



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

November 8, 2016

The Council of the City of Fredericksburg, Virginia, held a regular session on Tuesday, November 8, 2016, beginning at 7:30 p.m. in the Council Chambers of City Hall.

City Council Present. Mayor Mary Katherine Greenlaw, Vice-Mayor William C. Withers, Jr. and Council members Kerry P. Devine, Dr. Timothy P. Duffy, Bradford C. Ellis, Charlie L. Frye, Jr. and Matthew J. Kelly.

Also Present. City Manager Timothy J. Baroody, Assistant City Manager Mark Whitley, City Attorney Kathleen Dooley, Assistant City Attorney Robert Eckstrom, Community Planning and Building Development Director Charles Johnston, Zoning Administrator Michael Craig, Community Development Planner Suzanna Finn, Budget Manager Deidre Jett, Assistant Public Works Director David King and Clerk of Council Tonya B. Lacey.

Opening Prayer and Pledge of Allegiance. Council was led in prayer by Councilor Matthew J. Kelly followed by the Pledge of Allegiance led by Mayor Mary Katherine Greenlaw.

Officer Recognized. Mayor Greenlaw recognized the presence of Officer Chris Menck at this evening's meeting.

Proclamations Recognizing Richard Dynes and Roy McAfee for their Service on the Planning Commission (D16-__). Mayor Greenlaw presented Mr. Richard Dynes with a proclamation recognizing him for his two years of service on the Planning Commission and she also presented Mr. Roy McAfee with a proclamation recognizing him for over ten (10) years of service on the Planning Commission and she recognized his many accomplishments over those ten (10) years.

Proclamation Recognizing Native American Heritage Month – Sonja Johnson, Chief John Lightner and Minnie Lightner (D16-__). Mayor Greenlaw presented both Chief Lightner and Mrs. Johnson with proclamations, proclaiming November as American Indian Heritage Month in the City, and she urged all citizens to observe this month with appropriate programs, ceremonies and activities.

CSX Tanker Leak – Randy Marcus, CSX Representative – Randy Marcus, Representative from CSX explained that there was an ethanol leak on one of the CSX cars at the welding joint near the Mayfield Subdivision. He said Police and Fire were notified to assess the scene as well as the CSX's Environmental Management Team. The Fire Department put air monitors in place to monitor the air and it was determined the vapors were very minimal. The hazmat team contained the leak and for safety reasons they shut down rail lines one, two and three and after the Fire Department determined it was safe those lines were reopened. The car was moved to the other end of the yard to transfer the ethanol out to another car. CSX was on scene and made constant contact with Incident Command and Hazardous Materials Personnel in order to protect the area and the neighborhood. Mr. Marcus said they also contacted Virginia Department of Emergency

Management. He thanked all who came out to the scene to offer support. He gave a special thanks to Deputy Fire Chief Mike Jones who worked a double shift to make sure it was all taken care of properly.

Councilor Frye thanked Mr. Marcus for coming to the meeting to give the update. He requested that Mr. Marcus come to the next two meeting to give an update on the track work to show the progress with the project. Councilor Frye said this was not a minor leak because all leaks must be treated as major. He said CSX had been dragging their feet on getting the track completed. Councilor Frye said this was a serious public safety issue. Mr. Marcus said it was not his intent to minimize the situation and he was working to get the cars moved out of the community and he was working to get that done as soon as possible.

Councilor Kelly noted that the train line tankers was an issue but there was also two other gas facilities and a propane facility in the same area. He said they were working to get funding to make changes to Beulah Salisbury Road to minimize safety hazards with the tankers. Councilor Kelly said the localities have been mandated by the State to set up a Regional Coordination to deal with hazardous materials, spills and issues. It includes all five jurisdictions and it was called the Local Emergency Planning Committee. The Committee includes members of the press, local hospitals, and representatives from propane and gas companies and he said they would like to see representation from CSX on a regular basis.

Public Hearings Conducted (D16-__ thru D16-__). The regular session was recessed in order to conduct the scheduled public hearings and immediately reconvened upon their conclusion.

Citizen Comment. There were no speaker to participate in the citizen comment portion of this evening's meeting.

Council Agenda Presented. There were no items presented to Council for discussion.

