



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

April 9, 2019

The Council of the City of Fredericksburg, Virginia, held a public hearing on Tuesday, April 9, 2019, beginning at 7:47 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 (via phone-medical), 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, Assistant City Manager Doug Fawcett, City Attorney Kathleen Dooley, Director of Community Planning & Building Services Charles Johnston, Senior Planner Michael Craig, Zoning Administrator James Newman, Community Development Planner Susanna Finn, Director of Economic Development Bill Freehling, Transportation Administrator Erik Nelson and Clerk of Council Tonya B. Lacey.

Notice of Public Hearings (D19-157 thru D19-62). The Clerk read the notice of the public hearings as they appeared in the local newspaper, the purpose being to solicit citizen input.

Ordinance 19-11, First Read Approved, Rezoning Approximately 0.13 Acres of Land Located at 317 Bridgewater Street From Commercial/Office-Transitional (C-T) to Commercial-Highway (C-H) (D19-157 thru D19-158). no speakers. After staff presentation and brief comments

Councilor Devine moved approval of Ordinance 19-11, on first read, rezoning approximately 0.13 acres of land located at 317 Bridgewater Street from Commercial/Office-Transitional (C-T) to Commercial-Highway (C-H); 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).

Motion to Suspend the Rules. In order to place Ordinance 19-11 on for second read, Councilor Devine moved to suspend the rules; 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 19-11, Second Read Approved, Rezoning Approximately 0.13 Acres of Land Located at 317 Bridgewater Street From Commercial/Office-Transitional (C-T) to Commercial-Highway (C-H) (D19-157 thru D19-158). Councilor Devine moved approval of Ordinance 19-11, on second read, rezoning approximately 0.13 acres of land located at 317 Bridgewater Street from Commercial/Office-Transitional (C-T) to Commercial-Highway (C-H); 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 19-34, Approved, Vacating and Terminating the Deed of Easement from Liberty Place Partners, LLC, for Public Parking at the Liberty Place Parking Garage (D19-159 thru D19-160). no speakers. After staff presentation Councilor Devine moved approval of Resolution 19-34, vacating and terminating the deed of easement from Liberty Place Partners, LLC, for public parking at the Liberty Place parking garage; motion was seconded by Vice-Mayor Withers and passed by

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

Ordinance 19-12, First Read Approved, Ratifying the Vacation of a Portion of the Amelia Street Right of Way with no Further Conditions

(D19-161). no speakers. After staff presentation and brief comments Councilor Devine moved approval of Ordinance 19-12, on first read, ratifying the vacation of a portion of the Amelia Street right of way with no further conditions; motion was seconded by Vice-Mayor Withers and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Withers, Devine, Duffy, Frye and Graham. Nays (1). Councilor Kelly.

Motion to Suspend the Rules. In order to place Ordinance 19-12 on for second read, Councilor Devine moved to suspend the rules; motion was seconded by Vice-Mayor Withers and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Withers, Devine, Duffy, Frye and Graham. Nays (1). Councilor Kelly.

Ordinance 19-12, Second Read Approved, Ratifying the Vacation of a Portion of the Amelia Street Right of Way with no Further Conditions

(D19-161). Councilor Devine moved approval of Ordinance 19-12, on second read, ratifying the vacation of a portion of the Amelia Street right of way with no further conditions; motion was seconded by Vice-Mayor Withers and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Withers, Devine, Duffy, Frye and Graham. Nays (1). Councilor Kelly.

Ordinance 19-13, First Read Approved, Creating Rights-of-Way and Conveying Easements on City-Owned Property Required for the

Reconstruction of the Chatham Bridge (D19-162). no speakers. After staff presentation and brief comments Councilor Devine moved approval of Ordinance 19-13, on first read, creating rights-of-way and conveying easements on city-owned property required for the reconstruction of the Chatham Bridge; motion was seconded by Councilor Frye and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Frye, Graham and Kelly. Nays (0).

Motion to Suspend the Rules. In order to place Ordinance 19-13 on for second read, Councilor Devine moved to suspend the rules; 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 19-13, Second Read Approved, Creating Rights-of-Way and Conveying Easements on City-Owned Property Required for the Reconstruction of the Chatham Bridge (D19-162). Councilor Devine moved approval of Ordinance 19-13, on second read, creating rights-of-way and conveying easements on city-owned property required for the reconstruction of the Chatham Bridge; 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).

Adjourned. There being no more speakers to come before the Council at this time, Mayor Greenlaw declared the hearing officially adjourned at 8:13 p.m.

