or permitting process. Licensee is responsible for obtaining all required permits at its own expense, and for complying with all City requirements.
5. **Safety and quality.** Licensee shall ensure that all activity under this license is performed safely, thoroughly, reliably, and in accordance with all relevant industry, professional, and federal and state-mandated standards and laws. All materials installed in the public right-of-way under this license must be of good and durable quality. If the City concludes that work or materials under this license are harmful to the health or safety of any person or property, Licensee shall correct the problem at its own expense.

6. **Termination.**
 - a. Licensee may terminate this agreement by notifying the City at least 30 days in advance that it intends to do so, in which case the license terminates on the date the City receives written confirmation from Licensee that Licensee has removed all of its cables and equipment from City property, restored all affected City property to its original condition, and paid all amounts due to the City under the license.
 - b. The City may terminate this agreement if Licensee (i) has not completed installation of its cables and equipment within one year of the start of the license term; (ii) ceases use of its cables and equipment; (iii) has not paid an amount due to the City under this license; (v) removes its cables and equipment; or (iv) violates any provision of this license.
 - c. If the City intends to terminate the license, it shall notify Licensee of the specific reason why and allow Licensee 30 days to respond to the notice. The City shall then notify Licensee in writing that either (i) Licensee has responded adequately to the notice, or (ii) Licensee has not responded adequately to the notice and that the license is terminated immediately.
 - d. Upon termination or expiration of this license, Licensee shall remove all of its cables and equipment from City property and restore all affected City property to its original condition.
7. **Non-exclusivity.** This is a non-exclusive license. It does not limit the City's right to grant permission to any other person or entity to use the public rights-of-way.
8. **Disturbing rights-of-way.**
 - a. Licensee shall notify the City Public Works Department and receive a City utility permit before disturbing any street, alley, or sidewalk. Licensee's permit application must include any plans, specifications, traffic control plans, and other information that the Public Works Department deems necessary for an adequate review of the proposed work. The City shall approve or deny the permit application promptly, and shall not unreasonably withhold a permit. This section does not apply to emergency situations or where the Director of Public Works has expressly waived a requirement in writing.
 - b. If Licensee disturbs streets, alleys, sidewalks, utility lines, or other public property, it shall restore the property to its original condition as soon as practicable in accordance with City standards. If Licensee does not do so within a reasonable time, the City may do so at Licensee's expense.
9. **Records.** At the City's request, Licensee shall send the City (at no cost to the City and within 10 days of the request) copies of Licensee's plans, maps, and records pertaining to this license.
10. **Removal and relocation.**
 - a. If the City determines that Licensee's cables or equipment need to be removed or relocated, Licensee shall remove or relocate its cables and equipment as requested by the City within a reasonable time.
 - b. Generally, removal or relocation is at Licensee's expense. If the City requests a removal or relocation, the City shall provide a substitute location for Licensee's facilities and shall obtain all required City permits. If the removal or relocation is for the benefit of a third party (a developer, for example), the third party is responsible for all costs.
 - c. If the Licensee does not remove or relocate its cables and equipment within a reasonable time of the City's request to do so, the City may, after 30 days written notice to Licensee, remove or relocate the cables and equipment itself at Licensee's expense.
11. **Trees.** Licensee shall not damage trees in or near the public rights-of-way more than reasonably necessary.

12. **Assumption of Risk.** Licensee assumes all risks of loss and damage to its cables and equipment, including any interference or loss of service and any resultant consequential damages that result from City operations.
13. **Indemnification.** Licensee shall save, defend, hold harmless, and indemnify the City, and all of its elected and appointed officials, officers, employees, agents, departments, agencies, boards, and commissions from and against any and all claims, losses, damages, injuries, fines, penalties, costs (including court costs and attorney's fees), charges, liability, or exposure, however caused, resulting from, arising out of, or in any way connected with Licensee's negligent acts, errors or omissions, recklessness or intentionally wrongful conduct of Licensee in performance or nonperformance of its work under the license. This indemnification survives the termination of the license.
14. **Insurance.** Licensee shall maintain the following insurance coverage during the entire term of this license:
- a. Two million dollars for bodily injury to or the death of any one person.
 - b. Three million dollars for bodily injury or death resulting from any one event.
 - c. Three million dollars in commercial general liability insurance.
- The City must be named as an additional insured on these policies, and Licensee shall provide copies of its certificates of insurance to the City. Licensee may instead maintain self-insurance that meets the requirements of this section.
15. **Assignment.** Licensee shall not assign or otherwise transfer any of its rights, obligations, or interests in this license without the written permission of the City.
16. **Choice of Law, Venue.** This license is governed by Virginia law. The Circuit Court of Fredericksburg, Virginia is the exclusive venue for any state litigation regarding this license.
17. **Authorization to do Business in Virginia.** Licensee is authorized to do business in Virginia as a domestic or foreign business entity under Title 13.1 or Title 50 of the Virginia Code. Licensee shall not allow its existence to lapse or its certificate of authority or registration to do business in Virginia to be revoked or cancelled during the term of this license.
18. **Notices.** Notices pertaining to this license must be sent by first-class mail to:
- | | |
|--|---|
| <u>To the City:</u>
Fredericksburg City Manager
PO Box 7447
Fredericksburg, Virginia 22404-7447 | <u>To Licensee:</u>
Extenet Systems (Virginia) LLC
3030 Warrenton Road, Suite 340
Lisle, Illinois 60532
ATTN: CFO |
|--|---|
- With a copy to General Counsel at the same address.
19. **Severability.** If a court declares any part of this license to be invalid, void, or unenforceable, the rest of the license remains in effect.

20. **Strict Performance.** The failure of a party to insist upon the other party's strict performance of the terms of the license is not a waiver of the right to insist upon strict performance of those terms at a later time.

By signing below, the City and Licensee agree to the terms of this license.

CITY OF FREDERICKSBURG

By: _____
Timothy J. Baroody, City Manager

Attest:

Deputy City Clerk

Approved as to form:

City Attorney

EXTENET SYSTEMS (VIRGINIA) LLC

By: _____
Daniel L. Timm
Vice President

STATE OF ILLINOIS
County of DuPage:

This license agreement was acknowledged on _____, 2016, by Daniel L. Timm as Vice President of EXTENET SYSTEMS (VIRGINIA) LLC, on behalf of the company.

Notary Public

Certification # _____
My Commission Expires: _____

SITE PHOTOGRAPH



EXTENET NODE ID: VZW-NODE-11
VERIZON WIRELESS
NW CORNER OF CARL D SILVER PARKWAY AND
AND FAWN HILL AVENUE
FREDERICKSBURG, VA 22401

NEW ULILITY POLE SET

DRAWING INDEX

SHEET	DESCRIPTION
T1	TITLE SHEET
S1	POLE ELEVATIONS
S2	SITE PLAN
E1	ELECTRICAL DETAILS
E2	EQUIPMENT DETAILS

CODE COMPLIANCE

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THE LATEST EDITIONS OF THE FOLLOWING CODES:

- 2012 INTERNATIONAL BUILDING CODE
- 2012 NATIONAL ELECTRICAL CODE
- 2012 NFPA 101
- 2012 IFC
- ANSI/TIA-222-G
- TIA 607
- AMERICAN CONCRETE INSTITUTE
- AMERICAN INSTITUTE OF STEEL CONSTRUCTION
- MANUAL OF STEEL CONSTRUCTION 13TH EDITION
- 2012 INTERNATIONAL PROPERTY MANAGEMENT
- IEEE C2 INTERNATIONAL ELECTRIC SAFETY CODE LATEST EDITION
- TELECORDIA GR-1275
- ANSI/T 311

GENERAL NOTES TO CONTRACTOR

STANDARD CONSTRUCTION NOTES:

- THESE NOTES SHALL BE CONSIDERED A PART OF THE WRITTEN SPECIFICATIONS.
- THE WORK SHALL INCLUDE FURNISHING MATERIALS, EQUIPMENT, APPURTENANCES AND LABOR NECESSARY TO COMPLETE ALL INSTALLATIONS AS INDICATED ON THE DRAWINGS.
- PRIOR TO THE SUBMISSION OF BIDS, THE CONTRACTORS SHALL VISIT THE JOB SITE AND BE RESPONSIBLE FOR ALL CONTRACT DOCUMENTS, FIELD CONDITIONS AND DIMENSIONS, AND CONFIRMING THAT THE WORK MAY BE ACCOMPLISHED AS SHOWN PRIOR TO PROCEEDING WITH CONSTRUCTION. ANY DISCREPANCIES ARE TO BE BROUGHT TO THE ATTENTION OF THE IMPLEMENTATION ENGINEER AND ARCHITECT/ENGINEER PRIOR TO PROCEEDING WITH THE WORK.
- THE CONTRACTOR SHALL RECEIVE, IN WRITING, AUTHORIZATION TO PROCEED BEFORE STARTING WORK ON ANY ITEM NOT CLEARLY DEFINED OR IDENTIFIED BY THE CONTRACT DOCUMENTS.
- THE CONTRACTOR SHALL INSTALL ALL EQUIPMENT AND MATERIALS IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS UNLESS SPECIFICALLY INDICATED OTHERWISE OR WHERE LOCAL CODES OR REGULATIONS TAKE PRECEDENCE.
- ALL WORK PERFORMED AND MATERIALS INSTALLED SHALL BE IN STRICT ACCORDANCE WITH ALL APPLICABLE CODES, REGULATIONS AND ORDINANCES. CONTRACTOR SHALL GIVE ALL NOTICES AND COMPLY WITH ALL LAWS, ORDINANCES, RULES, REGULATIONS AND LAWFUL ORDERS OF ANY PUBLIC AUTHORITY REGARDING THE PERFORMANCE OF THE WORK. MECHANICAL AND ELECTRICAL SYSTEMS SHALL BE INSTALLED IN ACCORDANCE WITH ALL APPLICABLE MUNICIPAL AND UTILITY COMPANY SPECIFICATIONS, AND LOCAL AND STATE JURISDICTIONAL CODES, ORDINANCES AND APPLICABLE REGULATIONS.
- THE GENERAL CONTRACTOR SHALL SUPERVISE AND DIRECT THE WORK, USING THE BEST SKILLS AND ATTENTION. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ALL CONSTRUCTIONS MEANS, METHODS, TECHNIQUES, SEQUENCES AND PROCEDURES AND FOR COORDINATION ALL PORTION OF THE WORK UNDER THE CONTRACT INCLUDING CONTACT AND COORDINATION WITH THE IMPLEMENTATION ENGINEER AND WITH THE LANDLORD'S AUTHORIZED REPRESENTATIVE.
- SEAL PENETRATIONS THROUGH FIRE RATED AREAS WITH U.L. LISTED FIRE CODE APPROVED MATERIALS.
- PROVIDE A PORTABLE FIRE EXTINGUISHER WITH A RATING OF NOT LESS THAN 2-A OR 2-A10BC WITHIN 75 FEET TRAVEL DISTANCE TO ALL PORTIONS OF THE PROJECT AREA DURING CONSTRUCTION.
- ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH CHAPTER 23 OF THE BC REGARDING EARTHQUAKE PIPING, LIGHT FIXTURES, CEILING GRID, INTERIOR PARTITIONS AND MECHANICAL EQUIPMENT. ALL WORK MUST BE IN ACCORDANCE WITH LOCAL EARTHQUAKE CODES AND REGULATIONS.
- DETAILS ARE INTENDED TO SHOW END RESULTS OF DESIGN. MINOR MODIFICATIONS MAY BE REQUIRED TO SUITE JOB DIMENSIONS OR CONDITIONS, AND SUCH MODIFICATIONS SHALL BE INCLUDED AS PART OF THE WORK.
- THE CONTRACTOR SHALL MAKE NECESSARY PROVISIONS TO PROTECT EXISTING IMPROVEMENTS, PAVING, CURBS, VEGETATION, GALVANIZED SURFACE, ETC., AND UPON COMPLETION OF WORK REPAIR ANY DAMAGE THAT OCCURRED DURING CONSTRUCTION TO THE SATISFACTION OF EXTENET.
- KEEP GENERAL AREA CLEAN, HAZARD FREE, AND DISPOSE OF ALL DIRT, DEBRIS, RUBBISH AND REMOVE EQUIPMENT NOT SPECIFIED AS REMAINING ON THE PROPERTY. LEAVE PREMISES IN CLEAN CONDITION AND FREE FROM PAINT SPOTS, DUST OR SMUDGES OF ANY NATURE.
- REPRESENTATIONS OF TRUE NORTH, OTHER THAN THOSE FOUND ON THE PLOT OF SURVEY DRAWING, SHALL NOT BE USED TO IDENTIFY OR ESTABLISH THE BEARING OF TRUE NORTH AT THE SITE. THE CONTRACTOR SHALL RELY SOLELY ON THE PLOT OF SURVEY DRAWING AND ANY SURVEYOR'S MARKINGS AT THE SITE FOR THE ESTABLISHMENT OF TRUE NORTH, AND SHALL NOTIFY THE ARCHITECT/ENGINEER PRIOR TO PROCEEDING WITH THE WORK. IF ANY DISCREPANCY IS FOUND BETWEEN THE VARIOUS ELEMENTS OF THE WORKING DRAWINGS AND THE TRUE NORTH ORIENTATION AS DEPICTED ON THE CIVIL SURVEY. THE CONTRACTOR SHALL ASSUME SOLE LIABILITY FOR ANY FAILURE TO NOTIFY THE ARCHITECT/ENGINEER.
- PENETRATIONS OF ROOF MEMBRANES SHALL BE PATCHED/FLASHED AND MADE WATER TIGHT USING LIKE MATERIALS IN ACCORDANCE WITH NRCA ROOFING STANDARDS AND DETAILS. CONTRACTOR SHALL OBTAIN DETAILING CLARIFICATION FOR SITE-SPECIFIC CONDITIONS FROM ARCHITECT/ENGINEER IF NECESSARY, BEFORE PROCEEDING. PLANS ARE NOT TO BE SCALED AND ARE INTENDED TO BE A DIAGRAMMATIC OUTLINE ONLY, UNLESS NOTED OTHERWISE.
- ALL ITEMS REMOVED DURING CONSTRUCTION WORK (I.E. DRYWALL, PLYWOOD, CEILING PANELS, ETC.) SHALL BE REPLACED TO MATCH EXISTING.
- PLANS ARE NOT TO BE SCALED AND ARE INTENDED TO BE DIAGRAMMATIC OUTLINE ONLY, UNLESS NOTED OTHERWISE.
- DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALES SHOWN ON THE DRAWING. DIMENSIONS SHOW AS X-X ± ARE ESTIMATED AND SHALL BE VERIFIED BY A SURVEYOR OR BY THE CONTRACTOR PRIOR TO CONSTRUCTION.
- ALL SITE WORK SHALL BE CAREFULLY COORDINATED BY GENERAL CONTRACTOR WITH LOCAL UTILITY COMPANY, TELEPHONE COMPANY, AND ANY OTHER UTILITY COMPANIES HAVING JURISDICTION OVER THIS LOCATION.

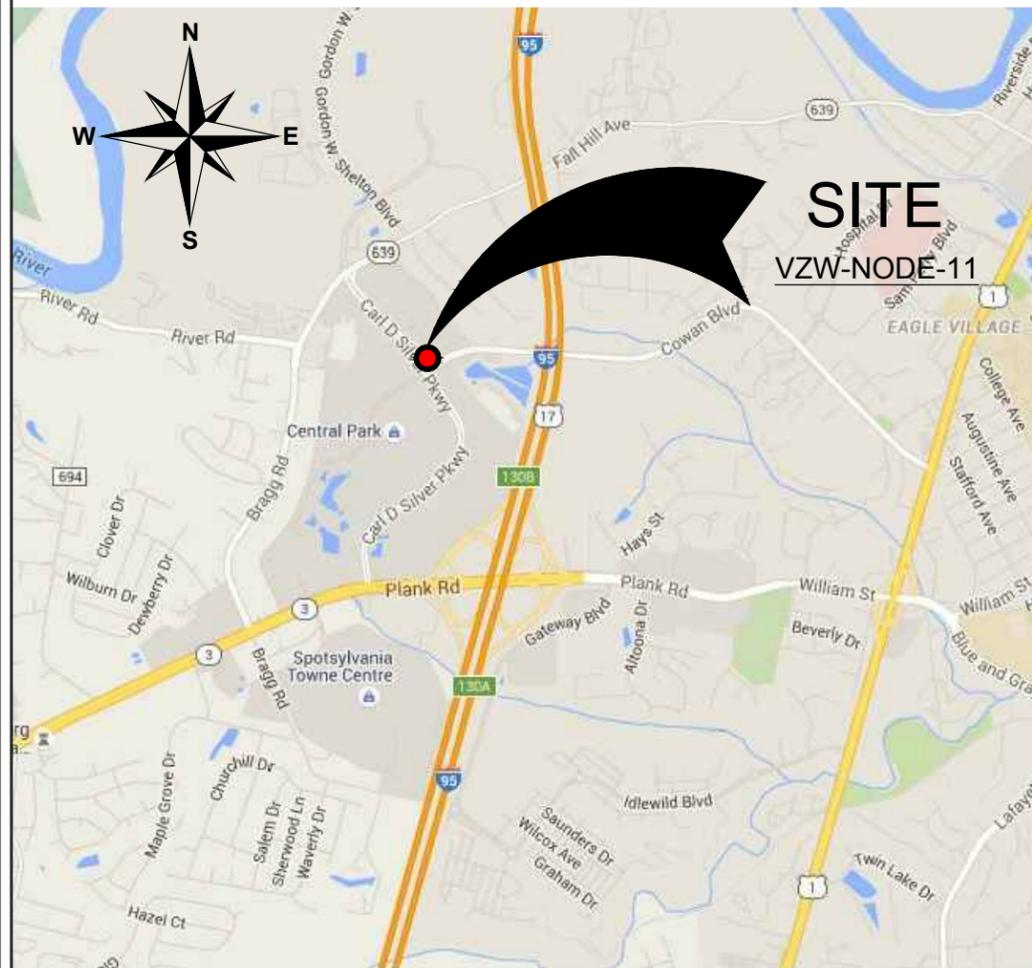
GENERAL CIVIL NOTES:

- ALL SITE WORK SHALL BE AS INDICATED ON THE DRAWINGS AND STIPULATED IN THE SPECIFICATIONS PROJECT SUMMARY.
- RUBBISH, STUMPS, DEBRIS, STICKS, STONES AND OTHER REFUSE SHALL BE REMOVED FROM THE SITE AND DISPOSED OF LEGALLY.
- NO FILL OR EMBANKMENT MATERIAL SHALL BE PLACED ON FROZEN GROUND. FROZEN MATERIALS, SNOW OR ICE SHALL NOT BE PLACED IN ANY FILL OR EMBANKMENT.
- THE SUB GRADE SHALL BE COMPACTED AND BROUGHT TO A SMOOTH UNIFORM GRADE PRIOR TO THE CRUSHED STONE APPLICATION.
- ALL EXISTING ACTIVE SEWER, WATER, GAS, ELECTRIC, AND OTHER UTILITIES WHERE ENCOUNTERED IN THE WORK, SHALL BE PROTECTED AT ALL TIMES, AND WHERE REQUIRED FOR THE PROPER EXECUTION OF THE WORK, SHALL BE RELOCATED AS DIRECTED BY ENGINEERS. EXTREME CAUTION SHOULD BE USED BY THE CONTRACTOR WHEN EXCAVATING OR PIER DRILLING AROUND OR NEAR UTILITIES. CONTRACTOR SHALL PROVIDE SAFETY TRAINING FOR THE WORKING CREW.
- ALL EXISTING INACTIVE SEWER, WATER, GAS, ELECTRIC AND OTHER UTILITIES, WHICH INTERFERE WITH THE EXECUTION OF THE WORK, SHALL BE REMOVED AND SHALL BE CAPPED, PLUGGED OR OTHERWISE DISCONTINUED AT POINTS WHICH WILL NOT INTERFERE WITH THE EXECUTION OF THE WORK, SUBJECT TO THE APPROVAL OF THE ENGINEER.
- THE AREAS OF PROPERTY DISTURBED BY THE BUILDING, DRIVEWAY OR CRUSHED STONE, SHALL BE GRADED TO A UNIFORM SLOPE, FERTILIZED, SEEDED, AND COVERED WITH MULCH AS SPECIFIED IN THE SPECIFICATION LANDSCAPE WORK.

STANDARD CONDUIT NOTES:

- 1-(2" MINIMUM DIAMETER) DUCT OF APPROVED MATERIAL, RIGID GALVANIZED STEEL (WHEN REQUIRED) OR ELECTRO-METALLIC TUBING (EMT).
- ELECTRICAL LB'S AND CONDUITS ARE NOT ACCEPTABLE AS PULL BOXES.
- NO 90° TRANSITIONS AT OR WITHIN A PULL BOX (UNLESS A BENDING RADIUS 10x THE DIAMETER OF THE CABLE TO BE PLACED CAN BE MAINTAINED).
- A HORIZONTAL MAXIMUM OF 300 FT. BETWEEN PULL BOXES.
- A SECTION OF CONDUIT OF 100 FT. VERTICAL WILL REQUIRE A PULL BOX AND AN APPROVED CABLE RESTRAINT.
- A MAXIMUM OF 2-90° SWEEPING RADIUS BENDS BETWEEN PULL BOXES. (A SWEEPING BEND IS A RADIUS 10x THE CONDUIT DIAMETER).
- A MEASURING TAPE SHALL ALSO BE IN PLACE TO DETERMINE AS BUILT LENGTH.
- PULL LINES IN ALL DUCTS (MIN. 400 LBS PULLING TENSION).
- FIRE STOPPING REQUIRED WHEN OPENINGS ARE MADE IN ANY FIRE BARRIER.
- ALL EXTERNAL CONDUIT TERMINATION SHALL BE WATER TIGHT.

VICINITY MAP (NTS)



SCOPE OF WORK

CONSTRUCTION OF A UNMANNED TELECOMMUNICATION FACILITY CONSISTING OF (1) 1900MHz REMOTE RADIO HEAD, (1) BATTERY BACKUP UNIT, (1) CELLMAX OMNI ANTENNA AND ASSOCIATED CABLES MOUNTED TO A NEW MID SPAN UTILITY POLE.

