



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

May 28, 2019

The Council of the City of Fredericksburg, Virginia, held a public hearing on Tuesday, May 28, 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, Police Chief David Nye, Director of Community Planning & Building Services Charles Johnston, Historic Resources Planner Kate Schwartz, Building Administrator Marne Sherman, Economic Development Director Bill Freehling, Finance Director Robyn Shugart and Clerk of Council Tonya B. Lacey.

Notice of Public Hearings (D19-241 thru D19-242). The Clerk read the notice of the public hearings as it appeared in the local newspaper, the purpose being to solicit citizen input.

Ordinance 19-24, First Read Approved, Amending the Old and Historic Fredericksburg Overlay District Standards and Architectural Review Board Procedures 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 (D19-241 thru D19-

242). no speakers. After a brief summary by staff, Councilor Kelly made a motion to approve Ordinance 19-24, on first read, amending the Old and Historic Fredericksburg Overlay District Standards and Architectural Review Board Procedures 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 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
06-11-19



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HON. DR. TIMOTHY P. DUFFY, WARD THREE
HON. CHARLIE L. FRYE, JR., WARD FOUR

May 28, 2019

The Council of the City of Fredericksburg, Virginia, held a regular session on Tuesday, May 28, 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, 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, Police Chief David Nye, Director of Community Planning & Building Services Charles Johnston, Historic Resources Planner Kate Schwartz, Building Administrator Marne Sherman, Economic Development Director Bill Freehling, Finance Director Robyn Shugart 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 Mayor Mary Katherine Greenlaw.

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

Introduction of Newly Promoted Officers. Police Chief David Nye introduced three of his officer that were promoted due to the retirement of Captain Mark

Purcell. Officer Ryan Merrell was promoted from Officer to Sergeant, Rashaun Coles was promoted from Sergeant to Lieutenant and Patrick Reed was promoted from Lieutenant to Captain. Chief Nye noted that the process to get promoted was a very rigorous process.

Update on Legislative Session. Delegate Bob Thomas came and updated the Council on the Legislative session. He said the biggest issue on the agenda was federal conformity. This year there was extra lottery money added to education across the state. He said they gave extra money on state positions in the localities. There was additional money for broadband and State run colleges received money from the General Assembly this year and they are holding tuition flat this year. Delegate Thomas said they were increasing funding for the Commonwealth Attorneys by twenty percent. The General Assembly added money to the housing trust fund and they shifted a great deal of funding to the at-risk programs so he said extra funding would be coming to the City. He said it was a good year for local government.

Delegate Thomas commended Virginia Municipal League for the lobbying work they did for the localities, he said they were the most powerful lobbyist at the General Assembly. He thanked City Attorney Dooley for her help with the proffer bill, she helped with the wording. There were several bills that died because of unfunded mandates. He said there was a constitutional amendment on the House floor for veteran's tax breaks as well as another bill related to veterans getting a CDL license and one for spouses of veterans. Delegate Thomas also talked about the changes to the Kings Dominion bill to allow schools to start prior to Labor Day. He said they were continuing to work on transportation bills and smart scale bills. He thanked Commonwealth Attorney Labravia Jenkins for helping with and advocating for a bill on huffing.

Councilor Graham asked if there had been any discussions on modernizing the way the Composite index was calculated. Delegate Thomas said no one wants to look at this but he was willing to take a look at it.

Mayor Greenlaw and Vice-Mayor Withers both said it was great to have someone who has served in local government to represent in the City at the General Assembly.

Delegate Thomas also commended City Attorney Dooley for her assistance on a FOIA bill that slipped through and was not a good bill and she was able to get a Governor's amendment and it was passed. He said local legislators were contacting him asking what he thought of the bill and he explained that it came from City Attorney Dooley and that carried some weight.

Library Annual Report (D19-240) . Martha Hutzel, Director of the Central Rappahannock Regional Library presented a PowerPoint presentation and in the presentation she discussed literacy and education, digital access, workforce development, lifelong learning and experiences, community engagement, grants, recent initiatives and their customers. (See D19-240 for more information.)

Public Hearings (D19-241 thru D19-242). The regular session was recessed in order to conduct scheduled public hearings and immediately reconvened upon their conclusion.

Citizen Comment. No speakers participated in the citizen comment portion of this evening's meeting.

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

7A. Braehead Woods Update – Councilor Duffy

7B. Crime in the City – Councilor Frye

7C. Residential By-Right in Commercial-Highway (CH) Zoning–Vice-Mayor Withers

Braehead Woods Update. Councilor Duffy said at the last meeting he spoke about the oddity of the R-4 zoning in the Braehead Woods subdivision and that there was a subdivision application submitted to the City and he wanted to give an update but there has not been any conclusive updates since the last meeting. He said this zoning allows a doubling or tripling of the density and he would like to see something done to preserve the neighborhood as it is. He thanked the residents for being involved.

Crime in the City. Councilor Frye said he has tried to revamp his approach to the shootings at the neighborhood playground. He thanked the city staff for stepping up and helping with the organizing of a community event for crime prevention in light of the latest shooting. Councilor Frye thanked the Council members that were able to show up, he said it meant a lot to the community. He also thanked the community for saying they have had enough.

Residential By-Right in Commercial-Highway (CH) Zoning. Vice-Mayor Withers expressed his concern with the amount of residential development in the commercial-highway zoning. He said he understood the form base code would help but he wanted to make the Council aware that he would be bringing an ordinance to say that residential in those areas are by special use permit only.

