



City of Fredericksburg, Virginia

City Council

AGENDA

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. Bradford C. Ellis, Ward One
Hon. Timothy P. Duffy, Ph.D., Ward Three
Hon. Charlie L. Frye, Jr., Ward Four

December 13, 2016

7:30 p.m.

Mayor Mary Katherine Greenlaw, Presiding

1. **Call To Order**

2. **Invocation**

Councilor Bradford C. Ellis

3. **Pledge Of Allegiance**

Mayor Mary Katherine Greenlaw

4. **Presentations**

A. Presentation To Election Pages - Juanita Pitchford

B. Fiscal Year 2016 Comprehensive Annual Financial Report (CAFR) - Andrew Grossnickle
With Robinson, Farmer And Cox

5. **Public Hearing**

A. Resolution 16-___, First Read, Amending The Fiscal Year 2017 Budget By Appropriating
Fiscal Year 2016 Carryovers

Documents:

[5A CARRYOVERS.PDF](#)

B. Ordinance 16-___, First Read, Amending The Unified Development Ordinance Regulations
Of Fences In All Zoning Districts, Including Changes In The Definitions Of Required
Yards

Documents:

[5B FENCE ORD.PDF](#)

- C. Ordinance 16-___, First Read, Amending The Unified Development Ordinance To Provide For Breweries, Wineries And Distilleries In The City Of Fredericksburg

Documents:

[5C BREWERIES ORD AMEND.PDF](#)

6. Comments From The Public

City Council provides this opportunity each regular meeting for comments from citizens who have signed up to speak before the start of the meeting. To be fair to everyone, please observe the five-minute time limit and yield the floor when the Clerk of Council indicates that your time has expired. Decorum in the Council Chambers will be maintained. Comments that are not relevant to City business and disruptive are inappropriate and out of order.

7. Council Agenda

8. Consent Agenda

- A. Transmittal Of Staff Reorganization

Documents:

[8A CITY REORGANIZATION.PDF](#)

- B. Transmittal Of A Memo On The New Resolution Template

Documents:

[8B NEW RESOLUTION TEMPLATE.PDF](#)

- C. Resolution 16-___, Supporting The Inclusion Of The City As Part Of The Potomac Heritage National Scenic Trail

Documents:

[8C POTOMAC HERITAGE.PDF](#)

- D. Resolution 16-___, Amending The Rappahannock Regional Justice Academy Fiscal Year 2017 Budget

Documents:

[8D RRJA APPROPRIATION.PDF](#)

- E. Transmitting Boards And Commission Minutes

- E.i. Cable Commission - September 15, 2016

Documents:

[8E1 CABLE 09-15-16.PDF](#)

E.ii. Potomac & Rappahannock Transportation Commission - November 3, 2016

Documents:

[8E2 PRTC 11-3-16.PDF](#)

9. Minutes

A. Work Session - September 13, 2016

Documents:

[9A 9-13-16 WORK SESSION MINUTES.PDF](#)

B. Regular Session - November 22, 2016

Documents:

[9B 11-22-16 REGULAR SESSION MINUTES.PDF](#)

10. Boards And Commission Appointments

A. Appointment To The Fredericksburg Arts Commission - Sophia Constantine, John Cunningham, Jon McMillian, John Snead, Elizabeth Woodford

Documents:

[10A.PDF](#)

11. City Manager Agenda

A. Ordinance 16-27, Second Read, Repealing The Aggressive Solicitation Ordinance; Adopting Ordinances On Impeding Or Interfering With Pedestrian Or Vehicle Traffic And Pedestrians In The Roadway

Documents:

[11A AGGRESSIVE SOLICITATION.PDF](#)

B. Resolution 16-___, Authorizing Application To The Architectural Review Board For A Certificate Of Appropriateness To Relocate And If Unsuccessful, Demolish The Structure At 1210 Sophia Street For The Central Rappahannock Regional Library

Documents:

[11B 1210 SOPHIA STREET.PDF](#)

C. Resolution 16-___, City Council Legislative Agenda For The 2017 General Assembly

Documents:

[11C LEGISLATIVE AGENDA.PDF](#)

D. Council Vision Process Update

Documents:

[11D VISION PROCESS UPDATE.PDF](#)

E. City Manager's Update

Documents:

[11E CITY MANAGER UPDATE.PDF](#)

F. Calendar

Documents:

[11F CALENDAR.PDF](#)

12. **Adjournment**



Deidre G. Jett

MEMORANDUM

TO: Timothy J. Baroody, City Manager
FROM: Deidre Jett, Budget Manager
DATE: December 6, 2016
SUBJECT: Resolution Re-appropriating FY 2016 Carryovers in the FY 2017 Budget

ISSUE

Shall the City Council amend the FY 2017 budget by re-appropriating various fund balances for various projects approved in FY 2016?