PROJECT INFORMATION

NODE ID NUMBER: VZW-NODE-11
 HUB ID NUMBER:
 SITE ADDRESS: NW CORNER OF CARL D SILVER & FALL HILL FREDERICKSBURG, VA 22401
 POLE NUMBER: G2338 PN70
 POLE OWNER: DOMINION
 LATITUDE (NAD 83): 38.309936
 LONGITUDE (NAD 83): -77.513282
 JURISDICTION: CITY OF FREDERICKSBURG
 ZONING: N/A
 GROUND ELEVATION: 246'
 STRUCTURE TYPE: NEW UTILITY POLE SET - CLASS 6
 STRUCTURE HEIGHT: 40'

Dig With Care

KNOW WHAT'S BELOW - CALL BEFORE YOU DIG!!!
 3-BUSINESS DAYS PRIOR TO EXCAVATION
 CALL 8-1-1 or 1-800-552-7001



Network Owner:
 Extenet Systems
 3030 Warrenville Rd.
 Lisle, IL 60532

24/7 Network Operations Center:
 (866)-892-5327

Network Implementation:
 Rick Angelini, Extenet Systems
 Director - Network Engineering
 & Implementation
 RAngelini@extenetsystems.com
 Cell: (508) 776-2161

PROJECT INFORMATION:

CELLULAR DAS NETWORK
VZW-NODE-11
FREDERICKSBURG, VA

CURRENT ISSUE DATE:

07/07/2016

ISSUED FOR:

PROPOSED

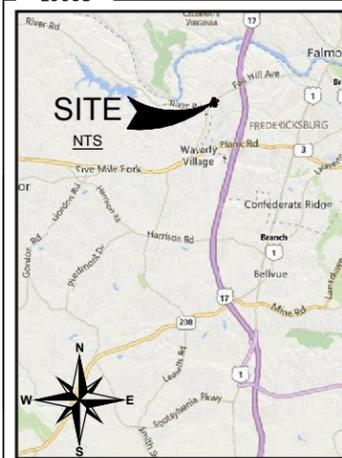
PLANS PREPARED BY:



DRAWN BY: CHK.: APV.:

BJA SJ RA

LOCUS



SHEET TITLE:

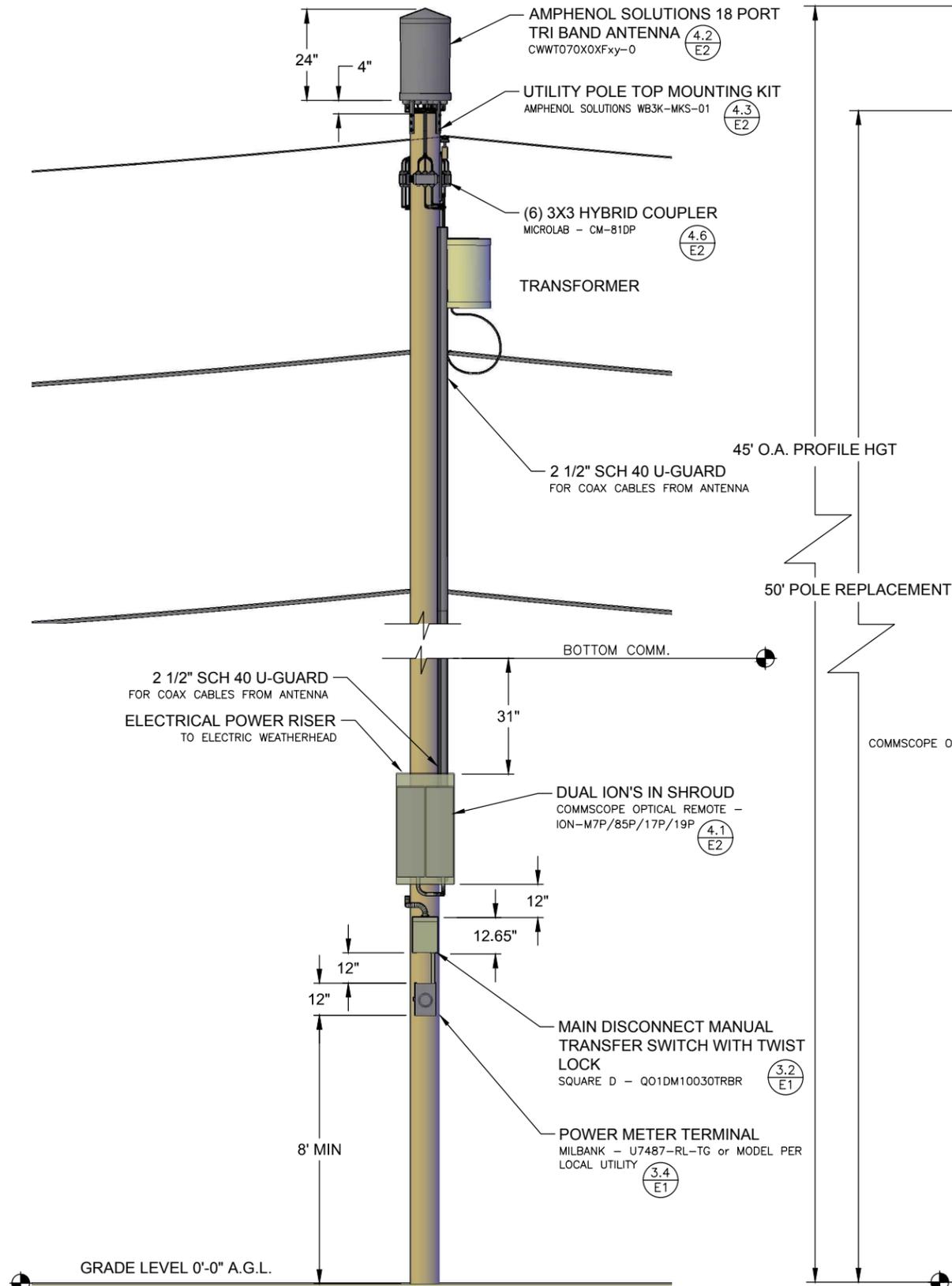
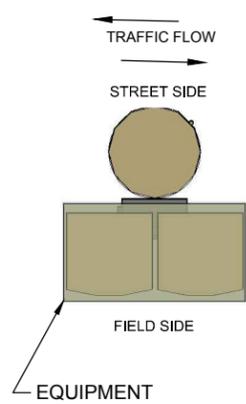
TITLE SHEET

SHEET NUMBER: REVISION:

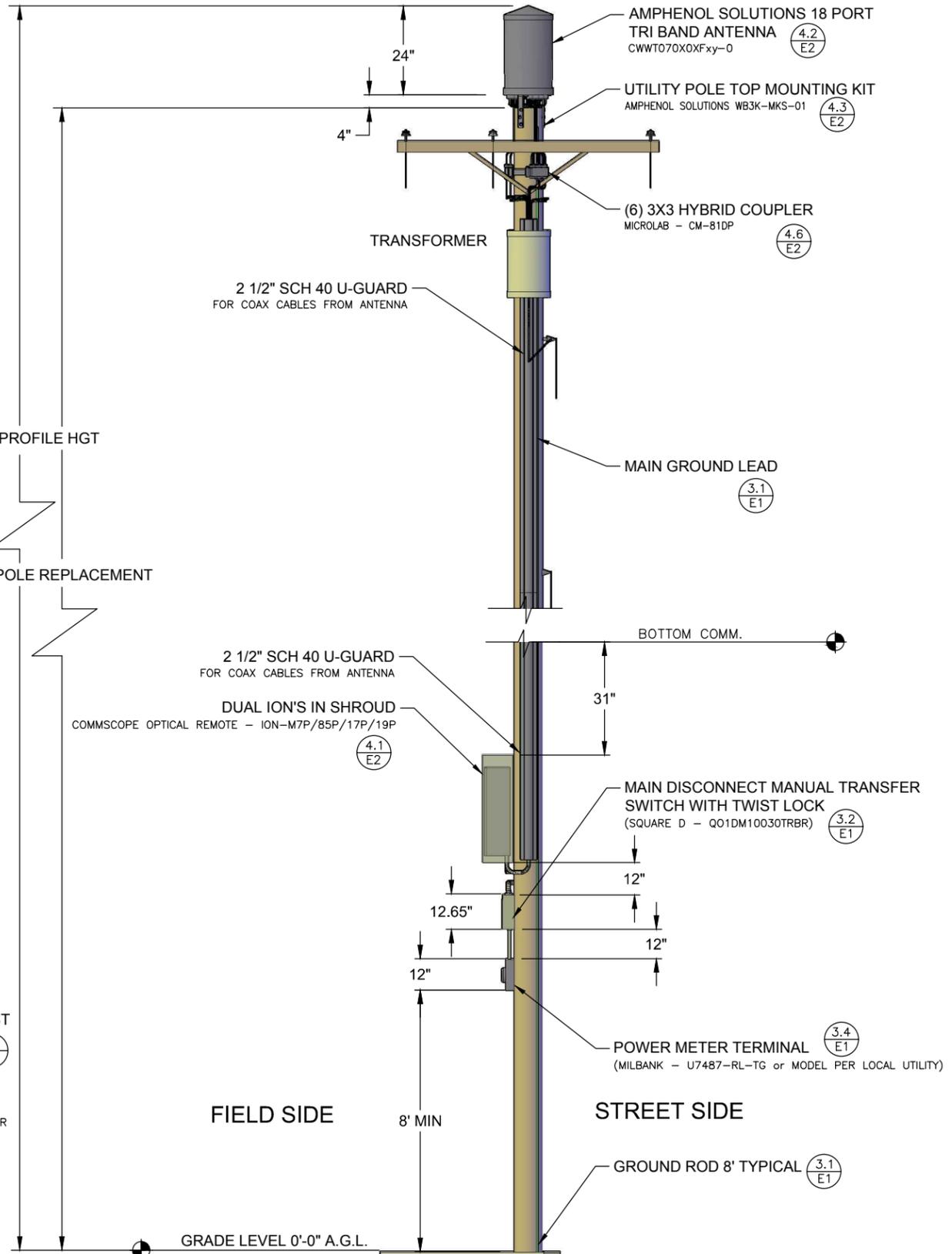
T1

K:\Projects\Extenet\Fredericksburg_VA\VZW Nodes\Node Profiles\Node-11b-Profile-VZW-2016.dwg

UTILITY POLE OVERHEAD VIEW



POLE ELEVATION DETAIL - VZW-NODE-11 FIELD SIDE VIEW



POLE ELEVATION DETAIL - VZW-NODE-11 SIDE VIEW



Network Owner:
Extenet Systems
3030 Warrenville Rd.
Lisle, IL 60532
24/7 Network Operations Center:
(866)-892-5327
Network Implementation:
Rick Angelini, Extenet Systems
Director - Network Engineering
& Implementation
RAngelini@extenetsystems.com
Cell: (508) 776-2161

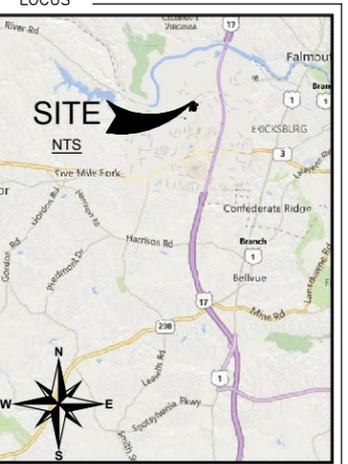
PROJECT INFORMATION:
CELLULAR DAS NETWORK
VZW-NODE-11
FREDERICKSBURG, VA

CURRENT ISSUE DATE:
07/07/2016

ISSUED FOR:
PROPOSED

PLANS PREPARED BY:
Waveguide
10 N. Southwood Dr.
Nashua, NH 03063
(603) 598-0096
www.waveguidefiber.com

DRAWN BY: BJA CHK.: SJ APV.: RA

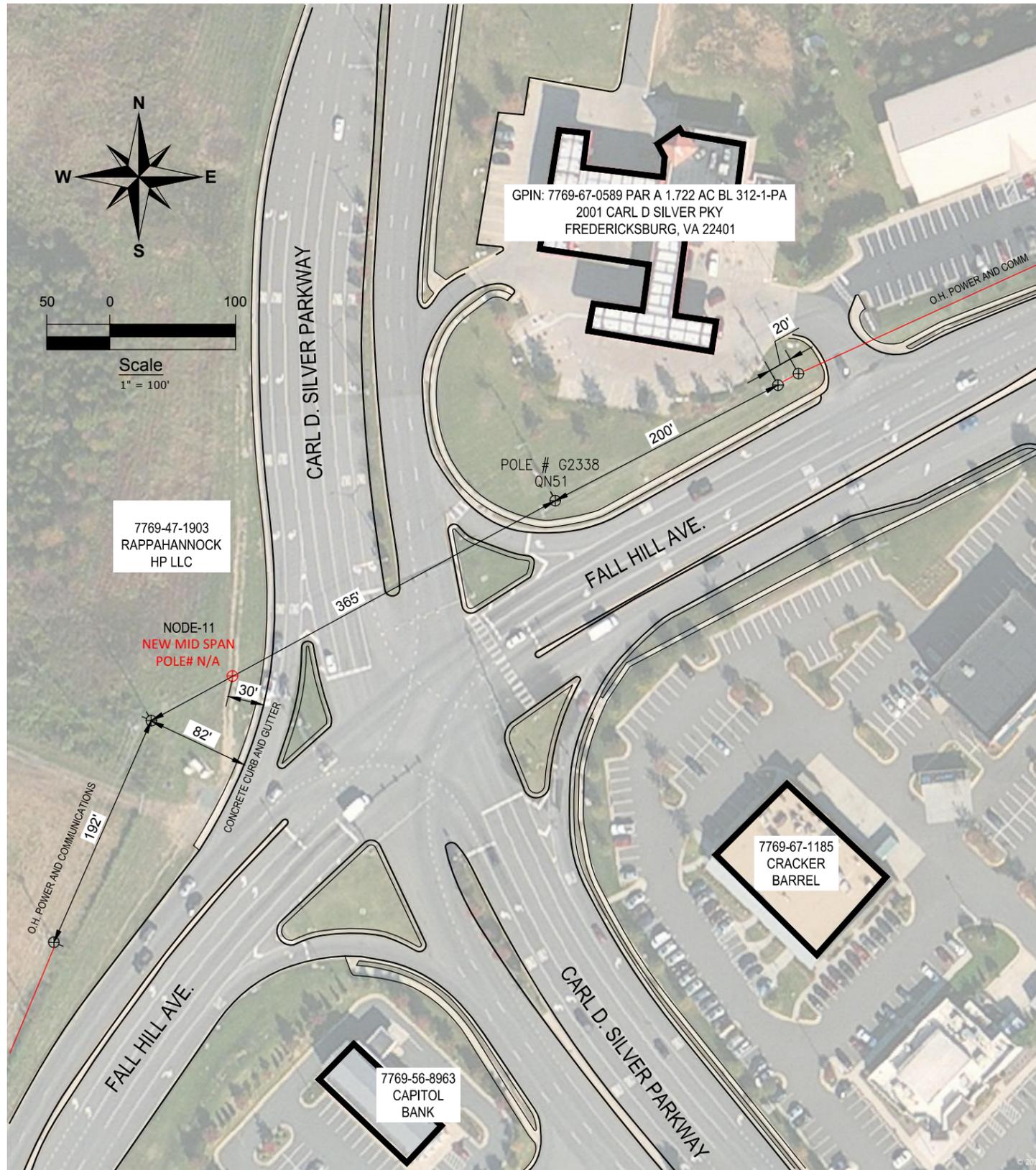


SHEET TITLE:
POLE ELEVATIONS

SHEET NUMBER: REVISION:
S1

SITE CONSTRUCTION NOTES

1. THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE CODES, ORDINANCES, LAWS AND REGULATIONS OF ALL MUNICIPALITIES, UTILITIES COMPANY OR OTHER PUBLIC AUTHORITIES.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL PERMITS AND INSPECTIONS THAT MAY BE REQUIRED BY ANY FEDERAL, STATE, COUNTY OR MUNICIPAL AUTHORITIES.
3. THE CONTRACTOR SHALL NOTIFY THE CONSTRUCTION MANAGER, IN WRITING, OF ANY CONFLICTS, ERRORS OR OMISSIONS PRIOR TO THE SUBMISSION OF BIDS OR PERFORMANCE OF WORK. MINOR OMISSIONS OR ERRORS IN THE BID DOCUMENTS SHALL NOT RELIEVE THE CONTRACTOR FROM RESPONSIBILITY FOR THE OVERALL INTENT OF THESE DRAWINGS.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING SITE IMPROVEMENTS PRIOR TO COMMENCING CONSTRUCTION. THE CONTRACTOR SHALL REPAIR ANY DAMAGE CAUSED AS A RESULT OF CONSTRUCTION OF THIS FACILITY.
5. THE SCOPE OF WORK FOR THIS PROJECT SHALL INCLUDE PROVIDING ALL MATERIALS, EQUIPMENT AND LABOR REQUIRED TO COMPLETE THIS PROJECT. ALL EQUIPMENT SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.
6. THE CONTRACTOR SHALL VISIT THE PROJECT SITE PRIOR TO SUBMITTING A BID TO VERIFY THAT THE PROJECT CAN BE CONSTRUCTED IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.
7. CONTRACTOR SHALL VERIFY ANTENNA ELEVATION AND AZIMUTH WITH RF ENGINEERING PRIOR TO INSTALLATION.
8. TRANSMITTER EQUIPMENT AND ANTENNAS ARE DESIGNED TO MEET ANSI/EIA/TIA 222-G REQUIREMENTS.
9. ALL STRUCTURAL ELEMENTS SHALL BE HOT DIPPED GALVANIZED STEEL.
10. CONTRACTOR SHALL MAKE A UTILITY "ONE CALL" TO LOCATE ALL UTILITIES PRIOR TO EXCAVATING.
11. IF ANY UNDERGROUND UTILITIES OR STRUCTURES EXIST BENEATH THE PROJECT AREA, CONTRACTOR MUST LOCATE IT AND CONTACT THE APPLICANT & THE OWNER'S REPRESENTATIVE.
12. OCCUPANCY IS LIMITED TO PERIODIC MAINTENANCE AND INSPECTION BY TECHNICIANS APPROXIMATELY 2 TIMES PER MONTH.
13. PRIOR TO THE INSTALLATION OF THE PROPOSED EQUIPMENT OR MODIFICATION OF THE EXISTING STRUCTURE, A STRUCTURAL ANALYSIS SHALL BE PERFORMED BY THE OWNER'S AGENT TO CERTIFY THAT THE EXISTING/PROPOSED COMMUNICATION STRUCTURE AND COMPONENTS ARE STRUCTURALLY ADEQUATE TO SUPPORT ALL EXISTING AND PROPOSED ANTENNAS, COAXIAL CABLES AND THEIR APPURTENANCES.
14. PROPERTY LINE INFORMATION WAS PREPARED USING DEEDS, TAX MAPS, AND PLANS OF RECORD AND SHOULD NOT BE CONSTRUED AS AN ACCURATE BOUNDARY SURVEY.
15. THIS PLAN IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
16. THE PROPOSED FACILITY WILL CAUSE ONLY A "DE MINIMIS" INCREASE IN STORM WATER RUNOFF. THEREFORE, NO DRAINAGE STRUCTURES ARE PROPOSED.
17. NO SIGNIFICANT NOISE, SMOKE, DUST, OR ODOR WILL RESULT FROM THIS FACILITY.
18. THE FACILITY IS UNMANNED AND NOT INTENDED FOR HUMAN HABITATION (NO HANDICAP ACCESS REQUIRED).
19. THE FACILITY IS UNMANNED AND DOES NOT REQUIRE POTABLE WATER OR SANITARY SERVICE.
20. POWER TO THE FACILITY WILL BE MONITORED BY A SEPARATE METER.