7A. Update on the City's Recycling Guidelines – Councilor Devine

Update on the City's Recycling Guidelines – Councilor Devine informed everyone that along with the new recycling container new recycling guidelines had been issued. Councilor Devine noted that the use of plastic bags are prohibited and are not allowed for bagging recyclables. There would be alerts sent out with the new guidelines.

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

- Transmitting the First Quarter Financial Report (D16-__).
- Resolution 16-94, Second Read, Approved, Amending the Fiscal Year 2017 Budget to Recognize Debt Service Payments Received from the Rappahannock Regional Solid Waste Management Board for the Solid Waste Revenue Bonds, Series 2015D (D16-__).
- Ordinance 16-24, Second Read, Approved, Revising the Purposes and Duties of the Recreation Commission
- Transmittal of Boards and Commission Minutes (D16-__).

- Economic Development Authority – September 12, 2016 (D16-__).
- Potomac, Rappahannock Transportation Commission – September 8, 2016 (D16-__).

Adoption of Minutes (D16-__). Councilor Ellis moved approval of the October 25, 2016 Public Hearing and Regular Session minutes; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Appointments to the Social Services Board – Brian Vaughan (D16-__). After the recorded votes taken, Brian Vaughan was appointed to the Social Services Board with a vote resulting between applicants Monica Early and Brian Vaughan. Early (0). Vaughan (7) Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye, Kelly.

Reappointment to the Board of Building Code Appeal – William Thornton (D16-__). Councilor Kelly made a motion to reappoint William Thornton to the Board of Building Code Appeal; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Rezoning 20.84 Acres of Land Located on the Southside of Fall Hill Avenue, Between Briscoe Lane and I-95, from Residential R-2 to Commercial Highway and R-12, with Conditions (D16-__). – Zoning Administrator Mike Craig presented a PowerPoint presentation and he addressed the four general topics that were discussed after the public hearing at the last meeting. The first was whether any of the development was to be proffered because there was a concern with

whether or not the commercial development was speculative. Mr. Clay Huber, President of Huber Motor Cars, submitted a letter expressing his interest in building a third dealership on the Hamptons at Coleman Site. Secondly, there was a concern that the City had approved commercial land uses that reverted to residential use. In 2003, Idlewild had live-work units that were required to be marketed and sold as commercial for five years after which they could be converted to townhomes and the units still have commercial use in them. Third, the City has approved residential phasing in Riverwalk an initial 31 unit phase was approved with the construction of a second 39 unit phase occurring three years after rezoning and in Idlewild, residential units were limited to 200 units permitted per year for 4 years. Finally, the City approved many instances of phasing in regards to the timing of off-site improvements and cash proffers.

Mr. Craig explained the developers timeline as follows: within the first 180 days of the rezoning \$100,000 will go to the City for low income housing initiatives; Prior to occupancy of the first multi-family building Briscoe Lane improvements would be completed, Shadmoor Drive improvements would be completed, extension of the sidewalk to Central Park, FRED Stop installed (bench and shelter), crosswalk at Gordon W. Shelton Boulevard, turn lane for Noyack Lane, on-site club house and pool completed, cash for wayside panels, \$200 per month rent reduction on 12 of the multi-family units; Prior to occupancy of each residential unit: \$5,050 per unit for schools and fire and rescue (\$100,000 total); Prior to occupancy of the automotive sales use: enhanced landscaping berm along Fall Hill Avenue; Upon City request: public access across Noyack Lane and Islip Lane.

Mr. Craig addressed the schools capacity and said currently, the 20.84 acres could be developed as 42 single family homes, which could generate 14 school age children. The proposed zoning would permit 78 townhomes and 120 multi-family residential units. The proposed zoning could generate 62 total students or 48 students more than would be generated with the by-right development of the property. The proposed zoning would generate 18 lower elementary students, 15 upper elementary students, 11 middle school students and 18 high school students. The Council has entitled three projects that have increased residential entitlement since the projections were completed by Mosely in 2015. There is currently school capacity for these students and the students projected to come out of the Hamptons at Coleman project through 2020. The Fredericksburg Public Schools anticipate expanding capacity in several of the public schools as well as the construction of a new school on the Idlewild site. The proposed zoning includes a \$900,000 cash proffer to offset capital costs needed to build more schools.

