

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. JASON N. GRAHAM, WARD ONE
HON. DR. TIMOTHY P. DUFFY, WARD THREE
HON. CHARLIE L. FRYE, JR., WARD FOUR

February 12, 2019

The Council of the City of Fredericksburg, Virginia, held a public hearing on Tuesday, February 12, 2019, beginning at 7:31 p.m. in the Council Chambers of City Hall.

City Council Present. Mayor Mary Katherine Greenlaw, William C. Withers, Jr., Council members Kerry P. Devine, Dr. Timothy P. Duffy, Charlie L. Frye, Jr., Jason N. Graham and Matthew J. Kelly.

Also Present. City Manager Timothy J. Baroody, Assistant City Manager Mark Whitley, Assistant City Manager Doug Fawcett, City Attorney Kathleen Dooley, Assistant City Attorney Robert Eckstrom, Budget Manager Deidre Jett, Director of Community Planning & Building Services Charles Johnston, Senior Planner Michael Craig, Historic Resources Planner Kate Schwartz, Community Development Planner Susanna Finn, Director of Economic Development Bill Freehling, Building Official John Schaffer, Property Maintenance Code Official Paula Johnson, Business Development Manager Angela Freeman and Clerk of Council Tonya B. Lacey.

Notice of Public Hearings (D19-34 thru D19-35). The Clerk read the notice of the public hearings as they appeared in the local newspaper, the purpose being to solicit citizen input.

Resolution 19-11, Amending the 2015 Comprehensive Plan to Adopt a New Small Area Plan for Land Use Planning Area 6 (D19-34

thru D19-35). 1 speaker. Community Development Planner Finn presented a PowerPoint presentation and in the presentation she discussed the Comprehensive Plan amendments to Chapter 10 and Chapter 11, she talked about the meetings that were held, review of the discussions at the Planning Commission meetings, review of the amendments, neighborhood protection, Maker District, redevelopment, access and mobility and implementation.

Vice-Mayor Withers stated that he liked the concept but he was concerned about changing the Comprehensive Plan. He noted that the changes would allow a lot more housing without the guarantee of a commercial base to offset the costs. Ms. Finn explained that part of the redevelopment strategy of the Maker District was to allow for the types of use businesses wanted to have and that were already operating and the redevelopment of those commercial structures to relieve the pressure of them becoming residential structures. Vice-Mayor Withers said he was not going to support because he was not sure the base would be there to offset the costs. Senior Planner Craig added that there was no by-right density increase in the plan and there were transfer development rights which would allow residential development units to be moved around but not allow new ones to be created. He added that affordable housing was a program that would increase some level of housing but it would fit in the current zoning. Mr. Craig said the use patterns for this area would be the maker district and many of the steps were to allow that use to grow and that is what they were focused on.

Christian Zamas, 616 Greenbrier Drive, spoke out as a business owner in the downtown area. He said he had attended all of the meetings which gave a better understanding of the amendments. He said he understood the concerns but if the City did not make a decision and put plans in place it would be making a big mistake.

Councilor Kelly made a motion to approve Resolution 19-11, amending the 2015 Comprehensive Plan to adopt a new Small Area Plan for Land Use Planning Area 6; motion was seconded by Councilor Devine.

Councilor Kelly said the success of this effort would be with the City working with the development community. He said the City was well ahead of the surrounding counties with this concept.

The Council was very supportive of the amendments and they thanked the staff for all their work to make this possible.

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

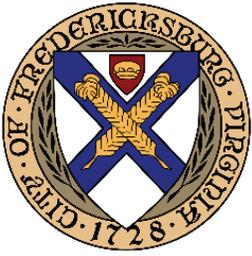
Adjourned. There being no more speakers to come before the Council at this time, Mayor Greenlaw declared the hearing officially adjourned at 7:45 p.m.

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

Mary Katherine Greenlaw
Mary Katherine Greenlaw, Mayor

APPROVED
02-26-19

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HON. CHARLIE L. FRYE, JR., WARD FOUR

February 12, 2019

The Council of the City of Fredericksburg, Virginia, held a regular session on Tuesday, February 12, 2019, beginning at 7:30 p.m. in the Council Chambers of City Hall.