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

Mary Katherine Greenlaw
Mary Katherine Greenlaw, Mayor

APPROVED
04-23-19



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

April 9, 2019

The Council of the City of Fredericksburg, Virginia, held a regular session on Tuesday, April 9, 2019, beginning at 7:30 p.m. in the Council Chambers of City Hall.

City Council Present. Mayor Mary Katherine Greenlaw, Vice-Mayor William C. Withers, Jr., Council members Kerry P. Devine, Dr. Timothy P. Duffy (via phone- medical), 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, Assistant City Manager Doug Fawcett, City Attorney Kathleen Dooley, Director of Community Planning & Building Services Charles Johnston, Senior Planner Michael Craig, Zoning Administrator James Newman, Community Development Planner Susanna Finn, Director of Economic Development Bill Freehling, Transportation Administrator Erik Nelson and Clerk of Council Tonya B. Lacey.

Council Approval of Remote Participation for Councilor Timothy P. Duffy. City Attorney Dooley explained that City Council could participate via remote location under certain conditions and there must be a quorum of the body and she said Council met that requirement. Councilor Duffy has certified that he has a medical condition that prevents him from physically attending the meeting and because of his medical condition he could attend the meetings remotely for as long as needed.

Vice-Mayor Withers made a motion to approve Councilor Duffy's remote participation for as long as he needs it due to his medical condition; 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).

Opening Prayer and Pledge of Allegiance. Council was led in prayer by Councilor Matthew J. Kelly followed by the Pledge of Allegiance led by Mayor Mary Katherine Greenlaw.

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

Census Update – Partnership Specialist George Milsap (D19-156). Community Development Planner Finn introduced Mr. George Milsap and stated that the City was excited to be partnering with the Census. She said currently the staff has engaged in a number of census activities and they are currently partnering with George Washington Regional Commission to work on a Regional Committee. Later on the agenda, the Council would be asked to support the Census and establishing a Complete Count Committee.

Mr. Milsap is the Local Partnership Specialist and he presented a PowerPoint presentation and he discussed the 2020 Census facts, 2020 Census Goals, Ways the Census Data is Used, Confidentiality and Privacy, 2020 Census-A New Design for the 21st Century, Census timeline, Virginia Final Mail Participation Rates by County and City, City's Census Tracts, Low Response Score, How Local Organizations/Governments Can Collaborate with the Census Bureau, Complete Count Committee (CCC), Why Form a Complete Count Committee, Sample Complete Count Committee, CCC Subcommittee Types and Next Steps. (See D19-156 for more information).

Councilor Graham asked how they were able to capture the count for those living in hotels and Mr. Milsap explained that the agencies who place those people help to get them counted. Councilor Devine asked if there were any strategies to get the students engaged and Mr. Milsap stated that other students being engaged was the best way to get them engaged.

Councilor Duffy asked if the controversial citizenship question was on the application and Mr. Milsap said it was and he said if they do not fill out that question they would count what they did fill out. Councilor Duffy said education will be required to let them know that filling it in would not hurt them. Mr. Milsap said it was also important to let them know that no one can get the information.

Public Hearings (D19-157 thru D19-162). 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.

Deborah Snyder (D19-163), 8 Briscoe Court, Stafford, VA 22556, spoke on behalf of Virginia Organizing about affordable housing trust funds and how they have grown from 150 in the mid 1970's to 700 in 2016. Ms. Snyder spoke about how impressive Charlottesville's Affordable Housing services have been. She also spoke about the evictions in the City being among the highest in the State.

Holly Clark, 1504 Winchester Street, thanked the City Council for listening to the parents and citizens regarding Lafayette Upper Elementary school. She said it meant a lot to know that their voices were heard.

JoEllen Santulli, 504 Hansen Avenue, spoke on behalf of Virginia Organizing about establishing a housing trust. She spoke about the housing crisis in the City. She talked about

the eviction rates in the City to an average of 60 per month. Ms. Santulli spoke about how affordable housing could create a stable and vibrant community. She said Virginia Organizing held a rally and there were nearly 40 people who attended in support of a housing trust. Virginia Housing said they would like to meet with the Council to work towards a solution.

James Tankersley and son Henry, 804 Charlotte Street, thanked the Council for hearing the concerns of the constituents. He thanked the Council for getting input from the Weldon Cooper Center which he said painted a broader picture of the school system and he thanked the Council for putting pause on the Lafayette Upper Elementary expansion. Mr. Tankersley spoke how amazing the teachers, paraprofessionals and administrators are and the diverse group of students. He hoped that moving forward everyone could work together.

