



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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**June 25, 2019**

**The Council** of the City of Fredericksburg, Virginia, held a public hearing on Tuesday, June 25, 2019, beginning at 7:45 p.m. in the Council Chambers of City Hall.

**City Council Present.** 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.

**City Council Absent.** Mayor Mary Katherine Greenlaw, out of town.

**Also Present.** City Manager Timothy J. Baroody, Assistant City Manager Mark Whitley, City Attorney Kathleen Dooley, Director of Community Planning & Building Services Charles Johnston, , Senior Planner Michael Craig, Economic Development Director Bill Freehling, Budget Manager Deidre Jett and Clerk of Council Tonya B. Lacey.

**Notice of Public Hearings (D19-273 thru D19-277).** The Clerk read the notice of the public hearings as they appeared in the local newspaper, the purpose being to solicit citizen input. The public hearings were combined as one public hearing

**Ordinance 19-25, First Read Approved, Amending 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 (D19-273).**

**Ordinance 19-26, First Read Approved, Rezoning Approximately 28 Acres 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 (C-H) as Recommended in the Small Area Plan for Area 3 (D19-274).**

**Ordinance 19-27, First Read Approved, Rezoning 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 (D19-275).**

**Ordinance 19-28, First Read Approved, Amending 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 (D19-276).** 1 speaker.

Senior Planner Craig presented a PowerPoint and in that presentation he discussed the background on T-5C transect and form base code, rezoning 28 acres in Area 3 and 12.66 acres in Area 6 from CSC to CH, Transect Map and Frontage Map for Area 6 T-5C, potential impacts – automotive sales and rental UDO Text Amendment, Planning

Commission public hearing and recommendations and conclusion. See D19-277 for more information.

**Joe Wilson**, 913 Caroline Street, asked for an explanation of the two year grandfather clause for dealerships that are less than the required minimum area and Mr. Craig explained that any dealership that is operating legally today on a parcel of land under 3 acres in size would be considered legally nonconforming if the ordinance passes. If the dealership goes out of business and someone wants to reestablish a dealership on that parcel of land within two years of the closing of the original dealership they can retain the legal nonconforming status. If two year have passed the legal nonconforming status goes away and a dealership would have to apply for a special use permit to reestablish a dealership on that piece of land.

Councilor Kelly asked if they would be able to expand, and City Attorney explained that as long as the use continues in the same intensity then they can continue to operate but if they expand they would have to get a special use permit or come into compliance with the ordinance.

Councilor Duffy asked what the City does to regulate public safety and public interest in the areas where the dealerships are nonconforming and how does the City deal with violations. Mr. Craig said they have worked with many dealerships because the nature of the business is to take in a lot of cars, and within the last 5 years, if a dealership was opening they were required to submit site plans to meet setback rules and they also have general operating standards. He said if there was a use out of conformance, they would visit and get them back into conformance and continue to monitor the site. The dealerships are given a notice of violation and a warning, and in extreme cases of excessive violations they

will pull their zoning permit and notify DMV and the DMV would pull their dealership license.

**Ordinance 19-25, First Read Approved, Amending 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.** Councilor Devine made a motion to approve Ordinance 19-25, on first read, amending 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 Councilor Duffy and passed by the following recorded votes. Ayes (6). Councilors Withers, Devine, Duffy, Frye, Graham and Kelly. Nays (0).

**Ordinance 19-26, First Read Approved, Rezoning Approximately 28 Acres 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 (C-H) as Recommended in the Small Area Plan for Area 3.** Councilor Devine made a motion to approve Ordinance 19-26, on first read, rezoning approximately 28 acres 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 (C-H) as recommended in the Small Area Plan for Area 3; motion was seconded by

Councilor Duffy and passed by the following recorded votes. Ayes (6). Councilors Withers, Devine, Duffy, Frye, Graham and Kelly. Nays (0).