City Council Present. Mayor Mary Katherine Greenlaw, William C. Withers, Jr., Council members Kerry P. Devine, Dr. Timothy P. Duffy, Charlie L. Frye, Jr., Jason N. Graham and Matthew J. Kelly.

Also Present. City Manager Timothy J. Baroody, Assistant City Manager Mark Whitley, Assistant City Manager Doug Fawcett, City Attorney Kathleen Dooley, Assistant City Attorney Robert Eckstrom, Budget Manager Deidre Jett, Director of Community Planning & Building Services Charles Johnston, Senior Planner Michael Craig, Historic Resources Planner Kate Schwartz, Community Development Planner Susanna Finn, Director of Economic Development Bill Freehling, Building Official John Schaffer, Property Maintenance Code Official Paula Johnson, Business Development Manager Angela Freeman and Clerk of Council Tonya B. Lacey.

Opening Prayer and Pledge of Allegiance. Council was led in prayer by Councilor Charlie L. Frye followed by the Pledge of Allegiance led by the James Farmer Scholars.

Officer Recognized. Mayor Greenlaw recognized the presence of Officers Scott Worley, Tracey Miller, Kyle Rasmussen, and Luke Garrant at this evening's meeting.

Citizen Comment. The following speakers participated in the citizen comment portion of this evening's meeting.

Caitie Finlayson (D19-36), 1105 Great Oaks Lane, spoke about her concern for the underfunding of the school system, the plan to add on to the Lafayette Upper Elementary and the plan to reshuffle grades around rather than address long term enrollment needs by building a new school. Ms. Finlayson also spoke about how fast the City was growing and about how low the property taxes were. She said she would be willing to pay higher taxes to help with funding the schools properly. See D19-36 for more information.

Kristen Kinnamon (D19-37), 1218 Brent Street, also spoke in opposition of the proposal to add on to Lafayette Upper Elementary School. She said this was a short term solution to a much larger problem and that there was a need for a new school. See D19-37 for more information.

Heidi Taft, 1204 Buckner Street, spoke about the overcrowding of the elementary school and how the classrooms in the trailers were not adequate for classrooms. She also spoke about how the crowding imposed safety hazards for the children.

Jamie Scully, 1309 Prince Edward Street, spoke in regards to the ARB appeal. He said he attended Mary Washington University and majored in historic preservation. He said he served on the ARB for eight years and he was not in support of the HFFI appeal. He said the issue was minimal and not founded for appeal. He asked the Council to support the ARB's ruling because he did not see the porch floor as a character defining feature.

Anna Dickinson (D19-38), 1507 Winchester Street, stated that she was not in support of expanding Lafayette Upper Elementary School or the relocation of 2nd graders to the upper elementary school. Ms. Dickinson stated that the proposed plan was a band-aid

and not the best use of the limited resources. She also stated that she would be willing to pay higher taxes for a new school. See D19-38 for more information.

Lindsay Dickinson (D19-39), 703 Cornell Street, spoke in opposition of the expansion of Lafayette Upper Elementary and the relocation of 2nd graders to Lafayette. She suggested moving the VPI students back to the Walker Grant Center to free up space at Hugh Mercer Elementary. See D19-39 for more information.

Amy Dempsey, 1500 Augustine Street, spoke about her disappointment of the City schools and how she was in search of moving north to find a better school system for her child. Ms. Dempsey also stated that expanding the schools was not the best option.

Jared Swearingen, 807 Mortimer Avenue, spoke in opposition of the proposed expansion and the relocation of 2nd graders to the upper elementary school. He said this was not a fix but a shuffling of students and causing overcrowding at another school. Mr. Swearingen said options should be given to the public to decide. He said it appeared that the City had plenty of funding and they were using it to support new initiatives such as baseball.

Leah Courtnage (D19-40), 407 Fauquier Street, said she submitted a petition that was signed by many who spoke tonight and they had many more to come. She asked Council to defer their vote. She suggested that Council come up with a committee to help the Council and School board to come up with the best plan. See D19-40 for more information.