Mr. Craig also address the density concerns and the proposed zoning contains 198 units on 16.53 acres for a density of 11.96 units per acre. The Comprehensive Plan's (Comp Plan) land use categories define Medium-Density Residential as 8 units an acre or more. High-Density Residential is defined as 12 units an acre or more. The proposed use would be considered Medium-Density Residential. The Planned Development – Commercial District permits up to 24 units per acre, which would be considered High-Density Residential. Mr. Craig gave comparable residential densities: Hamptons at Noble – 128 multi-family units on 10.97 acres at 11.67 units per acre; Havens at Celebrate – 232 multi-family units on 16.84 acres at 13.78 units per acre; Seasons at Celebrate – 250

multi-family units on 13.48 acres at 18.55 units per acre and Cobblestone – 398 multi-family units on 19.48 acres at 20.43 units per acre.

Mr. Craig discussed the affordability concern and stated that the applicant added two proffers to the project addressing affordability: \$100,000 to the City for affordable housing initiatives and the reduction of rents to 12 units by \$200 a month for 5 years.

Mr. Craig said they asked Streetsense Consultants about this property and its sustainability of the different land uses on the property and it was debatable whether it has commercial viability because of its location, it does work for residential use. Staff recommended approval of the project with its submitted proffers.

Vice-Mayor Withers said he looked at other apartment complexes that he thought was comparable and said the student ratio for those apartments buildings were .57 and .41 which was double the number of students than what was being projected. He said the overall objective of the Comp Plan was to promote homeownership and the projects that had been approved over the last couple of years were widening the homeownership gap. He said the City needed to consider everything because adding multi-family units puts a burden on services.

Councilor Kelly agreed that they must look at the big picture including school costs as well as all other costs. Councilor Kelly gave some statistics on the cost of housing, mortgages and rents in the City and noted that the City employees cannot afford to live within the City they serve because the cost were too high. He said there needed to be safe and good housing that the employees could afford and he said this needed to be considered in the future. Councilor Kelly also noted that this piece of property was not suitable for single family homes with a four lane highway and Interstate 95 and

commercial all around but he thought it would attract more people with disposable income. He said projects like this were targeting professionals that is why there were no amenities for children. Councilor Kelly said the Council needed to stop looking at only how many students a project would add. He said this was a good project.

Councilor Ellis said he agreed with Councilor Kelly and he shared the concerns of the overcrowding in the schools. He said he thinks the number of school children was over estimated and he did not think the student impact from this project would be that great. He said the City knows it will have to start looking at building a school in the future. Councilor Ellis asked Planning & Development Director Johnston if this was the best use of this property and Mr. Johnston said it would be difficult to market commercial uses on this property because the property sets back off the road and backs up to Interstate 95. Councilor Ellis said the rents were structured to market the police, fire and teachers. He also added that Coleman's towing business will benefit tremendously because right now they cannot make a left onto Fall Hill Avenue.

Vice-Mayor Withers said there were more than just millennials in the area and he believe there was opportunity for housing for the elderly on this site.

Councilor Devine agreed that the focus seemed to be solely on multi-family and she believes in the future this project would not benefit the City. She said not all millennials are looking for apartments she knew of several who were looking for homes. She did agree that the Council must look at more than the overcrowding of schools but also the strain it would put on all services in the City. She said she could not support this project because she did not think this was the best use for the City.

Councilor Duffy thanked staff and the developer for bringing this project forward. He said the affordability and the improvements to infrastructure and transportation were needed, but he did not think this was the style of community for Fredericksburg. He said redevelopment of Central Park would give an opportunity that would build a neighborhood. Councilor Duffy said he did not see this as sustainable and it was not the best use for the City.

Councilor Frye said he felt the same way when the apartments behind the car dealership were approved. He said he was happy with some of the adjustments made, however he was not happy with the affordability of this project. Considering the additional proffers Councilor Frye made a motion to defer action so that he could have time to review the new proffers; motion was seconded by Councilor Kelly.

Councilor Kelly pointed out that in order to build affordable housing the houses would need to be \$100,000 homes and he said this was not an area people would want to raise a family in because of the its proximity to the commercial properties and the highway.

Mayor Greenlaw agreed with Councilors Kelly and Ellis that this was the highest and best use for this property and it also included a homeownership portion. She said there needed to be rooftops to support the commercial and there needed to be a workforce to attract the type of redevelopment and repurposing the City would like to see in the Central Park area. Mayor Greenlaw said this property was appropriate for this type of density, she said the proffers and the traffic improvements were outstanding. She thanked the applicant for addressing the affordability issue.