RECOMMENDATION

This resolution requires two readings and a Public Hearing. The first reading and Public Hearing will be held on December 13, 2016. After the Public Hearing and considering any public comment this budget amendment will need second reading approval which will be scheduled on January 10, 2017. Staff recommends approval of this resolution.

BACKGROUND

Every year, after the completion of the preliminary work related to the audit, the City is asked to re-appropriate certain fund balances for ongoing programs or capital projects which were not completed as of June 30th. Below is a summary of the appropriations by fund.

<u>USES OF FUNDS</u>	
General Fund	\$ 340,053
City Grants Fund	\$ 154,039
Public Works Capital Projects Fund	\$ 1,196,451
Water System Improvements Fund	\$ 4,188,884
Wastewater System Improvements Fund	\$ 1,500,000
Public Facilities Capital Projects Fund	\$ 303,788
Public Safety Capital Projects Fund	\$ 280,706
Original Walker Grant PPEA Project Fund	\$ 498,526
<u>Public Transportation Fund</u>	<u>\$ 875,670</u>
TOTAL	\$ 9,338,117

The General Fund carryover of \$340,053 is related to three items. The first is \$166,250 for the Public Safety radio system. The carryover provides a source of revenue for radio system costs

including the acquisition of a TMDA channel. The second is for \$45,000 for a replacement vehicle to be used by Public Facilities, which could not be purchased before Fiscal Year 2016 ended. The final carryover in the General Fund is the appropriation for the Fredericksburg Area Museum and Cultural Center relating to the relocation, storage, and display of the collection. At the end of FY 2016, \$128,803 remained of the City's mid-year appropriation of \$150,000. Additional invoices have been received since the end of FY 2016 and the current balance is \$59,377.

The carryover in the city Grants Fund of \$154,039 includes \$11,807 related to Police Department programs, \$102,150 for Fire Department programs, and \$40,082 for programs and projects of the Parks, Recreation, and Public Facilities Department.

The majority of the balances in the other funds are related to capital projects. Of the \$1,196,451 in the Public Works Capital Projects Fund \$405,700 is related to the Traffic Operations Center, which receives half of its funding from the state. Other projects include \$288,225 for Riverfront Park, \$300,000 for the annual asphalt program and \$202,525 for various other Public Works projects. The carryover in the Water and Wastewater System Improvements include various bond funded projects. The projects in the Public Facilities Capital Projects Fund include the Fire pump and panel replacement in the Executive Center, Hurkamp Park restroom, and the area plan updates. The carryover in the Original Walker Grant PPEA Project Fund are bond proceeds related to the improvement. The carryover in the Public Transportation Fund is for the purchase of FREDTransit buses.

The Public Safety Capital Improvements include police cameras, the public safety radio system, the tactical firearms training center and fire station upgrades. The amount listed below is net of the inter-fund transfer from the general fund of \$166,240. The appropriation on the attached resolution for the Public Safety Capital Projects Fund includes both the carryover amount of \$280,706 and the transfer of \$166,250 for a total of \$446,956.

FISCAL IMPACT

The carryovers will decrease the balance in the various funds by the amounts in the chart below.

Fund	Fund Balance	State Revenues	Total
General Fund	340,053		340,053
City Grants Fund	154,039		154,039
Public Works Capital Projects Fund*	993,601	202,850	1,196,451
Water System Improvements Fund*	4,188,884		4,188,884
Wastewater System Improvements Fund*	1,500,000		1,500,000
Public Facilities Capital Projects Fund	303,788		303,788
Public Safety Capital Projects Fund*	280,706		280,706
Original Walker Grant PPEA Project Fund*	498,526		498,526
Public Transportation Fund	875,670		875,670
Total	9,135,267	202,850	9,338,117

<i>*Includes bond funded projects.</i>			
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Since, these expenditures were included in the FY 2016 budget, the impact of this spending was considered as part of the FY 2017 budget process.

