



CITY OF FREDERICKSBURG, VIRGINIA
CITY COUNCIL
MINUTES
Council Chambers, 715 Princess Anne Street
Fredericksburg, Virginia 22401

HON. MARY KATHERINE GREENLAW, MAYOR
HON. CHARLIE L. FRYE, JR., VICE -MAYOR, WARD FOUR
HON. KERRY P. DEVINE, AT-LARGE
HON. MATTHEW J. KELLY, AT-LARGE
HON. JASON N. GRAHAM, WARD ONE
HON. JONATHAN A. GERLACH, WARD TWO
HON. DR. TIMOTHY P. DUFFY, WARD THREE

January 10, 2023

The Council of the City of Fredericksburg, Virginia, held a public hearing on Tuesday, January 10, 2023, beginning at 7:32 p.m. in the Council Chambers of City Hall.

City Council Present. Mayor Mary Katherine Greenlaw. Vice-Mayor Charlie L. Frye, Jr. Council members Kerry P. Devine, Dr. Timothy P. Duffy, Jonathan A. Gerlach, Jason N. Graham and Matthew J. Kelly.

Others Present. City Manager Timothy J. Baroody, Assistant City Manager Mark Whitley, Assistant City Manager David Brown, City Attorney Kathleen Dooley, Director of Planning and Development Services Charles Johnston, Senior Planner Michael Craig, Finance Director Robyn Shugart, Budget Analyst Donna Leahy, Assistant Director of Tourism Margaret Morris and Clerk of Council Tonya B. Lacey.

Notice of Public Hearings (D23-11). The Clerk read the notice of the public hearings as it appeared in the local newspaper, the purpose being to solicit citizen input.

Ordinance 23-01, First Read Approved, Amending the Water and Sewer Availability Fees (D23-11). No speakers. After staff presentation Councilor Graham moved to approve Ordinance 23-01, on first read, amending the water and sewer availability fees; motion was seconded by Vice-Mayor Frye and passed by the

following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach, Graham and Kelly. Nays (0).

Adjourned. There being no speakers to come before the Council at this time, Mayor Mary Katherine Greenlaw declared the hearing officially adjourned at 7:36 p.m.

Mary Katherine Greenlaw
Mary Katherine Greenlaw, Mayor

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



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January 10, 2023

The Council of the City of Fredericksburg, Virginia, held a regular session on Tuesday, January 10, 2023, beginning at 7:30 p.m. in the Council Chambers of City Hall.

City Council Present. Mayor Mary Katherine Greenlaw. Vice-Mayor Charlie L. Frye, Jr. Council members Kerry P. Devine, Dr. Timothy P. Duffy, Jonathan A. Gerlach, Jason N. Graham and Matthew J. Kelly.

Others Present. City Manager Timothy J. Baroody, Assistant City Manager Mark Whitley, Assistant City Manager David Brown, City Attorney Kathleen Dooley, Director of Planning and Development Services Charles Johnston, Senior Planner Michael Craig, Finance Director Robyn Shugart, Budget Analyst Donna Leahy, Assistant Director of Tourism Margaret Morris 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 Girls Scout Troop 263, Ambassador Level.

Officer Recognized. Mayor Greenlaw recognized the presence of Officer Gregory Baugher, at this evening's meeting.

Disclosures. Councilor Duffy disclosed that he was employed by the Fredericksburg City Public Schools and he could participate fairly, objectively and in the public interests.

Vice-Mayor Frye disclosed that his spouse was employed by the Fredericksburg City Public Schools and he could participate fairly, objectively and in the public interests.

Consent Agenda Accepted for Transmittal as Recommended (D23-01 thru D23-10). Councilor Gerlach moved approval of the City Manager’s consent agenda; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach, Graham and Kelly. Nays (0).