SITE PLAN SCALE: 1"=100'



Network Owner:
Extenet Systems
3030 Warrentonville Rd.
Lisle, IL 60532

24/7 Network Operations Center:
(866)-892-5327

Network Implementation:
Rick Angelini, Extenet Systems
Director - Network Engineering
& Implementation
RAngelini@extenetsystems.com
Cell: (508) 776-2161

PROJECT INFORMATION:

CELLULAR DAS NETWORK
VZW-NODE-11
FREDRICKSBURG, VA

CURRENT ISSUE DATE:

07/07/2016

ISSUED FOR:

PROPOSED

PLANS PREPARED BY:

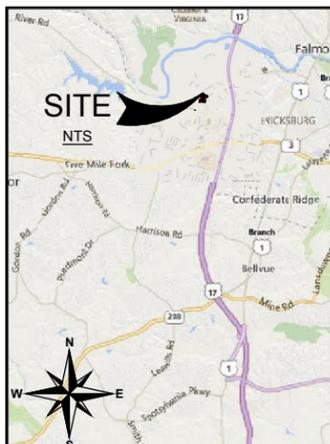


10 N. Southwood Dr.
Nashua, NH 03063
(603) 598-0096
www.waveguidefiber.com

DRAWN BY: CHK.: APV.:

BJA	SJ	RA
-----	----	----

LOCUS



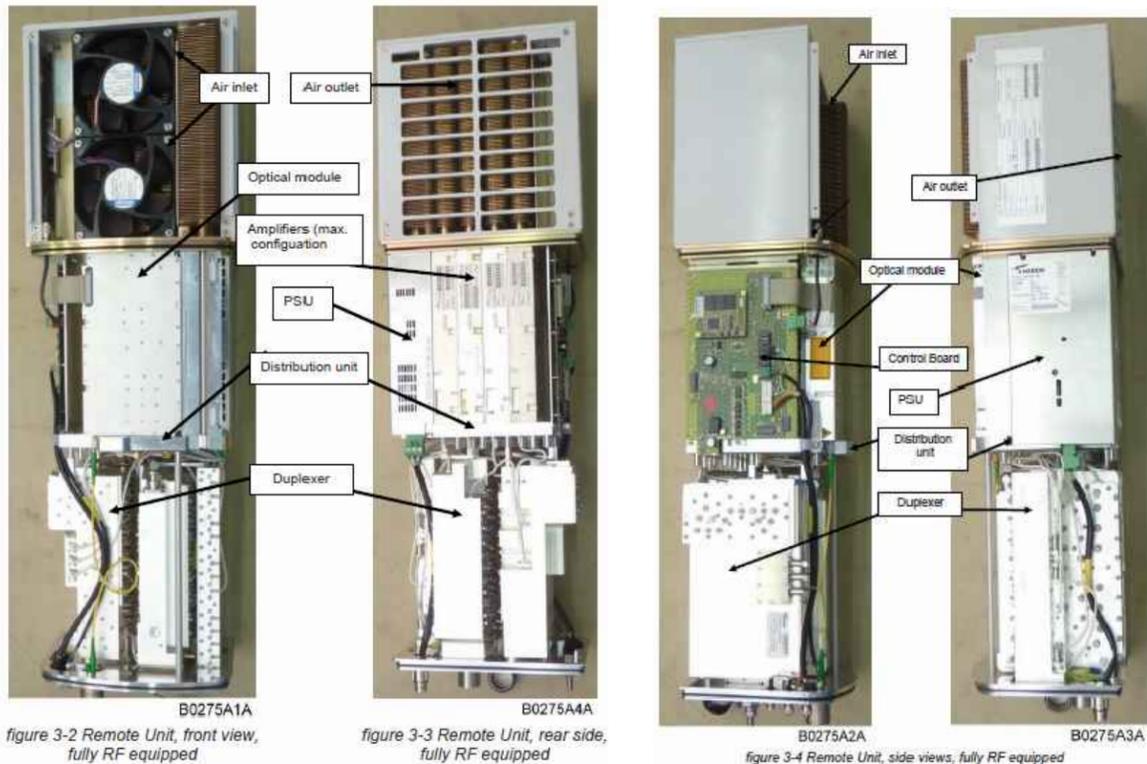
SHEET TITLE:

SITE PLAN

SHEET NUMBER: REVISION:

S2

K:\Projects\Extenet\Fredricksburg_VA\VZW Nodes\Node Profiles\Node-11b-Profile-VZW-2016.dwg



Amphenol ANTENNA SOLUTIONS 696-960 / 1695-2180 / 1695-2180 MHz

CWWT070X06Fxy-0
Tri Band | Tri Sector Cylindrical Antenna | XXX-Pol | 70°/70°/70° | 10.0/14.0/14.0 dBi | Fixed Tilt

- Tri band, cylindrical antenna
- Tri sector configuration, 120° spacing with 18 connectors
- Ideal for Small Cell / DAS applications
- Can be ordered with a variety of different mounting options
- Also available with internal diplexer and/or GPS system

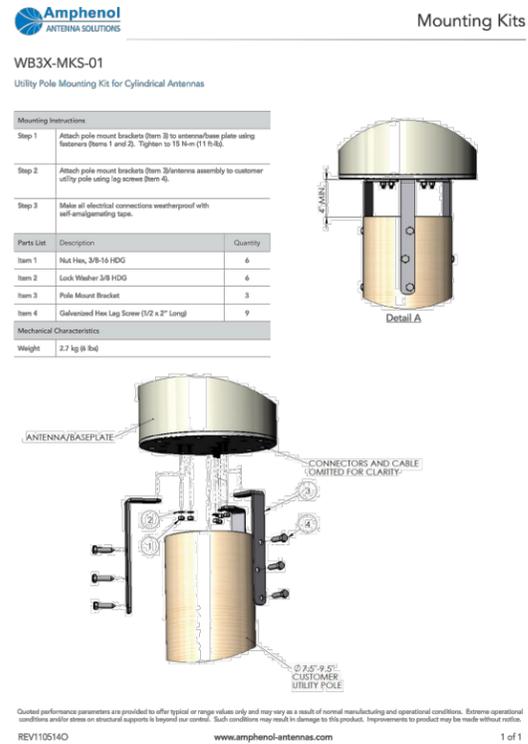
Ordering Options	Model Number*	Includes
Antenna only, no mounting kit	CWWT070X06Fxy-0	
Antenna with Side Mounting Pipe Mounting Kit	CWWT070X06Fxy-0S	CWTKMKS-SIDE
Antenna with Top Mounting Pipe Mounting Kit	CWWT070X06Fxy-0T	CWTKMKS-TOP
Antenna with Utility Pole Mounting Kit	CWWT070X06Fxy-0U	WB3X-MKS-01

*When ordering, replace the "x" in the model number with the desired electrical downlink for the 696-960 MHz frequency and replace the "y" in the model number with the desired electrical downlink for the 1710-2170 MHz range. Select from the options listed below under Electrical Characteristics.

Electrical Characteristics	696-960 MHz	High Band #1 and #2: 1695-2180
Frequency Bands (MHz)	696-960	1695-1880 / 1880-1970 / 1920-2180
Polarization	45°	2x 45° (2x2x2)
Horizontal Beamwidth	70°	70°
Vertical Beamwidth	30°	17°
Gain	10.0 dBi	13.5 dBi / 14.0 dBi
Electrical Downlink (F)	6/0, 5	6/0, 2, 4, 6
Impedance	50Ω	50Ω
VSWR	≤ 1.5:1	≤ 1.5:1
Upper Sideband Suppression	> 15 dB	> 15 dB
Front-to-Back Ratio	> 30 dB	> 30 dB
Isolation Between Ports	20 dB	22 dB
IMD (2-tone) Carrier	< -153 dBc	< -153 dBc
Input Power	300 W	300 W
Number of Connectors Per Band	4 Connectors/Band	12 Connectors/Band
Total Number of Connectors / Type / Location	18 Connectors / 4, 1, 9, 5 Mini-DIN / Female / Bottom of Antenna	
Diplexed	No	
Number of Sectors / Sector Spacing	3 Sectors / 120° Spacing	
Lightning Protection	Direct Ground	
Dimensions (Height x Diameter)	410 x 371 mm	24.0 x 14.6 in
Weight without Mounting Brackets	18 kg	40 lbs
Survival Wind Speed	300 km/hr	125 mph
Wind Area	0.22 m ²	2.4 ft ²
Wind Loads (160 km/hr or 100 mph)	191 N	43 lb

Quoted performance parameters are provided to offer typical or range values only and may vary as a result of normal manufacturing and operational conditions. Extreme operational conditions and/or stress on structural supports is beyond our control. Such conditions may result in damage to this product. Improvements to product may be made without notice.

REV101075R www.amphenol-antennas.com 1 of 3



4.2 AMPHENOL ANTENNA 18 PORT CWWT070X06Fxy-0

4.3 AMPHENOL LOPE TOP MTG KIT WB3X-MKS-01

Optical Remote Unit

ION™-M7P/85P/17P/19P (ML-Cabinet)



4.2.2. Connections

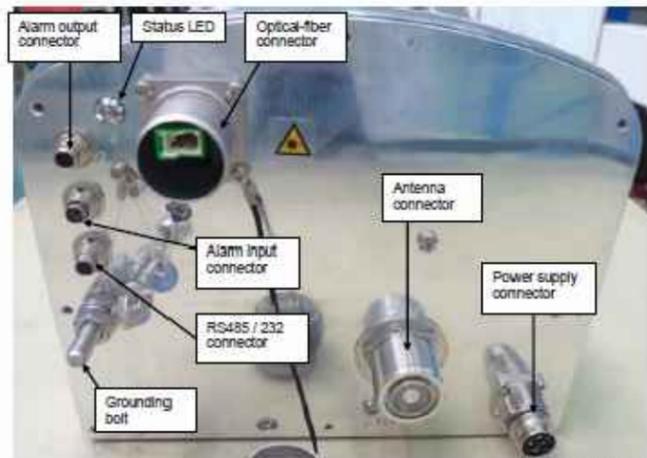
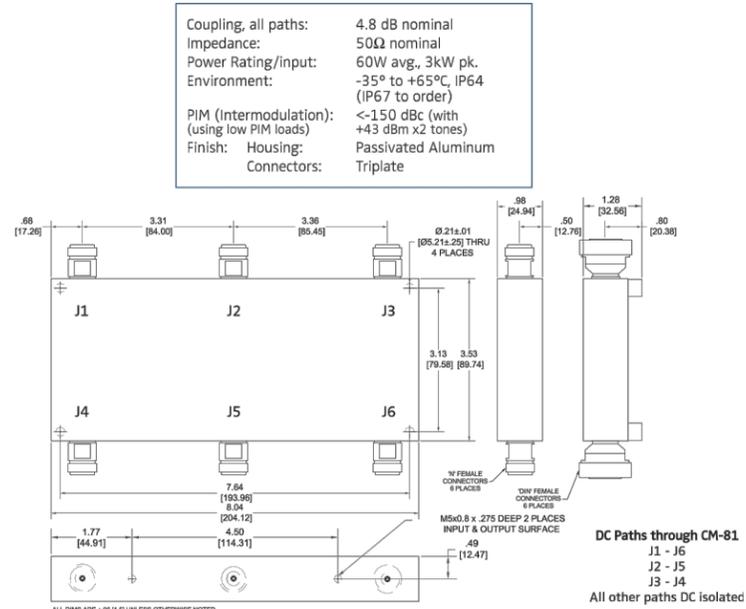


figure 4-4 Connector flange of ION™-M7P/85P/17P/19P

4.1 REMOTE RADIO HEAD - ION™-M7P/85P/17P/19P
NOTES: COLOR - LIGHT GRAY



IMAGE OF (2) RADIO ION'S MOUNTED IN A PROTECTIVE SHROUD



4.6 MICROLAB COUPLER - CM-81DP



Network Owner:
Extenet Systems
3030 Warrenville Rd.
Lisle, IL 60532

24/7 Network Operations Center:
(866)-892-5327

Network Implementation:
Rick Angelini, Extenet Systems
Director - Network Engineering & Implementation
RAngelini@extenetsystems.com
Cell: (508) 776-2161

PROJECT INFORMATION:

CELLULAR DAS NETWORK
VZW-NODE-11
FREDERICKSBURG, VA

CURRENT ISSUE DATE:

07/07/2016

ISSUED FOR:

PROPOSED

PLANS PREPARED BY:

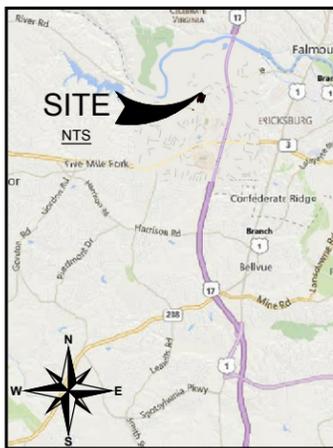


10 N. Southwood Dr.
Nashua, NH 03063
(603) 598-0096
www.waveguidefiber.com

DRAWN BY: CHK.: APV.:

BJA SJ RA

LOCUS



SHEET TITLE:

EQUIPMENT DETAILS

SHEET NUMBER: REVISION:

E2



MOTION:

**August 23, 2016
Regular Meeting
Resolution No. 16-__**

SECOND:

RE: RENAMING THE AQUATIC FACILITY AT DIXON PARK THE DORIS E. BUFFETT POOL

ACTION: APPROVED: Ayes: 0; Nays: 0

WHEREAS, when the aquatic facility at Dixon Park opened on July1, 2006 as the first public pool in the City of Fredericksburg Doris E. Buffett made a very generous contribution to the City to ensure that all residents would have access to the pool ; and

WHEREAS, by the end of the year Ms. Buffett will have contributed more than \$500,000 to the City of Fredericksburg to ensure this kind of community access to the pool during its first decade of service; and

WHEREAS, Ms. Buffett’s generosity has provided for over 110,000 visits to the pool for City residents since its opening, which represents more than 80% of the pool admissions; and

WHEREAS, because of Ms. Buffett’s on-going support of the Dixon Park Pool, our children are safer around the water, adults and seniors have access to a free facility for physical fitness, families have a great, safe location to spend quality time together, and the activity level and sense of well-being in our community has increased;

NOW, THEREFORE, BE IT RESOLVED, that the Aquatic Facility at Dixon Park be officially named the Doris E. Buffett Pool in honor of her generosity to the citizens of Fredericksburg.

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 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: Mark Whitley, Assistant City Manager
RE: FY 2017 Budget Amendment - Request to Finance R-Board Landfill Improvements
DATE: August 2, 2016 {Update August 17, 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

{August 17, 2016 Update: Staff recommends approval of the attached resolution on second reading.}

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. 16-74

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: August 9, 2016

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. 16-74 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



D. Fawcett

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 23, 2016
Regular Meeting
Ordinance No. 16-22

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: August 9, 2016 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. 16-22 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



D. Fawcett

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)



MOTION:

**August 23, 2016
Regular Meeting
Ordinance No. 16-22**

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: August 9, 2016 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. 16-22 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



Colutor

MEMORANDUM

TO: Timothy J. Baroody, City Manager
FROM: Marne E. Sherman, Development Administrator
RE: Transmittal of Planning Commission Action Regarding the Comprehensive Plan Compliance Review for the Proposed School Bus Facility at 1100 Belman Road, GPIN 7778-99-5990
DATE: August 23, 2016

ISSUE

At its meeting on July 13, 2016, the Planning Commission unanimously approved Resolution 16-04 finding the Fredericksburg City Public Schools' (FCPS) request to construct a new public school bus facility at 1100 Belman Road (GPIN 7778-99-5990) to be substantially in accord with the City's 2015 Comprehensive Plan.

Pursuant to the Code of Virginia § 15.2-2232.B., the Planning Commission's findings are being transmitted to the City Council. City Council may overrule the action of the Commission by a vote of a majority of its membership.

RECOMMENDATION

Receive Resolution 16-04 and consider budget implications from the associated lease of the property.

BACKGROUND

This proposed school bus facility was not specifically addressed in the 2015 Comprehensive Plan. Under the Code of Virginia §15.2-2232 and City Code §72-22.2, unless a feature is already shown in the Comprehensive Plan, no new public facility may be constructed unless and until the general location or approximate location, character and extent thereof has been submitted to and approved by the Planning Commission as being substantially in accord with the adopted Comprehensive Plan or part thereof.

Following a public request for proposals, FCPS selected 1100 Belman Road (GPIN 7778-99-5990) to lease dedicated space for a school bus facility. The approximately five acre property, located within the Battlefield Industrial Park, would be developed by the owner, L&L Real Estate. The project generally includes bus parking spaces, employee and visitor parking spaces, offices, and space for potential expansion and future maintenance facilities.

The site is zoned I-2, General Industrial, and is located on the south side of the Blue Gray Parkway with access to the west side of Belman Road and the north side of Tyler Street. The site is directly across Tyler Street from the existing City Shop which is located at 1000 Tyler Street. The close proximity permits the bus maintenance and fueling aspects of the school bus operation

to remain at the City Shop while freeing up considerable square footage for use by the Public Works Department which has expanded to meet the need of the City's increased population.

Carey Leitch, L&L Real Estate, is preparing a major site plan application that complies with applicable state and local requirements. Staff anticipates that the application will be filed no later than September 15, 2016.

COMPREHENSIVE PLAN COMPLIANCE REVIEW ANALYSIS

The City of Fredericksburg's 2015 Comprehensive Plan addresses goals, policies, opportunities, and initiatives for public facilities, transportation, and Land Use Area 9: Braehead/National Park.

Public Services, Public Facilities, and Preserved Open Space, Chapter 4, pages 57-59:

Goal 1: Efficient and Effective Public Services

"Provide the City's public services in an efficient and effective manner to all City residents."

Policy 3: "Work with the Fredericksburg Public Schools to develop a plan for a cost-effective expansion of selected schools, to address the projected student population."

Initiative 4: "Develop a plan to address the need for additional classrooms within the City's school system, by:

- a. Providing capital improvement funding to meet school facility needs, and by
- b. Providing operational funding for appropriate student/teacher ratios."

The 2015 Comprehensive Plan and adopted FY2016 City budget indirectly address the need for a new school bus facility in their recognition of a growing school population for which school bus parking and maintenance must be expanded to provide efficient and effective transportation services. Space to accommodate a growing fleet of school vehicles is not available at the City Shop.

According to the January 2015 K&C Associates report, which is referenced in the FY2016 Adopted Operating and Capital Budget, the school system experienced enrollment growth of 12.1 percent over the past five years from FY 2011 and FY 2016. The Public School Enrollment Trends section of the 2015 Comprehensive Plan (Chapter 4, page 65) notes that 3,306 students were enrolled in City public schools as of September 2014 and that "continued growth is anticipated." FCPS reported the spring 2016 enrollment level at 3,525 students. The Weldon-Cooper Center projected a school enrollment population of 4,000 students by 2020 and FCPS anticipates additional growth to 4,300 students by 2024.

The relocation of the school bus facility will create additional space at the City Shop to accommodate the expanded inventory of Public Works equipment and employees. In turn, Public Works will be able to continue providing efficient public services to all City residents and businesses.

Transportation, Chapter 3, page 41:

Goal 2: Alternative Modes of Travel

“Encourage the use of alternative modes of travel (transit, rail, and trails), to enhance mobility and accessibility to minimize automobile congestion.”

Goal 6: Transportation Efficiency

“Reduce congestion on existing streets. Minimize potential street congestion resulting from new development.”

School bus transportation provides an efficient means for travel to and from school. It reduces individual automobile trips by students and parents. However, as the school population increases, the fleet must be expanded to maintain acceptable levels of travel time and encourage continued use of the system. The increase in the number of school buses must be accommodated and there is no additional space at the existing City Shop.

The close proximity of the proposed site to the Blue Gray Parkway allows for direct access from a major road system to neighborhoods throughout the City. The equally close proximity of the proposed location to the City Shop will allow for maintenance and refueling with minimal impact to the public street network.

Land Use Planning Area 9: Braehead/National Park, Chapter 11, page 168:

Opportunities

- Provide for appropriate commercial development along the Blue Gray Parkway.
- Continue to develop the City/Battlefield Industrial Park.
- Respect the battlefield lines of sight.

The site is currently under-developed with temporary surfacing improvements and no buildings. The proposal to add infrastructure and the school bus facility will realize a noted opportunity for continued development of the Battlefield Industrial Park. The development of this portion of the approximately five acre site will also provide the needed capital for construction of additional commercial use along the Blue Gray Parkway. Further, the development of this site will be screened along the Blue Gray Parkway with approximately 60 feet of existing vegetative buffer within the right-of-way and additional landscaping onsite. This site will be out of view of the battlefield and National Park lines of sight.

FISCAL IMPACT

Costs associated with the annual renewal of the lease would be considered with the City Council’s review of the budget. The annual obligation for the leased space would start at approximately \$100,000. Since the site to be developed is privately owned, annual tax revenue generated from the property would increase to offset a portion of the costs.

Attachments:

Resolution 16-04

Cover letter, dated January 11, 2016

Aerial Photo from FredGIS

Public Works Memo, dated February 2, 2016

cc: Deidre Jett, Budget Manager



MOTION: O'Toole

SECOND: Gratz

**July 13, 2016
Planning Commission
Resolution No. 16-04**

RE: APPROVAL OF THE PROPOSED SCHOOL BUS FACILITY AT 1100 BELMAN ROAD AS SUBSTANTIALLY IN ACCORD WITH THE 2015 COMPREHENSIVE PLAN

ACTION: APPROVED; Ayes: 5; Nays: 0

The Fredericksburg City Schools plan to lease a portion of 1100 Belman Road, for the development of a school bus parking and maintenance facility. The property is in the Battlefield Industrial Park, and is located in Planning Area 9.

Under Code of Virginia §15.2-2232 and City Code §72-22.2, no new public facility may be constructed unless and until the general location or approximate location, character and extent thereof has been submitted to and approved by the Planning Commission as being substantially in accord with the adopted Comprehensive Plan or part thereof.

The proposed establishment of the school bus parking and maintenance facility is consistent with the public facilities, transportation, and Planning Area 9 chapters of the 2015 Comprehensive Plan, as stated more fully in the staff report.

The Fredericksburg Planning Commission therefore resolves the proposed school bus parking and maintenance facility at 1100 Belman Road is substantially in accord with the 2015 Comprehensive Plan.

Votes:

Ayes: McAfee, Gratz, O'Toole, Gantt, Pates

Nays: 0

Absent from Vote: Beavers, Dynes

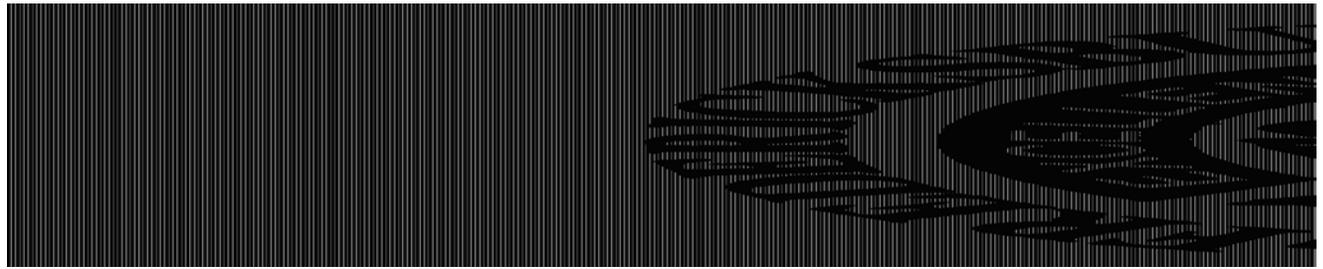
Absent from Meeting: Beavers, Dynes

Chairman's Certificate

I, the undersigned, certify that I am Chairman of the Planning Commission of the City of Fredericksburg, Virginia, and the foregoing is a true copy of Resolution No. 16-04 duly adopted at a meeting of the Planning Commission held July 13, 2016 at which a quorum was present and voted.



Roy McAfee
Chairman of the Planning Commission



January 11, 2016

To: City of Fredericksburg Department of Planning and Community Development

From: Dr. John B. Gordon III-Director of Administrative Services

Re: Application for New Bus Lot for Fredericksburg City Public Schools

As part of the City of Fredericksburg's comprehensive plan for 2015, one of the goals detailed the importance of public services and facilities that promote the highest quality community. With Fredericksburg being one of the fastest growing communities in the Commonwealth of Virginia, it is important that Fredericksburg City Public Schools is able to accommodate this growth.