A separate resolution for the schools carryforward will be presented in January.

Attachment: Resolution

cc: Mark Whitley, Assistant City Manager
Clarence Robinson, Director of Fiscal Affairs
Doug Fawcett, Director of Public Works
David Nye, Police Chief
Eddie Allen, Fire Chief
Jane Shelhorse, Director of Parks, Recreation & Public Facilities
Suzanne Tills, Director of Information Technology
Wendy Kimball, Director of Transit



December 13, 2016
Regular Meeting
Resolution No. 16-xxx

MOTION:

SECOND:

RE: AMENDING THE FISCAL YEAR 2017 BUDGET BY APPROPRIATING FISCAL YEAR 2016 CARRYOVERS

ACTION: APPROVED: Ayes: 0; Nays: 0

FIRST READ: _____ SECOND READ: _____

WHEREAS, the City of Fredericksburg fiscal year runs from July 1 to June 30;
and

WHEREAS, the City has other ongoing projects or programs which are not completed as of June 30; and

WHEREAS, the City has fund balance amounts as of June 30 or expected revenues to continue this work;

NOW, THEREFORE, BE IT RESOLVED, that the following appropriations are recorded amending the FY 2017 budget in the following funds;

GENERAL FUND

SOURCE

FUND BALANCE

3-100-061010-0010	Fund Balance- Surplus	\$ 340,053
	Departmental Total	\$ 340,053

TOTAL SOURCE \$ 340,053

USE

PUBLIC FACILITIES

4-100-043200-8105	Motor Vehicle & Equip. - Replacement	\$ 45,000
	Departmental Total	\$ 45,000

MUSEUMS

4-100-072200-5649	Fredericksburg Area Museum	\$ 128,803
	Departmental Total	\$ 128,803

TRANSFER TO CAPITAL

4-100-093100-9204	Transfer to Capital Fund	\$ 166,250
	Departmental Total	\$ 166,250

TOTAL USE \$ 340,053

CITY GRANTS FUND

SOURCE

FUND BALANCE

3-210-061010-0010	Fund Balance- Surplus	\$ 154,039
	Departmental Total	<u>\$ 154,039</u>

TOTAL SOURCE

\$ 154,039

USE

PD COMMUNITY PROJECTS (UNRESTRICTED)

4-210-031320-6010	Police Supplies	<u>\$ 3,456</u>
	Departmental Total	\$ 3,456

DMV-SEL ENF-SPEED-#2016

4-210-031331-6010	Police Supplies	<u>\$ 8,351</u>
	Departmental Total	\$ 8,351

HAZARDOUS MATERIALS RESPONSE PROGRAM

4-210-03401-8101	Motor Vehicle & Equip. - Replacement	<u>\$ 4,052</u>
	Departmental Total	\$ 4,052

RESCUE SQUAD ASSISTANCE GRANT

4-210-03403-8101	Motor Vehicle & Equip. - Replacement	<u>\$ 15,616</u>
	Departmental Total	\$ 15,616

FIRE SERVICES PROGRAM

4-210-03404-8201	Motor Vehicle & Equip. - Additions	<u>\$ 35,000</u>
	Departmental Total	\$ 35,000

LOCAL EMERGENCY PERFORMANCE GRANT

4-210-03436-8103	Communications Equip. - Replacement	<u>\$ 2,822</u>
	Departmental Total	\$ 2,822

2015 VDEM Haz-Mat #VA-HSGP-02

4-210-032443-8201	Motor Vehicle & Equip. - Additions	\$ 25,000
4-210-032443-8205	2015 VDEM Haz-Mat #VA-HSGP-02	<u>\$ 19,660</u>
	Departmental Total	\$ 44,660

FSPA LIQUIDATION - OLD MILL

4-210-071513-8102	Furniture & Fixtures - Replacement	<u>\$ 21,604</u>
	Departmental Total	\$ 21,604

PRPF - NRPA -OUT OF SCHOOL TIME GRANT

4-210-071521-6013	Educational and Recreation Supplies	<u>\$ 18,478</u>
	Departmental Total	\$ 18,478

TOTAL USE

\$ 154,039

PUBLIC WORKS CAPITAL PROJECTS FUND

SOURCE

OTHER CATEGORICAL AID

3-302-024010-0133	VDOT Revenues Sharing	\$ 202,850
	Departmental Total	\$ 202,850

