

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

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**February 26, 2019**

**The Council** of the City of Fredericksburg, Virginia, held a public hearing on Tuesday, February 26, 2019, beginning at 7:45 p.m. in the Council Chambers of City Hall.

**City Council Present.** Mayor Mary Katherine Greenlaw. Vice-Mayor 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, Director of Community Planning & Building Services Charles Johnston, Senior Planner Michael Craig, Zoning Administrator James Newman, Building Administrator Marne Sherman, Community Development Planner Susanna Finn, Director of Economic Development Bill Freehling, Business Development Manager Angela Freeman, Finance Director Robyn Shugart, Parks, Recreation and Special Events Director Jane Shelhorse, Public Information Officer Sonja Wise and Clerk of Council Tonya B. Lacey.

**Notice of Public Hearings (D19-75 thru D19-82).** The Clerk read the notice of the public hearings as they appeared in the local newspaper, the purpose being to solicit citizen input.

**2019-2020 Community Development Block Grant Annual Action Plan (D19-75).** 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 adjusted by household size. The total number of households in Fredericksburg that could be classified as low and moderate income is 6,305 or 64.5 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 Program, Removal of Architectural Barriers Program and Emergency Home Repair Program.

**Ordinance 19-06, First Read Approved, Renewing the Non-Exclusive Franchise to Marriage, Carriage & More LLC for Horse and Carriage Tours (D19-76).** no speakers. After staff presentation Councilor Kelly moved approval of Ordinance 19-06, on first read, renewing the non-exclusive franchise to Marriage, Carriage & More LLC for horse and carriage tours; 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).

**Resolution 19-19, Approved, Granting a Special Use Permit for Alcohol Sales at 1409 Princess Anne Street (D19-77 thru D19-78).** 1 speaker. After staff presentation Councilor Devine asked whether there would be signage for the parking and whether there could be a path from the parking to the restaurant. Zoning

Administrator Newman said he was not sure if the applicant would put up signage and he did not know if the path would cut through someone else's property. Councilor Devine asked that it be made a condition that there was clear identification of the parking.

**Richard Satterwhite**, 1405-1407 Princess Anne Street, said he welcomed the restaurant and his only concern was the parking.

Councilor Kelly, after learning that the neighborhood association was not contacted asked that in the future staff contact the neighborhood association and let them know when such establishments are getting near the neighborhood.

Councilor Devine made a motion to approve Resolution 19-19, granting a Special Use Permit for alcohol sales at 1409 Princess Anne Street; 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).

**Resolution 19-20, Approved, Granting a Special Exception for Residential Density for the One Hanover Mixed Use Development (D19-79 thru D19-80).** 3 speakers. Staff gave a PowerPoint presentation and in the presentation he gave an overview of the project stating the change from 18 units to 24 units. He explained that the Planning Commission recommended approval as well as staff. Mr. Newman also reviewed the site existing conditions, side view elevations, unit layout, street improvements, previous approvals, site issues, affordable housing and conditions. The applicant proposed to provide four affordable housing units. The rents would be based on a thirty percent (30%) affordability for those making fifty percent (50%) of the area median income (AMI). The units would be one efficiency unit, one one-bedroom unit and two two-bedroom units.

Councilors Kelly and Frye both spoke about the affordable housing AMI. They explained that the City's AMI was based on salaries from Northern Virginia down to the City and it makes the AMI high for the City. Councilor Frye also noted that he had met with staff and Old Site about the parking issues that Old Site has.

Councilor Graham asked for clarification on how the fee in lieu was used to supplement parking and Mr. Craig explained that the funds go into the downtown parking fund and the City identifies parking projects to use the money on. Mr. Baroody also added that the funds are used to make upgrades at the parking garage.

**Tommy Mitchell**, 100 Frederick Street, stated that they removed the entire top off the proposed building that was previously approved. He stated that the Architectural Review Board and the Planning Commission had approved the density. Mr. Mitchell said he had a developer from Richmond that was interested in the project previously but could not make the numbers work before. He said with the increased number of units he hoped they would reconsider, and if not, he said he would build the project himself. He added that the project would be conducive to the revitalization of Sophia Street.