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

7A. City Schools Capacity Plan – Mayor Greenlaw and Councilor Kelly

7B. Hen Asem – Mayor Greenlaw

7C. Recognition of Mayor for Life Rev. Lawrence A. Davies – Mayor Greenlaw

City Schools Capacity Plan (D19-41 thru D19-43). - Mayor Greenlaw reported that a few years ago the Council and the School Board established a working group that meets monthly. The group included two School Board members, two Council members and staff from School Board and the City. This group was established to create good communication and to work together on budget issues and issues like overcrowding. The high priority was to develop a plan for capital needs. The City asked and paid for an updated capacity study which the School Board carried out. A primary matter that the working group had been working on was overcrowding and they have been trying to come up with a strategy to meet the need. Mayor Greenlaw congratulated the School Board for looking ahead and building Lafayette Upper Elementary and James Monroe to allow for additions to accommodate growth.

City Manager Baroody stated that the City was looking to invest a significant amount of money into the school system. He noted that at the 2016 Council Biennial retreat the Council established a vision for the City and one of the eight desired future states was “Learning is a Way of Life” and Council talked about improving communications with the School Board and addressing school capacity issues. Below the desired future states were 35 priorities for staff to work on and the issues under schools was, to establish a school communications process, this was do through the working group who meets monthly as well as regular monthly meetings between the School Superintendent and the City Manager. Council tasked staff to work with school staff to establish a Memorandum of Understanding that resulted in a plan for future growth and alignment of schools for the next 10 years, work force development and high tech opportunities. He said there had been significant progress on these items. Staff asked the Superintendent to get a new look at the 2014 capacity numbers and Mosely was selected to do this work. Staff worked with Mosely to look at

various opportunities to handle the growth in the schools. The work generated 3 scenarios and it was decided that the working group was to work through the scenarios and they determined the proposed scenarios as the most cost effective scenario. This determination was made based on other pressures the City was facing.

Assistant City Manager Whitley presented a PowerPoint presentation to show the City's debt service levels, the baseline forecast for FY 2020- FY 2024, important notes on the baseline, impact of potential increase in Real Estate Tax, School Capital Improvement Plan from FY 2018 and the impacts of individual projects. He noted that in the next ten years the City was going to have to look at its wastewater facilities. He explained that the City would have to either renovate its own plant or work with Spotsylvania County on its facility. He gave an estimate of \$40M-\$70M over the next ten years for this project.

Mr. Baroody added that there was conversations about a new school but after discussions on the City's finances it was determined that expanding schools was the most cost effective approach. Schools were asked to craft a long range plan after the Mosely data was received and that plan was adopted by the School Board on February 4. This plan provides for two major improvements in the next 6 years. Those projects include expansion of Lafayette Upper Elementary in 2021 and the expansion of James Monroe High school in 2024 to allow an additional 200 students in each school. The expansion of Walker Grant and a new school in later years.

Mayor Greenlaw asked Deputy Superintendent Dr. Catlett to address the Virginia Preschool Initiative (VPI) program that was addressed during public comment. Dr. Catlett stated that the programs was moved to Hugh Mercer during the renovation of the original Walker Grant facility. She explained that due to the start time of the program it aligned better with the transportation needs of Hugh Mercer and that would allow them to be transported

with the Hugh Mercer students. Dr. Catlett said they would be meeting to discuss the possibility of moving the program back to the Walker-Grant Center.

Councilor Devine asked for clarification and whether there was space at the Walker-Grant Center for the VPI students and Dr. Catlett said there was, and that it was strictly a transportation issue. Councilor Devine asked staff to show the public what a tax increase would look like since they were eager to pay higher taxes for a new school.

Councilor Kelly summarized how the relationship used to be with the City and the School Board and he praised the schools for working with the City so closely. He said he did not think there was a school system in the region that works as closely as the City was with its School Board because there was a limit to how far the City could push into the schools decisions. He said it was important for the City to know what the schools was facing so that the City could financially prepare. Councilor Kelly also explained that the State was cutting budgets more in transportation causing those cost to fall on the localities. He also noted that because we have been giving the schools more funding the City has deferred on several other things such as 24/7 EMS and additional police officers. He reviewed several other items that had been deferred over time and all the other expenses that the City had to face overtime. Councilor Kelly also spoke about tax increases and he noted that the City had the largest number of people on fixed incomes within the region. He noted that the State provides the counties with seventy (70) percent of the funding for their students and the City has to provide sixty (60) percent of the funding for its students because it is based on a formula.