**Ordinance 19-27, First Read Approved, Rezoning Approximately 12.66 Acres of Land Located on or Near U.S. Route 1, Between Fall Hill Avenue and the Rappahnock Canal, from Commercial Shopping Center (C-SC) to Commercial-Highway (C-H) as Recommended in the Small Area Plan for Area 6.** Councilor Devine made a motion to approve Ordinance 19-27, on first read, rezoning approximately 12.66 acres of land located on or near U.S. Route 1, between Fall Hill Avenue and the Rappahnock 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 Duffy and passed by the following recorded votes. Ayes (6). Councilors Withers, Devine, Duffy, Frye, Graham and Kelly. Nays (0).

**Ordinance 19-28, First Read Approved, Amending 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.** Councilor Kelly made a motion to approve Ordinance 19-28, on first read, amending 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 Duffy and passed by the following recorded votes. Ayes (6). Councilors Withers, Devine, Duffy, Frye, Graham and Kelly. Nays (0).

**Adjourned.** There being no more speakers to come before the Council at this time, Vice-Mayor Withers declared the hearing officially adjourned at 7:56 p.m.

*William C. Withers, Jr.*  
William C. Withers, Jr., Vice-Mayor

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

**APPROVED**

**07-09-19**



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**June 25, 2019**

**The Council** of the City of Fredericksburg, Virginia, held a regular session on Tuesday, June 25, 2019, beginning at 7:30 p.m. in the Council Chambers of City Hall.

**City Council Present.** 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.

**City Council Absent.** Mayor Mary Katherine Greenlaw, out of town.

**Also Present.** City Manager Timothy J. Baroody, Assistant City Manager Mark Whitley, City Attorney Kathleen Dooley, Director of Community Planning & Building Services Charles Johnston, , Senior Planner Michael Craig, Economic Development Director Bill Freehling, Budget Manager Deidre Jett 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 Vice-Mayor William C. Withers, Jr. Vice-Mayor Withers acknowledged the passing of the former City Manager John Nolan and a former Social Services and Recreation Commission Board member Mr. James Bailey.

**Officer Recognized.** Vice-Mayor Withers recognized the presence of Officer Melanie Schaffer, at this evening's meeting.

**Proclamations Recognizing Economic Development Authority Members – Robert Carter, Hap Connors, Thomas Crimmins and Joe Wilson (D19-272).** Vice-Mayor Withers presented proclamations to Mr. Carter, Mr. Crimmins, Mr. Wilson, and Mr. Connors who was unable to attend. He commended them for their service and contribution to the Economic Development Authority and he wished them the best in their future endeavors.

**Public Hearings (D19-273 thru D19-277).** 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.

**Amanda Stebbins (D19-278),** 1613 Sunkin Road, a member of Fossil Free Fredericksburg. Ms. Stebbins spoke on fossil fuels and the effects they are having on the climate. She said she would like to begin a dialog with the City on the topic. See D19-278 for more information.

**Julie Kay –** 1616 Franklin Street, Co-founder of Fossil Free Fredericksburg, concerned with the future of the world she said if something was not done there would be an economical demise. She said they would like to work with the City in the future because there needed to be a change in the next thirteen years. She suggested that the Clean and Green Committee's role be expanded. By 2050, she would like to see all the power in Fredericksburg 100 percent fossil free and by 2031 it should be down by 45 percent. She asked for the City Council's support.



**Richard Davis (D19-279)**, 315 Wolfe Street, spoke on his lack of support for the City Council's Legislative Agenda for the Special General Assembly Session. He said the laws should not be changed to permit localities to determine whether the possession of firearms is consistent with public safety. Mr. Davis said expansion of local governments to regulate within its facilities for public safety services would eventually lead to regulations and licensing requirements restricting the rights of law abiding citizens. He suggested having a discussion with a diverse group of City residents from both sides of the debate. Mr. Davis offered to provide ideas to the Council on this matter.

**Victor Meyer**, 8 Lockhart Circle, called out Planning and zoning staff for what he called a lack of due diligence on the property at 215 Braehead Drive in the Braehead Woods subdivision. He expressed his displeasure with the way planning handled the whole process. Mr. Meyer also accused the City of dumping Stormwater into Braehead and he said the City doesn't have the responsibility or authority to perform comprehensive improvements on drainage ways in the neighborhood. He said these problems affect the character of the neighborhood, the health, safety and welfare of the Braehead residents. Mr. Meyer asked the Council to expedite downzoning the neighborhood, rerouting Morningside stormwater and he asked for an apology from Planning and Zoning.