For decades, the Fredericksburg City Public Schools transportation department has shared the City Shop located at 1000 Tyler Street to house all school buses and school vehicles. Due to the growth of our school division, the need to purchase additional school buses has created a lack of maneuverability and parking space for FCPS transportation vehicles. During this same timeframe the City of Fredericksburg, has also purchased additional heavy equipment to include dump-trucks, tractors, and other equipment needed by the City of Fredericksburg's Public Works department and transportation department. These additional vehicles have created driving and parking situations that are no longer safe on site. There have been several near misses and a few incidents of city vehicles both from FCPS and the City of Fredericksburg that have actually caused damage to the City Shop building.

Serving approximately 3,300 students, one of the chief goals of Fredericksburg City Public Schools is to be able to safely transport our students to and from school, extra-curricular activities, and to be able to provide our transportation staff with a safe and workable environment. Part of the City of Fredericksburg Comprehensive Plan states that transportation is one of the key concepts that will drive the city and determines how the city will grow. The Comprehensive Plan details the need for road improvements such as widening the road in the Bragg Hill area, but does not specify the need for improving the parking and space concerns that currently exist at the city shop. Fredericksburg City Public Schools is hoping that a new bus lot that meets all of the city requirements for paving, parking, and having a meeting space, will provide both the City of Fredericksburg and Fredericksburg City Public Schools the space needed to allow for future growth and to prevent future accidents or incidents.

Fredericksburg City Public School Bus Facility





MEMORANDUM

TO: Marne E. Sherman
Development Administrator and Code Enforcement Officer
FROM: Doug Fawcett, Director of Public Works *D Fawcett*
DATE: February 2, 2016
SUBJECT: Proposed Relocation of City Schools Transportation Operation

The City Schools student transportation operation (school bus parking and maintenance, general management, fueling and employee vehicle parking) has been co-located with the Public Works Department City Shop operation at 1000 Tyler Street since the early 1980's.

As the City has grown in the past 30+ years, so have the number of school busses (and the number of employees necessary to operate them.) The Public Works operation has also grown. The situation has reached the point that neither operation has had sufficient space to efficiently operate for several years.

Thus, for at least the past five years, efforts have been underway to find an alternate location for the City Schools transportation operation, so that both operations may again have adequate room for storage of vehicles and equipment, employee parking, etc.

The proposed re-location of the bus parking, employee parking and general management of the City Schools student transportation operation to 1100 Belman Road provides a solution to the space dilemma for both City Schools and Public Works. The close proximity of 1100 Belman Road to the City Shop permits the bus maintenance and fueling aspects of the City Schools operation to remain at their current location while freeing up considerable square footage for use by the Public Works Department.

For this reason, the Public Works Department wholeheartedly supports the proposal to move the bus parking, employee parking and general management operations of the City Schools transportation division to 1100 Belman Road.

Please let me know if you need anything more from me on this matter.

Christen Gallik
Director of Social Services



City of Fredericksburg
Department of Social Services
Bass-Ellison Building
608 Jackson Street, Suite 100
Fredericksburg, VA 22401
Office: (540) 372-1032
Fax: (540) 372-1157

**City of Fredericksburg Department of Social Services
Board of Directors
Meeting Minutes – June 9, 2016**

Present for the meeting: Kathy Anderson, Debe Fults, Christen Gallik, Zach Hatcher, and Mark Poth.

- I. **Call to Order:** Meeting called to order at 8:31 a.m.
- II. **Approval of Minutes:** Debe Fults made a motion to approve the minutes of April 14, 2016. Kathy Anderson seconded. All were in favor.
- III. **Director's Report:**
 - a. **Budget** – The finance report was presented and discussed.
 - b. **Performance Metrics** – March 2016 performance scorecard was presented and discussed.
 - c. **Management Report** - Ms. Gallik's Director's report was distributed and discussed.
- IV. **Old Business:**
 - a. **Fall Hill Corridor Community Response Team** - Ms. Gallik provided an update on the Fall Hill Corridor project.
- V. **New Business:**
 - a. **Election of Chair and Vice-Chair** – Slate of Officers: Bea Paolucci was elected chair on a motion from Kathy Anderson and seconded by Debe Fults. All were in favor. Bea will fill the vacancy left by Zach Hatcher. Zach was thanked for his years of service on the Board and presented with a card and gift from the Department.
- VI. **Executive Session:** The Board did not enter Executive Session
- VII. **Items for Consent/Approval:**
 - a. Adoption Consent
 - b. New Hire paperwork
- VIII. **Adjournment:** The meeting adjourned at 9:25 a.m. The next meeting is scheduled for **August 11, 2016 at 8:30 a.m.**

Respectfully Submitted:

Christen Gallik, Director

Date 08.11.16

Bea Paolucci, Chair

Date 8-11-2016

APPROVED



CLEAN & GREEN COMMISSION



Green Committee –Minutes - February 9, 2016

In attendance: Anne Little, Jason Coiner, David Dorsey, Anne Gearon, Sally Hall, Carolyn Helfrich, Gary Johnson, Morgan Kash, Dave King, Carl Little, Erik Nelson, Jim Sencindiver, Tom Snoddy, Kevin Utt, Steve Watkins, Joni Wilson, Mike Craig, Bill Freehling, Marne Sherman

- The Planting Areas for Spring 2016 are as follows:
 - Lafayette Blvd – 60 trees –a \$5000 grant was received from EDA to help plant from Willis to Kenmore on Lafayette. 35 of these trees will be single stem crepe myrtles that will not grow above the power lines. All this section of Lafayette has power lines on both sides of the street.
 - City Shop - 21 trees– The city shop personnel will plant this area. There were a number of Bradford pear trees removed last year along the parking lot.
 - Hanover Charles – 19 trees – many utility tree conflicts were removed in this area.
 - Utility tree conflict – 60 trees scattered throughout the city. This is a grant to remove trees that are too large and growing into the power lines
 - Idlewild section 1 -126 trees. This is a partnership between the Village of Idlewild and the City to replace trees that are not appropriate for the size utility strip with a more appropriate species.
 - Downtown/William Street/ Caroline St – 50
 - Misc – Sunshine Park – 5 trees paid for by Sunshine Foundation; Old Mill Park- 17 trees. This finished the spring planting of a grant and replacement of beaver fatality trees; VCR Trail – 4 trees completing the fall planting of a contract to plant the VCR trail.
 - Bare root planting for spring
- We are working 2 grants this spring. Utility trees for 10k from Virginia Forestry Dept and Lafayette Blvd 5k from the EDA
- Jason Coiner from Bartlett trees suggested we add biochar and compost to the downtown tree wells to feed the trees. Jason will send more info to Dave King and they will price out the cost for each tree well.
- The landscape plan for Hurkamp Park needs to be started soon. Aaron Simmons from Parks and Rec will let us know when we need to meet and discuss.
- Jason Coiner talked about doing pruning of trees on a contract basis. Dave King will look into how the city needs to do the bids
- We discussed getting a grant for redoing daylily hill. Anne Little will look into the possibilities.

Discussion

Bill Freehling from EDA, Marne Sherman and Mike Craig from Planning did a presentation on the city owned parking lot on Amelia between Prince Edward and Charles Streets. The committee agreed to help with the plan for the landscaping. We adjourned and gathered at the



CLEAN & GREEN COMMISSION



site and reviewed the parameters for the plan. Carolyn Helfrich will finalize the plan with input from Anne Gearon, Joni Wilson and Anne Little. Bill needs to plan completed by February 15th.

The 2016 fall and 2017 spring planting areas are listed below. This list was gleaned from input by the members of the committee and also from requests from the public. The green committee members will visit the areas and rate them from 1-10 (1 being highest priority) by April 15th. Members are free to add additional planting areas to the list

# Trees	Areas	Rating
50	Charles btw Canal and Ford (by Dorothy Hart)	
50	Hanover across from College Fields	
50	Lee/Weedon (Salon 710)	
50	Germania/Elm (Fall Hill by Old Hospital)	
50	Kensington (out Lafayette Blvd)	
50	Caroline/ Dixon (Lower Caroline)	
40	William St - Charles to Barton	
50	Rowe Augustine (College Heights)	
50	Hunter/Elm (Carls Ice Cream)	
50	Hanson /Welford (Riverside)	
50	Franklin/Monument (College Terrace)	
50	Shepherd/Willis (Battlefield)	

The next meeting of the Green Committee is Tuesday, May 10. 8:00 a.m.



MONTHLY MEETING MINUTES

Monday, March 7, 2016

6:30 p.m.

City Hall, Room 214

Commissioners in Attendance: Kyle Snyder, Paula Chow, Damian Cobey, Michelle Crow-Dolby, Robert Courtnage, George Solley, Carolyn Helfrich (Arborist), Kerry Devine (City Council). **Ex-officio Members:** Mike Ward (Parks and Rec), Diane Jones (R-Board), Nancy Segarra (Public Works), Eric Nelson (Planning). **Visitors:** David Dorsey and Tom Smith (Main Street).

- Approval of minutes from 2/8/16
 - Diane – please add Diane Jones as attendee
- **Updates:**
 - Washington Ave. Tree Plantings—Process moving forward
 - Resolution to be presented to City Council March 8.
 - Proposal for seven-member committee to review all public comments (over 200 received) and develop recommendations regarding any changes to the existing tree plan.
 - Final recommendations due no later than July 12
- **Presentation:**
 - Main Street’s “Face the River” – David Dorsey and Tom Smith
 - Downtown merchants would like to remove and replace some vegetation
 - Goal is to reconnect downtown with the river
 - Many plans already created; every time, improvements to riverfront rank high
 - Latest report from Tom Barman (2015) noted numerous missed opportunities
 - Gist of project:
 - Main Street is about economics – this project should not have any negative impact on the river or water quality
 - Target area along riverfront is mostly City-owned
 - While river is in good health, scenic quality needs work and a systematic approach
 - Way forward
 - Survey of what is there
 - Remove invasives and replace with natives
 - Focus on one process at a time
 - Control access
 - Constant maintenance – must have a commitment
 - Priorities
 - 1710 Sophia (behind Happy Clam)



CLEAN & GREEN COMMISSION

- Sever and remove invasive; remove dead trees
 - 907 Sophia
 - Another dead tree with vines
 - Original project 1001 Sophia
 - Issues with storm sewer out-take needing major improvements
 - Hopefully the sewer improvement will realize Main Street goals
 - Parking lots need help- litter, displaced parking stops, trash in trees, etc.
 - Timeline – changing all the time
- **Committee Updates**
 - Clean Committee
 - Recap of committee meeting and plans
 - Litter signage near river makes sense – should note that butts pollute our waterways
 - Signage at the high hotspots
 - More strongly worded sign for courthouse
 - Have ordered 1,000 4” stickers saying “Thank you from the Clean and Green Commission” to be placed on butt buckets
 - Have hired out bucket placement, bag placement
 - Ordering more yard signs
 - Reaching out to the sheriff’s office for enforcement
 - Anne Little: Would like to order more doggie bag stations (Diane said funds are available). Looking into attaching some to trash cans downtown.
 - Reached out to Main Street about placement of doggie bag stations downtown
 - Conversations with Parks and Rec about more butt receptacles
 - Outreach campaign on litter ordinance
 - PSAs to spread the word (maybe a “Clean & Green Minute,” like the “Rotary Minute”)
 - Kyle Snyder: Educate first, but eventually we’ll have to drop the hammer
 - Will need a strategic plan/timeline
 - Green Committee
 - Recap of committee meeting and plans
 - Dave King making presentation tomorrow night
 - Planting areas identified
 - Planting cutting back this fall to focus on pruning necessities
 - Pruning by Bartlett’s – only charge \$12 for 2-year-old tree and \$16 for 5-year-old tree
 - Sustainability Committee
 - Recap of committee meeting and plans
 - Green waste initiative
 - Tour of Livingston landfill



CLEAN & GREEN COMMISSION

- Diversion plan in use for treated municipal sludge – combining compostables with sludge
- Under plan, paying \$22 per ton vs. \$80 per ton at landfill
- Social media outreach to residents – to spread word on recycling
 - There is precedent for municipal committees having their own social media sites/accounts
- Energy efficiency initiative
 - Potential for residential energy efficiency improvements
 - Do concurrent with Solarize campaign this year (June) – group purchasing model, offer payback options;
 - Meeting Wednesday with Tobin of the City of Durham to share ideas

Adjourned @ 7:30 p.m.



MONTHLY MEETING MINUTES

Monday, June 6, 2016

6:30 p.m.

City Hall, Room 214

Commissioners Present: Kyle Snyder, Paula Chow, Damian Cobey, Michelle Crow-Dolby, Robert Courtnage, George Solley, Carolyn Helfrich (Arborist), Kerry Devine (City Council). **Ex-officio Members:** Mike Ward (Parks and Rec), Eric Nelson (Planning)

- Meeting called to order @ 6:30 p.m.
- May 10th minutes approved as submitted
 - **Presentation:** Dave King and Jeanette Cadwallender presented the Washington Avenue Tree Task Force Recommendations which they approved by a majority vote of 6-1. The task force recommended changes to the current tree plan, ongoing tree maintenance, future tree plantings and commendations.
 - **Presentation:** Mike Craig explained what cities can do to support solar equipment and proposes that Fredericksburg could enact property tax exemptions and credits for solar panel systems. He explained what other Virginia cities are doing.
 - **Update:** C&G [webpage](#) now has a [News](#) section where Commission activities can be documented.
 - **Clean Committee:** Will email Judge Stevens regarding the new litter ordinance, continues to replace butt buckets, purchased additional dog stations
 - **Green Committee:** Total grants received is \$27,246; increasing charge for trees requested by individual residents; presented proposed Fall 2016 and Spring 2017 planting areas.
 - **Sustainability Committee:** Working with school board members to research a city-wide school recycling plan, Doug Crooks, Director of the Livingston Landfill, will talk at our next meeting about their green waste initiative [note that this was subsequently rescheduled to a later date].
 - **Minority Report:** Short presentation regarding the Washington Ave Planting Design Concept Plan. Offered to answer any questions.

Meeting Adjourns @ 7:15 p.m.



MONTHLY MEETING MINUTES

Monday, July 11, 2016

6:30 p.m.

City Hall, Room 214

Commissioners in Attendance: Robert Courtnage, George Solley **Ex-officio Members:** Mike Ward (Parks and Rec), Nancy Segarra (Public Works) Dave King (Public Works) **Visitors:** Anne Little, John Broughton

- Meeting called to order @ 6:30 p.m.
- The 6-6-16 meeting minutes were not approved due to lack of a quorum of voting members; minutes for the June and July monthly meetings will be approved at the August 8, 2016, monthly meeting.
- Dave King discussed the Washington Mall Task Force recommendations set for vote by City Council on 7/12. Dave discussed the possible options for City Council to pursue at the meeting, including voting to approve the Task Force recommendations. Dave mentioned that he and Janette Cadwallender would present the recommendations to City Council at the 7/12 meeting. Dave also mentioned that the administrative procedures for tree planting over the next year would be made part of the City Manager's agenda.
- **Sustainability Committee:** Robert Courtnage discussed the initiative for providing a solar energy system property tax exemption and credit for City residents. Robert presented a draft memo for review by meeting attendees and asked for comment. The memo will be revised and sent to City Staff following review by the Commission at the August monthly meeting. John Broughton mentioned that Sustainability Committee members would be having a call with Stafford County Schools (Rob Adams) on 7/21 to discuss their current recycling program and possibly pursuing a partnership with City schools to help improve their recycling program. John also mentioned that Doug Crooks of the Spotsylvania County composting program would not be able to attend the July Sustainability Committee meeting.
- **Green Committee:** Anne Little presented on behalf of the Green Committee and provided an update of the FY 16/17 tree planting plans. Anne went over the planting schedule and provided meeting attendees with charts detailing the planting locations and number of trees in addition to maps of where the trees were planned to be planted throughout the City. Dave King noted that when trees are planned to be planted in "historical" areas, the City's historic presentation staff member would be involved.



CLEAN & GREEN COMMISSION

Make Ward of City Parks commented that Snowden Park would be available for planting in the Fall of 2017. Anne will provide Dave King with the list of 2017 trees to be planted for planning purposes including tree purchasing.

- **Clean Committee:** Mike Ward of City Parks requested that ash tray buckets be provided for Market Square to cut down on the amount of cigarette butt litter. George Solley asked Mike whether smoking could be prohibited in Market Square. Mike responded that it could likely not be based on state law, but would have the City Attorney investigate. Anne Little volunteered to call Bill Howell's office regarding the issue. Robert asked Mike whether signs warning of the new littering ordinance penalties had been posted. Mike responded that the signs had been ordered and would follow-up on whether they had been installed.

Adjourned @ 7:20 p.m.



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

August 9, 2016

The Council of the City of Fredericksburg, Virginia, held a public hearing on Tuesday, August 9, 2016, beginning at 7:39 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, Charlie L. Frye, Jr. and Matthew J. Kelly.

City Council Absent. Councilor Bradford C. Ellis - vacation.

Also Present. City Manager Timothy J. Baroody, Assistant City Manager Mark W. Whitley, City Attorney Kathleen Dooley, Public Works Director Doug Fawcett, Public Works Director Doug Fawcett, Planning Services Director Charles Johnston, Zoning Administrator Michael Craig 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.

Resolution 16-70, Approved, Granting a Special Use Permit to Catherine Dodd for a Bed and Breakfast Inn at 325 Braehead Drive (D16-__). 3 speakers. After staff overview Councilor Kelly noted that cities all over the country are trying to figure out how to deal with Air B&B's from the zoning to the

revenues. He said the City should start looking at how to change the regulations and how the City was going to deal with this in the future. He said he would like to give Planning Commission some direction before they review it. Mr. Johnston explained that Air B&B's were similar to standard B&B's. He said he would welcome the direction from Council. Councilor Kelly said he would like to use the Charlottesville model to start discussions.

Councilor Devine said she would hate to over regulate because many have already been operating in the City under the radar and she did not want to regulate it so much that people would not want to have the Air B&B's. She said Air B&B's were good for the City and serve a different purpose.

Vice-Mayor Withers agreed with Councilor Devine and said the Air B&B's were a good addition to the City but he would like the proposed application to have a sunset clause attached to give the City time to work out the regulations. He would like to make the regulations simple and not require a special use permit.

Council had some discussion on a sunset clause and Councilor Kelly made note that sunset clauses have been used in the past to give the neighbors a sense of relief and if there were any issues the City could step in.

Catherine Dodd, 325 Braehead Drive, asked the Council to see Air B&B's as an alternative for travelers. She said her neighbors on either side of her have been very supportive. She said she has done everything that Air B&B recommended her doing. Ms. Dodd said she doesn't know if she will ever have any guest but she would like to try.

Councilor Frye said his main concern was safety. He also suggested having a letter to provide to the neighbors to include the homeowner's phone number and the rules

of the Air B&B so neighbors could call with any concerns.

Jerry Stokes, 600 Lewis Street, he and his wife have an Air B&B and he felt this was a solution in search for a problem. He said they have one bedroom that accommodates two people and there have been no complaints on them this far. They have only rented out 2 nights in the last year. He said the current process was arduous and asked that City Council look into limiting the intrusive process.

Theron Keller, 1108 Winchester Street, said he was a neighbor of the Mr. & Mrs. Stokes. He urged the Council to read the state law that was in the process. He said the State Code limits its protections to those who rent to one party at a time and it would not apply to the larger bed and breakfast. He believes the law would allow Air B&B's by-right in all zoning districts.

Councilor Duffy said he agreed with a lot of what had been discussed and he said he spoke with a dozen people in the Braehead community and there was a lot of support for Ms. Dodd. He felt there may be a middle ground to provide this service in the City.

Vice-Mayor Withers made a motion to approve Resolution 16-70, granting a special use permit to Catherine Dodd for a Bed and Breakfast Inn at 325 Braehead Drive with the added conditions that the applicant confine the rental to 4 persons per night and that a three year sunset clause be added; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Withers, Devine, Duffy, Frye and Kelly. Nays (0).

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-

003906, from R-12 to R-2 (D16-__). 1 speaker. Zoning Administrator Craig gave the background for the zoning map amendment. The proposed rezoning would rezone GPIN 7870-00-3906 from R-12 Residential to R-2, Residential. 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 Bragg Hill Corporation owns an adjacent vacant 33.96 acre parcel of land to the west now known as GPIN 7860-90-3994.

Mr. Craig stated that in February 2014, the City Council adopted Ordinance 14-06, which rezoned all the R1 zoned property (1,121 acres of land) in the City. As listed in Exhibit A of the ordinance the properties with an assigned street address were rezoned by that address. Properties without street addresses were rezoned by GPINs. At the time of the rezoning the property was owned by the Bragg Hill Corporation and was included as part of GPIN 7860-90-3994 and Ordinance 14-06 rezoned GPIN 7860-90-3994 from R-1 to R2. The property was not created as an independent feature on the City's GIS map and assigned its own GPIN (GPIN 7870-00-3906) until September 17, 2105.

He also said that the property was conveyed from Bragg Hill Community Corporation to Bragg Hill Corporation in October 2013. The landowner's attorney prepared a cover sheet for the Clerk of the Court for recording purposed but it included an erroneous GPIN (GPIN 7860-90-9711) and was likely the product of ambiguity in the records dating back to the late 70's. 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 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 and the property.

Due to the discrepancy during the rezoning process in 2014, City mapping and notification treated the property as part of GPIN 7860-90-3994 which had been rezoned from R1 to R2 but in December 2013 the City began issuing tax bills for the property referring to it as GPIN 7860-90-9711 and taxing it as R-12 zoned property.

In May 2016, the property owners appealed to the City's Board of Zoning Appeals and they upheld the appeal finding that there was sufficient evidence that the GPIN recorded in the land records superseded the City's GPIN mapping in 2014 and that the property was zoned R-12.

Clark Leming, 233 Garrsionville, Road, 22554, Attorney for the applicant, said the owners came to him and asked how the property was zoned and after reviewing all the documents he determined it was rezoned R-12. He said his client put together a by-right subdivision plan and submitted it to the Zoning Administrator. The Zoning Administrator informed his client that the R-12 zone was a mistake and it was actually zoned R-2. He took the case to the Board of Zoning Appeals and they agreed that the property was zoned R-12. He said the property was conveyed to the Homeowners Association in 1976 and in 2013 the Homeowners Association conveyed it back to the Bragg Hill Corporation. Mr. Leming noted that the City did not appeal the BZA's decision and since they have filed for a vesting determination because of all the work his client had gone through. He also said because of the BZA upholding the R-12 zoning his client had a vested right to that zoning.