Councilor Duffy disclosed that he was an Assistant Principal at James Monroe High school but he could participate in the transaction fairly, objectively and in the public interest and Councilor Frye disclosed that his spouse was an employee of the Fredericksburg Public schools but he could participate in the transaction fairly, objectively and in the public interest.

Councilor Graham stated that he did not think the schools working group was given the type of analysis that was needed to make their determination. He said the Mosely study did not take into account the shocks to the system like the increased developments that have come into the City. Councilor Graham presented a PowerPoint presentation to show his analysis, the presentation included: two challenges to recommended plan, challenges to the original study's methodology, live birth history versus kindergarten actuals (1997-2004), live birth history versus kindergarten actuals (2005-2013), summary of live births vs kindergarten actuals, possible reasons why the percent increased, updated methodology assumptions, projections with updated methodology, 2026 enrollment projections and potential impacts and cost comparison of proposals. See D19-43 for more information. Councilor Graham, based on his analysis, urged the Council to reconsider the Moseley study and he said he would like to speak with them regarding their numbers and how they came up with them.

Mayor Greenlaw explained that the Moseley Group worked with the City on their projections and she added that they had embed the projections, based on the growth that was in the pipeline.

Vice-Mayor Withers encouraged Councilor Graham to take another look at the number of units he was using because he was basing the new units on the growth of Idlewild which was about 800 single family units and the new projects were majority apartments which the average number of students would be less than those from single family homes.

Mr. Whitley gave a rough estimate on how much of an increase on real estate taxes would be needed for a new school to be built and that estimate was about \$.08 and the operating would be an additional \$.05.

Councilor Frye spoke about how important engagement was and that it seemed liked many had missed the last School Board meeting. He said he was glad to see the number of people out but he wished they had shown up to the School Board meeting.

Vice-Mayor Withers made a motion to hold off on a vote until a later date; motion was seconded by Councilor Devine.

Councilor Duffy said it was great to see everyone and he said it has been helpful to hear some of the thoughts that have come out of the discussions. He said hearing that many of the speakers were willing to pay higher taxes was hard to hear because those that are willing do not represent the City. He said he see the City every day in the schools and those that were at the meeting are not what he see every day at the schools. He said it was important to bring more of the community into the meetings such as the elderly, those that are in poverty, and those that are trying to get to middle class so they could hear how a tax increase may impact them. He said he was supportive of looking at more of what may come down the pipe. Councilor Duffy said it was awkward to discuss the detailed workings of a school system that is run by a School Board.

Councilor Kelly requested that Mosley be present at the next meeting and there was no objections from the Council.

Councilor Frye requested that there be a timeline on when the council bring this back before the Council and Mr. Baroody said he would like to see it come back before the he brings the budget to Council on March 12.

Mayor explained that this was a collaborative effort between the Council and the School Board. She said there was actually 400 seats available but not in the places they were needed. She noted that this recommendation came forward in order to keep up with the schools funding increases, which was currently \$2.1M and because of all the other projects

the City has and not because the City does not care about the children. She explained that the Council could not tell the school that they don't like certain programs they have because that was the schools responsibility not the Council.

The motion to defer no later than March 12 passed by the following recorded votes. Ayes. (7) Greenlaw, Wither, Devine, Duffy, Frye, Graham, Kelly. Nays. (0).

Hen Asem. – Mayor Greenlaw spoke about the yearlong program that the City was sponsoring with the museum called Hen Asem which means “Our Story”. This was a memorial of the coming of the first slaves to Virginia. The whole nation would be celebrating this event and it would bring attention to the early days of slavery in the community. This would be a yearlong series of events to tell the story of slavery in the City starting in March. Mayor Greenlaw stated that this would dovetail into the work that the City was doing with the Sites of Conscience and the roll of the African American's in the City.

Recognition of “Mayor for Life” Rev. Lawrence A. Davies. – Mayor Greenlaw congratulated “Mayor for Life” Rev. Lawrence Davies for being designated as a strong Man in Virginia History by the Virginia Library and Dominion Energy.

City Manager's Consent Agenda Accepted for Transmittal as Recommended (D19-44 thru D19-59). Councilor Kelly moved approval of the City Manager's consent agenda items; motion was seconded by Councilor Duffy and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Frye, Graham and Kelly. Nays (0).