**Gabrielle Guy (D19-280)**, 400 Cobblestone Drive, spoke in regards to the slave auction block. She stated that she was happy when the Council originally voted to keep the slave auction block in place but she was disappointed and dismayed by the recent vote to remove the slave auction block. She said she would like to learn the sequence of events because she had not seen any notices regarding removal of the block. Ms. Guy asked the Council to inform her of how this vote could be changed. She said regardless of people's feelings, history remains true and cannot be removed. She said the slave auction block was a

symbol of perseverance, survival and hope. Ms. Guy said removal of the artifact would diminish and remove the narrative of thousands who were brought to the City against their will and walked the streets unfree.

**Shane Adams**, 1430 Franklins Street, spoke about gun control and he stated statistics that since 1950, 97.8 percent of mass shootings have been in gun free zone. He said if you strip the rights of law abiding citizens what would it do for those who do not abide by the law. He gave an example of a time when he had to use his gun to protect himself from a burglar. He said he wants to be able to protect his family.

**Bonnie McLean (D19-281)**, 2215 Plank Road, 125, spoke about how a society without guns does not make it safe. She spoke about her experience working in a gun free City and how it did not stop her attacker from attacking her and nearly murdering her. She said guns prevent people from becoming victims. She stood in support of the 2<sup>nd</sup> Amendment of the Constitution. See D19-281 for more information.

**Philip VanCleave**, President of The Virginia Citizen Defense League, spoke about the importance of gun laws to be uniform. It would be difficult not to break the law if the gun laws are different from one locality to the next. There are over 500,000 licensed gun owners in Virginia. He said those who are licensed are less likely to break the law. He said this should be a law that comes from the General Assembly to be sure the laws are uniform across the state. Mr. VanCleave said Virginia Beach even rejected a similar resolution and he asked the Council to do the same.

**Theron Keller**, 247 Farrell Lane, spoke in opposition of the resolution for gun control. He said the purpose of the preemption law is to make the laws uniform in the state and he said if these were changed it would be difficult to know where you can or cannot carry.

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

7A. Zoning-Infill Versus New Development – Councilor Kelly

7B. Midnight Madness – Councilor Frye

**Zoning-Infill Versus New Development (D19-282).** Councilor Kelly said this came out of long ongoing discussions with staff and the community and he said this topic needed to be looked into. He said the City continues to grow and looking into infill development over the years it has been decided there was a difference between infill and new development regarding zoning. He said the Council has approved an ordinance related to pre 1984 neighborhoods and initially it was a push to prevent out of scale housing.

Councilor Kelly noted that the way the City was developed over the years made the City one big non-conforming use. What the City did not look at was in addition to being non-conforming there were not a lot of regulations in the City when these older neighborhoods were developed and as a result there has been multiple issues with infrastructure. Councilor Kelly noted that because of this the infrastructure does not meet current regulations and this has to be looked at with infill development.

Councilor Kelly said another issue that must be addressed is workforce housing or ancillary housing which would be an increase in density. He said this was an appropriate time, while doing the small area plans, to look at how we deal with older neighborhoods and infill development before moving on with the other small area plans. He said he would like to step back and take a look at how development is impacting antiquated infrastructure. Councilor Kelly said he would like to also look at regulations at the Unified Development Ordinance (UDO) level and determine how to deal with infill development and he wants to look at how and what type of housing should the City consider.

Councilor Kelly asked the Council if they were in agreement to asking staff to move forward with this item.

Councilor Duffy said this was an important issue and he hoped the City could find ways to preserve neighborhoods through its ordinances. He was hopeful that progress could be made in this area.

Councilor Devine noted a statistic that says by 2045 the City's population could be 41,000 and if that is the case, people will begin looking to develop in places that the City would not imagine were buildable lots. She was not in favor of putting off moving forward with small area plans because they are meant to improve neighborhoods but she was supportive of looking at this item.