Councilor Kelly stated that the intent of the Council at the time of the rezoning was to zone the property as R-2 and because the applicant did not take action then he had

issue with the vested interest.

Vice-Mayor Withers said if the City had made a mistake the City should reimburse the owner for the taxes paid, Mr. Craig said it was the staff's intent to reimburse the taxes. He said it would be up to City Council on whether to reimburse for the vested interest.

Councilor Kelly made a motion to defer action until the August 23 meeting; motion was seconded by Vice-Mayor Withers and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Withers, Devine, Duffy, Frye and Kelly. Nays (0).

Adjournment. There being no speakers to come before the Council at this time. Mayor Greenlaw declared the hearing officially adjourned at 8:32 p.m.

Mary Katherine Greenlaw, Mayor

Tonya B. Lacey, Clerk of Council, CMC

[This page intentionally left blank.]



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

August 9, 2016

The Council of the City of Fredericksburg, Virginia, held a regular session on Tuesday, August 9, 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, Charlie L. Frye, Jr. and Matthew J. Kelly.

City Council Absent. Councilor Bradford C. Ellis - vacation.

Also Present. City Manager Timothy J. Baroody, Assistant City Manager Mark W. Whitley, City Attorney Kathleen Dooley, Public Works Director Doug Fawcett, Public Works Director Doug Fawcett, Planning Services Director Charles Johnston, Zoning Administrator Michael Craig 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 Sergeant Rashawn Cowles at this evening's meeting.

Proclamation Presented to Karen Hedelt for Her 35 Years of Service With the City of Fredericksburg Economic Development Office

(D16-__). Mayor Greenlaw presented Karen Hedelt a proclamation thanking her for her many years of hard work on behalf of the community, and she wished her and her family the best.

Ms. Hedelt stated that she owed her success to her family and co-workers. She was proud to have stayed and served the City for so long and she plans to stay involved in the future.

Retired City Manager Beverly Cameron came and presented Ms. Hedelt with the City watch and he thanked her for competency, compassion and common sense. He said the City was better because of her service.

Citizen Comment. There were no citizen comments at this evening's meeting.

Council Agenda Presented. The following items were presented to Council for discussion.

7A. Dixon Park Pool Name Change – Mayor Greenlaw

7B. Murder Free Fredericksburg – Councilor Frye

7C. CSX Derailment in Virginia – Councilor Frye

Dixon Park Pool Name Change – Mayor Greenlaw stated that the Council had received a letter from the Memorial Commission requesting Council change the name of the Dixon Park Pool to the Doris Buffett Pool.

Mayor Greenlaw gave a little history on the pool stating that the first discussion of a community pool was discussed in 1940. The pool became a reality in 2006 and Ms. Buffett made a generous contribution to the City that ensured that all City residents would have access to the pool for the first three years. At the end of the three years, Ms. Buffett

again provided a contribution to allow all city residents to continue going to the pool for free and she continues to this day. In 2011, she provided a special swim lesson for city school children in the third grade. In total, Ms. Buffet has contributed more than \$470,000 and at the end of this year this will exceed more than a half million dollars.

Mayor Greenlaw asked staff to prepare a resolution for the name change for the next Council meeting.

Councilor Duffy said this was a great resource for the City and especially the school children. He said throughout his years on the Recreation Commission there had been longstanding discussion of wanting to honor Ms. Buffett and he was glad to see that happening.

Murder Free Fredericksburg – Councilor Frye provided an updated that the City continued to be murder free and he noted there had been a couple shootings at the W.L. Harris playground but the City stepped up and turned on the lights in the park. He thanked the City Staff for their assistance with this.

CSX Derailment in Virginia – Councilor Frye showed some photos of a train derailment in the Isle of Whyte. He said this was a serious issue that was similar to the City's issue with trains cars parked on the rails. He spoke with Mr. Marcus from CSX and he was planning to hold a meeting with his counterparts regarding Fredericksburg the next few days.

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 Devine and passed by the following recorded votes. Ayes (6).

Councilors Greenlaw, Withers, Devine, Duffy, Frye and Kelly. Nays (0).

- Ordinance 16-19, Second Read, Confirming 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-__).
- Ordinance 16-20, Second Read, Requiring Zoning and Building Official Approval Before a Business License is Issued (D16-__).
- Resolution 16-64, Second Read, Amending the Fiscal Year 2017 Budget by Appropriating Fiscal Year 2016 Carryover Funds for Public Works Vehicles (D16-__).
- Transmittal of Boards and Commission Minutes
 - Economic Development Authority – June 13, 2016 (D16-__).
 - Planning Commission – June 8, 2016 (D16-__).
 - Potomac & Rappahannock Transportation Commission – June 7, 2016 (D16-__).
 - Public Transit Advisory Board – April 6, 2016 (D16-__).
 - Recreation Commission – June 16, 2016 (D16-__).

Adoption of Minutes (D16-__). Vice-Mayor Withers made a change in the July 1 Special Session minutes under the Vice-Mayor vote it was to read 5-0 vote with 1 abstain. Councilor Kelly moved approval of the May 24 & June 28, 2016 Work Sessions, July 1, 2016 Special Session, as revised, July 12, 2016 Public Hearing and the June 28, July 12, 2016 Regular Session minutes; 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).

Appointment to the Fredericksburg Arts Commissions – Alicia Austin (D16-). After the recorded votes taken, Alicia Austin was appointed to the Fredericksburg Arts Commission with a vote resulting between applicants Alicia Austin, Jon McMillian and Elizabeth Woodford. Austin (6) Councilors Greenlaw, Withers, Devine, Duffy, Frye, Kelly. McMillian (0). Woodford (0).

Resolution 16-71, Appointing the City Manager and Commonwealth Attorney to the Community Criminal Justice Board (D16-__). – Councilor Kelly made a motion to approve Resolution 16-71, appointing the City Manager (Timothy Baroody) and Commonwealth Attorney (LaBravia Jenkins) to the Community Criminal Justice Board; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Withers, Devine, Duffy, Frye and Kelly. Nays (0).

Resolution 16-72, Appointing the City Manager to Fredericksburg Area Metropolitan Planning Organization and the Rappahannock Regional Jail (D16-__). – Councilor Kelly made a motion to approve Resolution 16-72, appointing the City Manager to Fredericksburg Area Metropolitan Planning Organization and the Rappahannock Regional Jail; motion was seconded by Vice-Mayor Withers and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Withers, Devine, Duffy, Frye and Kelly. Nays (0).

Resolution 16-73, Approved, Endorsing a Transportation Project for a Smart Scale Funding Application (D16-__). – After staff presentation Councilor Kelly noted that the amount of money that was available was cut in half in the first round of HB2. He said this was a project that needed to be done but on a smart scale the City was under Classification B and because of those standards it will rank low. He recommended sending Hap Connors a letter advising the importance of the safety.

Councilor Kelly made a motion to approve Resolution 16-73, endorsing a transportation project for a Smart Scale Funding application and he requested that the Mayor or City Manager send a letter to the City’s Representative Hap Connors stating the importance of the safety issue; motion was seconded by Vice-Mayor Withers.

Councilor Frye said the City needed to hold Lincoln Terminal accountable and see what they would be willing to invest in this. Vice-Mayor Withers reminded Councilor Frye that Lincoln Terminal had proffered money for this project along with the additional foam truck. Councilor Kelly also noted that Lincoln Terminal was not the only fuel company in the area and it may benefit to ask everyone to help with the costs.

The motion passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Withers, Devine, Duffy, Frye and Kelly. Nays (0).

Resolution 16-74, First Read Approved, 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 (D16-__). – Councilor Kelly made a motion to approve Resolution 16-74 on 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; motion was seconded by Vice-Mayor Withers and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Withers, Devine, Duffy, Frye and Kelly. Nays (0).

Ordinance 16-21, First Read Approved, Expanding Residential Area Parking Permit Zone 6 to Add the Block of Pitt Street Between Caroline and Princess Anne Street (D16-__). Vice-Mayor Withers made a motion to approve Ordinance 16-21, on first read, expanding Residential Area Parking Permit Zone 6 to add the block of Pitt Street between Caroline and Princess Anne Street; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Withers, Devine, Duffy, Frye and Kelly. Nays (0).

Ordinance 16-22, First Read Approved, Expanding Residential Area Parking Permit Zone 7, “The College Heights Parking Zone.” to Add College Avenue (D16-__). Councilor Duffy made a motion to approve Ordinance 16-22, on first read, expanding Residential Area Parking Permit Zone 7, “The College Heights Parking Zone.” to add College Avenue; motion was seconded by Councilor Kelly and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Withers, Devine, Duffy, Frye and Kelly. Nays (0).

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: Police Department Forges Strong Relationship with City Youth, Police Department Builds Character in Young Men,

Cyclists Overnight in Fredericksburg During Two-Day Tour, Agritourism Business Benefits From New Program, Directional Signs Up at Industrial Park, EDT Welcomes Two Gaming Conventions to Expo, Badges for Baseball and Building Statistics.

Adjournment. There being no further business to come before the Council at this time, Mayor Greenlaw Declared the meeting officially adjourned at 9:14 p.m.

Mary Katherine Greenlaw, Mayor

Tonya B. Lacey, Clerk of Council, CMC



Calhoun

MEMORANDUM

TO: Tim Baroody, City Manager
FROM: Mike Craig, Zoning Administrator
DATE: August 16, 2016 for the August 23 meeting
RE: Zoning map amendment of GPIN 7870-00-3906 (the 'Property') from R12 to R2

ISSUE

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

RECOMMENDATION

Approve the rezoning.

CITY COUNCIL ACTION

The City Council held a public hearing on this item on August 9, 2016 at which one person, the land owner's attorney, spoke against the rezoning. After discussion, the City Council tabled this item until the August 23 meeting.

UPDATE FOR THE AUGUST 23 MEETING

After the meeting, the Commissioner of the Revenue Lois Jacob reviewed the taxation of this 0.806 parcel and wrote the memo attached to this report. In summary, she states that the Property may have been taxed incorrectly and that her office will make any taxation adjustments necessary to rectify any mistake.

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 or 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) 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 R1 to R12.

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 R-1 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 R12 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 2 dwelling units per acre, but it does not permit

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

² Exhibit 2, Memorandum from Kim Williams, GIS Analyst

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

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 the remaining land annexed by the City in 1984 and zoned R1, at that time as a holding zone, either into the equivalent R2 zoning district (if the land was vacant or used for single family homes) or to otherwise bring the existing uses established on R1 zoned lands into zoning districts that were comparable to their use in 2014. The update was a logical step after the adoption of the Unified Development Ordinance, which was the City's first comprehensive zoning update since 1984.

Vacant developable land was not intended to be upzoned 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 projects. Because the intent of the ordinance was to bring development on the ground into conformance with the zoning ordinance, the impacts associated with upzoning 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 house 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
5. Memo from Commissioner of the Revenue Lois Jacob dated August 16, 2016 RE: .806 acres GPIN 7870-00-3906



August 23, 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 23, 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
- PD-R - PLANNED DEVELOPMENT - RESIDENTIAL
- PD-C - PLANNED DEVELOPMENT - COMMERCIAL
- PD-MU - PLANNED DEVELOPMENT - MIXED USE
- PD-MC - PLANNED DEVELOPMENT - MEDICAL CENTER



- Road Centerlines
- Rail Roads
- City Boundary

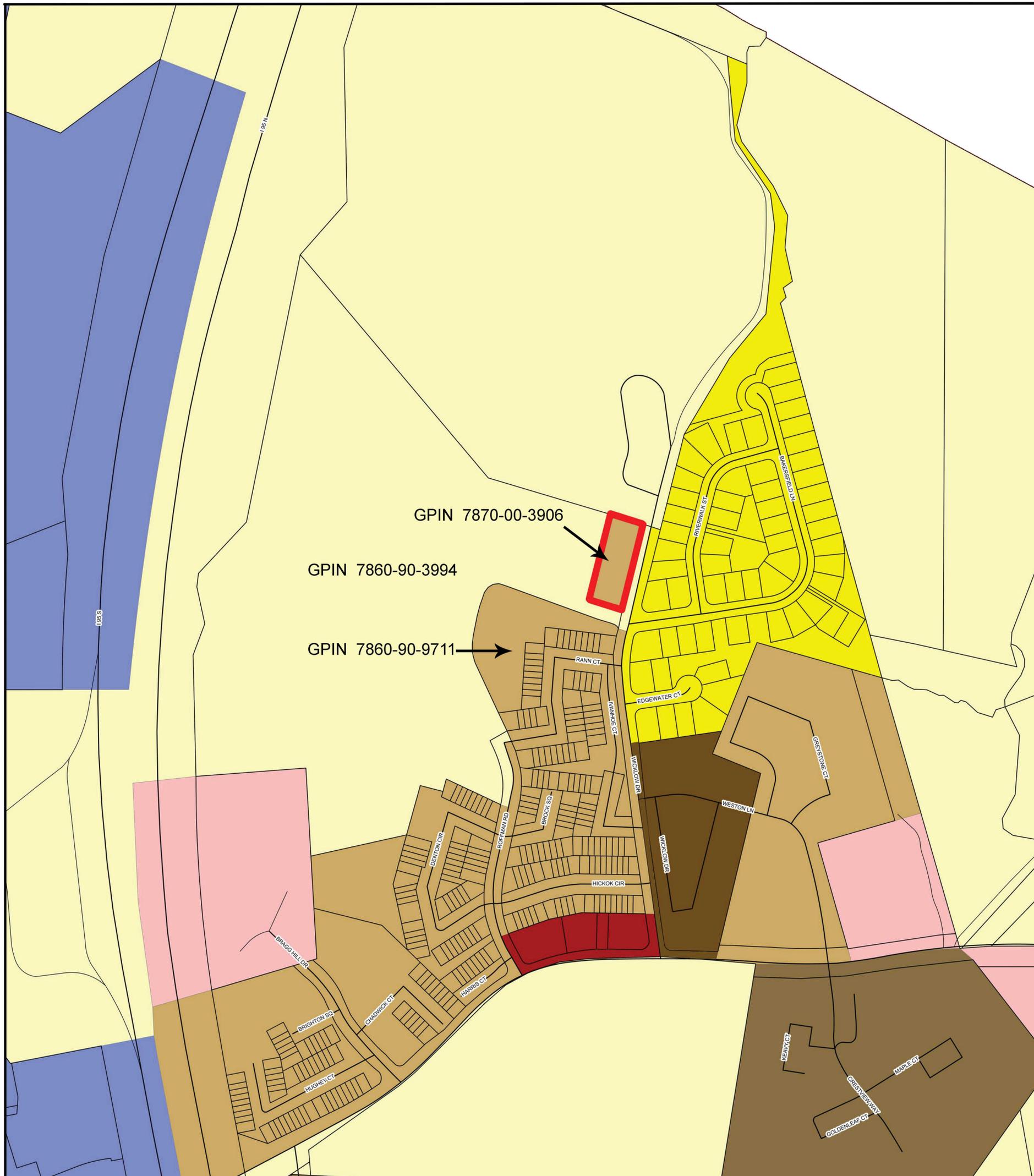


EXHIBIT B

PROPOSED ZONING GPIN 7870-00-3906

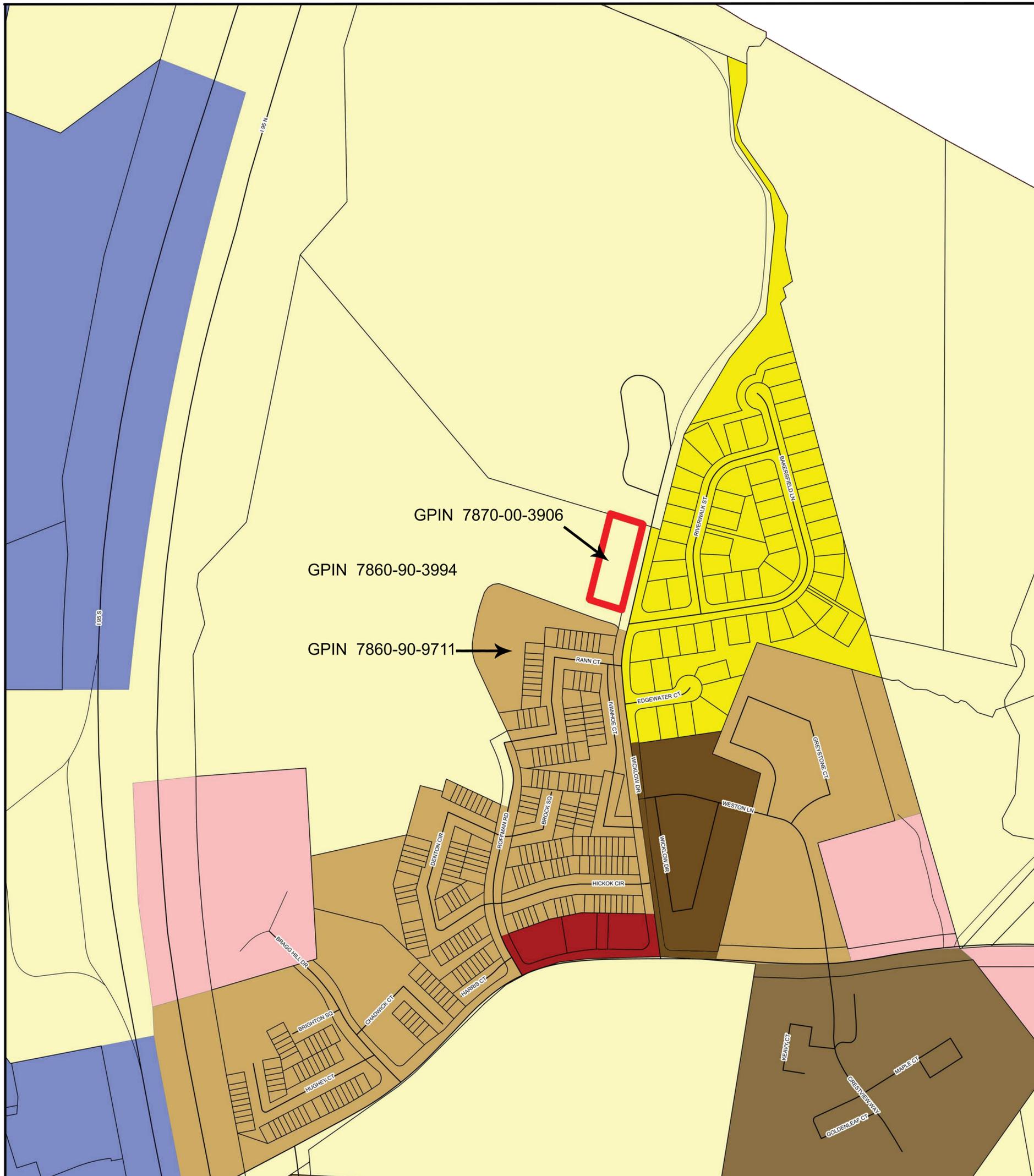


Legend

-  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
-  PD-R - PLANNED DEVELOPMENT - RESIDENTIAL
-  PD-C - PLANNED DEVELOPMENT - COMMERCIAL
-  PD-MU - PLANNED DEVELOPMENT - MIXED USE
-  PD-MC - PLANNED DEVELOPMENT - MEDICAL CENTER



-  Road Centerlines
-  Rail Roads
-  City Boundary



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

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

DRAFT PLANNING COMMISSION MINUTES

ZMA 0.806 ACRES --- JULY 13

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

DRAFT PLANNING COMMISSION MINUTES

ZMA 0.806 ACRES --- JULY 13

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.

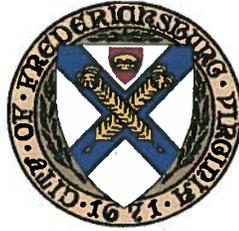
Mr. Pates said the work that has been done here is very important and directly affects what the Planning Commission is doing. He asked Mr. Freehling to elaborate on the concept of true regionalism and asked from the Economic Development perspective what prospects they see in that area.

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

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

ACTION: APPROVED; Ayes: 7; Nays: 0

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."

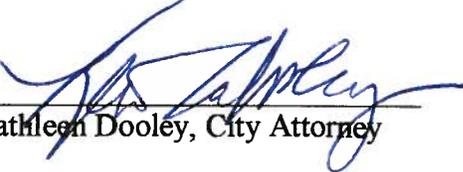
III. Effective Immediately

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.