City Manager’s Consent Agenda Accepted for Transmittal as Recommended (D19-243 thru D19-248). 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 19-53, Authorizing the City Manager to Execute a Revised Fire and Emergency Medical Services Mutual Aid Agreement with the Spotsylvania County Board of Supervisors (D19-243).
- Resolution 19-54, Authorizing the City Manager to Accept an Easement for a Bus Transfer Station from Rappahannock Goodwill Industries, Inc., on Land in Spotsylvania County (D19-244).
- Resolution 19-55, Authorizing the City Manager to Accept an Easement for a Bus Transfer Station from Lakeside Conservancy, on Land in Spotsylvania County (D19-245).
- Transmittal of the Streetsense Small Area Plan for Downtown and Adjoining Neighborhoods (D19-246).
- Transmittal of Board and Commission Minutes.
 - Planning Commission – March 13, 2019 (D19-247).
 - Planning Commission – March 27, 2019 (D19-248).

Adoption of Minutes. Councilor Kelly moved approval of the April 16, 2019 public hearing minutes; motion was seconded by Councilor Graham and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Frye, Graham and Kelly. Nays (0).

Appointment to the Board of Social Services – Bea Paolucci (D19-249). Councilor Kelly moved to reappoint Beatrice Paolucci to the Board of Social 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).

Appointments to the Economic Development Authority – William Murray, Suzy Stone, Christian Waller (D19-250). Clerk Lacey explained that there were two vacancies and there would be an additional vacancy at the end of June when Mr. Hap Conners resigns and she asked the Council to make three appointments so that the third person could sit in on the next meeting to get familiar with the work the EDA was working on. She also explained that she would pull a name out of a jar to determine who would serve the remainder of Mr. Conner term.

After the recorded votes taken, William Murray, Suzy Stone and Christian Waller were appointed to the Economic Development Authority with a vote resulting between applicants Paul Janney, William Murray, Suzy Stone and Christian Waller. Janney (1) Councilor Kelly. Murray (7). Councilors Greenlaw, Withers, Devine, Duffy, Frye, Graham, Kelly. Stone (7). Councilors Greenlaw, Withers, Devine, Duffy, Frye, Graham, Kelly. Waller (6) Councilors Greenlaw, Withers, Devine, Duffy, Frye, Graham.

After the appointments were made Clerk Lacey pulled Suzy Stones name to serve the remainder of Mr. Conner's term.

Ordinance 19-22, Second Read Approved, Amending the City Sign Ordinance to Specify the Limit of One Temporary Banner on Display at a Time (D19-251). After staff presentation Councilor Devine made a motion to approve Ordinance 19-22, on second read, amending the City Sign Ordinance to specify the limit of one temporary banner on display at a time; 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 19-23, Second Read Approved, Amending the City Sign Ordinance to Allow Electronic Variable Message Signs for Drive-Through Windows; Allow Electronic Variable Message Signs at Convenience Stores with Gasoline Sales, on Portions of U.S. Route 1 and Virginia Routes 2 and 3 (D19-252). After staff presentation Councilor Graham made a motion to approve Ordinance 19-23, on second read, amending the City Sign Ordinance to allow electronic variable message signs for drive-through windows; allow electronic variable message signs at convenience stores with gasoline sales, on portions of U.S. Route 1 and Virginia Routes 2 and 3; 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 19-56 Approved, Authorizing the City Manager to Execute a Performance Agreement with the Fredericksburg Food Cooperative and Fredericksburg Economic Development Authority for Tourism Zone Incentives (D19-253 thru D19-256). After staff presentation Mr. Freehling disclosed that he was a member of the Food Coop and that his wife does some pro-bono work for them but he could participate fairly and objectively and in the public interest.

Councilor Devine also disclosed that she was a member of the Food Coop but she could participate fairly and objectively and in the public interest.

Council expressed their excitement that the Food Coop would be opening a store in Fredericksburg and they said the location was a great location for the citizens.

Councilor Devine made a motion to approve Resolution 19-56 authorizing the City Manager to execute a Performance Agreement with the Fredericksburg Food Cooperative and Fredericksburg Economic Development Authority for Tourism Zone Incentives; motion was seconded by Councilor Graham and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Frye, Graham and Kelly. Nays (0).

Quarterly Financial Report January 2019 – March 2019 (D19-257).

Finance Director Shugart presented the quarterly financial report ending in March 2019. She reported that overall revenues and expenditures were in a favorable stable position. She stated that real estate, sales tax and meals taxes have all shown increases in comparison to the same period in Fiscal Year (FY) 2018; real estate taxes at 3.4%, personal property at 4.6%, sales tax at 3.6% and meals tax at 1.2%. There were a few revenue sources that showed a decrease in comparison to this time in FY 2018 to include the waste collection fees and the telecommunications tax. Ms. Shugart highlighted a few areas that met or exceeded the budget for the FY already and that was the business license tax, admissions tax and building permits.

Ms. Shugart explained that the expenditures were at \$70.1 million and \$42.3 was for general operating, \$21.6 was for transfer to the schools and \$6.2 was the debt service transfer. The adopted budget include \$525,000 in the contingency fund and on March 31 there was an available balance of \$441,000.

City Manager's Report and Council Calendar (D19-258 thru D19-259). City Manager Baroody reviewed the Manager's report and Council Calendar. Activities highlighted on the report were as follows: Summer Trolley Service Begins May 31st, Dixon

Park Inline Roller Hockey Rink, College Terrace Sanitary Sewer Rehabilitation, Commonwealth Attorney Recognized, FPD Builds a Stronger Relationship with Downtown Business Owners, Pool Opens May 25, Picnic in the Park, Polling Place Change, Annual Health Fair and Fire Hydrant Flushing GIS Application.

Adjournment. There being no further business to come before the Council at this time, Mayor Greenlaw declared the meeting officially adjourned at 8:58 p.m.

Mary Katherine Greenlaw
Mary Katherine Greenlaw, Mayor

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

APPROVED
06-11-19