Mr. Johnston said there were two priorities addressing development patterns and one of those priorities address neighborhood compatibility. He said there are ordinances that have started to achieve appropriate compatibility on older lots and he feels these could be expanded to address more contemporary lots. Mr. Johnston states that these could be addressed through the UDO.

Councilor Graham said one issue he would like to see monitored is infill development because he said it will occur due to the growth in the area. He wanted to make sure the City maintained the flexibility of looking like a single-family home but be a two-three flat and maintain the character of the neighborhood. He said the City would have to have the housing stock for those coming to the City.

Councilor Kelly said he was in agreement with Councilor Graham and he would like to see all the options on the table.

Councilor Frye spoke about affordability and how difficult it was for people to find affordable housing. He also noted that the City could not request proffers to help with the affordability.

Vice-Mayor Wither said affordable housing was a regional issue not just a City issue.

**Midnight Madness.** Councilor Frye spoke about Mr. James Bailey and how he was an Assistant Principal at James Monroe a time when drugs were taking over. He said Mr. Bailey started the midnight madness program to the City and he as a youth participated in the program. He said as a council member he wanted to do the same for kids.

**City Manager's Consent Agenda Accepted for Transmittal as Recommended (D19-283 thru D19-291).** Councilor Kelly moved approval of the City Manager's consent agenda items; motion was seconded by Councilor Graham and passed by the following recorded votes. Ayes (6). Councilors Withers, Devine, Duffy, Frye, Graham and Kelly. Nays (0).

- Adopting the Fiscal Year Calendar Year July 1, 2019 through June 30, 2020 Meeting Schedule (D19-283).
- Resolution 19-60, Appointing Christen Gallik to the Rappahannock Area Youth Services and Group Home Commission (D19-284).
- Resolution 19-61, Amending the Fiscal Year 2019 Budget in the Special Welfare Fund (D19-285).
- Transmittal of Board and Commission Minutes.
  - Economic Development Authority – May 13, 2019 (D19-286).
  - Fredericksburg Arts Commission – January 16, 2019 (D19-287).
  - Fredericksburg Arts Commission – February 27, 2019 (D19-288).

- Fredericksburg Clean and Green Commission – February 4, 2019 (D19-289).
- Green Committee – April 9, 2019 (D19-290).
- Green Committee – May 14, 2019 (D19-291).

**Adoption of Minutes (D19-292).** Councilor Graham moved approval of the March 14, 2019 work session minutes and the June 11, 2019 regular session minutes; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (6). Councilors Withers, Devine, Duffy, Frye, Graham and Kelly. Nays (0).

**Appointment to the Fredericksburg Clean and Green Commission – Amanda Stebbins (D19-293).** Councilor Devine moved to appoint Amanda Stebbins to the Clean and Green Commission; motion was seconded by Councilor Duffy and passed by the following recorded votes. Ayes (6). Councilors Withers, Devine, Duffy, Frye, Graham and Kelly. Nays (0).

**Resolution 19-62, Approved, Amending the ICMA-RC 457 Deferred Compensation Retirement Plan to Permit Loans (D19-294).** After staff presentation Councilor Graham made a motion to approve Resolution 19-62, amending the ICMA-RC 457 Deferred Compensation Retirement Plan to permit loans; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (6). Councilors Withers, Devine, Duffy, Frye, Graham and Kelly. Nays (0).

**Resolution 19-63, First Read Approved, Amending the Fiscal Year 2019 Budget in the General Fund and the Public Works Capital Fund (D19-295).** After staff presentation Councilor Kelly made a motion to approve Resolution 19-63, on first read, amending the Fiscal Year 2019 budget in the General Fund and the Public Works Capital Fund; motion was seconded by Councilor Devine and passed by the

following recorded votes. Ayes (6). Councilors Withers, Devine, Duffy, Frye, Graham and Kelly. Nays (0).

**Resolution 19-64, First Read Approved, Amending the Fiscal Year 2019 Budget in the School Grant Fund (D19-296 thru D19-296.2).** After staff presentation Councilor Duffy disclosed that he was an Assistant Principal for James Monroe High School in the Fredericksburg Public School system and that he was able to participate in the transaction fairly, objectively, and in the public interest.