- Ordinance 19-03, Second Read Approved, Amending the Special Events Ordinance to Provide for a Tiered Structure for Event Applications, and to Clarify the Effect of the Issuance of a Special Events Permit (D19-44).

- Resolution 19-12, Supporting a Primary Extension Program Application (D19-45).
- Resolution 19-13, Accepting Streets in the Kensington Hill Subdivision Into the City's Street System and Petitioning the Virginia Department of Transportation to Accept the Streets Into the State Street System (D19-46).
- Transmittal of Board and Commission Minutes
 - Architectural Review Board – October 8, 2018 (D19-47).
 - Cable Commission – January 18, 2018 (D19-48).
 - Cable Commission – March 15, 2018 (D19-49).
 - Clean and Green Commission – October 1, 2018 (D19-50).
 - Clean and Green Commission – November 5, 2018 (D19-51).
 - Clean and Green Commission – December 3, 2018 (D19-52).
 - Economic Development Authority – October 8, 2018 (D19-53).
 - Economic Development Authority – November 5, 2018 (D19-54).
 - Economic Development Authority – November 7, 2018 (D19-55).
 - Planning Commission Work Session – October 10, 2018 (D19-56).
 - Public Transit Advisory Board – June 6, 2018 (D19-57).
 - Recreation Commission – August 6, 2018 (D19-58).
 - School Board – November 5, 2018 (D19-59).

Adoption of Minutes (D19-60 thru D19-62). Councilor Devine moved approval of the November 27 December 3 and December 11, 2018, Work Session Minutes and the January 22, 2019 Regular Session minutes; motion was seconded by Councilor Kelly and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Frye, Graham and Kelly. Nays (0).

Resolution 19-14, Approved, Approving a Fiscal Year (FY) 2019 Budget Amendment Appropriating Funds in the Children Services Act Fund and the General Fund Related to Increases in Demand for Services (D19-63). After staff presentation Councilor Duffy made a motion to approve Resolution 19-14, approving a Fiscal Year (FY) 2019 budget amendment appropriating funds in the Children Services Act Fund and the General Fund related to increases in demand for services; motion was seconded by Vice-Mayor Withers and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Frye, Graham and Kelly. Nays (0).

Ordinance 19-04, First Read Approved, Prohibiting the Defacement of Buildings, Walls, Fences, and Other Structures on Public and Private Property by Graffiti; Requiring the Removal or Repair of Graffiti; and Authorizing the City Manager to Remove or Repair Graffiti (D19-64).

After staff presentation and brief discussion Councilor Devine made a motion to approve Ordinance 19-04, on first read, prohibiting the defacement of buildings, walls, fences, and other structures on public and private property by graffiti; requiring the removal or repair of graffiti; and authorizing the City Manager to remove or repair graffiti; motion was seconded by Councilor Duffy and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Frye, Graham and Kelly. Nays (0).

Ordinance 19-05, First Read Approved, Temporarily Suspending the Imposition of Penalties for Late Payment of Utility Bills (D19-65).

Councilor Graham stated that he is an employee of Booz Allen Hamilton a federal contractor

that works for the federal government and to avoid the appearance of a conflict he recused himself from any discussion and votes on this matter.

Vice-Mayor Withers made a motion to approve Ordinance 19-05, on first read, temporarily suspending the imposition of penalties for late payment of utility bills; 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). Abstain (1). Graham.

Motion to Suspend the Rules. In order to put Ordinance 19-05 on for second read Vice-Mayor Withers made a motion to suspend the rule; motion was seconded by Councilor Devine and passed and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Withers, Devine, Duffy, Frye and Kelly. Nays (0). Abstain (1). Graham.

Ordinance 19-05, Second Read Approved, Temporarily Suspending the Imposition of Penalties for Late Payment of Utility Bills (D19-65).

Vice-Mayor Withers made a motion to approve Ordinance 19-05, on second read, temporarily suspending the imposition of penalties for late payment of utility bills; 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). Abstain (1). Graham.

Resolution 19-15, Affirming the Architectural Review Board Approval of a Certificate of Appropriateness for Exterior Alterations at 129 Caroline Street (D19-66 thru D19-69).