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

7A. City Trash Service – Councilor Frye

7B. Affordable Housing – Councilor Kelly

City Trash Service. Councilor Frye talked about the concerns for the trash service for large families. He said families are getting warnings because their trash was on the outside of the container because the containers were already full. He said in order to get an additional cart you have to pay for an additional trash service and it was causing a strain on people. He asked if City Manager Baroody could look into getting larger containers for large families or maybe place a dumpster somewhere for those areas.

City Manager Baroody said he would research and bring options back to the Council.

Affordable Housing Update. Councilor Kelly said the City was looking into doing something regarding affordable housing as a city then decided to look at it on a regional level. Virginia Housing and Development Authority (VHDA) came and did a presentation with George Washington Regional Commission (GWRC) and VHDA said they had a \$100,000 grant fund to go towards affordable housing. The City is looking to see how they can move on a regional level and if it does not work the City would look again on a City level. Councilor Kelly said this was truly a regional effort and the counties could probably support this better than the City.

Councilor Frye said the Housing Advisory Committee met with Virginia Organizing to try and assist with this. He expressed his frustration that it was made to seem like there was nothing being done for affordable housing. Councilor Frye spoke about the work the City has done with projects in the City to get affordable housing.

City Manager's Consent Agenda Accepted for Transmittal as Recommended (D19-164 thru D19-127). Councilor Kelly moved approval of the City Manager's consent agenda items; 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 19-29.1, Renewing a Lease with American Tower, LLC for Operation of a Telecommunications Tower and related Facilities at the Powhatan Water Tank (D19-164).
- Ordinance 19-10, Second Read, Permitting the Chief of Police or His Designee to Void Parking Citations Issued for Time-Zone Violations to Persons Serving Jury Duty in Fredericksburg Circuit Court (D19-165).

- Resolution 19-31, Second Read, Approving a Fiscal Year (FY) 2019 Budget Amendment Appropriating Funds in the General Fund and the Fredericksburg Opportunity Fund for a Tourism Study (D19-166).
- Resolution 19-33, Second Read, Approving a Fiscal Year (FY) 2019 Budget Amendment Appropriating Funds in the Public Works Fund for the FY 2019 Asphalt Program (D19-167).
- Resolution 19-35, Supporting the 2020 United States Census (D19-168).
- Transmittal of Board and Commission Minutes
 - Clean and Green Commission – March 4, 2019 (D19-169).

Adoption of Minutes (D19-170 thru D19-173). Councilor Devine moved approval of the January 8, 2019 January 17, 2019, January 22, 2019 and February 12, 2019 Work Session Minutes and the March 26, 2019 Public Hearing and Regular Session minutes; motion was seconded by Councilor Frye and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Frye, Graham and Kelly. Nays (0).

Reappointment to the Rappahannock Area Agency on Aging – Robert Deaderick (D19-174). Councilor Devine motioned to reappoint Robert Deaderick to the Rappahannock Area Agency on Aging; 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 19-14, First Read Approved, Repealing Ordinance 17-31, Which Created the Liberty Place Development Project Area and Adopted Tax Increment Financing in this Area (D19-175). After staff presentation Councilor Devine made a motion to approve Ordinance 19-14, on first read, repealing

Ordinance 17-31, which created the Liberty Place development project area and adopted Tax Increment Financing in this area; motion was seconded by Vice-Mayor Withers and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Withers, Devine, Duffy, Frye, and Graham. Nays (1). Councilor Kelly.

Motion to Suspend the Rules. In order to place Ordinance 19-14 on for second read, Councilor Devine moved to suspend the rules; motion was seconded by Vice-Mayor Withers and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Withers, Devine, Duffy, Frye and Graham. Nays (1). Councilor Kelly.

Ordinance 19-14, Second Read Approved, Repealing Ordinance 17-31, Which Created the Liberty Place Development Project Area and Adopted Tax Increment Financing in this Area (D19-175). After staff presentation Councilor Devine made a motion to approve Ordinance 19-14, on second read, repealing Ordinance 17-31, which created the Liberty Place development project area and adopted Tax Increment Financing in this area; motion was seconded by Vice-Mayor Withers and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Withers, Devine, Duffy, Frye, and Graham. Nays (1). Councilor Kelly.

Resolution 19-36, Approved, Authorizing the City Manager to Execute a Performance Agreement with Liberty Place Partners, LLC and the Fredericksburg Economic Development Authority (D19-176). After staff presentation and some discussion Councilor Graham made a motion to approve Resolution 19-36, authorizing the City Manager to execute a Performance Agreement with Liberty Place Partners, LLC and the Fredericksburg Economic Development Authority; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes

(6). Councilors Greenlaw, Withers, Devine, Duffy, Frye, and Graham. Nays (1). Councilor Kelly.