FUND BALANCE

3-302-061010-0010	Fund Balance- Surplus	\$ 993,601
	Departmental Total	\$ 993,601

TOTAL SOURCE **\$ 1,196,451**

USE

DRAINAGE IMPROVEMENTS

4-302-094102-3170	Construction Contracts	\$ 75,000
	Departmental Total	\$ 75,000

HISTORIC DISTRICT IMPROVEMENTS

4-302-094116-3140	Professional Services - Engineering	\$ 50,000
	Departmental Total	\$ 50,000

ANNUAL PAVEMENT REHABILITATION PROGRAM

4-302-094121-3170	Construction Contracts	\$ 300,000
	Departmental Total	\$ 300,000

RIVERFRONT PARK

4-302-094153-3140	Professional Services - Engineering	\$ 288,225
	Departmental Total	\$ 288,225

RAPPAHANNOCK CANAL REPAIRS

4-302-094213-3170	Construction Contracts	\$ 56,056
	Departmental Total	\$ 56,056

STORMWATER MANAGEMENT PLAN

4-302-094214-3140	Professional Services - Engineering	\$ 20,170
	Departmental Total	\$ 20,170

TRAFFIC OPERATIONS CENTER

4-302-094218-3160	Professional Services - Other	\$ 700
4-302-094218-8207	ADP Software - Additions	\$ 180,000
4-302-094218-8212	ADP Equipment - Additions	\$ 225,000
	Departmental Total	\$ 405,700

PARKING LOT - AMELIA & CHARLES

	4-302-094590-3140	Professional Services - Engineering	\$ 550
	4-302-094590-3170	Construction Contracts	<u>\$ 750</u>
		Departmental Total	\$ 1,300
TOTAL USE			<u>\$ 1,196,451</u>

WATER SYSTEM IMPROVEMENTS FUND

SOURCE

FUND BALANCE

	3-303-061010-0010	Fund Balance- Surplus	<u>\$ 4,188,884</u>
		Departmental Total	\$ 4,188,884
TOTAL SOURCE			<u>\$ 4,188,884</u>

USE

COLLEGE HGTS WATER SYSTEM UPG

	4-303-098146-3170	Construction Contracts	<u>\$ 1,921,123</u>
		Departmental Total	\$ 1,921,123

FY16 CAROLINE ST WATER PROJECT

	4-303-098148-3170	Construction Contracts	<u>\$ 1,483,010</u>
		Departmental Total	\$ 1,483,010

LAF BLVD WATER LINE REPLACEMENT

	4-303-098148-3170	Construction Contracts	<u>\$ 210,000</u>
		Departmental Total	\$ 210,000

FALL HILL AVE BETTERMENTS

	4-303-098150-3170	Construction Contracts	<u>\$ 574,751</u>
		Departmental Total	\$ 574,751

TOTAL SOURCE			<u>\$ 4,188,884</u>
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WASTEWATER SYSTEM IMPROVEMENTS FUND

SOURCE

FUND BALANCE

	3-304-061010-0010	Fund Balance- Surplus	<u>\$ 1,500,000</u>
		Departmental Total	\$ 1,500,000

TOTAL SOURCE			<u>\$ 1,500,000</u>
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USE

BELT FILTER PRESS

	4-304-098251-3170	Construction Contracts	\$ 1,500,000
		Departmental Total	\$ 1,500,000

TOTAL USE **\$ 1,500,000**

PUBLIC FACILITIES CAPITAL PROJECTS FUND

SOURCE

FUND BALANCE

	3-305-061010-0010	Fund Balance- Surplus	\$ 303,788
		Departmental Total	\$ 303,788

TOTAL SOURCE **\$ 303,788**

USE

EXECUTIVE PLAZA BUILDING

	4-305-094538-3170	Construction Contracts	\$ 77,122
		Departmental Total	\$ 77,122

GENERAL PARKS MAINTENANCE IMPROVEMENTS

	4-305-094574-8101	Machinery & Equipment - Replacements	\$ 71,202
		Departmental Total	\$ 71,202

AREA PLAN UPDATES

	4-305-094588-3160	Professional Services - Other	\$ 150,000
		Departmental Total	\$ 150,000