- Resolution 22-91, Second Read Approved, Amending the Fiscal Year 2023 Budget for Fredericksburg City Public Schools to Adjust the Increase for Fiscal Year 2023 Salaries for the Fredericksburg City Public Schools (D23-01 and D23-03/D23-04).
- Resolution 22-92, Second Read Approved, Amending the Fiscal Year 2023 Budget for Fredericksburg City Public Schools to Appropriate Funds for Capital Projects (D23-02 thru D23-04).
- Transmittal of Board and Commission Minutes
 - Board of Social Services – December 8, 2022 (D23-05)
 - Economic Development Authority – November 14, 2022 (D23-06)
 - Economic Development Authority – November 23, 2022 (D23-07)
 - Public Transit Advisory Board – June 8, 2022 (D23-08)

- Public Transit Advisory Board – July 13, 2022 (D23-09)
- Public Transit Advisory Board – October 5, 2022 (D23-10)

Public Hearing (D23-11). The regular session was recessed in order to conduct scheduled public hearings and immediately reconvened upon their conclusion.

Citizen Comment. The following comments were given and/or submitted to be read during the citizen comment portion of this evening’s meeting.

Holly Clark, 1504 Winchester Street, stated that she and her family travel by bicycle and she stated while trying to cross Cowan Boulevard to get to Hugh Mercer her daughter was almost struck by a car because of someone running a red light. She also stated that she noticed how fast cars were going in the school zone and she asked the City Council to look into placing speed cameras in the area during the school zone times.

Ms. Clark also thanked the Council for the reversion of Fall Hill Avenue and Washington Avenue back to two-way streets. She said it has been great and easier to get around. She said these changes have an economic impact on the City.

Chuck Koch, 3108 Normandy Avenue, spoke in support of accessory dwelling units (ADU). He said ADU’s could be used for extra income or a place for extended family to live. He said this would allow more affordable housing in the area and development of additional space. He said it would be a win for those looking for tiny house living.

Dennis Lister, 1108 Rappahannock Avenue, spoke against ADU and he asked that the process for ADU’s be open and comprehensive. He said Alexandria spent over a

year before making any decisions on ADU's. He asked the Council not to make this a quick process.

Sue Sargeant, 1318 William Street, asked the Council to table the vote on ADU's and requested that City Council and Planning consider several community engagement forums to discuss ADU's. She said forums are best practices to get engagement from the community. Ms. Sargeant noted that several of the neighbors had studied the online documents of Fairfax County, Arlington and Alexandria and they still do not understand the ramifications, positive or negative on the City and neighborhoods.

Ms. Sargeant also wanted to know why the City wanted to do ADU's by right instead of by Special Use Permit. She stated that Alexandria engaged the community with education and information shares but she said they do not see any of this engagement with Fredericksburg's proposal. She suggested the City use what Alexandria had already done instead of reinventing the wheel.

She asked the Council to table this item because they felt like it was being rushed.

Jack Cianciotto, 1406 Augustine Avenue, said he was not in support of ADU's. He said there were already some ADU's in the College Heights Area and he was not favorable of them. He did not want to see any other ADU's in the neighborhood. He said he purchased a single family home because that's where he prefers to live. Mr. Cianciotto stated that there was already a parking problem in the area. He noted that the increase in population would have an impact of Police, Fire, water and sewer. He asked the Council to get its spending under control because it was expensive to live in

the City. He said he has the right to expect that his neighborhood would remain a single-family neighborhood.

James Kotwicki, 1236 Rowe Street, listed 23 corporations that owned homes in the College Heights neighborhood and he said majority of them do not take interest in their properties. He said it was clear that ADU's have potential to be taken advantage of and can be turned into Air B&B's. He said he was very concerned about that happening. He was of the belief that ADU's would be turned into short term rentals. He said ADU's take houses off the market and increase rental prices. Mr. Kotwicki said he was concerned that the City would not be able to enforce the rules. He encouraged the Council to put this as a ballot measure.

