



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

## Council Work Session

February 14, 2023

### Fats, Oils, and Grease (F.O.G.) Program Accessory Dwelling Units Public Meeting Process Planned Development – Residential District Ordinance Initiation Flood Plain Overlay District Ordinance Initiation

**The Council** of the City of Fredericksburg, Virginia held a work session on Tuesday, February 14, 2023, beginning at 5:30 p.m. in the Large Conference Room of City Hall.

**Council Present.** Mayor Mary Katherine Greenlaw, Presiding. Vice-Mayor Charlie L. Frye, Jr. Councilors Kerry P. Devine, Timothy P. Duffy, Jonathan A. Gerlach, Jason N. Graham, and Matthew J. Kelly. Councilor Duffy, attended remotely because he was “unable to attend the meeting due to a temporary medical condition that prevented his physical attendance” under FOIA.

**Also Present.** City Manager Timothy J. Baroody, Assistant City Manager David Brown, City Attorney Kathleen Dooley, Utilities Program Administrator Jamie Roberson, Assistant Public Works Director Chris Thomas, Storm Water Specialist Pam Daniels and Clerk of Council Tonya B. Lacey.

**Fats, Oils, and Grease (F.O.G.) Program.** Utilities Program Administrator Roberson stated that they started a program call the F.O.G. Improvement Plan it was developed in conjunction with the Economic Development Team. This plan will assist businesses with a portion of the costs to install a grease trap. The goal was to support businesses to pay for the grease trap, up to \$750.00.

Mr. Roberson said they also adopted the F.O.G. Management Program which allows them to keep an inventory of all the food service establishments in the City and it allows them

to issue violations, send notices, track devices, etc. He said they released five public service announcements last year and he will continue to do that this year.

After the initial inventory they started inspections and there were 225 registered food service establishments within the City and 57 have grease interceptors, 84 have grease traps, 84 have no devices and that is where Mr. Roberson was putting his focus. At the end of last year, they put their focus on inspection of the 57 grease inceptor and they issued 48 violations. Of the 84 that have traps they inspected 62 and during that time there were 14 new food service establishments and they will be included into the program. During inspections they found two establishments that had devices installed without permits. There were two establishments that had significant oils spills on the property and they required an environmental company to come in and clean it up.

Mr. Roberson said at the Wastewater Treatment Plant (WWTP) they started testing water to see how F.O.G. was coming into the plant and to determine how the program was improving. The goal is to get the 84 establishments that do not have traps to get them. There will be an annual inspection cycle of all the traps.

Councilor Devine asked how many businesses had taken advantage of the reimbursement and Mr. Roberson said to date none had. He said it was initiated in April and they sent out a few notices regarding the reimbursement and no action was taken. He said they are beginning to get some traction.

Councilor Devine asked whether the 84 businesses that do not have the traps if they were older businesses and Mr. Roberson said they were the older downtown businesses that was a house. She also asked if the inspection would be done for new businesses and Mr. Roberson said he was not, but it was a great idea and he could include it in the process.

Councilor Graham asked if there was any connection between the F.O.G. Program and the general efforts on the Chesapeake Bay mineral, phosphate levels in the water. Mr. Brown said by the City's permit it will have to address F.O.G. reduction of what goes into the Chesapeake. Mr. Thomas said DEQ is monitoring this but there was no limit right now.

Mr. Thomas said the biggest issues with F.O.G. is when it comes through the WWTP it causes things running hotter as well as other issues. Mr. Baroody said the main reason for this is to prevent issues at the plant which can cause millions of dollars in damage.

Ms. Dooley said DEQ was able to see F.O.G. the last time they inspected and that is the reason for this plan.

Councilor Kelly asked if all new establishments needed grease traps and Mr. Roberson said it all depends on the establishment because some do not need one, such as subway because they do not produce oils or grease.

Councilor Kelly asked what the violations are and Mr. Roberson said the regulations say there is a 25% rule and if it is greater than 25% then they are in violation. This is what most of the violations were for. Councilor Kelly asked what action is taken when they are in violation. First they are noticed that they have to clean it out and most will clean it out immediately. He said with the second violation noticed and if they do not comply the third will be a letter from Kathleen and if they do not comply, they will be disconnected from the system. The business owners have a 30-day appeal.

Councilor Kelly asked why they were not coming into compliance and Mr. Roberson said some are confused on that to do but out of the 84 he has received only 3 calls.

Councilor Devine asked was there any progress on flushing wipes and Mr. Roberson said we need to continue to educate. She suggested maybe reaching out to the hospital to get the message to those with newborns and nursing homes.

See Attachment I for more information.

**Accessory Dwelling Units Public Meeting Process.** Mr. Johnston passed out a schedule for the public engagement meetings on Accessory Dwelling Units. He said there has already been a couple of meetings with the neighborhood civic association. He said they have received feedback on the FAQ and they will try to get those posted

Mayor Greenlaw said she had received a couple of compliments on how thorough the staff was and how they answered every question.

