



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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**August 13, 2019**

**The Council** of the City of Fredericksburg, Virginia, held a regular session on Tuesday, August 13, 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, Director of Community Planning & Building Services Charles Johnston, Historic Resources Planner Kate Schwartz, Building Administrator Marne Sherman, Economic Development Director Bill Freehling, and Clerk of Council Tonya B. Lacey.

**Opening Prayer and Pledge of Allegiance.** Council was led in prayer by Councilor Charlie L. Frye, Jr. followed by the Pledge of Allegiance led by Mayor Mary Katherine Greenlaw.

**Officer Recognized.** Mayor Greenlaw recognized the presence of Officer Rashawn Cowles, at this evening's meeting.

**Citizen Comment.** There were no speakers who participated in the citizen comment portion of this evening's meeting.

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

7A. Red Light Cameras – Vice-Mayor Withers

7B. Drainage Issues Braehead Neighborhood – Councilor Duffy

7C. Zoning in Neighborhoods – Councilor Duffy

7D. Unity Festival – Councilor Duffy

7E. Railroad Issues in Neighborhoods – Councilor Frye

7F. Caroline Street Traffic Concerns – Councilor Frye

7G. Midnight Madness – Councilor Frye

**Red Light Cameras.** Vice-Mayor Withers said he thought the City should consider red light cameras for the downtown. He said he counted three cars running one red light and this concerned him because of the amount of foot traffic in the downtown. Vice-Mayor Withers asked City Attorney Dooley to give a brief on red light cameras.

Ms. Dooley explained the Council had statutory authority to enforce red light cameras in the City at one intersection per 10,000 residents and this would allow the City to have two. She suggested having the Police Department and GIS work together to determine the locations.

Vice-Mayor Wither asked if tickets could be written off of the red light camera and City Attorney Dooley said they could. Vice-Mayor Withers said he was not sure if this was feasible but he asked for the Council's opinion.

Councilor Devine said she would like to look into this for safety reasons only, not for budgetary reasons. She had concerns with the time and money it would take in court and the cost of enforcement.

Councilor Duffy said safety on the streets was invaluable but he would like to know the cost. He said pedestrian safety is very important.

Councilor Graham said he would like to look at red light cameras as one of the many effective uses to make streets safer. He also spoke of a study that he read that said red light cameras increased the rate of accidents therefore he would like to look at all the options.

Mayor Greenlaw said there was a consensus of the Council to look into the feasibility of red light cameras. Vice-Mayor Withers said he did not care what was done his goal was to make the streets safer downtown.

**Drainage Issues Braehead Neighborhood.** Councilor Duffy thanked the Braehead neighbors for bringing the Stormwater difficulties they have faced on some of the lots to the City. He requested to have staff develop a watershed study with the consensus of Council.

City Manager Baroody noted that he spent a couple hours with the Dehaven's on site in the neighborhood and he believes a watershed study of the neighborhood and surrounding areas would be appropriate. He said with this exercise they could validate that recent Stormwater infrastructure was working properly and to test infrastructure the City many invest in in the future to help with water quality issues related to 2020 mandates. Mr. Baroody said if council directed staff to do so they would look for resources to cover the costs.

Mayor Greenlaw determined that Council would like staff to move forward.

**Zoning in Neighborhoods.** Councilor Duffy stated that in order to preserve the integrity of neighborhoods he would like to advance the small area plans. His reason for doing so was based on several projects that have come forward that meet the zoning but goes against what exist in the neighborhood today. He asked Council if they would be willing to

direct staff to look at the timeline for some of the small area studies especially the areas that were vulnerable.

Councilor Devine agreed because she was concerned that a precedence may be set. She said time was of the essence and she would like to address these issues sooner rather than later.

Councilor Kelly said it was his understanding that the Council directed staff to look at the R-4 zoning and bring back recommendations this month. He asked for an update.