Susan Pates, (D23-12). 2010 Fall Hill Avenue, stated that she felt the Council should be encouraging single-family housing. She commented on the large amount of renter compared to homeowners and the astonishing number of apartments and townhomes in the City. She even noted that there was plenty of senior living facilities available. Ms. Pates stated that it would be helpful to have ordinances to control overcrowding. She briefly spoke of the parking issues and she was not confident the City would be able to enforce the number of unrelated people in one house. Ms. Pates asked the Council to table the discussion on ADU's because there were too many unanswered questions.

Meredith Beckett (D23-13). 1401 Brent Street, asked the Council to delay action on the ADU item until staff hold a well-publicized forum to inform the residents about what constitutes an ADU and to answer questions about the pros and cons of ADU's.

She stated that she had spoken to many and they have never heard of ADU's. She agreed the City needed to address housing but she said more discussions needed to be held to discuss potential negative aspects of ADU's such as the strain on water and sewer use, parking issues and increased populations needing services and schools. Ms. Beckett stated that public comment period was not the same as a public discussion which allows for question and answers.

Raymond Herlong (D23-14). 1009 Prince Edward Street, stated that he has heard the Council discussion on ADU's but stated that if the Council and staff believe expanding ADU's is an improvement to the City they should be willing to convince neighborhoods and community groups that the benefits outweigh the negatives. Mr. Herlong noted that ADU's would not increase residential ownership but it would increase non-owner-occupied residential. It would also increase the proportion of city-renters, to property owners as well as increase the use of city services while decreasing those paying property taxes. Mr. Herlong asked the Council to halt the process and perform an in-depth study on the full costs and ramifications of expanding ADU's.

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

- 8A. Murder Free Fredericksburg – Vice-Mayor Frye
- 8B. Speeding in a School Zone – Councilor Gerlach
- 8C. Mary Washington Hospital/ Anthem Dispute – Councilor Devine

Murder Free Fredericksburg, Vice-Mayor Frye stated that he started tallying murders in the City to get the conversations started about crimes, in particular murders.

He noted that he was on the Council because of a murder he witnessed as a child. He started the tally in hopes that there would be a point in time where there were no murders, and 2022 was that year. He also noted that the City has the only program in Virginia that allow gun givebacks, which is a voluntary gun turn in program. Vice-Mayor Frye noted that to date there has been 220 guns turned in.

Councilor Gerlach stated that he was appreciative of Vice-Mayor Frye's commitment to crime in the City.

Speeding in a School Zone, Councilor Gerlach addressed the speaker's comments regarding speeding in a school zone. He said there was a Virginia State statute that allows the installation of speed cameras in school and construction zones. He asked the Council if they would be interested in asking staff to look into this.

Councilor Graham stated that anything that could be done to address pedestrian safety would be great, but he was not sure if cameras were the best option. He did not want to limit the research to cameras only because there could be other traffic calming measures.

Councilor Devine agreed that she did not want to limit the research to cameras only.

Vice-Mayor Frye agreed that something needed to be done but he did not want to limit the research to cameras only.

Councilor Duffy said he was concerned that speed cameras may not be as effective as the reengineering of the street. He was supportive of speed cameras to the

extent that they work but he said there were other measures that may be more effective.

Councilor Kelly echoed the other Council members. He stated that speed cameras were effective on catching speeders and making money but if the objective was to slow people he said the focus should be in that direction. He said there were many other areas that have these issues and this needed to be looked at for all problem areas in the City.

Mayor Greenlaw noted that the Police Department had been making efforts by focusing on certain areas and they had written 2400 tickets since October 2021.

Councilor Gerlach thanked the Council and he agreed that the holistic approach was a better approach but he said perhaps a short term solution would help in the meantime.

Mary Washington Hospital/Anthem Dispute, Councilor Devine asked the City Manager to give a brief update on what it was doing although it was not in the City domain to address.