**George Moreland**, 717 Caroline Street, stated that the last time Mr. Mitchell did work on his property he tore up the sewer line and he was concerned that if this project is built it will mess up both their water and sewer lines. He also complained of the lack of adequate parking in the area and that he has to park in the lot across the street from his apartment. Mr. Moreland said this project would not be good for anyone and that the lot should be used for parking or a place for kids to play.

**Harriette Rowe**, 1238 Brent Street, asked if all the units would be affordable and she said it was hard to compare the City to large jurisdiction such as D.C. and Prince William

County when making the units affordable. She also said she would like to see homeownership instead of rental units.

Mr. Newman explained that only 4 units would be made affordable.

Mr. Mitchell, in response to the torn up sewer line, said that the line was illegally hooked up under his property without his knowledge.

Councilor Kelly explained that the issue with affordability by HUD's definition and you look at the 30 percent median income of those in the counties versus the City there is a major difference. He said the driving factor in the City is the cost of land and banks will not make the loan if they don't think there will be people filling the apartments. He said the City would have to start looking at ways to lower costs such as waiving fees, which would be an investment of tax dollars. He commended the applicant for making four units affordable on such a small project. Councilor Kelly said he was not a fan of special exceptions and he was not a fan of this project in the beginning but he thanked the applicant for downsizing it and making it fit into the downtown and for that reason he would support it.

Councilor Kelly made a motion to approve Resolution 19-20, granting a Special Exception for residential density for the One Hanover mixed use development; motion was seconded by Councilor Duffy.

Councilor Duffy commended staff and the applicant for being strategic with the affordable housing.

The motion passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Frye, Graham and Kelly. Nays (0).

**Resolution 19-21, Approving the Preliminary Subdivision Plat for Highlander Park at Hazel Run, Approximately 12.4 Acres of Single Family Attached Development, with Associated Common Areas and**

**Infrastructure Improvements (D19-81 thru D19-82).** 5 speakers. Development Administrator Sherman presented a PowerPoint presentation and within the presentation she reviewed the street and alley exhibits, showing the existing public streets, proposed private streets and proposed allies; the phasing plan, phase 1 (35 lots), phase 2 (56 lots); trail shift; open space exhibit, to include a proposed private nature trail and block length and lot frontage exceptions exhibit.

Councilor Graham asked what the safety precautions were for the cyclist crossing over Young Street and Ms. Sherman said there would be stop signs and truncated domes to alert cyclists that they are at the end of the sidewalk.

**Melissa Columbo**, 418 Bunker Hill Street, said she looked at the Bowman consulting drawings and on the cover sheet it said there were no known burial on the site. Ms. Columbo said Marye's Height more than likely had soldiers laid to rest there. She asked that there be some investigation before doing work on the property.

**Harriett Rowe**, 1238 Brent Street, asked if the pocket parks would have playgrounds on them. She also asked if the alleyways would have sidewalk because she was concerned for the safety of the children. She also asked why the nature trail could not be connected to the VCR trail.

**Bruce Farquhar**, 214 William Street, said it was a known fact that there were union soldier buried on the site. He wanted to know how intensive the archeology work would be. He said there was federal funding set aside for disinterment reinternment.

**Melanie Clore**, she said she was curious where all the children would go to school.

**Carl Braun**, developer for Highlander Park, addressed several items that were addressed during public comment. He said because there was a roundabout where bikes enter the trail it should help because the roundabout would slow traffic. The nature trail was

not connected to the VCR trail because they were trying to keep the community walkable and not have strangers walking through the private property. He said the trail would be connected to either the parking lot or sidewalks. He said there was sidewalks in the front all the units and not in the alleyways. Mr. Braun addressed the archeology comment and said the property was turned into an industrial site after the war and there was 65,000 cubic yards of fill on the site and there was no indication of bodies on the site but they would not be digging below the fill. He said they have been working with National Park Service.

