



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

February 23, 2016

The Council of the City of Fredericksburg, Virginia, held a public hearing on Tuesday, February 23, 2016, beginning at 7:31 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 Beverly R. Cameron, Assistant City Manager Mark W. Whitley, City Attorney Kathleen Dooley, Assistant City Attorney Robert Eckstrom, Planning Services Director Charles Johnston, Community Development Planner Suzanna Finn, Zoning Administrator Michael Craig, Public Works Director Doug Fawcett and Clerk of Council Tonya B. Lacey.

Notice of Public Hearings (D16-79 thru D16-81). The Clerk read the notice of the public hearings as they appeared in the local newspaper, the purpose being to solicit citizen input.

2016-2017 Community Development Block Grant Annual Action Plan (D16-79). – No speakers. The Annual Action Plan outlines projects that address housing and homeless needs for qualified individuals. The eligibility threshold for community development programs, as defined by HUD, is persons and families whose

household incomes are 80 percent of the area median income or below. The total number of households in Fredericksburg that could be classified as low and moderate income is 5,805 or 60.28 percent of the City's households. Previous plans directed funds to various non-profit organizations lending services to eligible applicants to include emergency rental/mortgage assistance, legal services, health counseling, financial counseling and food assistance. Services that are directly managed by the Planning Department include Direct Homeownership Assistance Programs, Removal of Architectural Barriers Program and Emergency Home Repair Program.

Ordinance 16-06, First Read Approved, Rezoning Approximately 0.8829 Acres of Land Located 404 Willis Street From Light Industrial I-1 to Commercial Downtown (Conditional) (D16-80 thru D16-81). – 2

speakers. Staff gave a brief staff presentation before the public hearing was heard.

Considerable discussion was had on changing the zoning and whether the zoning should be site specific because the change in zoning would add significant value to the property. Mr. Craig said they discussed making it site specific with the applicant but they chose not to do that and they opted to proffer out residential use. Council was concerned with the future use of the property if the zoning was not project specific.

Dana Herlong, Herlong Architects, 1009 Prince Edward Street, representing ERI stated that the top priority was the safety and security of the students at the school and that ERI was not ready to proffer it as a school at this time, but stated that the school was not planning to go anywhere. She said they were planning a master plan for a field house, campus and tennis courts but they were not ready to reveal those plans because it

may be a while before they could build the project. Ms. Herlong also stated that the school intends to proffer it as a school but did not have the time to do that right now.

Joan McClaughlin, 210 Caroline Street, said she appreciated the time given to this project she said there have been issues at some schools and she wants to be proactive by getting the security in place as soon as possible. She said if proffering the school as a school would move the rezoning along she would be happy to do so.

Councilor Devine moved to approve Ordinance 16-06, on first read, rezoning approximately 0.8829 acres of land located 404 Willis Street from Light Industrial I-1 to Commercial Downtown (Conditional) to include an additional condition stating that the proffer be for a school use; 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).

Adjournment. There being no speakers to come before the Council at this time. Mayor Greenlaw Declared the hearing officially adjourned at 8:09 p.m.

Mary Katherine Greenlaw
Mary Katherine Greenlaw, Mayor

APPROVED
03-08-16

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

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HON. DR. TIMOTHY P. DUFFY, WARD THREE
HON. CHARLIE L. FRYE, JR., WARD FOUR

February 23, 2016

The Council of the City of Fredericksburg, Virginia, held a regular session on Tuesday, February 23, 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 Beverly R. Cameron, Assistant City Manager Mark W. Whitley, City Attorney Kathleen Dooley, Assistant City Attorney Robert Eckstrom, Planning Services Director Charles Johnston, Community Development Planner Suzanna Finn, Zoning Administrator Michael Craig, Public Works Director Doug Fawcett 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 Ted Marrs at this evening's meeting.

Public Hearings Conducted (D16-79 thru D16-81). The regular session was recessed in order to conduct the scheduled public hearings and immediately reconvened upon their conclusion.

Citizen Comment. The following speakers came forward to participate in the citizen comment portion of this evening's meeting.

Marilyn Brown, 5287 Cedon Road, Woodford, VA, stated that Micah Ministries was putting people out on the street because they were smoking in the shelter. She also said that FRED transit had been missing stops and that the cab companies needed to put credit/debit machines in the cars.

Kevin Brown (D16-82), 460 Riverside Drive, stated that he had created a Facebook group page called "City Council Updates". On this page he downloads and reposts City Council agendas and meeting minutes in hopes this would provide transparency in what's going on in the City. See D16-82 for more information.

Richard Harrison D16-83, 1304 Washington Avenue, thanked the Mayor and Council for actively listening, hearing and taking action to address concerns of the City residents on Washington Avenue. He expressed his concerns with the new independent tree committee and he was concerned that they did not have a clear mandate. He asked Council to provide the committee with a guiding principle for the tree plan and he suggested adopting the City of Charlottesville and the City of Richmond's process. See D16-84 for more information.

Robert Deaderick, 1306 Washington Avenue, spoke in regards to the petitioners and the trees on the Washington Avenue Mall. He was concerned about the monuments being blocked by the trees that are planted. He noted that this property was in the

National Historic Register. He was disappointed with Council for not speaking during the public forum that was held. He said they would love to see the City green but the mall is not the place.

Ann Black, 121 Poplar Drive, she had three questions regarding Governor's Row. She wanted to know if Council was aware that two of the three home sites exhibit medium to high shrink swell soil potential, and was there a shrink swell test required for new streets construction in City policy and she asked if it would be more appropriate to have a Geotechnical Engineer address the conditions rather than a Virginia licensed professional engineer?