Mr. Baroody stated that the City was concerned with the dispute between Anthem and Mary Washington Hospital. He said he had talked with Dr. McDermott about the ongoing negotiations with Anthem and expressed the City's concerns. He said they do not have a consensus. He said he was planning to talk to Anthem to relay the same message about the concerns because it would have a great impact on the community. He said if they do not come to consensus by February 28 many people will be out of network and that was unacceptable.

Councilor Duffy asked the Council if they were in agreement with moving Item 11F up on the agenda.

Resolution 23-02, Approved, Initiating Amendments to the Unified Development Ordinance to Permit and Establish Regulations Governing the Use of Accessory Dwelling Units Associated with Single-Family Detached Dwelling Units (D23-22 thru D23-23). Planning and Building Development Director Johnston presented a PowerPoint presentation and he reminded the Council that at the December 13 work session there was a consensus of the Council to begin discussions on Accessory Dwelling Units (ADU). He reviewed the City Neighborhood character and history and showed that it had changed over the years and that ADU's were more common in the older parts of the City. ADU's were allowed up until the 1970's. Those ADU's were typically within the structure.

Mr. Johnston showed a map of the identified ADU's within the City but he cautioned there were more within the City. He said there were at least 90 but it's believed there are over 100. He said the purpose for this change was to legalize usage that already occur. In the presentation, he reviewed the change to the Accessory Dwelling Unit ordinance and the Accessory Dwelling Units Standards.

Mr. Johnston recommended the next steps as approving the resolution initiating Accessory Dwelling Unit Ordinance amendment process for Planning Commission review and recommendation, Planning Commission hold a public Hearing on February 8 and the Commission has 100 days from that date to make a recommendation to Council. The

council can grant an extension to that 100 days and Planning Commission may hold additional community information sessions.

Councilor Kelly stated that on Sunday he posted a survey about ADU's and he had received 178 responses with over 430 comments. He reviewed the stats of the survey. He said there was a lot of interests and questions on ADU's.

Councilor Kelly agree the City has a process in place but he felt there should be a community engagement session before taking this to the Planning Commission. He stated that the City had become an investment haven and allowing ADU's would not really help property values. He said there needed to be more education on ADU's. He noted that the Alexandria model was a great model and suggested the City should follow their model. Mr. Kelly was insistent on starting without a draft and having dialog with the public first before drafting a policy.

Dr. Duffy said he had heard a lot about the pressures around the college and what ADU's might do to the neighborhood. He was in agreement that everyone must educate themselves about ADU's and what we want them to do or not do for the City. He said he would like to find a way to use the expertise of the Planning Commission and have them responsible for the forums. He would like to do whatever works best for the City. He was aware that there were many concerns about enforcement.

Mr. Johnston stated whenever discussing complexed issues he finds that if he starts with a blank slate the discussion falls flat but if he starts with some ideas it focuses the conversation and gives structure. He said the ordinance was a proposal that could evolve into something as the discussion occurs.

Mayor Greenlaw explained that there was nothing to discuss until it is initiated and the appropriate vehicle for discussion was through the Planning Commission. She said this was a reality that needed to be addressed. She noted that the proper process was for the Council to send it to the Planning Commission and they would be tasked with holding the public discussions.

Councilor Devine originally agreed there should be public comment first but she was appreciative after hearing Mr. Johnston's and the Mayor's comments about having some framework to work from. She had a concern that in the proposal which stated they may hold additional community discussions and she would like it to say they will hold additional community discussions. Another concern she had was with parking because people have more cars and there is not a robust public transportation system in the City. She said different neighborhoods have different concerns and what works in one neighborhood may not work in another. Another concern Councilor Devine had was with enforcement because that was already an issue with enforcing the number of unrelated people living together.

Councilor Devine said she has had people ask her what ADU mean and she said that is where discussions need to start. She would like this information posted on the website to help educate people on the basics.

Vice-Mayor Frye said he had some opinions on the topic but he wanted to make the public aware that the Council never rush decisions. He said the ADU conversation has been an ongoing conversation. He said during COIVD there was a conversation on

when a citizen came to City Council for a permit to put an ADU in her basement for her elderly mother and it was denied.