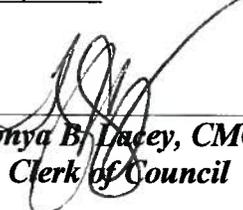

Tonya B. Lacey, CMC
Clerk of Council

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

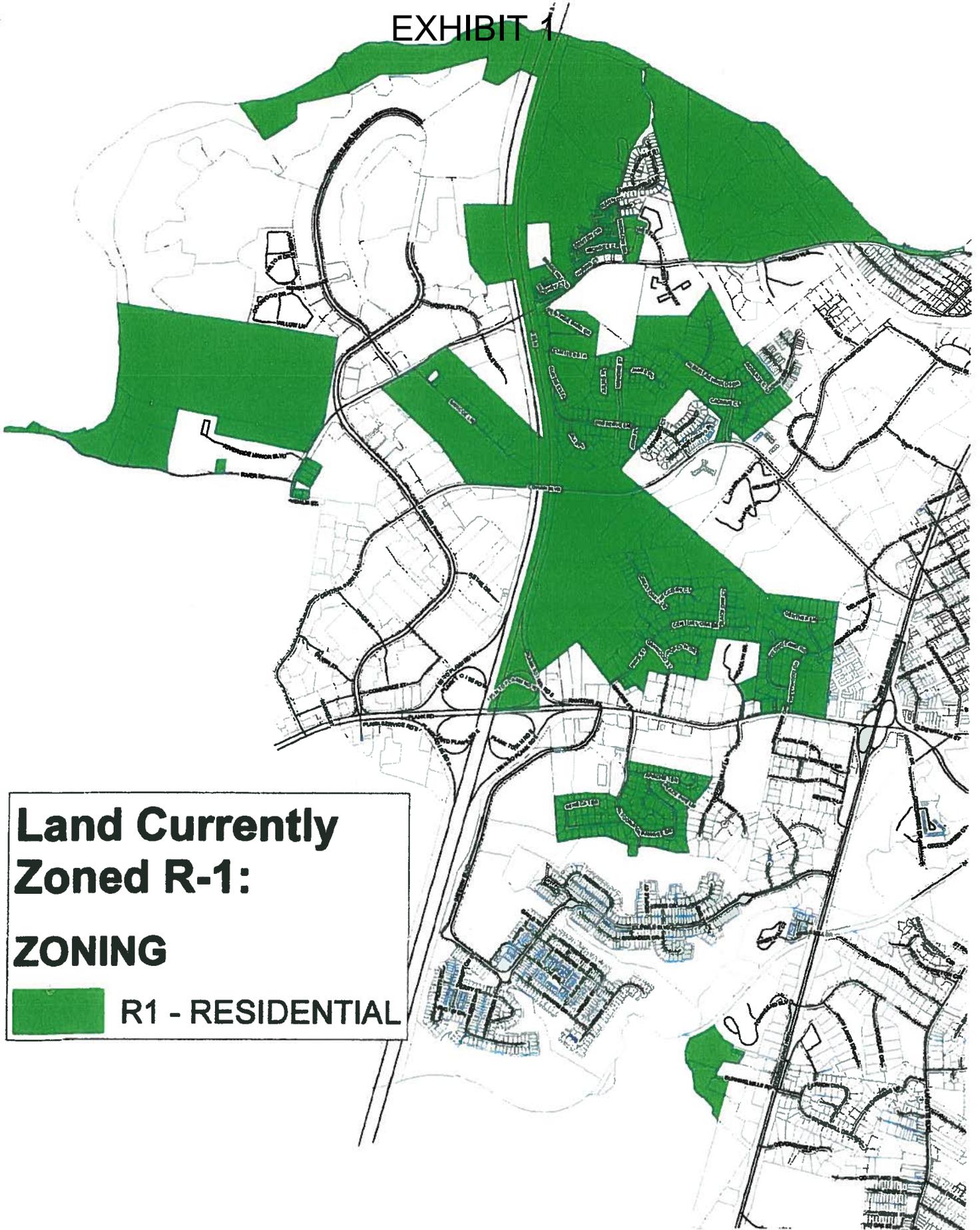
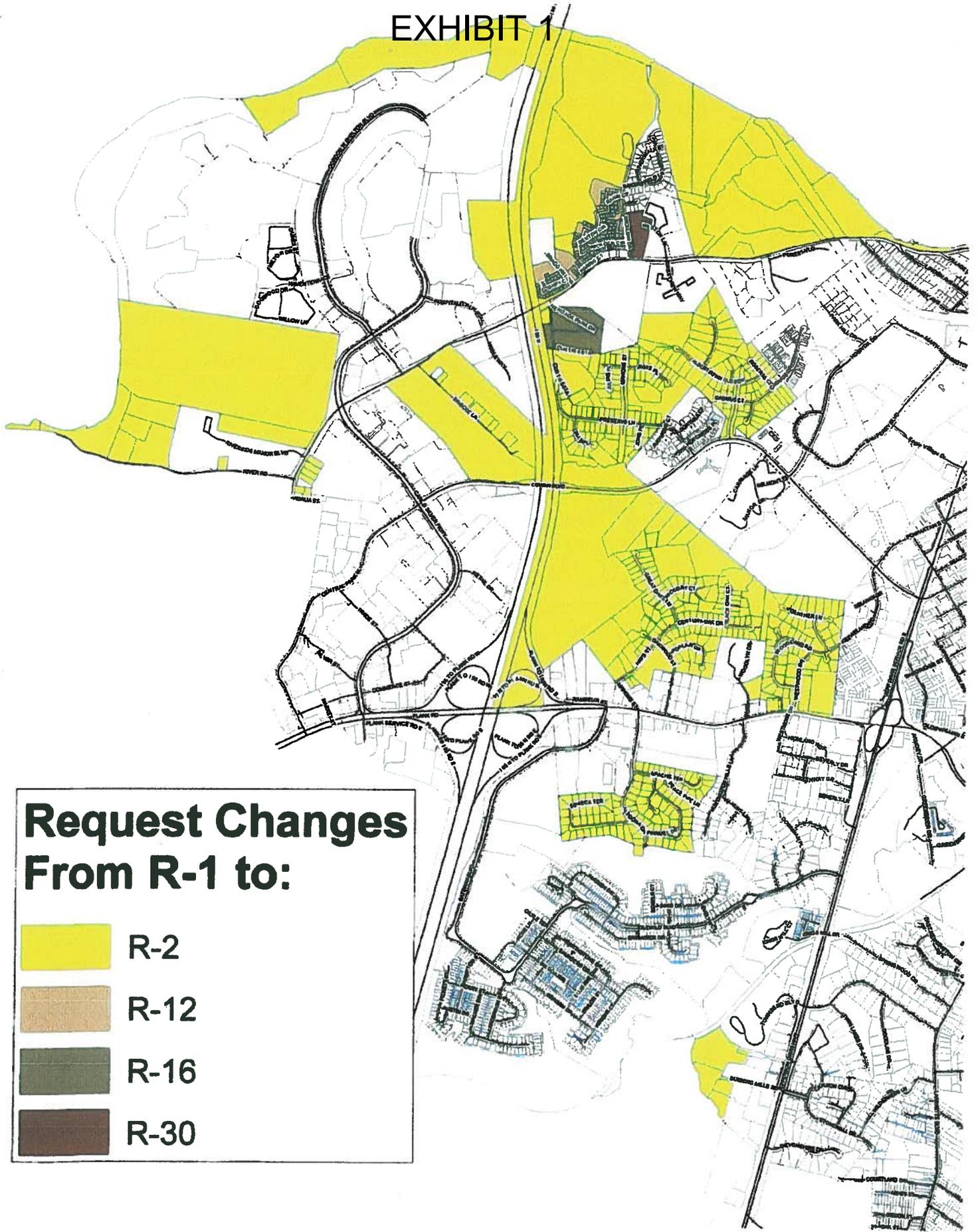


EXHIBIT 1



Request Changes From R-1 to:

-  R-2
-  R-12
-  R-16
-  R-30

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

DENTON CIR

HICKOK CIR

BROCK SQ

IVANHOE CT

WICKLOW DR

WICKLOW DR

EDGEWATER CT

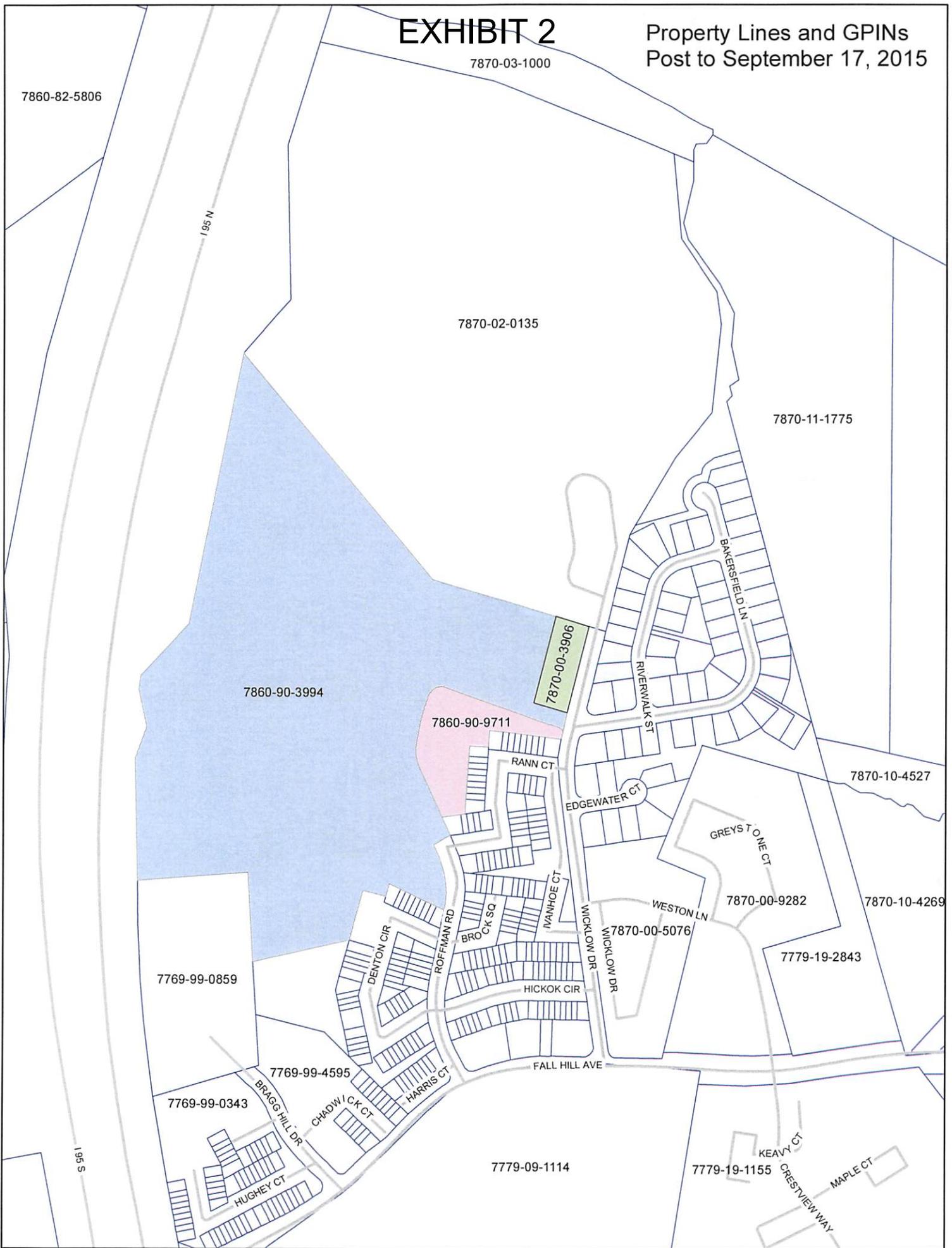
RANN CT

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**.

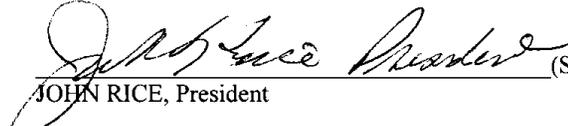
Being a portion of the 6.25 acres conveyed to Bragg Hill Community Corporation by deed dated April 28, 1976, from Hickok Construction Corporation, which deed is recorded among the land records of the Clerk's Office of the Circuit Court of Spotsylvania County, Virginia, in Deed Book 389, at Page 349.

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.

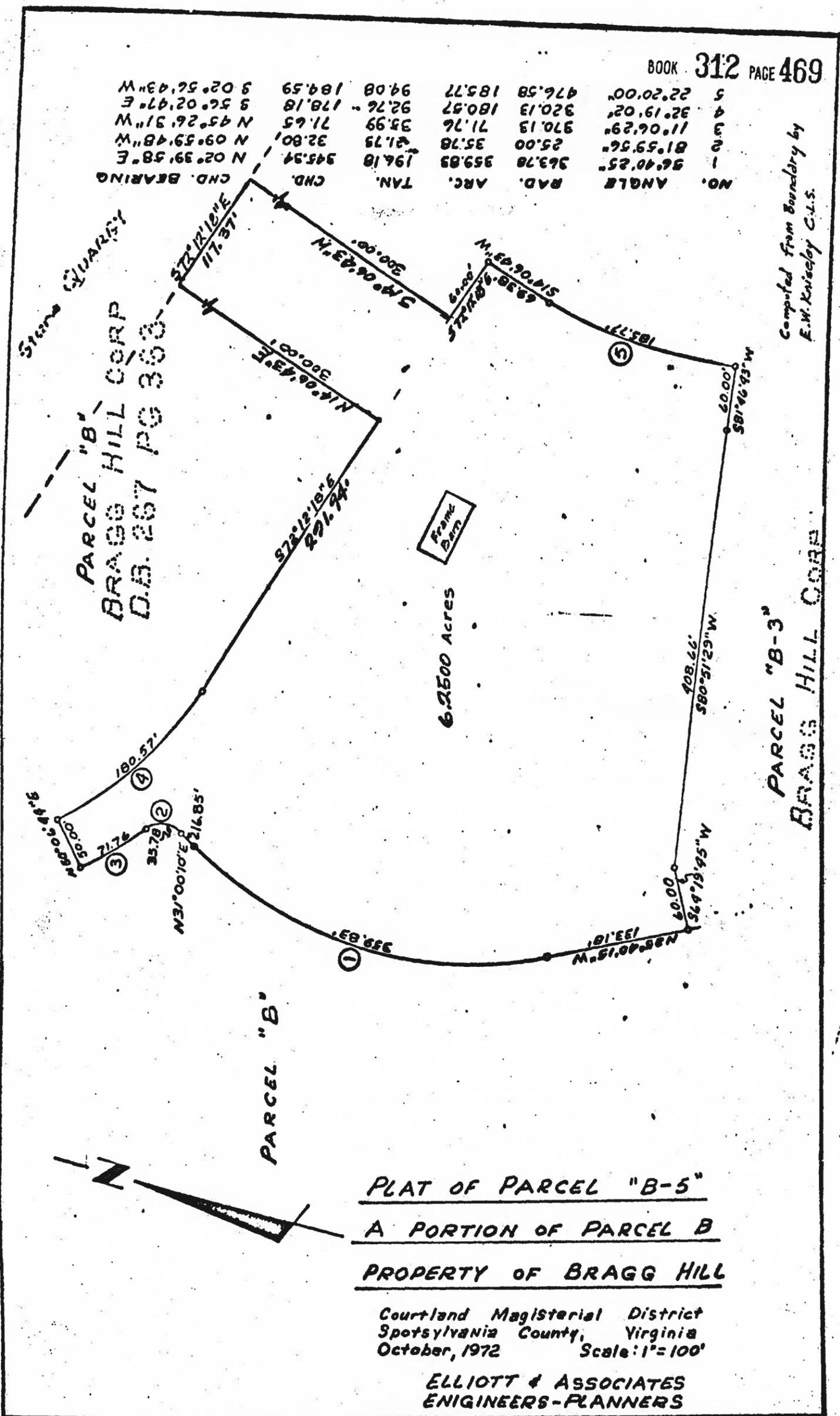
¹² Appendix E, memorandum from Kim Williams, GIS Analyst

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 OF PARCEL "B-5"
A PORTION OF PARCEL B
PROPERTY OF BRAGG HILL

Courtland Magisterial District
Spotsylvania County, Virginia
October, 1972

ELLIOTT & ASSOCIATES
ENGINEERS-PLANNERS

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 CONVEYANCE AS SET FORTH IN DEED BOOK 312, PAGE 467, IN THE COUNTY OF SPOTSYLVANIA, VIRGINIA, IS HEREBY CONFIRMED AND RECORDED IN THE COUNTY OF SPOTSYLVANIA, VIRGINIA, IN DEED BOOK 312, PAGE 467, IN ACCORDANCE WITH THE TERMS OF SAID DEED. THE MEASUREMENTS SHOWN ON THIS PLAT ARE HEREBY DECLARED TO BE CORRECT AND THAT ALL LINES THEREON ARE HEREBY DECLARED TO BE CORRECT AND THAT ALL LINES THEREON ARE HEREBY DECLARED TO BE CORRECT AND THAT ALL LINES THEREON ARE HEREBY DECLARED TO BE CORRECT.

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

ENGINEER'S CERTIFICATE

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.

(SIGNED) CHAIRMAN, PLANNING COMMISSION (SIGNED) HEALTH OFFICER (SIGNED) HIGHWAY DEPARTMENT ENGINEER (SIGNED) 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

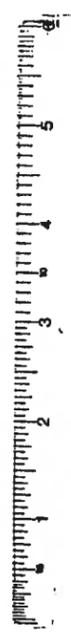
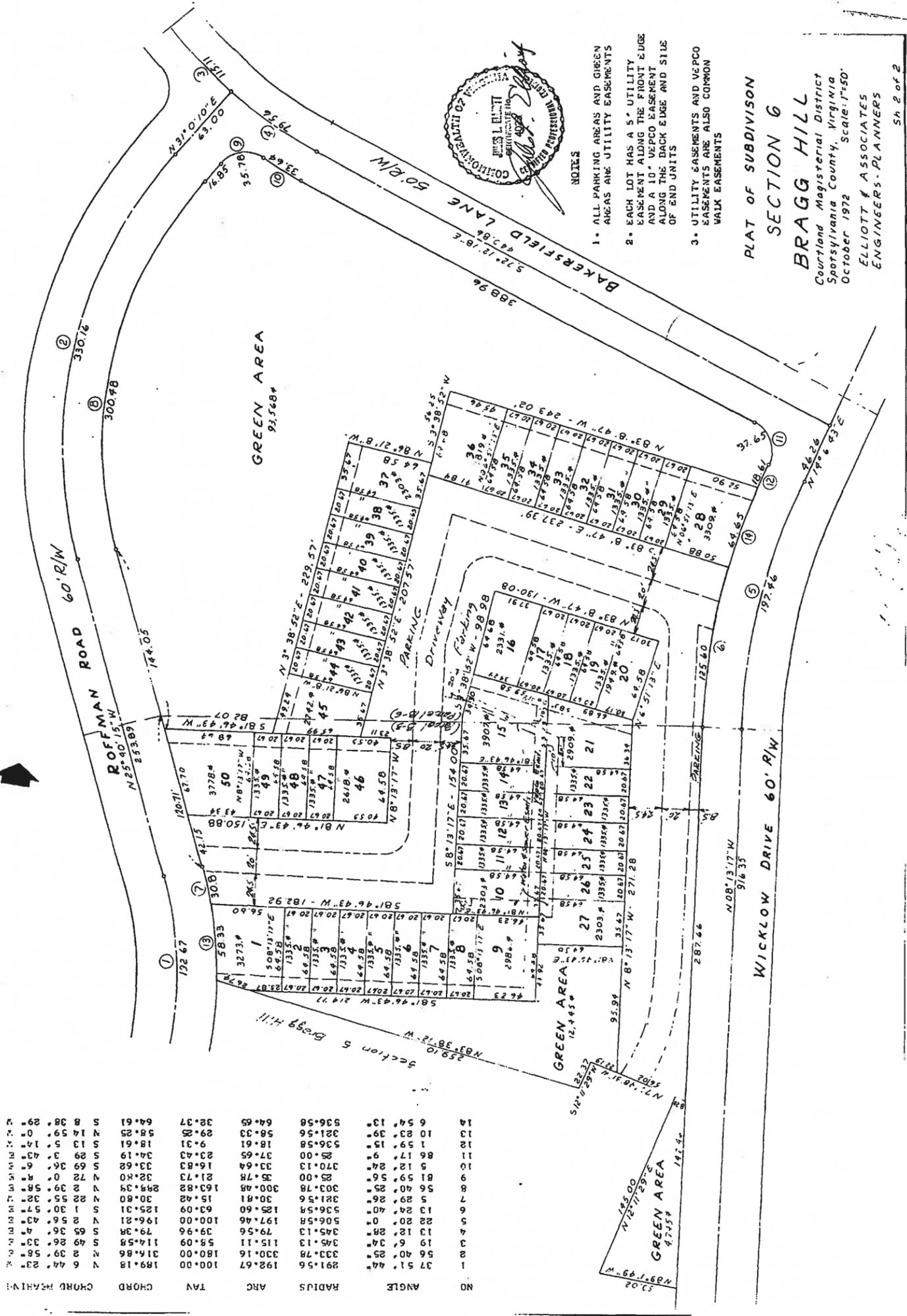


EXHIBIT 4 - APPENDIX B

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
 Courland Magisterial District
 Sportsylvania County, Virginia
 October 1972 Scale: 1"=50'
 ELLIOTT & ASSOCIATES
 ENGINEERS - PLANNERS
 Sh 2 of 2

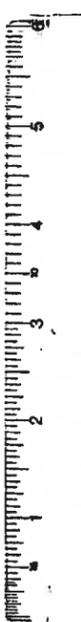


EXHIBIT 4 - APPENDIX C

BOOK 389 PAGE 349

1609

Mason
Hickok
Bos. Char.
Jas. W.
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



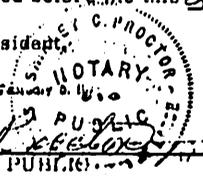
STATE OF VIRGINIA
CITY OF RICHMOND, to-wit:

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

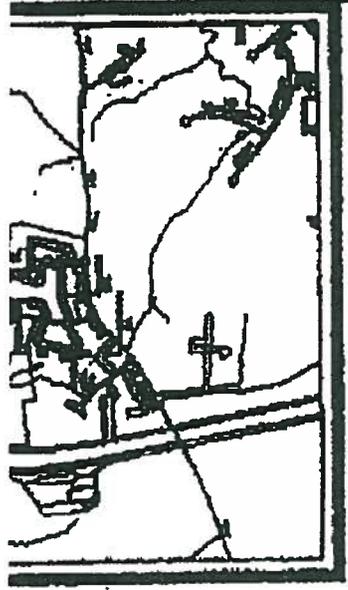
Shirley C. Proctor
NOTARY PUBLIC



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 5.50
Teste: Margaret M. Cook, Clerk.