Councilor Ellis responded on the shrink swell soil which he noted that the policy had changed due to issues in his neighborhood. He said in the past they would do an initially test for shrink swell when they graded the soil, and then after developers did additional grading the soil was not further tested but now it is required to be tested again in case the trucked soil was contaminated.

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

7A. Tree Policy – Councilor Kelly

Tree Policy – Councilor Kelly thanked staff for setting up the tree committee and he noted that staff was working on a mission statement for the committee and they were also working on a policy for tree plantings in the future. He said unlike other capital improvements projects this was an ongoing project and the public needed to be kept updated.

City Manager's Consent Agenda Accepted for Transmittal as Recommended (D16-85 thru D16-95). Following review and as recommended

Councilor Kelly moved approval of the City Manager's consent agenda items; motion was seconded by Councilor Frye and passed by the following recorded votes. Ayes (7).

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

- Transmittal of Financial Report (D16-85).
- Resolution 16-16, Second Read, Amending the Fiscal Year 2016 Budget for Activities Related to Insurance Recoveries (D16-86).
- Resolution 16-20, Authorizing the City Manager to Execute a Standard Project Construction, Operation and Maintenance Agreement with the Virginia Department of Transportation for Improvements to Princess Anne Street (Project #0001-111-258; UPC 100459) (D16-87).
- Transmittal of Boards and Commission Minutes
 - Architectural Review Board – December 14, 2015 (D16-88).
 - Architectural Review Board – January 11, 2016 (D16-89).
 - Clean and Green Commission – October 15, 2015 (D16-90).
 - Clean and Green Commission – December 7, 2015 (D16-91).
 - Economic Development Authority – January 11, 2016 (D16-92).
 - Planning Commission – January 13, 2015 (D16-93).
 - Potomac and Rappahannock Transportation Commission – January 7, 2016 (D16-94).
 - Recreation Commission – December 10, 2015 (D16-95).

Adoption of Minutes (D16-96). Councilor Devine moved approval of the February 9, 2016 Regular Session minutes and the February 17, 2016 Special Work Session; motion was seconded by Councilor Kelly and passed by the following recorded

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

Resolution 16-17, Second Read Approved, Amending the Fiscal Year 2016 Budget to Appropriate School Fund Balance in the School Operating and School Grants Funds (D16-97). After staff presentation Councilors Duffy and Devine disclosed that they were members of a business, profession, occupation or group of three or more members affected by the transaction, namely they are employees of the Fredericksburg Public School system. Councilors Ellis and Frye disclosed that their spouses were members of a business, profession, occupation or group of three or more members affected by the transaction, namely they are employees of the Fredericksburg Public School system.

Councilor Duffy moved to approve Resolution 16-17, on second read, amending the fiscal year 2016 budget to appropriate school fund balance in the school operating and school grants funds; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly.

Ordinance 16-07, First Read Approved, Revising the Solid Waste Chapter of the City Code to Address City-Owned Trash Carts, Include Recycling, Revise the Penalties for Violations, Grant Certain Administrative Authority to the Director of Public Works, Hold Lessors Responsible for Vacated Rental Properties, and Delete the Public Works Permit Requirement for Transporting Refuse (D16-98 thru D16-99). Staff

presented a PowerPoint presentation that covered the reason for the proposed changes to the solid waste code section, the actual changes to the code, addition of recycling, repealing permits for transporting trash and recycling, designated sites for waste deposit and several other miscellaneous revisions.

After some brief discussion, Councilor Kelly moved approval of Ordinance 16-07, on first read, to revise the Solid Waste Chapter of the City Code to address city-owned trash carts, include recycling, revise the penalties for violations, grant certain administrative authority to the Director of Public Works, hold lessors responsible for vacated rental properties, and delete the Public Works Permit requirement for transporting refuse; motion was seconded by Councilor Duffy and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly.

City Manager's Report and Council Calendar (D16-100 thru D16-101). City Manager Cameron asked if there were any questions regarding the Manager's report or the Council Calendar. Activities highlighted on the report were as follows: Group Tourism Sales Staff is on the Road Again Marketing the City and Region, New Drone Video Presents Central Park, Central Park Corporate Center, Celebrate Virginia Live Concert Series, FRED Transit Goes "Paperless", Virginia Resources Authority Bond Pool Application, Public Safety Radio System, Fredericksburg Police Launch New Program to Build Relationships with City Youth, Fredericksburg Police Officers Visit Senior Citizens for Valentine's Day, Parks and Recreation Holds Daddy Daughter Dance, Parks and Recreation Co-Sponsors Tax Aid, Property Maintenance Report for January 2016 and Building Construction Report for January 2016.

Closed Meeting Approved. Upon the motion of Councilor Devine, seconded by Councilor Kelly and passed by the following recorded votes, Council approved a closed session for discussion and consideration of candidates for the City Manager position, under Virginia Code §2.2-3711(A)(1). Ayes (7) Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye, and Kelly. Nays (0).

Return to Open Meeting Approved. Upon the motion of Councilor Kelly, seconded by Councilor Ellis and passed by the following recorded votes, Council approved a return to an open meeting. Ayes (7) Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye, and Kelly. Nays (0).

Resolution 16-21, Approved, Certifying Closed Meeting (D16-101.1). Upon the motion Councilor Kelly approved Resolution 16-21 certifying the closed meeting; seconded by Councilor Ellis and passed by the following recorded votes. Ayes (7) Councilors Greenlaw, Withers, Devine, Ellis, Frye, and Kelly. Nays (0).

Adjournment. There being no further business to come before the Council at this time, Mayor Greenlaw Declared the meeting officially adjourned at 9:40 p.m.

Mary Katherine Greenlaw
Mary Katherine Greenlaw, Mayor

APPROVED
03-08-16

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

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