Vice-Mayor Frye was concerned with lot size and setbacks and he noted that someone with a larger lot and a smaller home may not be able to do this.

Councilor Graham agreed that this was not rushed. He said there was August 6, 2019 editorial in the Free Lance-Star which stated that he had requested in the August previously for public dialog on ADU's. He noted it has been four years since he originally asked for discussions on ADU's.

Councilor Graham also spoke on the case that came before Council that Vice-Mayor Frye spoke about. He noted that all her mother wanted was a stove in the basement and she could not have that because it was not allowed. He is of the belief that the City could craft a policy that will not put a strain on infrastructure or parking and provides a tool to help with housing opportunities in the City. Housing costs are a concern and ADU's are one way to address the issue.

Councilor Graham touched on how few starter homes there are and the difficulty to afford homes and having an ADU could provide the income needed to afford the home. He was hopeful that a policy, that is right for the City, could be drafted from everyone's opinion.

Councilor Gerlach noted that there are so many opinions on this. He said it was too early to decide if ADU's are right for the City. He said he would like to involve the public as robustly as possible. He asked that the Planning Commission look at the definition of a family, which he said it may need to be modified. He also asked if they

could look at wheelchair accessible floor plans that are found in an ADU market place and make a recommendation based on that. Finally, he would like the Planning Commission to consider a pilot program in order to get data.

Councilor Kelly said there are option that the public does not know about before staff begins with this. Another problem is that there is no community coverage of what's going on in the community and he said the City needed to step up and do this. He wants the City to go out to the community, on their schedule, and answer questions. Councilor Kelly requested the City start with an educational component even if that's through the Planning Commission. Before starting he would like staff to come back and say how they are going to handle this before moving forward.

Mr. Johnston said he would like to have the Planning Commission have a say in how this will be handled and Mr. Kelly said that was fine if they are going to recommend how they are going to move forward with community engagement, but he would not support them sending a recommendation to Council to move forward on, he would not be in support.

Councilor Graham made a motion to approve Resolution 23-02, initiating amendments to the Unified Development Ordinance to permit and establish regulations governing the use of accessory dwelling units associated with single-family detached dwelling units; motion was seconded by Councilor Gerlach.

Councilor Kelly made a friendly amendment, before taking formal action on the motion that the Planning Commission submit a formal community engagement plan on moving forward with the ADU process.

Councilor Kelly stated that this was an opportunity to reengaged with the civic community in the City by getting out there to meet with them.

Councilor Graham, the maker of the motion, did not accept the friendly amendment, he said he wanted to hear from the Planning Commission on how they want to engage the public. He said if they do not comeback with the level of engagement that the Council feels necessary the Council could extend the time period.

Councilor Devine said she was of the understanding that Mr. Johnston was going to have the Planning Commission start the process and come back to the Council and inform them how they plan to proceed.

Mr. Johnston said this should go through a process and this will be discussed at the February Planning Commission meeting and he could report back to Council the preliminary thoughts of further community engagement. He said he would report back monthly as the Planning Commission goes through the process.

Councilor Devine informed the public that the Council has been looking at this for some time and they would not rush the process. She encouraged the public to stay engaged and get involved but keep the questions, concerns and kudos coming.

Councilor Duffy said the importance of public forums was vital. He asked for clarification on the timing of the recommendation and how the initiation process could be extended. Mr. Johnston said he would bring it back to Council to amend the resolution granting additional time for review.

Councilor Duffy said he envisioned the City Council and the Planning Commission attend forums and give citizens the opportunity to give feedback whether in person or online. He said this was not the traditional way to handle things.

Councilor Kelly was not in agreement with the proposed process.

Mr. Johnston clarified what he understood, the Council would initiate the change, he would take it to the Planning Commission for a public hearing on February 8 and the discussion would be how to garner further public comment and he would report to the Council at the February 14 meeting on how the Planning Commission would be moving forward.