Councilor Kelly said when this project began there was extensive discussions with the National Park Service and this special exception is to help buffer the Battlefield. He said it was hard to turn over any dirt in the City and not find remains and he said the City was working on an archeology ordinance to help with those issues. Councilor Kelly said this was a by-right project and the special exception was to protect the Battlefield and he said for those reasons the special exception should be approved. He also explained that Virginia was a strong property rights state and this was a by-right use and the City could not stop the developer from building a by-right project. Councilor Kelly also explained that there were certain projects that the developers are looking at a specific market and they may not put in playground equipment.

Councilor Kelly made a motion to approve Resolution 19-21, approving the preliminary subdivision plat for Highlander Park at Hazel Run, approximately 12.4 acres of single family attached development, with associated common areas and infrastructure improvements; motion was seconded by Councilor Graham.

Councilor Duffy stated that he appreciated the comment of “where will the children go to school” but he noted that the school projections that were completed included this project because it was a project already on the books.

Councilor Frye also added that this was a project that was approved in 2017 and he also informed the public that there was another project approved along the Lafayette Boulevard corridor that has not been started. He said they were both by-right projects and the City could not deny them.

The motion passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Frye, Graham and Kelly. Nays (0).

**Adjourned.** There being no more speakers to come before the Council at this time, Mayor Greenlaw declared the hearing officially adjourned at 9:03 p.m.

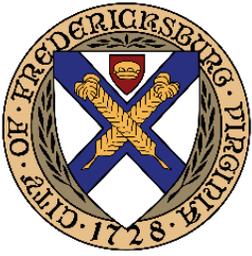
*Mary Katherine Greenlaw*

Mary Katherine Greenlaw, Mayor

**APPROVED**

**03-12-19**

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



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**February 26, 2019**

**The Council** of the City of Fredericksburg, Virginia, held a regular session on Tuesday, February 26, 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, Director of Community Planning & Building Services Charles Johnston, Senior Planner Michael Craig, Zoning Administrator James Newman, Building Administrator Marne Sherman, Community Development Planner Susanna Finn, Director of Economic Development Bill Freehling, Business Development Manager Angela Freeman, Finance Director Robyn Shugart, Parks, Recreation and Special Events Director Jane Shelhorse, Public Information Officer Sonja Wise 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 Officers Ryan Merrell, and Corey Hall at this evening's meeting.

**Public Hearings (D19-75 thru D19-82).** The regular session was recessed in order to conduct scheduled public hearings and immediately reconvened upon their conclusion.

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

**Emily Taylor (D19-83)**, 437 Hanson Avenue, spoke as a concerned teacher. She said the overcrowding in the classrooms was not the only problems there were issues on the school busses, in the hallways, the cafeteria, nurses offices, administrative offices reading remediation spaces, work rooms, and counseling spaces. She said she asked her kids how they felt about the overcrowding and they loved their class size but said the busses were too crowded and they have to sit 4 people to a seat and it causes disruptive behavior. They also talked about how crowded it was in the cafeteria. Ms. Taylor warned that it was not a good idea to bring the 2<sup>nd</sup> graders to Lafayette Upper Elementary School. She said the schools and the City needed to find a way to fund a new school. See D19-83 for more information.

**James Tankersley (D19-84)**, 804 Charlotte Street, spoke of how the city's leaders, both past and present, had been irresponsible stewards by keeping tax rates absurdly low in an effort to be more business or development friendly. He spoke of how many people with and without children who were willing to pay higher taxes to supports schools. He suggested helping the elderly and the low income by expanding on the current tax waiver program by raising the waiver amount. See D19-84 for more information.

**Harriett Rowe**, 1238 Brent Street, spoke about monster homes and she said the City needed to address them because they continue to pop up in the City. She also asked the Council to address senior housing in the form of an accessory dwelling and/or tiny homes. She suggested the City should have some guidelines for these type of dwellings.

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

**City Manager's Consent Agenda Accepted for Transmittal as Recommended (D19-85 thru D19-98).** Mayor Greenlaw pulled item 8D. Councilor Kelly moved approval of the City Manager's consent agenda items; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Frye, Graham and Kelly. Nays (0).