Mr. Baroody stated that staff has been working with Ms. Dooley and under her advice that taking the R-4 approach to Braehead was not the best approach and that it would be better to take the approach Councilor Duffy recommended. Mr. Baroody said this process would accomplish the same goal in a slightly different way.

Councilor Kelly expressed his displeasure with staff going in a different direction than what he thought Council had directed.

Mr. Johnston said he thought this was a two prong approach the necessity to do the small area plan was to change base zoning to comply with legal requirements, but also they were going to look at how infill development was accommodated which would require changes to the text to a variety of residential zoning districts. Mr. Johnston said it was his intent to come back to Council at a work session to discuss how infill development was accommodated.

Mayor clarified that there would be a work session forthcoming in September and Mr. Johnston said it would if staff was able to get it done due to current workloads. Mayor Greenlaw agreed.

Mr. Baroody added that there would be budget implications on accelerating the small area plans and staff would bring the appropriation back for Council's approval.

Councilor Frye thanked the Braehead neighbors for bringing this to the City. He mentioned that it was difficult for the City to know all the issues that are going on and it was helpful when citizens speak up.

Mayor Greenlaw said it was good to take a fresh look at neighborhoods to see what needed to be done to best protect them.

**Unity Festival.** Councilor Duffy said there have been letters to the editor that place a negative light on neighbors who go to our parks who resemble third world countries and as someone who works daily with these families he said they are awesome. He said Fredericksburg can set the example of a community that shows that many different people can live and get along in one place. Councilor Duffy announced that there would be a Unity Festival held in October at Walker-Grant Middle School. He said he would like to see everyone there to learn about each other's cultures.

**Railroad Issues in Neighborhoods.** Councilor Frye brought up the issue of railcars being parked close to residents. He said they meet regularly with CSX but he would like to discuss this at the next work session.

**Caroline Street Traffic Concerns.** Councilor Frye said this was an ongoing concern on Caroline Street. He said a lot had been done in the area but there was still some concern about the speed limit. They have asked if the speed could be reduced to 25 MPH near Old Mill Park area. Councilor Frye asked if there could be a work session to get an update from staff.

**Midnight Madness.** Councilor Frye thanked the Police Department, City Schools, Parks and Recreation and the City Council for making midnight madness an initiative. He said the program had been a success and it was touching a lot of lives.

**City Manager's Consent Agenda Accepted for Transmittal as Recommended (D19-330 thru D19-339).** Councilor Graham 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).

- Transmittal of Board and Commission Minutes.
  - Board of Social Services – April 4, 2019 (D19-330).
  - Clean & Green Commission – May 6, 2019 (D19-331).
  - Clean & Green Commission – June 3, 2019 (D19-333).
  - Clean & Green Commission – July 8, 2019 (D19-334).
  - Green Committee – May 14, 2019 (D19-335).
  - Memorials Advisory Committee – January 16, 2019 (D19-336).
  - Memorials Advisory Committee – April 17, 2019 (D19-337).
  - Memorials Advisory Committee – June 5, 2019 (D19-338).
  - Public Transit Advisory Board – June 5, 2019 (D19-339).

**Adoption of Minutes.** Councilor Devine moved approval of the July 9, 2019 public hearing and regular session 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).

**Parking Advisory Committee – D.D. Lecky, Dr. Will Macintosh, Paul Messplay (D19-340).** Councilor Duffy made a motion to appoint D.D. Lecky, Dr. Will Macintosh and Paul Messplay to the Parking Advisory Committee; 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).

**Board of Zoning Appeals – Stephen Eubanks, Helen Ross (D19-341).** Councilor Devine made a motion to appoint Stephen Eubanks to the BZA and Helen Ross as an alternate on the BZA; 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).

**Recreation Commission, School Board Representative – Jonathan Russ (D19-342).** Councilor Duffy made a motion to appoint Jonathan Russ to the Recreation Commission as the School Board representative; 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).