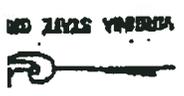
EXHIBIT 4 - APPENDIX D

		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



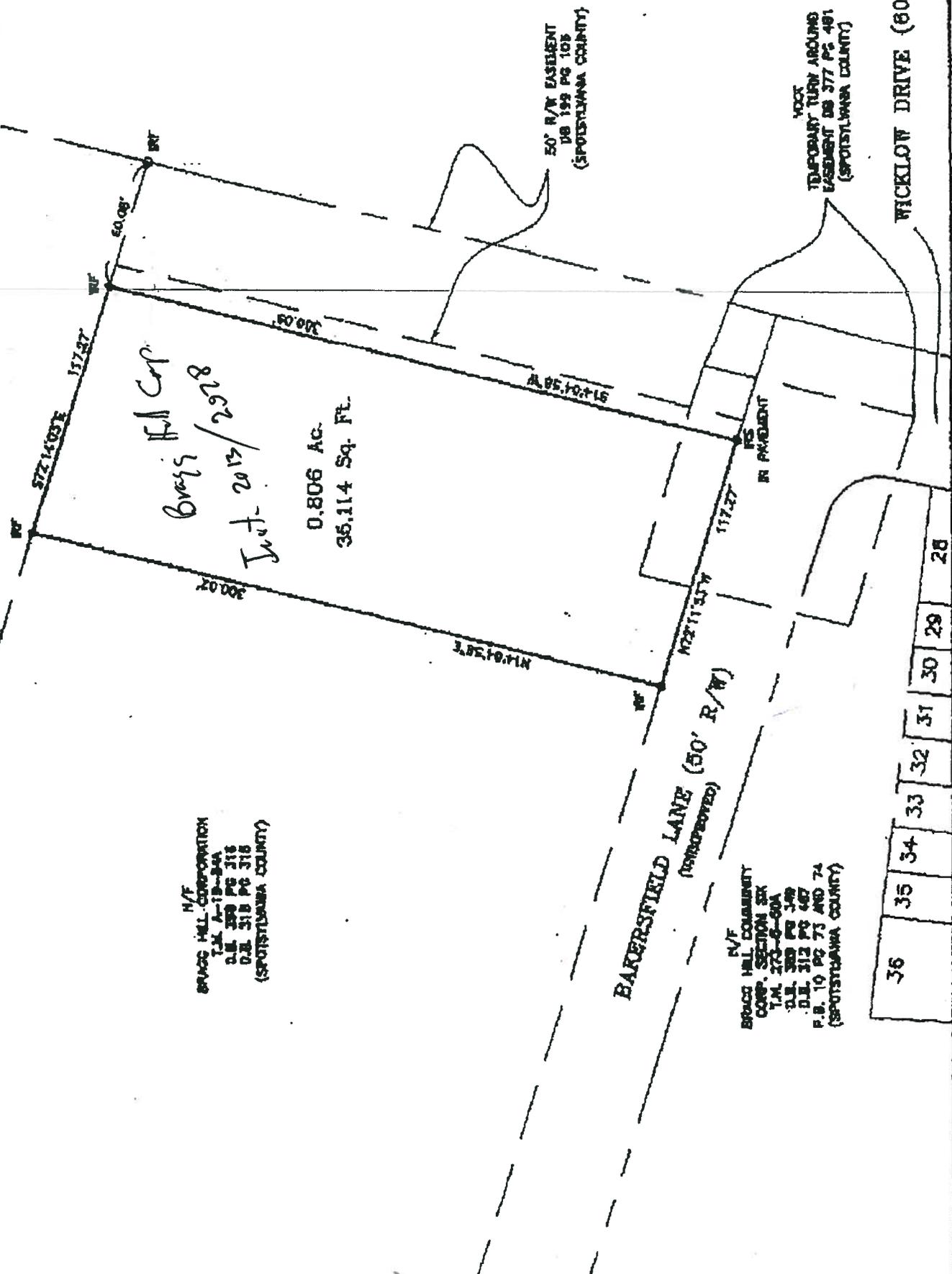
VICINITY MAP
1" = 200'

N/F
 E. NOVAKIAN HOMES OF
 VIRGINIA, INC.
 T.A. 322-44C
 INSTRUMENT# 2008-430260
 P.B. 14 PAGES 48-63
 (FREDERICKSBURG)



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

- 3) THE PROPERTY SHOWN HEREON LIES WITHIN FLOOD ZONE "X" (AREAS DETERMINED TO BE OUTSIDE 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/F
 BRIDGE HILL CORPORATION
 T.A. A-19-84A
 O.B. 308 PG 318
 O.B. 318 PG 318
 (SPOTSYLVANIA COUNTY)

N/F
 BRIDGE HILL CORPORATION
 CORP. SECTION SIX
 T.A. 270-6-00A
 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**.

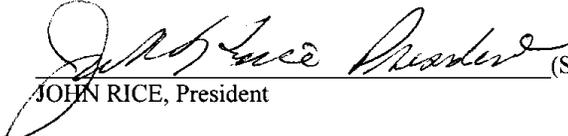
Being a portion of the 6.25 acres conveyed to Bragg Hill Community Corporation by deed dated April 28, 1976, from Hickok Construction Corporation, which deed is recorded among the land records of the Clerk's Office of the Circuit Court of Spotsylvania County, Virginia, in Deed Book 389, at Page 349.

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

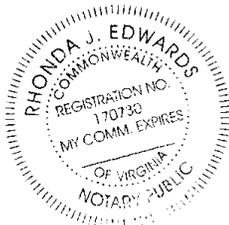
CITY/COUNTY OF FREDERICKSBURG, to-wit:

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

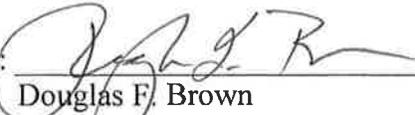
- A. Applicant, upon the approval of the owner of commercial property located along Fall Hill Avenue as GPIN # 7779-09-3723 aka "7-11" hereby agrees to make cosmetic improvements to the 7-11 property located at the corner of Fall Hill Avenue and Wicklow Drive, which improvement will include new fencing 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:

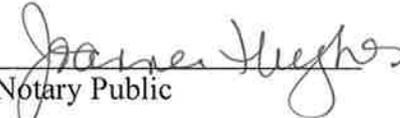
Applicant/Contract Purchaser
Downtown Properties, Inc., a Virginia Corporation

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



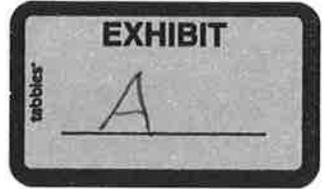
EXHIBIT 4 - APPENDIX G

EXHIBIT A

General Architectural Features

5621758-1 039718.00001

EXHIBIT 4 - APPENDIX G





LEGEND

7.66 ACRES

LIMITS OF AREA IN 25% SLOPE

LIMITS OF WETLANDS

R P A LINE

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

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

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

N/F
TOWER OF VALERANCE
CHURCH, INC.
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-12\20471-2 GDP.dwg

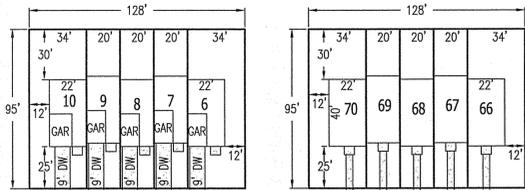
REVISIONS	DATE

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

COMPELLARY OF VIRGINIA
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.	



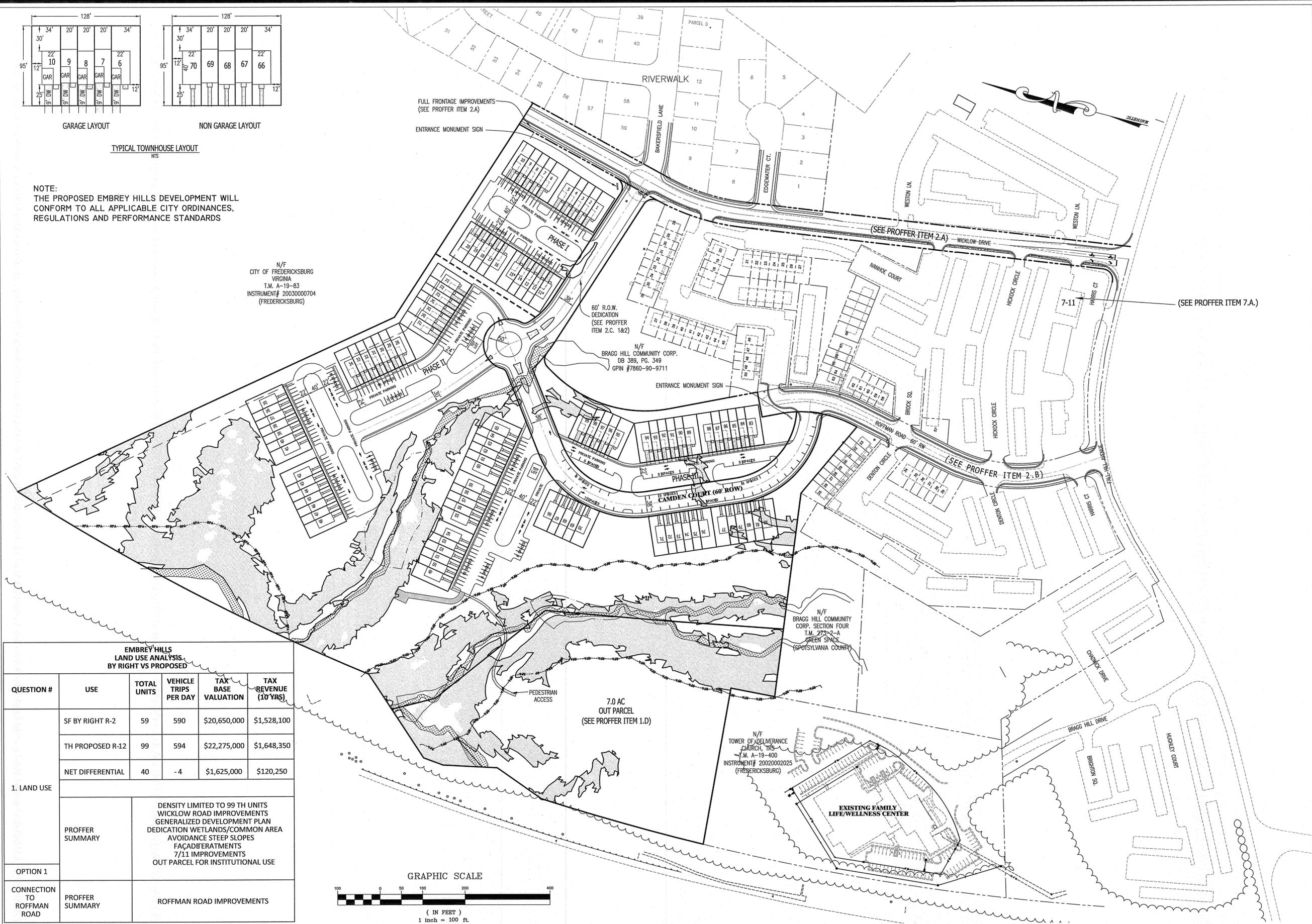
GARAGE LAYOUT

NON GARAGE LAYOUT

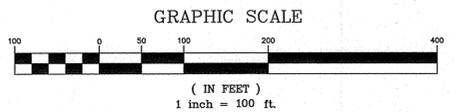
TYPICAL TOWNHOUSE LAYOUT
NTS

NOTE:
THE PROPOSED EMBREY HILLS DEVELOPMENT WILL CONFORM TO ALL APPLICABLE CITY ORDINANCES, REGULATIONS AND PERFORMANCE STANDARDS

N/F
CITY OF FREDERICKSBURG
VIRGINIA
T.M. A-19-83
INSTRUMENT# 20030000704
(FREDERICKSBURG)



EMBREY HILLS LAND USE ANALYSIS BY RIGHT VS PROPOSED					
QUESTION #	USE	TOTAL UNITS	VEHICLE TRIPS PER DAY	TAX BASE VALUATION	TAX REVENUE (10 YRS)
1. LAND USE	SF BY RIGHT R-2	59	590	\$20,650,000	\$1,528,100
	TH PROPOSED R-12	99	594	\$22,275,000	\$1,648,350
	NET DIFFERENTIAL	40	-4	\$1,625,000	\$120,250
PROFFER SUMMARY	DENSITY LIMITED TO 99 TH UNITS WICKLOW ROAD IMPROVEMENTS GENERALIZED DEVELOPMENT PLAN DEDICATION WETLANDS/COMMON AREA AVOIDANCE STEEP SLOPES FACADERATMENTS 7/11 IMPROVEMENTS OUT PARCEL FOR INSTITUTIONAL USE				
OPTION 1					
CONNECTION TO ROFFMAN ROAD	PROFFER SUMMARY	ROFFMAN ROAD IMPROVEMENTS			



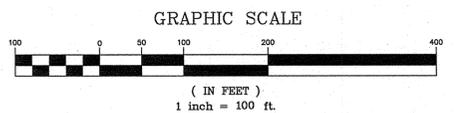
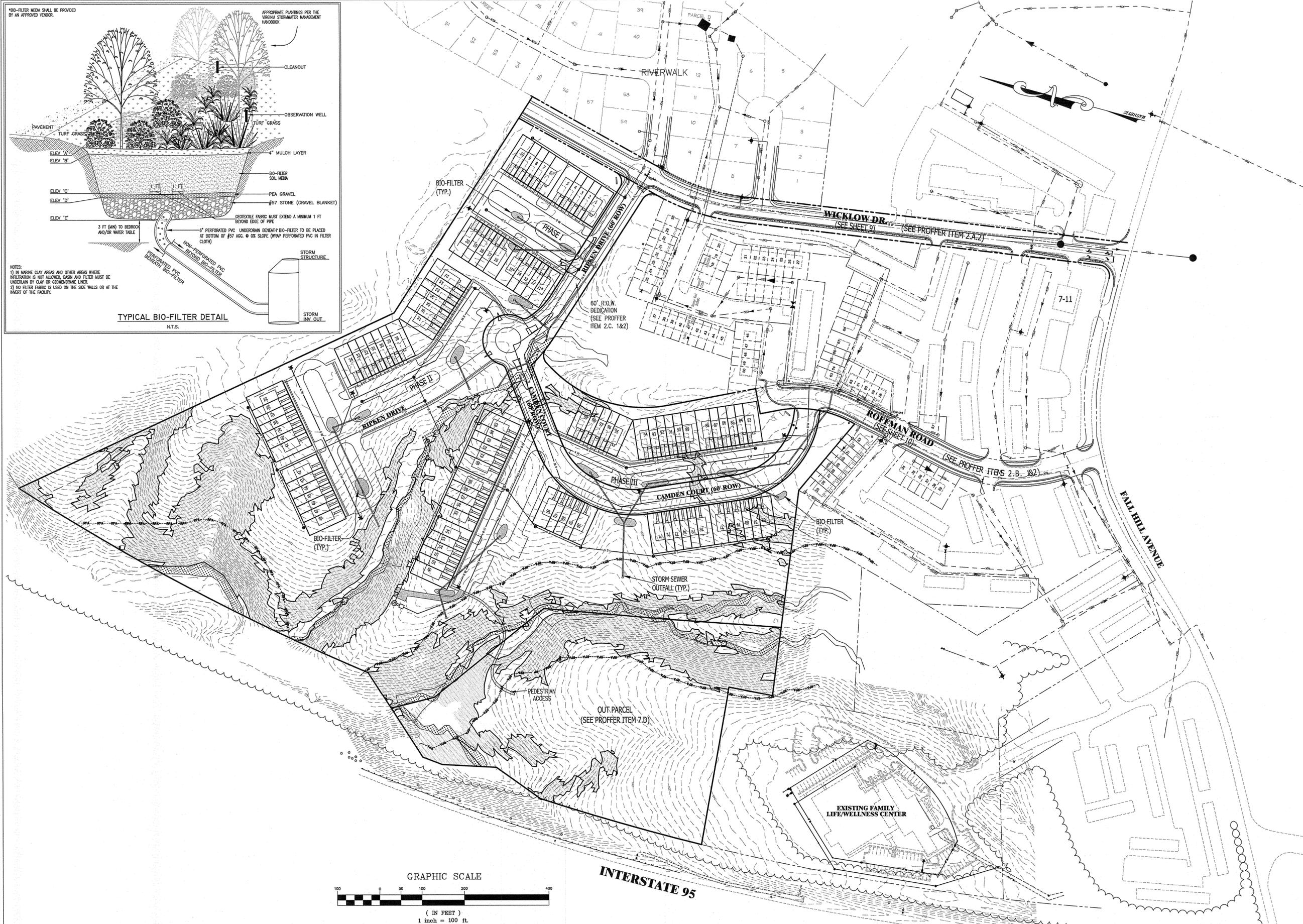
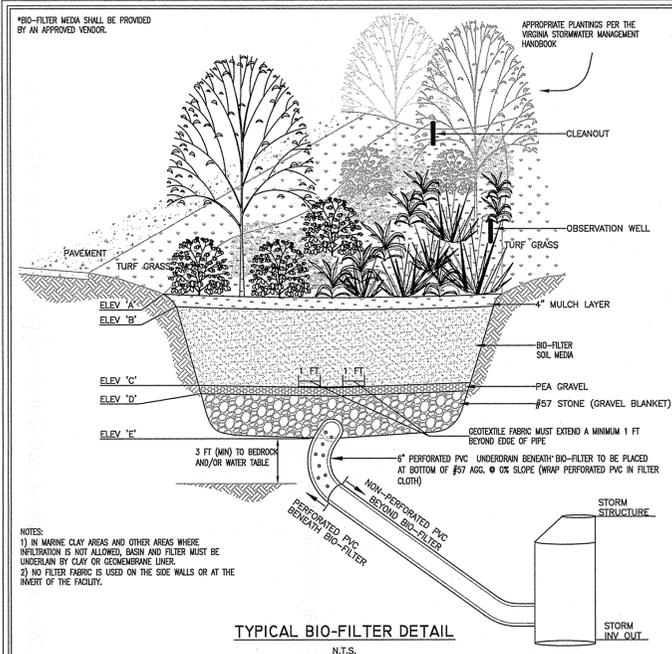
REVISIONS	
DATE	

BCA
BAGBY, CALDWELL and ASSOCIATES, P.C.
CIVIL ENGINEERS AND LAND SURVEYORS
1855 BRIDGEWAY, SUITE 200
FREDERICKSBURG, VIRGINIA 22401
TELEPHONE: (540) 373-5178
FAX: (540) 373-6581

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

GENERALIZED DEVELOPMENT PLAN
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.:	



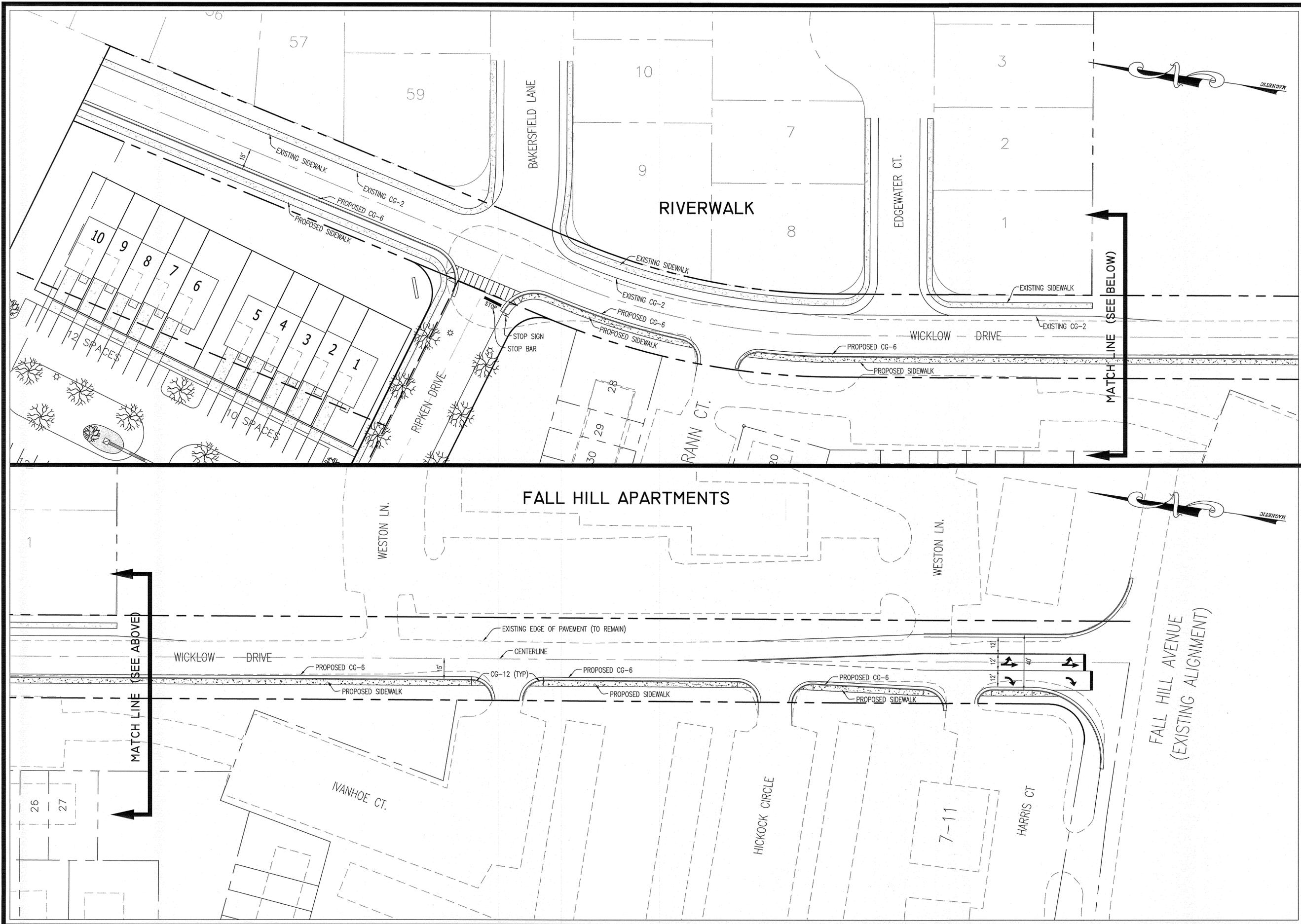
REVISIONS	
DATE	

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

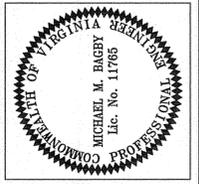
DATE:	2-27-14
SCALE:	1" = 100'
DESIGNED BY:	
DRAWN BY:	LT
CHECKED BY:	
FILE NAME:	20471-2 R12LAYOUT
JOB NO.	20471-2
PLAN NO.	