Councilor Graham, Devine and Gerlach all thanked staff for hosting the public sessions and for giving clarity on the ADU ordinance.

Councilor Kelly asked staff how they see the ADU ordinance changing before it comes back to the Council. Mr. Johnston said you must allow this to go through the meeting cycle without seeing a bunch of repeat people. He said he would like to see how it evolves.

Councilor Duffy complimented staff for rolling out at FAQ and he said the meeting dates have gotten a lot of good feedback. He also asked Mr. Johnston how they will address non-conforming ADU's and how they might be a part of this process.

Mr. Johnston said part of the question is what will they be conforming to. He said they will need to know what the rules will be and what the degree of conforming or non-conforming will be. The owners will have to demonstrate that they have been using it as an ADU.

See Attachments II-III for more information.

**Planned Development – Residential District Ordinance Initiation.** Mr. Craig gave a PowerPoint presentation on modification to the Planned Development-Residential Zoning District. He began discussions on Population Projections, the Status of the City's Housing Market, Big Picture---Policy/Ordinance Updates for moving Forward, Why Modify Planned Development – Residential, Review the Proposed Modifications to Planned Development – Residential and Recommendations and Next Steps. (See Attachment IV for more information).

Councilor Gerlach stated that in the downtown there are some 100 units per acre and he asked why it was being capped at 24 units per acre and Mr. Craig said splitting the City into two, east of Route one lots are developed on very small parcels and units per acre do not function well in those areas. The rules are still in the area but by special use permit, you pick the units per acre. In the undeveloped areas of the City that have larger parcels the units per acre calculation is net how many units per acre.

Councilor Gerlach asked should the City be looking for ways to incentivize smaller units and Mr. Craig explained that there was a companion ordinance that staff is working on and it will address that issue.

Councilor Graham asked about the commercial usage and could a medical office be included Mr. Craig said that might be a good option to include.

Councilor Kelly was concerned with doing little pieces at a time and he said the City needed to look at what is going on in Stafford and Spotsylvania. Councilor Kelly said he understands that the City is the Hub, but it is not residential, it is going to work, visiting for entertainment, coming to parks and trails. He said he was concerned with the direction the City

was going because it was changing the character of the City. He has heard concerns about how much development is here. He suggested slowing down and getting through the ADU process.

Vice-Mayor Frye said he does not agree that the City should hold off he said the City must address all the issues. He said if the Council does not address the issues it will look like the Council is not doing anything to address the housing issue. As a Council he said they must address multiple issues.

Councilor Graham stated that Fredericksburg is for working, visiting entertaining, parks trails and it is also for living in. He said if the Council does not address the housing issues Fredericksburg will be equivalent to a gated community. He said there is not enough housing locally or regionally so that teachers, firefighters and police can live close to where they work.

Councilor Devine said the City was a special community as far as aesthetics, charm, and the community they feel, and those all need to be addressed in the incremental approach. She said there will be growth and in order to support the businesses we need people to work and live here. She said it is a tricky path but it must be addressed.

Councilor Kelly noted that no matter what the City builds it is going to be expensive and the only way to address the cost is to invest in it with incentives. He said the City is pricing people out and it is not going to change by building more units.

Councilor Graham stated that the City was the urban hub of the region and it should reflect that as the hub of the region. It also needs housing stock that will allow the City to prosper and become its own economic center of gravity as an urban hub of the region. The City cares about all its residents, from all walks of life, and can provide anyone with the opportunity to live, work and play regardless of what our neighbors are doing around the City.

Mayor Greenlaw shared that one reason for taking things section by section is to respect the unique differences in the City. She asked staff for the rational for modifying the PD-R and Mr. Craig said the biggest thing is that they have been planning with stakeholders how are building in the community, living here and developing. The rational starts with the land use plan that was agreed upon by the community, 24 units per acre. This number could provide enough usage to match the intensity in the area. The land use plans are predicated on appropriate infrastructure being built. He said Area 1 was a vision that has been established. He noted that with each plan they pick out the type of infrastructure that is needed to support

the plan. He said they would like to move away from being an automotive dependent City. There are trail connections and road connections.

He said they were planning to modify the plan development districts to achieve some of the goals knowing this would be the future.

City Manager Baroody stated that this was all a strategic effort by City Council, Planning Commission adopted Area 1 plan that was voted unanimously. He said staff was executing those documents.

**Flood Plain Overlay District Ordinance Initiation.** Stormwater Specialist Daniels presented a PowerPoint presentation and she gave an overview, reviewed the look of the new plan, she discussed the timeline, she discussed how the updated ordinance will affect the city, she reviewed updates, the interim DCR review and she discussed the recommendation.

Mr. Johnston explained that they knew the changes needed to be done but they did not know it had to be done so soon.

**Adjournment.** There being no further business to come before the Council at this time. Mayor Greenlaw declared the session officially adjourned at 7:12 p.m.



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**Tonya B. Lacey, MMC  
Clerk of Council  
City of Fredericksburg**