**Update on Douglas Street Vacation Request (D19-343 thru D19-344).** Economic Development Director Freehling reported that William Square, LLC was the owner of approximately 3.1 acres of land located on two City blocks between Amelia and William Streets. The 1000 block of Douglas Street divides the two parcels.

William Square developed a plan to close Douglas Street to public vehicle traffic and transform it into a pedestrian promenade with improvements. William Square, LLC and Liberty Place, LLC applied to vacate the Douglas Street right-of-way in order to facilitate that plan.

The Planning Commission held a public hearing on the vacation application on June 26, 2019 and determined that the vacation of Douglass Street right-of-way was not in substantial accord with the Comprehensive Plan. William Square and Liberty Place appealed

the decision to the City Council. City Council held its public hearing on the proposed right-of-way vacation on July 9, 2019. The Council heard concerns from speakers and requested William Square, LLC to hold a public information meeting which was held on July 24, 2019. This meeting was attended by members of the public, City Council and city staff.

Mr. Freehling stated that William Square and Liberty Place withdrew their joint application for the right-of-way vacation and the appeal to the Planning Commission determination on August 2, 2019. He said no further action was needed on the William Square development.

Development Administrator Sherman presented a PowerPoint presentation on the William Square and Liberty Place parking analysis and in the presentation she covered the 2013 City Code changes to parking in suburban development patterns and urban development patterns, calculations of required parking in general and for shared parking, Liberty Place's required parking analysis, William Square's required parking analysis, and Liberty Place and William Square's changes to on street parking. See D19-344 for more information.

Councilor Kelly spoke about all the parking the City has lost or would be losing over the next few years and he said it was time for the Council to look at the parking loss in downtown. He mentioned that the Council has not been briefed by the Parking Advisory Commission as to where the City was on long term parking issues. Secondly, Councilor Kelly said he was concerned with traffic pattern changes that are being proposed. He said the City was doing itself a disservice by not dealing with the issues on a larger scale. Councilor Kelly expressed that this was the largest project in the downtown and he wanted to see more public input in the design of the project, similar to what was done with the Marriott and the downtown parking garage.

Councilor Frye spoke on city process and how it had been portrayed that the City makes quick decisions. He said he hoped the attention that was spent on how a project looks is the same that is spent on the public's welfare.

Councilor Devine said on July 9, the Council approved on first read the potential to vacate Douglas Street but she noted that they also took 6 units off the table and the Council scheduled a public meeting and heard from the Community. Councilor Devine said they met with Mr. Vakos after the Community meeting and he withdrew his request for the City to vacate Douglas Street. She said this was a big project but it was a project the City hoped would come on this site and it met city requirements. She said it meets the parking and building requirements set by city staff, council and from community input over the years. She said the guidelines had been set a head of time. Councilor Devine said it sends a bad message to developers when they present a project that meet the set guidelines and then the City decides that not what they want. She said there were many at the community meeting that said they were supportive of the project. She also added that the City could not hold this project hostage until it is known what will happen on the Barton Street lot.

Councilor Graham said he does not see an issue at looking at parking on a project by project basis because he said parking was more of a market issue and the City does not need to master plan parking in the downtown. He said there were more cost effective ways to get around and having to build more parking, which he noted was very expensive.

Councilor Devine made an additional comment to address a comment made earlier regarding there being a lot of public input on the parking garage. She noted that the parking garage was a public project with taxpayers money in the historic downtown which made it a very different project than this proposed project. The Marriott was another project that required a lot of public input but that was largely because of the original proposed location.

Councilor Duffy said he agreed with Councilor Devine. He said Councilor Kelly brought up many issues but if the issues is that the City needs to change its parking regulations it could be discussed but to do so on a project that is getting ready to be developed was unfair.

Vice-Mayor Withers said there had been more positive comments on this project than there had been negative ones. He noted that the Barton Street lot was rarely full unless it's steak night at Sedona's. He said there was a lot of things that come into play with a project of this size and he was proud of the way staff and City Council works. Vice-Mayor Withers added that projects like this can help to hold taxes down.