Councilor Duffy said Central Park needed to be redeveloped and he said the City could count on county development to provide the rooftops that would serve the City's needs. He said the City would be better off not developing the land like this because the City does not need the density.

City Attorney Dooley said the staff has not had the opportunity to look at the new proffers closely and would like the opportunity to do so and to prepare a memo to City Council for consideration.

The motion to defer passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Withers, Duffy, Ellis, Frye and Kelly. Nays (1). Councilor Devine.

Resolution 16-102, First Read, Amending the Fiscal Year 2017 City Grants Budget by Appropriating \$205,087 for Various Equipment Purchases Related to Grants Received by the Fire Department (D16-__).

– Councilor Kelly made a motion to approve Resolution 16-102, on first read, amending the Fiscal Year 2017 City Grants budget by appropriating \$205,087 for various equipment purchases related to grants received by the Fire Department; motion was seconded by Vice-Mayor Withers and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Motion to Suspend the Rule. In order to place Resolution 16-102 on for second read Councilor Kelly moved to suspend the rules; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Resolution 16-102, Second Read, Amending the Fiscal Year 2017 City Grants Budget by Appropriating \$205,087 for Various Equipment Purchases Related to Grants Received by the Fire Department (D16-__).

– Councilor Kelly made a motion to approve Resolution 16-102, on second read, amending the Fiscal Year 2017 City Grants budget by appropriating \$205,087 for various equipment purchases related to grants received by the Fire Department; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Resolution 16-103, First Read, Amending the Fiscal Year 2016 Budget by Appropriating \$273,381 in General Fund Balance Reserved for Regional Detention Facility Contribution Stabilization for the City’s Reconciled Share of Costs at the Rappahannock Juvenile Detention Center (D16-__).

– After a brief presentation Council addressed concerns about the cost increasing and the percentage of kids that commit crimes in the City that actually live in the City. They also questioned the agreement and they stated the demographics were much different now than when the agreement was made. Assistant City Manager Whitley responded saying the usage at the Juvenile Detention Center fluctuates widely from year to year and for 2017 they usage was trending downward. City Manager Baroody added that they were currently working on getting the data on the number of arrest in the City. Mr. Whitley stated that juvenile crimes usually track closer to their homes unlike adults. Councilor Frye also gave statistics he had gathered from 2015 and 2016. In 2015 from

January to August there were 138 juvenile arrest and in 2016 from January to September there had been 57 arrest.

Councilor Kelly made a motion to approve Resolution 16-103, on first read, amending the Fiscal Year 2016 Budget by appropriating \$273,381 in General Fund Balance reserved for Regional Detention Facility contribution stabilization for the city's reconciled share of costs at the Rappahannock Juvenile Detention Center; motion was seconded by Vice-Mayor Withers and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Resolution 16-104, Amending the Fiscal Year 2017 Budget by \$38,904 to Hire a Utility Line Locator in the Water and Sewer Funds (D16-__). – After staff presentation Councilor Duffy made a motion to approve Resolution 16-104, amending the Fiscal Year 2017 budget by \$38,904 to hire a utility line locator in the Water and Sewer Funds; motion was seconded by Vice-Mayor Withers and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Transmitting Fredericksburg Parking Plan of Action (D16-__). – After his presentation, City Manager Baroody stated that he would like Council to form a Taskforce to address the parking plan of action.

Councilor Devine made a motion to form a taskforce to work with Walker Parking Consultants on the plan of action. The Taskforce would include representatives from the following: University of Mary Washington (1), City Council (2), the Economic Development Authority (2) and Fredericksburg Virginia Main Street, Inc. (1); the motion

was seconded by Councilor Frye and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Councilor Devine made a motion to appoint Vice-Mayor Withers and Councilor Duffy to the Taskforce; the motion was seconded by Councilor Frye and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

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: Notice of Neighborhood Meetings, Economic Development Updates, City Firefighters Receive Propane Fire Suppression Training, Old Mill Park Improvements, Annual Campout Held and Public Art Sculptures Installed.

Adjournment. There being no further business to come before the Council at this time, Mayor Greenlaw Declared the meeting officially adjourned at 9:56 p.m.

Mary Katherine Greenlaw, Mayor

Tonya B. Lacey, Clerk of Council, CMC