Resolution 19-37, Approved, Initiating Amendments to the Unified Development Ordinance to Differentiate Between Small Scale and Large Scale Automotive Sales and Rental Uses, and to require a Special Use Permit for Small Scale Automotive Sales and Rental Uses in the Commercial Highway Zoning District (D19-177). After staff presentation Vice-

Mayor Withers expressed his concerns with the use size and Mr. Craig said there were use standards that has been adopted since the car dealers came and it prohibits from displaying cars within setbacks and many do not adhere to that and they were constantly enforcing it. He said that use standard has prevented smaller lots and it effectively works. Vice-Mayor Withers also expressed his concern that a used car dealer may come and open a three acre lot and they could open by-right. Mr. Craig explained that it was not that simple because they would have to go through a new use process by submitting site plans and significantly upgrade the site with lighting and landscaping. Vice-Mayor Withers said he hoped the City would tighten up the site planning and place a limit to the number of cars allowed on a site. He said he would like to see all used car dealerships allowed by special use permits only. Mr. Craig said this was a big issue for the City and he said it was not the last bite at the apple. He also said they get a lot of calls for small dealerships.

Councilor Graham said he would like to reduce the number of special use permits issued and he asked if there was a minimum acreage for car dealership and Mr. Craig said there are use standards that limit the size. Mr. Craig said a special use permit would help sort out issues for certain sites. Councilor Graham asked Mr. Craig to speak to the environmental

impacts and Mr. Craig explained that there are standards for landscaping, surfacing, and stormwater and any dealer must build to the modern standards and it was a stronger enforcement issue.

Councilor Devine stated that car dealer tend to advertise in creative ways and that was concerning for her and she would like to City to consider that strongly.

Councilor Devine made a motion to approve Resolution 19-37, initiating amendments to the Unified Development Ordinance to differentiate between small scale and large scale automotive sales and rental uses, and to require a Special Use Permit for small scale automotive sales and rental uses in the Commercial Highway Zoning District; 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 19-38, Approved, Initiating Amendment to the Official Zoning Map in Order to Adopt a Transect Regulating Plan and Frontage Regulating Plan for the T-5C “Area Core Corridor” Transect in Land Use Planning Area 6 (D19-178). After staff presentation, Councilor Graham made a motion to approve Resolution 19-38, initiating amendment to the official zoning map in order to adopt a transect regulating plan and frontage regulating plan for the T-5C “Area Core Corridor” transect in Land Use Planning Area 6; 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 19-39, Approved, Initiating Amendments to the Official Zoning Map to Rezone Approximately 12.66 Acres of Land Located on or Near U.S. Route 1, Between Fall Hill Avenue and the Rappahannock

Canal, from Commercial-Shopping Center (C-SC) to Commercial-Highway (C-H) as Recommended in the Small Area Plan for Area 6 (D19-180). After staff presentation, Councilor Graham made a motion to approve Resolution 19-39, initiating amendments to the official zoning map to rezone approximately 12.66 acres of land located on or near U.S. Route 1, between Fall Hill Avenue and the Rappahannock Canal, from Commercial-Shopping Center (C-SC) to Commercial-Highway (C-H) as recommended in the Small Area Plan for Area 6; 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 19-40, Approved, Awarding a Contract for General Property Re-Assessment Services to Wingate and Associates and Appointing Wingate and Associates the Assessor for this Project (D19-181). After staff presentation, Councilor Kelly made a motion to approve Resolution 19-40, awarding a contract for general property re-assessment services to Wingate and Associates and appointing Wingate and Associates the assessor for this project; 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 19-41, Approved, Adopting Council Priorities for 2019-2021 (D19-182). After staff presentation, Councilor Kelly made a motion to approve Resolution 19-41, Adopting Council Priorities for 2019-2021; 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 (D19-183 thru D19-184). City Manager Baroody reviewed the Manager's report and Council Calendar. Activities highlighted on the report were as follows: Upcoming FY 2020 Budget Meetings Schedule, Launch of New City Website, and Summer Activities Catalog, Child Abuse Prevention Month

Adjournment. There being no further business to come before the Council at this time, Mayor Greenlaw declared the meeting officially adjourned at 9:24 p.m.

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

Mary Katherine Greenlaw
Mary Katherine Greenlaw, Mayor

APPROVED

04-23-19