Councilor Duffy said there were some residents that were concerned with the impact on their neighborhood but he said the City had taken steps to protect neighborhoods through the resident parking programs. He said it was a significant impact but these are the type of issues you have when you are in a City the size of Fredericksburg. He said the Council was sensitive to those issues.

Councilor Frye said the City needed projects like this to help bring in additional funding to pay for projects like schools.

Councilor Kelly clarified that he was not opposed to the project. He said if this project is not a go, there will be someone else that will come along and do a project. He said he wanted a project that fit within the downtown. Councilor Kelly again mentioned that all other projects downtown have had public comment.

Vice-Mayor Withers spoke and said all the other projects had some sort of special use permit, height exemption or special exception and the public did have a say. He said this developer doesn't have to have any of those requirements. Vice-Mayor Withers stated that this developer really wanted to do something good for the community.

Mayor Greenlaw explained that by-right meant the rights are allowed for a particular piece of land or property under the zoning, Unified Development Ordinance (UDO), parking regulations, site plan regulations and codes. Each of these have been developed by the City Council, staff, Planning Commission thru public processes and through those public processes the City has defined what it wants and where. Mayor Greenlaw also added that the staff also looks at adverse effects a new development might have on neighborhoods.

Mayor Greenlaw thanked Mr. Vakos for listening to the community and withdrawing the vacation of Douglas Street.

Mayor Greenlaw asked Mr. Johnston for next steps if the project moved forward and he said they would need a site plan submitted showing the improvements shown on the concept plan, then it would go through the staff review process. Ms. Sherman said part of the site plan process requires public notification with signs posted at the site to notify the public a submission has been made, there is also notification on the City's website along with the site plan for review and comment for 21 days and notifications are mailed to properties directly adjacent to and across the street from the property. She said there is a public process through the review, some of the comments are discretionary and she said staff takes the comments seriously and they work with the developer to get comments addressed.

Councilor Kelly responded that as long as the project meets all the requirements it is approved regardless of public comment.

Councilor Frye said the quality of this developer's projects are quality and he can only imagine what this project would look like.

**Ordinance 19-29, Second Read Approved, Authorizing the Vacation and Quit-Claim of a Portion of the Alum Springs Road Right of Way to RCKF Fredericksburg Park, LLC (D19-345).** After staff presentation Councilor

Graham made a motion to approve Ordinance 19-29, on second read, authorizing the vacation and quit claim of a portion of the Alum Springs Road right of way to RCKF Fredericksburg Park LLC with a correction to the acreage of the portion of Alum Spring Road right of way to 23,304.6 square feet (0.535 acres); 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 19-69, Approved, Initiating Amendments to the Unified Development Ordinance to Adopt “Archaeological Preservation District” Regulations and to Amend the Official Zoning Map to Designate the Overlay District (D19-346).** After staff presentations Councilor Kelly made a motion to approve Resolution 19-69, initiating amendments to the Unified Development Ordinance to adopt “Archaeological Preservation District” regulations and to amend the Official Zoning Map to designate the Overlay District; 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 (D19-347 thru D19-348).** City Manager Baroody reviewed the Manager’s report and Council Calendar. Activities highlighted on the report were as follows: Data Center Information Meeting, Help Plan the Future of Your Parks, Free Summer Trolley Service Continues, New Utility Billing System Began July 11, Midnight Madness Summer Series Wraps Up, Are you ready to slide through the City?, Landfill Fee Increase, VDOT Public Meeting, Fred Focus, New Fall Catalog of Activities Is Now Available, Summer Camps, Doris E. Buffett Pool Hours Change, Dixon Hockey Rink Update and Collage Terrace Storm Sewer Replacement Project.

**Adjournment.** There being no further business to come before the Council at this time, Mayor Greenlaw declared the meeting officially adjourned at 9:30 p.m.

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

*Mary Katherine Greenlaw*  
Mary Katherine Greenlaw, Mayor

**APPROVED**

**08-27-19**

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