Councilor Graham clarified that he rejected the amendment because of the request for a formal report.

The motion passed by the following recorded votes. Ayes (5). Councilors Greenlaw, Frye, Devine, Gerlach and Graham. Nays (2). Councilors Duffy and Kelly.

Appointment to the Planning Commission (D23-15) – Councilor Devine moved to appoint Susanna Finn to the Planning Commission; motion was seconded by Councilor Duffy and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach, Graham and Kelly. Nays (0).

Appointment to the Building Codes Appeals Board (D23-16)– Councilor Kelly moved to appoint Chris Huie to the Building Codes Appeal Board; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach, Graham and Kelly. Nays (0).

Resolution 23-03, Approved, Authorizing the City Manager to Accept a Donation of Approximately 1.15 Acres of Land on the South Side of the Blue Gray Parkway for the Preservation of Open Space (D23-17).

After staff presentation Councilor Kelly moved to approve Resolution 23-03, authorizing the City Manager to accept a donation of approximately 1.15 acres of land on the south side of the Blue Gray Parkway for the preservation of open space; motion was seconded by Councilor Gerlach and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach, Graham and Kelly. Nays (0).

Resolution 23-04, First Read Approved, Amending the Fiscal Year 2023 Budget to Appropriate Funds for a Virginia Tourism Corporation Grant for the Relocation, Redesign Upgrade, and Expansion of the Fredericksburg's Visitor Center (D23-18).

Councilor Devine moved to approve Resolution 23-04, on first read, amending the Fiscal Year 2023 budget to appropriate funds for a Virginia Tourism Corporation Grant for the relocation, redesign upgrade, and expansion of the Fredericksburg's Visitor Center; motion was seconded by Councilor Gerlach and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach, Graham and Kelly. Nays (0).

Transmittal of an Update on the Upgrade and Expansion of the City's Wastewater Treatment Plant (D23-19).

Mr. Whitley reported that the interim agreement was not ready but they were working with Ulliman Schutte. He said there were no points of disagreement just a lot of details to work through.

Mr. Whitley added that staff had been in touch with the City's lobbyist in Richmond and they have asked local delegation to help. He said they met with the Secretary of Natural Resources in Richmond to get his feedback on the project and they were pleased with it but additional support did not make it into the Governor's budget. He said they were asking local delegation to sponsor a budget amendment in the current session in the amount of \$20 million to see if the General Assembly would provide additional support for the project.

Resolution 23-05, Approved, Appointing Wingate and Associates the Assessor for the Upcoming General Property Reassessment (D23-20).

After staff presentation and a brief discussion Councilor Graham moved to approve Resolution 23-05, appointing Wingate and Associates the assessor for the upcoming general property reassessment; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach, Graham and Kelly. Nays (0).

Resolution 23-06, First Read Approved, Amending the Fiscal Year 2023 Budget for General Property Assessment (D23-21). Councilor Graham made a motion to approve Resolution 23-06, on first read, amending the Fiscal Year 2023 budget for general property assessment; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach, Graham and Kelly. Nays (0).

City Manager’s Report and Council Calendar (D23-24 thru D23-25).

City Manager Baroody directed the Council’s attention to the Manager’s Update: Winter Restaurant Week, Extended Parking Continues in the Downtown Business District, Christmas Tree Collection, Fall Leaf Collection, Traffic Safety Initiative, Are You Subscribed to Fredericksburg Alerts, COVID-19 Vaccinations, Board and Commission Openings, The Parks, Recreation and Events Winter and Spring Catalog, Winter Programs and Fred Focus.

Adjournment. There being no further business to come before the Council at this time, Mayor Greenlaw declared the meeting officially adjourned at 9:57 p.m.

Mary Katherine Greenlaw
Mary Katherine Greenlaw, Mayor

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