- Resolution 19-14, Second Read 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 (D19-85).
- Ordinance 19-04, Second 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 (D19-86).
- Resolution 19-22, Approved, Fiscal Year (FY) 2019 Budget Amendment Authorizing an Increase in the General Fund for Economic Development and Tourism (D19-87).
- Transmittal of Board and Commission Minutes
  - Architectural Review Board – November 19, 2018 (D19-89).
  - Cable Commission – May 8, 2018 (D19-90).
  - Cable Commission – July 9, 2018 (D19-91).
  - Economic Development Authority – December 17, 2018 (D19-92).
  - Fredericksburg Arts Commission – October 10, 2018 (D19-93).

- Fredericksburg Arts Commission – November 14, 2018 (D19-94).
- Planning Commission – October 24, 2018 (D19-95).
- Public Transit Advisory Board – July 11, 2018 (D19-96).
- Public Transit Advisory Board – October 3, 2018 (D18-97).
- Recreation Commission – October 18, 2018 (D19-98).

**Transmittal of the Status of Land Use, Annual Report Fiscal Year 2018 (D19-88).** Mayor Greenlaw pulled this item to say that she appreciated the report and the recommendations there in.

**Adoption of Minutes.** Councilor Devine moved approval of the February 12, 2019 Public Hearing and 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).

**Quarterly Financial Report October 2018 – December 2018 (D19-99).** Finance Director Shugart reported that the overall general fund revenue and expenditures were in favorable positions. On the revenue side she highlighted the real estate taxes, sales taxes and meals tax. Each of these sources were showing increases in comparison to the same period in Fiscal Year 2018. Ms. Shugart said there were some revenue sources were showing decreases but mainly due to the timing of the receipt of those revenues but this was not a concern for the end of year results.

Ms. Shugart said the expenditures were at \$45.7 million for the first half of Fiscal Year 2019 and \$27.1 million was for general operating, \$14.4 was the transfer to schools and \$4.1 was the debt service transfer. The adopted budget includes \$525,000 in contingency and at

December 31, 2018 no funds had been approved for use but in January the Council approved \$84,000 for storm related damages.

**Resolution 19-23, Approved, Initiating Amendments to the Official Zoning Map to Rezone Approximately 2 Acre of Land Located on or Near Route 3 (Plank Road), Between I-95 and U.S. Route 1, from Commercial-Shopping Center (C-SC) to Commercial-Highway as Recommended in the Small Area Plan for Area 3 (D19-100 thru D19-101).**

After staff presentation Councilor Kelly made a motion to approve Resolution 19-23, Initiating amendments to the official zoning map to rezone approximately 2 acre of land located on or near Route 3 (Plank Road), between I-95 and U.S. Route 1, from Commercial-Shopping Center (C-SC) to Commercial-Highway as recommended in the small area plan for Area 3; 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 19-07, First Read Approved, Designating the City as a Technology Zone and Repealing Parameters Under Which Tax Incentives Which May Be Offered, and Conforming with the Authorizing Legislation in the Code of Virginia (D19-102).**

After staff presentation Councilor Kelly made a motion to approve Ordinance 19-07, on first read, designating the City as a Technology Zone and Repealing parameters under which tax incentives which may be offered, and conforming with the authorizing legislation in the Code of Virginia; 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 (D19-103 thru D19-104).** City Manager Baroody reviewed the Manager’s report and Council Calendar. Activities highlighted on the report were as follows: ‘The Bachelor’ Television Series Features Fredericksburg, Downtown Small Area Plan Meeting, LaPetitie Auberge Restaurant Receives State Recognition, Special Council Meeting on March 14, Groundbreaking Ceremony for Multi-Purpose Stadium, City Featured in *Virginia Town & City Magazine*, Upcoming Billing Changes for Garbage Services, Upcoming FY 2020 Budget Schedule and DMV Connect.

**Adjournment.** There being no further business to come before the Council at this time, Mayor Greenlaw declared the meeting officially adjourned at 9:37 p.m.

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

Mary Katherine Greenlaw  
Mary Katherine Greenlaw, Mayor

**APPROVED**  
**03-12-19**