REVISIONS

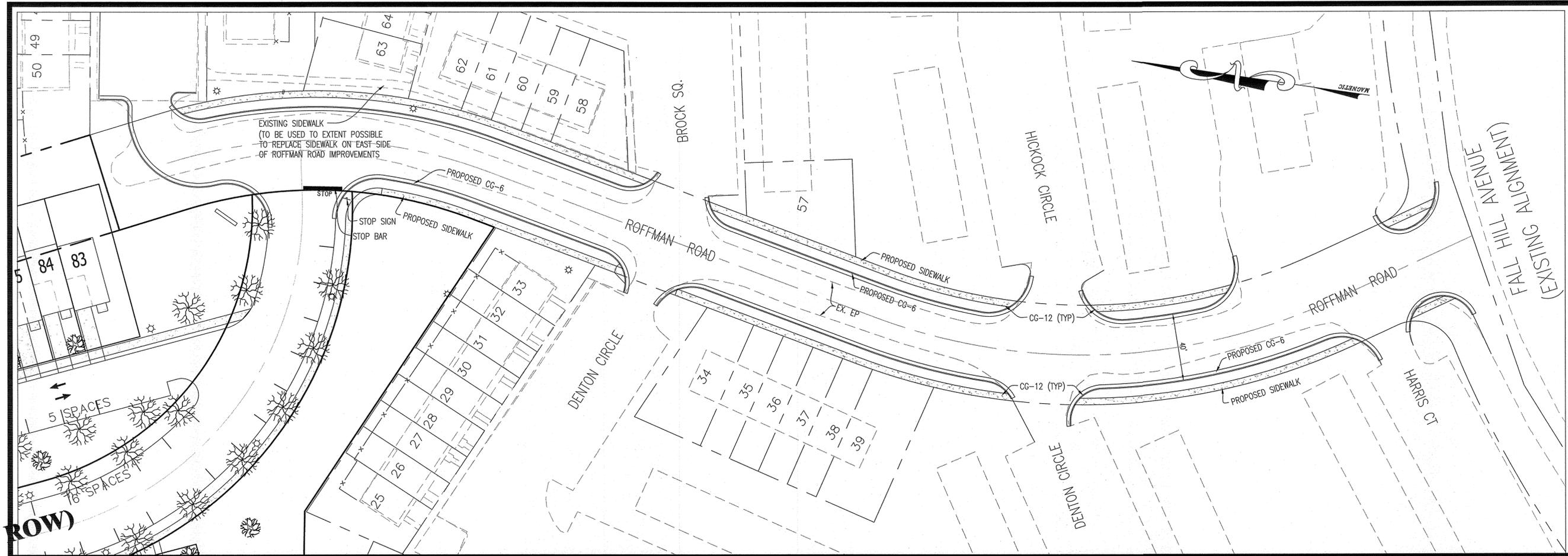
DATE	
------	--

BCA
 BAGBY, CALDWELL and ASSOCIATES, P.C.
 CIVIL ENGINEERS and LAND SURVEYORS
 198 JEFFERSON DAVIS HIGHWAY
 FREDERICKSBURG, VIRGINIA 22401
 TEL: (800) 372-7878
 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: (540) 374-6281
 FAX: (540) 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: 0000,00,000

TREASURER
FREDERICKSBURG
VA 22404-0267



**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.

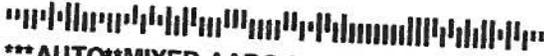
THE TREASURER COLLECTS TAXES, DOES NOT ASSESS PROPERTY, FIX VALUATIONS, SET RATES OR GRANT EXEMPTIONS AND HAS NO AUTHORITY TO MAKE CHANGES TO THE TAX ROLL.

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

MSGD

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 <i>PD 4/25/15 #1169</i>	120,900	955.12
AC .81		TOTAL NOW DUE	477.56

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: MWGLAZEBROOK@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 written over a circular stamp or watermark.

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



Memo

To: Chuck Johnston, Director of Planning
Mike Craig, Zoning Administrator
From: Lois Jacob, Commissioner of the Revenue
Date: August 16, 2016
Subject: .806 acres GPIN 7870-00-3906

A handwritten signature in black ink, appearing to be "LJ", is written over the "From:" line of the memo.

Having been apprised by the Planning Department that this property is being discussed by City Council, research by this office thus far indicates that it may have been taxed incorrectly. Further, we are examining the parcel records, which includes acquisition and zoning. We will make any taxation adjustments necessary and give you the results of our determination when completed.

If you have any questions, do not hesitate to contact me.



Mark Whitley

MEMORANDUM

TO: Timothy J. Baroody, City Manager
FROM: Mark Whitley, Assistant City Manager
RE: FY 2016 Year-end Adjustments
DATE: August 16, 2016

ISSUE

The City Council is asked to consider an amendment to the FY 2016 budget for final year-end adjustments.

RECOMMENDATION

Staff recommends approval of the attached resolution on first reading. The resolution will require two readings for final approval. Second reading, if first reading is approved, would be scheduled for Council's regular meeting of September 13, 2016.

BACKGROUND

As part of the annual process of preparing for the FY 2016 audit, the City Council is asked to make adjustments to the budget at the close of the fiscal year.

Final Adjustments – General Fund

The City staff has identified several adjustments necessary in the General Fund to cover various shortfalls. They include the following items:

- a) ARB - Legal – The cost for the representation for the ARB in FY 2016 was \$99,843. There are sufficient funds in the General Fund Contingency to cover this expense.
- b) Public Works – Snow Removal – the Public Works Snow Removal division is over budget for FY 2016 because of the severe winter weather. The resolution recognizes revenue received for Street and Highway Maintenance to cover these expenses.

Final Adjustments – Other Funds

The City also has several other funds that require final adjustments.

- a) Prisoner Extradition Fund – the City maintains a small fund for prisoner extradition activity, some of which is reimbursed by the Commonwealth. The requested appropriation is taken from state reimbursement revenue and prior year balance in this fund, and no local funds are needed.
- b) Debt Service Funds – the City needs to make an adjustment in the budget to recognize the annual fund balance usage in the Debt Service fund that resulted from the VPSA advance refundings for the school bonds several years ago. There is also recognition

needed for the 2016 bond issuance costs. Neither of these transactions require additional local funds.

- c) Special Welfare Fund – The Special Welfare Fund is a special fund set up for special welfare items under the direction of the Department of Social Services. The City serves as the fiscal agent for this fund.
- d) Riparian Lands Stewardship Fund – Funds are available in the General Fund to transfer an additional \$35,000 into the Riparian Lands Stewardship Fund to help meet the expenses of the Fund which are not being met through interest earnings on the endowment.

FISCAL IMPACT

The attached resolution appropriates a total of \$524,982. Of this total, \$99,843 is activity from the General Fund Contingency. If the resolution is approved, the balance of the General Fund Contingency at the close of FY 2016 will be \$57,094.

In addition, the resolution transfers \$35,000 in local funding to the Riparian Lands Stewardship Fund to meet expenses in that fund. (This is a transfer so it is included both in the General Fund and in the Riparian Lands Stewardship Fund).

The other activity represents reimbursements, debt service fund activity, or special funds. There is no additional local City funding associated with the other activity.

Attachment: Appropriation Resolution



MOTION:

SECOND:

August 23, 2016
Regular Meeting
Resolution No. 16-

RE: **AMENDING THE FISCAL YEAR 2016 BUDGET FOR FINAL ADJUSTMENTS**

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

FIRST READ: _____ SECOND READ: _____

WHEREAS, the City Council of the City of Fredericksburg wishes to make final adjustments for the FY 2016 budget in preparation for the annual audit;

NOW, THEREFORE, BE IT RESOLVED that the following appropriations amending the FY 2016 budget be recorded in various funds as listed below.

Section 1. General Fund Adjustments

GENERAL FUND

Source:

Contingency

4-100-099100-9901	General Fund Contingency	\$ 99,843
Department Total:		<u>\$ 99,843</u>

Categorical Aid

3-100-024040-0006	Street and Highway Maintenance	\$ 125,000
Department Total:		<u>\$ 125,000</u>

Total Source \$ 224,843

Use:

Architectural Review Board

4-100-081600-3150	Professional Services - Legal	\$ 99,843
Department Total:		<u>\$ 99,843</u>

Public Works – Snow Removal

4-100-041330-1201	Overtime Pay	\$ 50,000
4-100-041330-3165	Contracted Services	50,000
4-100-041330-6023	Chemicals	25,000
Department Total:		<u>\$ 125,000</u>

Total Use \$ 224,843

Section 2. Prisoner Extradition Fund

PRISONER EXTRADITION FUND

Source:

Prisoner Extradition Reimbursement

3-225-019020-0064	Reimbursements	\$	3,300
Department Total:		\$	3,300

Fund Balance

3-225-061010-0012	Fund Balance (Committed)	\$	1,000
Department Total:		\$	1,000

Total Source \$ 4,300

Use:

Prisoner Extradition

4-225-031400-5550	Prisoner Extradition	\$	4,300
Department Total:		\$	4,300

Total Use \$ 4,300

Section 3. Debt Service Funds

EDUCATION BOND FUND

Source:

Bond Issues

3-403-041040-0001	Bond Issues	\$	50,955
Department Total:		\$	50,955

Fund Balance

3-403-061010-0012	Fund Balance (Committed)	\$	153,884
Department Total:		\$	153,884

Total Source \$ 204,839

Use:

2016 VRA Bonds

4-403-095136-9140	Issuance Costs	\$	147,190
Department Total:		\$	147,190

2004 VPSA Bonds

4-403-095206-9110	Principal	\$	57,649
Department Total:		\$	57,649

Total Use \$ 204,839

Section 4. Special Welfare Fund

SPECIAL WELFARE FUND

Source:

Recovered Costs

3-739-019020-0035 Special Welfare	\$ 21,000
Department Total:	<u>\$ 21,000</u>

Total Source **\$ 21,000**

Use:

Special Welfare

4-739-053520-5846 Special Welfare Expenses	\$ 21,000
Department Total:	<u>\$ 21,000</u>

Total Use **\$ 21,000**

Section 5. Riparian Lands Stewardship Fund

GENERAL FUND

Source:

Interfund Transfers

4-100-093100-9205 Transfer to Debt Service	\$ 35,000
Department Total:	<u>\$ 35,000</u>

Total Source **\$ 35,000**

Use:

Interfund Transfers

4-100-093100-9226 Transfer to Riparian Lands Fund	\$ 35,000
Department Total:	<u>\$ 35,000</u>

Total Use **\$ 35,000**

RIPARIAN LANDS STEWARDSHIP FUND

Source:

Interfund Transfers

3-801-041050-0003 Transfer from General Fund	\$ 35,000
Department Total:	<u>\$ 35,000</u>

Total Source **\$ 35,000**

Use:

Watershed Property Manager

4-801-041150-8111 Depreciation	\$ 35,000
--------------------------------	-----------

Department Total:	\$ <u>35,000</u>
Total Use	\$ <u>35,000</u>

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 September 13, 2016 at which a quorum was present and voted.

Tonya B. Lacey, CMC
Clerk of Council



D. Fawcett

MEMORANDUM

TO: Timothy J. Baroody, City Manager
FROM: Doug Fawcett, Director of Public Works
DATE: August 17, 2016
SUBJECT: FY17 Asphalt Rehabilitation Program

ISSUE

Shall the City Council authorize the City Manager to execute the construction contract for the FY17 Asphalt Rehabilitation Program?

RECOMMENDATION

Yes. We recommend that the City Council adopt the attached resolution authorizing the City Manager to execute a contract for the FY17 Asphalt Rehabilitation Program with Fredericksburg Asphalt and Paving of Ruther Glen, Virginia in the amount of \$1,352,808.

DISCUSSION

On August 12, the City received the following bids for the FY17 Asphalt Rehabilitation Program:

<u>COMPANY</u>	<u>BID AMOUNT</u>
Fredericksburg Asphalt & Paving Inc	\$1,352,808
Virginia Paving Co.	\$1,464,465
Finley Asphalt and Sealing	\$1,577,363
Espina Paving Inc.	\$1,597,813
Arthur Construction Company, Inc	\$1,764,501
Commonwealth Paving Inc.	\$1,873,168

A total of \$1,580,000 in City and VDOT Revenue funds are available for the program. Thus, the Fredericksburg Asphalt bid is well below the funds currently available to perform the work specified in the bid solicitation.

Award of this contract will permit the rehabilitation or reconstruction of the streets listed in the attached spreadsheet.

FISCAL IMPACT

Total funds available for this contract are as follows:

City Funds	\$ 775,000
VDOT Revenue Sharing Funds	\$ 200,000
VDOT Primary Extension/State of Good Repair Funds	\$ 605,900
<hr/>	
TOTAL	\$1,580,900

VDOT funds are awarded to the City for rehabilitation of specific streets. After applying these funds to the contract amounts for those streets, the balance of VDOT and City funds available in the FY17 budget after award of this contract will be:

VDOT Primary Extension/State of Good Repair Funds	\$ 115,609
VDOT Revenue Sharing	\$ (4,060)*
City Funds	\$ 116,539

* This deficiency can be addressed by transfer of funds from remaining balances of previously completed Revenue Sharing projects.

The City may be able to transfer the remaining Primary Extension/State of Good Repair Funds to perform improvements to other City streets. (The best time for City staff to request a transfer of funds is likely after the current projects are completed and the exact cost of those projects has been determined.) Staff recommends that the balance of City funds be reserved to apply toward milling/resurfacing of additional sections of Caroline Street in the historic business district after completion of the current water line replacement project.

Attachment: Resolution
List of Streets



August 23, 2016
Regular Meeting
Resolution No. 16-__

MOTION:

SECOND:

RE: AUTHORIZING THE CITY MANAGER TO EXECUTE THE FISCAL YEAR 2017 ASPHALT REHABILITATION PROGRAM CONTRACT WITH FREDERICKSBURG ASPHALT AND PAVING IN THE AMOUNT OF \$1,352,808

ACTION: APPROVED: Ayes: ; Nays:

WHEREAS, the City Council of the City of Fredericksburg, Virginia desires to authorize the performance of certain asphalt pavement rehabilitation projects within the City and has appropriated sufficient funds to undertake these projects; and

WHEREAS, on August 12, the City received bids for the performance of this work; and

WHEREAS, the low bid was submitted by Fredericksburg Asphalt and Paving of Ruther Glen, Virginia.

NOW THEREFORE, BE IT RESOLVED, that the City Manager is hereby authorized to execute a contract for performance of the FY17 Asphalt Pavement Rehabilitation Program with Fredericksburg Asphalt and Paving in the amount of \$1,352,808.

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 the City Council meeting held August 23, 2016 at which a quorum was present and voted.

*Tonya B. Lacey, CMC
Clerk of Council*

City of Fredericksburg			
FY17 Asphalt/Concrete Rehabilitation Program			
Proposed List of Streets			
August, 2016			
Street	From	To	Treatment
King Street	McKinney Street	Howison Avenue	Reconstruction
Jeff Davis Highway Service Road	Stafford Avenue	Powhatan Street	Reconstruction
Mahone Street	Hays Street	Entrance of Shell Station	Reconstruction
Adair Street	Lafayette Boulevard	Raines Drive	Mill & Resurface
Payne Street	College Avenue	Rappahannock Avenue	Reconstruction
Dandridge Street	College Avenue	Rappahannock Avenue	Reconstruction
Caroline Street	Amelia Street	George Street	Mill & Resurface
William Street - West Bound	Westmont Drive	Virginia Partners Bank	Mill & Resurface
Dixon Street - North Bound	Beulah Salisbury Drive	Bridge over Hazel Run	Mill & Resurface
Blue and Gray Parkway	Bridge over Dixon Street	Bridge over Rappahannock River	Mill & Resurface
Fall Hill Avenue	Hunter Street	Progress Street	Mill & Resurface
Learning Lane	Jefferson Davis Highway	Walker Grant parking lot	Mill & Resurface
Hanson Avenue	Jefferson Davis Highway	Fall Hill Avenue	Speed Tables



Timothy J. Baroody

MEMORANDUM

TO: Mayor Greenlaw and Members of City Council
FROM: Timothy J. Baroody, City Manager
DATE: August 17, 2016
SUBJECT: City Manager's Update

Highlights of major activities and other notable developments:



Downtown 31 – Be on the lookout this fall for updates on this new Fredericksburg event – Downtown 31. Parks and Recreation is transforming First Night Fredericksburg into a new, but still family friendly event that hopes to bring residents and visitors to downtown, not just on New Year's Eve, but throughout the month of December. Parks and Recreation is working with Economic Development and Tourism and Fredericksburg Main Street to encourage people to participate in 31 different things throughout December, and then join in the finale event held on Saturday, December 31 from 5 – 9 p.m. at Riverfront Park. The culmination of the

event will be a ping pong ball drop at 9 p.m. that will include special ping pong balls good for gift certificates for those people lucky enough to find one. A new Facebook page and website are being set up now.



W.L. Harris Playground Improvements – In preparation for the upcoming Mayfield Civic Association annual celebration on August 20 Parks, Recreation and Public Facilities recently completed some improvement projects. The improvements include power washing and staining the picnic pavilion, repairing the asphalt path to the basketball courts, electrical upgrades, repairing and repainting the stage, and building a roof over the stage area.

This summer other improvements include: resetting timers on the basketball courts, adding pavilion lights and outlets to increase security and discourage late night visitors in the park, Dominion Power repaired a light and has been contacted about adding a second fixture near the pavilion. Trees were limbed up by the pavilion

ITEM #10D

to improve sightlines, a dying cedar tree was removed along the fence line and shrubbery was trimmed.

The Flying Fish Swim Team – Twenty swimmers from the Dixon Pool and 70 swimmers from Ferry Farm Pool recently won the 2016 American Division Championships of the Rappahannock Swim League. By combining swimmers from both pools in to one team, children from Fredericksburg are able to participate in a swim team when they otherwise wouldn't have had the opportunity. The team practices at both locations throughout the summer.

8th Annual Soggy Doggy Swim – Although the last official swimming day for humans is Monday, September 5, make plans to attend the Soggy Doggy Swim at Dixon Pool on Friday, September 9 from 5:30 – 8:30 pm. The registration fee is \$5 for up to two dogs; however, spectators without dogs are free. Last year approximately 200 dogs and 350 people attended the event. The highlights of the event are the dogs that actually go down the slide, and the annual doggy football game held in the grassy area beside the pool.

EDT Publishes Quarterly E-newsletter – The Department of Economic Development and Tourism distributed its e-newsletter on August 17th to more than 6,500 recipients. This latest edition focused on the upcoming neighborhood area plans, the relocation of The Free Lance-Star to the Central Park Corporate Center, tourism marketing and the new performing arts center named Picker's Alley. The newsletter gave its readers an introduction to the city manager, along with an article about Bill Freehling being named as interim director of the Department of Economic Development and Tourism. The "Quick Take Updates" offered insights on a city national accolade, business signage initiatives, the new EDA members and approved grants, a meeting planning workshop and trade show, and upcoming events. The e-newsletter can be found at Fredericksburgva.com.

EDT Hosting Economic Development Breakfast – The Department of Economic Development and Tourism is hosting an economic development breakfast September 14 at the downtown Courtyard by Marriott hotel. The meeting is geared toward members of the business community, including commercial real estate brokers, attorneys, bankers, property owners, developers, city staff, leaders from Fredericksburg VA Main Street Inc. and more. City Manager Tim Baroody and UMW President Troy Paino will be the featured speakers at the September 14 breakfast.

EDT Organizing UMW Community Welcome Fair – On August 29, the Department of Economic Development and Tourism will host 40 local non-profits and businesses ranging from banks, retail/service providers, hospitality and transit for the UMW Community Welcome Fair. The vendors will introduce themselves, their services and their products to more than 2,000 new and returning students at the university. Internships and part-time employment opportunities will be offered during the event. The students will enjoy entertainment from B101.5. Food and beverages will be provided by Agora Downtown Coffee Shop, Chick-fil-A, Giant, Noodles & Company, Papa John's, Philly Pretzel Factory, and Potbelly Sandwich Shop. The Community Welcome Fair is traditionally a huge success and gives students a greater knowledge of where to shop, eat and obtain services and employment in the City of Fredericksburg.

School Field-trip Programs Highlighted – On August 10 the Department of Economic Development and Tourism coordinated and accompanied teachers from the counties of Fairfax,

ITEM #10D

Spotsylvania, Stafford and Westmoreland on a full day in Fredericksburg experiencing the school programs available at the Washington Heritage Museums, James Monroe Museum and the George Washington Foundation sites. With field trips in jeopardy in many school systems, these Standards of Learning-focused programs are valuable resources for teachers who must “sell” their field-trip requests to administrators. In an effort to ease the burden on teachers, EDT helps by planning itineraries, making reservations and confirming arrangements.

Police Department Raises Money for VA Special Olympics –

On July 13, the Police Department hosted a fundraising event for Special Olympics Virginia at the Chipotle located at 1601 Jefferson Davis Highway. For patrons who brought in a special flyer, Chipotle donated 50% of the total cost of their meal to Special Olympics VA. Police officers also hosted a "covering the cruiser" event at Chipotle from 11:00 a.m. to 2:00 p.m. with proceeds also going to Special Olympics VA. In total, the Cover the Cruiser event raised \$237 and Chipotle contributed \$245.38. The total amount raised for Special Olympics Virginia was \$482.28. The Police Department will continue to partner with local businesses to fundraise for Special Olympics VA. The next fundraiser will take place at Sugar Shack on October 11.



Police Department Participates in National Night Out on August 2 –

National Night Out was a success this year with eight neighborhoods participating and hosting events for their residents. Neighborhoods that participated included Mill Park Terrace, Madonna House, Evergreens, Hazel Hill, Heritage Park, Bragg Hill Community, Preserves, and Twin Lakes. Fredericksburg police officers enjoyed being a part of each neighborhood event and getting to know the men, women, and children they serve.





CITY COUNCIL MEETINGS & EVENTS CALENDAR

City Hall Council Chambers, 715 Princess Anne Street, Fredericksburg, VA 22401

8/23/16	5:30 p.m.	Work Session <ul style="list-style-type: none"> • Discussion on Riverwalk Square (Timbernest, LLC) 	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)_____.

- ❑ **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 consultation with legal counsel and briefings by staff members or consultants under Code of Virginia 2.2-3711(A)(7) pertaining to NBB, LLC v. City Council, CL15-0787, and City Council v. Architectural Review Board and NBB, LLC, CL15-0820, 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 23, 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 23, 2016 at which a quorum was present and voted.

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