Councilor Frye disclosed that his spouse is an employee of the Fredericksburg Public School system and that he was able to participate in the transaction fairly, objectively, and in the public interest.

Councilor Graham made a motion to approve Resolution 19-64, on first read, amending the Fiscal Year 2019 budget in the School Grant Fund; motion was seconded by Councilor Kelly and passed by the following recorded votes. Ayes (6). Councilors Withers, Devine, Duffy, Frye, Graham and Kelly. Nays (0).

**Resolution 19-65, Approved, Adopting the Fiscal Year 2021 – Fiscal Year 2025 Capital Improvement Plan (D19-297).** After staff presentation Councilor Devine made a motion to approve Resolution 19-65, adopting the Fiscal Year 2021 – Fiscal Year 2025 Capital Improvement Plan; motion was seconded by Councilor Duffy and passed by the following recorded votes. Ayes (6). Councilors Withers, Devine, Duffy, Frye, Graham and Kelly. Nays (0).

**Resolution 19-66, Approved, City Council’s Legislative Agenda for the Special General Assembly Session (D19-298).** City Attorney Dooley explained that this was a legislative agenda for the General Assembly Special Session meeting

on July 9. The purpose of this special session was to address gun violence legislation in the Commonwealth. She said the proposed resolution focuses on a bill to amend the bill that prohibits Virginia local governments from adopting ordinances, regulations, resolutions or administrative actions that prohibit the carrying or possession of firearms in public buildings, public facilities such as the community centers, community pools, sports fields, municipal buildings, fire department, etc. Currently, the law does not allow local governments to prohibit firearms in these places and the proposal to the General Assembly would be to authorize local governments to take that action if they so choose. The second topic addressed in the resolution was the gun buyback legislation which states that if a locality held a gun buyback program they would have to sell the guns to a reputable dealer and ultimately put the guns back on the streets. City Attorney explained that in the resolution it request the removal of the requirement to sell the guns and allow the locality to destroy the guns if they so choose.

Councilor Graham thanked the City Attorney for bringing this to their attention. He said there was a time and place for firearms but there was no place for them at City buildings, soccer fields or any other municipal building so he would support the resolution.

Councilor Frye said the City was the model for the gun giveback program. The program allow people to get rid of guns voluntarily to get them off the streets. This was a way to get rid of unwanted guns without any questions asked and then they would be destroyed. Councilor Frye said when it comes to gun rights it's a person's right to carry but he did not think it was an appropriate time to bring this up due to the loss of those in the Virginia Beach shooting, therefore he would not support.



Councilor Kelly said this was Richmond's way of coping out and throwing the responsibility to the localities. He said there needed to be discussions on rights versus safety. Councilor Kelly asked if Virginia Municipal League (VML) had taken a position on this topic.

Councilor Devine said this resolution would allow discussion to occur with the State.

Councilor Dufy said he was prepared to support the resolution. He said local governments can be laboratories for progress and this may be what it takes. He said he was support of exploring ways to protect public buildings.

Vice-Mayor Withers said he was on VML's legislative committee and they were in support and would support this regulation. He said he has some concerns but this was just asking to take a look to determine what they wanted to do.

Councilor Graham made a motion to approve Resolution 19-66, City Council's Legislative Agenda for the Special General Assembly Session; motion was seconded by Councilor Duffy and passed by the following recorded votes. Ayes (4). Councilors Withers, Devine, Duffy and Graham and. Nays (2). Councilors Frye and Kelly.

**City Manager's Report and Council Calendar (D19-299 thru D19-300).** City Manager Baroody reviewed the Manager's report and Council Calendar. Activities highlighted on the report were as follows: Midnight Madness Summer Series, July 4<sup>th</sup> Heritage Festival Events, Cigarette Butts Are Litter Too, Council Town Hall on Priorities, Free Summer Trolley Service, Belman Convenience Center and Eskimo Hill Landfill Fee Increases, New Police K-9 and Fred Focus.

**Adjournment.** There being no further business to come before the Council at this time, Vice-Mayor Withers declared the meeting officially adjourned at 9:38 p.m.

*William C. Withers, Jr.*  
William C. Withers, Jr., Vice-Mayor

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

APPROVED  
07-09-19