TELEPHONE SYSTEM REPLACEMENTS

	4-305-094589-8103	Communications Equipment - Other	\$ 5,464
		Departmental Total	\$ 5,464

TOTAL USE **\$ 303,788**

PUBLIC SAFETY CAPITAL PROJECTS FUND

SOURCE

FUND BALANCE

	3-306-061010-0010	Fund Balance- Surplus	\$ 280,706
		Departmental Total	\$ 280,706

TRANSFER FROM GENERAL FUND

	3-306-041050-0003		\$ 166,250
		Departmental Total	\$ 166,250

TOTAL SOURCE **\$ 446,956**

USE

POLICE CAMERA SYSTEM

4-306-094632-8201	Machinery & Equipment - Additions	\$ 38,915
	Departmental Total	\$ 38,915

PUBLIC SAFETY RADIO SYSTEM UPGRADE

4-306-094635-3160	Professional Services - Other	\$ 189,223
	Departmental Total	\$ 189,223

TACTICAL FIREARMS TRAINING BUILDING

4-306-094637-3840	Services from Other Governments	\$ 100,000
	Departmental Total	\$ 100,000

TACTICAL FIREARMS TRAINING BUILDING

4-306-094638-3170	Construction Contracts	\$ 56,318
4-306-094638-8102	Furniture & Fixtures - Replacement	\$ 62,500
	Departmental Total	\$ 118,818

TOTAL USE **\$ 446,956**

ORIGINAL WALKER GRANT PPEA PROJECT

SOURCE

FUND BALANCE

3-311-061010-0010	Fund Balance- Surplus	\$ 498,526
	Departmental Total	\$ 498,526

TOTAL SOURCE **\$ 498,526**

USE

ORIGINAL WALKER GRANT PPEA PROJECT

4-311-094579-3170	Construction Contracts	\$ 498,526
	Departmental Total	\$ 498,526

TOTAL USE **\$ 498,526**

PUBLIC TRANSPORTATION FUND

SOURCE

FUND BALANCE

3-503-061010-0010	Fund Balance- Surplus	\$ 875,670
	Departmental Total	\$ 875,670

TOTAL SOURCE **\$ 875,670**

USE

TRANSIT DEPARTMENT

	Motor Vehicles & Equipment	
4-503-081800-8105	Replacement	\$ 426,183
	Departmental Total	\$ 426,183

SPOTSYLVANIA GRANT

	Motor Vehicles & Equipment	
4-503-081801-8105	Replacement	\$ 182,670
	Departmental Total	\$ 182,670

TRANSIT - UMW EXPRESS SERVICE

	Motor Vehicles & Equipment	
4-503-081808-8105	Replacement	\$ 22,560
	Departmental Total	\$ 22,560

CAROLINE COUNTY GRANT

	Motor Vehicles & Equipment	
4-503-081810-8105	Replacement	\$ 52,288
	Departmental Total	\$ 52,288

STAFFORD COUNTY

	Motor Vehicles & Equipment	
4-503-081818-8105	Replacement	\$ 191,969
	Departmental Total	\$ 191,969

TOTAL USE **\$ 875,670**

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Clerk's Certificate

I, Tonya B. Lacey the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Resolution No. 16- duly adopted the City Council meeting held _____ at which a quorum was present and voted.

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



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MEMORANDUM

TO: Timothy J. Baroody, City Manager
FROM: Marne E. Sherman, Development Administrator
DATE: December 5, 2016 (for December 13, 2016 Meeting)
RE: Amendments to the Unified Development Ordinance Regarding Fences/Walls and Lots

ISSUE

Should the Unified Development Ordinance (UDO) be amended to provide additional flexibility for fences on corner lots and through lots; decrease permitted fence heights from six feet to four feet in any front yard of lots zoned Commercial; authorize the Board of Zoning Appeals to issue special exceptions from fence height regulations in any front yard (including a secondary front yard on a corner or through lot); prohibit the use of barbed wire or razor wire except in an Industrial district; and clarify terms, figures, measurements, and tables related to sight triangles, lot types, required yards, and building fronts on lots in all zoning districts?

RECOMMENDATION

Adoption of the attached ordinance on first read. Second read would be scheduled for January 10, 2017.

PLANNING COMMISSION RECOMMENDATION

On October 12, the Planning Commission held a public hearing at which there were no speakers. The Planning Commissioners discussed the proposed text amendment and deferred action to allow time for further review, consideration, and site visits. Six Planning Commissioners participated in “fence tours” offered by staff.