Historic Resources Planner Schwartz presented a PowerPoint presentation and in the presentation she discussed: the project

overview, the porch details, standards for alterations in §72-23.1(D)2, sample of other porches nearby and staff's recommendation to affirm the Architectural Review Boards decision to grant a Certificate of Appropriateness for the alterations to the front porch. See D19-67 for more information.

ARB Chair Jon Gerlach stated that the ARB supported Ms. Schwartz review and recommendation. He said this was an unfortunate situation and at the time of the hearing the applicant and HFFI had not been able to decide together on how to proceed with the application and he feels the ARB acted appropriately with their guidelines. Mr. Gerlach said they would be happy to reconsider if that was the Council's wishes. He said the ARB and the HFFI have intersecting goals in many respects. Mr. Gerlach said at their last meeting HFFI and an applicant held a preservation easement and they appeared together and he said this was a good example of how this could work. He said they recently activated their liaison committee for the purpose of reaching out to HFFI so that they could identify where their areas of interest intersected so they could do a better job of working together in the future.

Vice-Mayor Withers asked if all the parties could get together to see if they could come up with a solution. He said he would like to see it worked out before coming to the Council. Mr. Gerlach stated that he would love to see the applicant and HFFI come to an amicable solution but it was not right for the ARB to get in the middle.

Councilor Kelly asked if the restrictive covenant still remained on the property and City Attorney Dooley said the appellant does have a property interest in this property. Councilor Kelly said he was concerned when he read the ARB minutes and it read as though the ARB decided to make the decision they made because they knew HFFI was going to eventually deal with the matter at a later date and he was also concerned with changing little things over time and eventually losing details over time. Ms. Schwartz said she did not think

the ARB was deferring its authority over to HFFI there was clear recognition that there was two different processes that were at play. The ARB recognized that the two private parties must come together on their own accord. She said with substitute materials she said there was a drainage issue and it had caused the porches to degrade on the east side of Caroline Street and therefore an alternate material may be appropriate. She explained that the ARB weighs the value of replacing materials.

Helen Ross, Representative for HFFI - the appellant (D19-68), 1310 Franklin Street. Ms. Ross read a statement from the President of HFFI David James. In the letter, Mr. James, claims that the ARB did not follow guidance as prescribed in the Fredericksburg Unified Development Ordinance. See D19-68 for more information. Ms. Ross stated that the restrictive covenant was a legally binding document and expects it to be adhered to and followed by the property owner and HFFI. She said coming to an agreement with the property owner would be a mutually satisfactory end to this for HFFI and they recommend that the wood porch remain in place using an in-kind material as the historic district handbook and the ARB guidelines require and or that the property owners work with HFFI on a mutually agreed upon alternative.

Robert Steele, applicant's representative, Architect for Shaun and Neil Sullivan. Mr. Steele stated that he had been in practice for 31 years and he takes his craft seriously. He said he can point out several homes that used composite materials on their porches, tongue and groove material, slate and brick all of which are permissible per the guidelines that the ARB used to rule on. Mr. Steele showed photos of 11 homes that had done the very same thing the Sullivan's were trying to do. Mr. Steele explained the reason for the drainage problem and he said the Sullivan's had replaced the porch 3 times in the last 29 years and he said it would be a continued issue if they replace it with a wooden porch. Mr. Steele noted that the porch

was not historic, the porch materials were from the 1980's, 1990's and the 2000's. He said as an architect he was very comfortable suggesting to his clients that a brick edge, with a mud set slate paver be installed. There would be waterproofing to keep the water away from the porch and the structure.

Mr. Steele said he reached out to HFFI and gave them his card and said if there were any issues he would talk to them but no one reached out to him. He also added that the home used to be apartments and that Charlie McDaniel, the neighbor, placed deed restriction on the house in 1974 to protect the ownership rights of their home. They eventually bought the property and it went back to a single family home and the McDaniel's and the Sullivan's have been neighbors for 29 years. Mr. Steele said Mrs. Sullivan had place several calls to HFFI and during the last call she was told by HFFI to talk with the McDaniel's and if he approved it they would talk to her. He said, the Sullivan's and Mr. McDaniel went to an attorney and had a document drafted saying they approved the porch and he said he no longer needed to have a deed restriction and he signed a document that says he no longer needed to review what they do on their home.

Mr. Steele said he has great respect for the time the ARB has put into this and he said as an architect he appreciated the City's process and he said their decision was fair and correct.

Vice-Mayor Withers asked again was there anyway the Sullivan's and HFFI could come together and discuss this before the Council voted on it. Mrs. Sullivan said when they came to the ARB she went to HFFI because she knew the restriction was on the property. She said she contacted HFFI and they said they would need to submit the information to the Real Estate Committee but she never heard from anyone and the December ARB meeting came and someone from HFFI came and opposed a couple of the elements but other than

that she never heard from them. Mrs. Sullivan said she was surprised because she was a member of the organization for 31 years and she's served for 11½ years. She said the goal was to bring the look of the house back to its original look from 1907. Mrs. Sullivan said she was not anti-wood but because of the moisture issues they needed to change out the wood on the porch. She said it was a good idea back in the 70's to put the restrictions on the property because there was no ARB but there is an ARB now that will keep an eye on work that's being done.

Vice-Mayor Withers again asked if the applicant would sit down a talk with HFFI but the applicant stated that she has tried to talk to HFFI and she added that Mr. McDaniel's said there was no need for the deed restrictions any longer.

Councilor Devine made a motion to approve Resolution 19-15, affirming the Architectural Review Board approval of a Certificate of Appropriateness for exterior alterations at 129 Caroline Street; motion was seconded by Councilor Duffy.

Councilor Kelly spoke about how important it was to maintain the character of the City. He said he was struggling with this because he wanted to see things replaced with something similar to what was originally there to maintain the character of the building and he could not support this project.

Motion to Suspend the Rules. In order to continue the meeting past 11:00 p.m. Vice-Mayor Withers made a motion to suspend the rules; motion was seconded by Councilor Kelly and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Frye, Graham and Kelly. Nays (0).

The motion affirming the ARB decision passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Withers, Devine, Duffy, Frye and Graham. Nays (1). Kelly.

Resolution 19-16, Approved, Initiating Amendments to the Unified Development Ordinance to Update Review Criteria, Extend the Period of Validity of a Certificate of Appropriateness, Require the Use of Infill Calculations for Front and Side Setbacks in the HFD, Update the Sign Review Criteria, Authorize Administrative Review of Certain Applications, Subject to ARB Approval; and Make Other Revisions of the HFD District Standards and ARB Procedures (D19-70 thru D19-71).

After staff presentation Councilor Kelly made a motion to approve Resolution 19-16 initiating amendments to the Unified Development Ordinance to update review criteria, extend the period of validity of a Certificate of Appropriateness, require the use of infill calculations for front and side setbacks in the HFD, update the sign review criteria, authorize administrative review of certain applications, subject to ARB approval; and make other revisions of the HFD District standards and ARB procedures; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (7) Councilors Greenlaw, Withers, Devine, Duffy, Frye, Graham and Kelly. Nays (0).

City Manager's Report and Council Calendar (D19-72 thru D19-73).

City Manager Baroody reviewed the Manager's report and Council Calendar. Activities highlighted on the report were as follows: Upcoming Billing Changes for Garbage Services, Upcoming FY 2020 Budget Schedule, Winter Activities Update for Parks, Recreation and Events, The 4th Annual Father Daughter Dance, DMV Connect and New Downtown Community Police Officer.

Closed Meeting Approved (D19-74). Upon a motion Councilor Graham, moved approval of a closed session under Virginia Freedom of Information Act Section 2.2-3711 (A)(39) for discussion of confidential memoranda, working papers, and other information related to economic development, related to the Liberty Place project and to a confidential technology business prospect where disclosure of the information would adversely affect the financial interest of the City of Fredericksburg; seconded by Councilor Devine and passed by the following recorded votes. Ayes (7) Councilors Greenlaw, Withers, Devine, Duffy, Frye, Graham and Kelly. Nays (0).

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

Resolution 19-17, Approved, Certifying Closed Meeting. Upon the motion Councilor Devine approved Resolution 19-17 certifying the closed meeting; seconded by Councilor Graham and passed by the following recorded votes. Ayes (7) Councilors Greenlaw, Withers, Devine, Duffy, Frye, Graham 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 11:40 p.m.

Mary Katherine Greenlaw

Mary Katherine Greenlaw, Mayor

APPROVED

02-26-19

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