On October 14, one citizen, who lives on a corner lot, offered public comment and requested approval of the text amendment to permit a six foot tall fence within a secondary front yard that abuts the secondary front yard of another lot.

On November 9, the Planning Commission had an in-depth discussion of the proposed changes and considered two motions. Opinions differed on the Special Exception process (ranging from allowing staff to take action on some applications to requiring that all applications be decided by City Council following recommendation by the Planning Commission and two public hearings), regulating landscaping in any front yard, and ways to prevent taller fences that would be out of character. Several Commissioners noted that fences exceeding four feet in height in a front yard should be more of an exception than the rule.

The first motion recommending approval of the proposed ordinance with four changes failed on a 3-4 vote (O'Toole, Gantt, Hornung, and Slominski dissenting).

The second motion was approved on a 5-2 vote (Gratz and Pates dissenting) and recommended approval of the proposed ordinance with the following three changes:

1. Reword the Special Exception criteria in §72-22.8.(F) to better define the basis for granting a Special Exceptions, limiting issuance to cases where "the size, configuration, or other unusual characteristics of a lot, including locations of existing mature vegetation or trees, requires an exception from the zoning requirements in order to provide a reasonable fenced area without creating significant impact to adjacent properties or the neighborhood."
2. Specify that sight lines would be considered when evaluating impacts to public safety in 72-22.8.F(1).
3. Minor edits to Figure 72-56.2 Fence and Wall Location.

This motion kept the Special Exception process with the Board of Zoning Appeals (BZA) as proposed by staff. The BZA could take action following one public hearing.

BOARD OF ZONING APPEALS

On October 17, the Board of Zoning Appeals (BZA) reviewed the proposed text amendment and offered comment. No formal action was taken. The majority of the BZA members expressed a desire to maintain a limit of four feet in height on fences within any front yard (primary and secondary) and allow for case by case consideration by the BZA through a Special Exception process. There was additional discussion about further defining the criteria to evaluate a Special Exception request. Suggestions included requiring a specified setback per inch in height increased over the four foot limitation (ie, for every inch of height increase, the fence would setback four inches from the property line) or mandating a certain level of transparency for fencing over the four foot height.

Staff considered these items but determined that there are not specific criteria that would work in all cases throughout the City. There may be some lots where a solid six foot tall fence within a front yard would be appropriate right along the property line and some cases where a taller fence would be inappropriate due to the character and pattern of the neighborhood, no matter its design. A minimal setback could create a "dead space" between the fence and the sidewalk, where a property owner may neglect maintenance of a small grass strip because it is hidden behind the taller fence. Additionally, the resulting setback may not be enough to protect the adjacent lot and maintain the overall neighborhood pattern. The concepts of transparency and setback are listed as evaluation criteria for issuance of a Special Exception. As written, the BZA will consider these elements with each unique application.

Two BZA members participated in "fence tours" offered by staff. Another member took a tour independently.

Following the staff lead tour, one BZA member continued to contemplate methods to address concern about further defining the Special Exception criteria. With additional discussion with staff, one of the original criteria (#4) was adjusted into §72-22.8.F. *Review authority and criteria, special exceptions; fences.* This change was prepared for consideration by the Planning Commission on November 9, 2016. The revised text better defines the basis for granting a Special Exception and limits issuance to cases where "the size, configuration, or other unusual characteristics of a lot, including locations of existing

mature vegetation or trees, requires an exception from the zoning requirements in order to provide a reasonable fenced area without creating significant impact to adjacent properties or the neighborhood."

BACKGROUND

City residents, living on corner lots and through lots, have sought changes to the UDO to permit fences and walls exceeding four feet in height within areas of secondary front yards. Specifically, this is the area of a corner lot or through lot that many homeowners perceive as their side or back yards as they run to the side of or behind the house, along a secondary street frontage. Residents would like to enclose this area of the lot to gain privacy from the street and neighboring uses. In some cases, there are neighborhoods with established (currently non-conforming) patterns of corner lots with six foot tall fences along the secondary front lot line. The City also contains unique lots with special circumstances (such as incompatible neighboring uses, topography, or high volume streets) that may warrant special consideration to permit taller fences and walls on a residential lot.

In May, City Council directed staff to present alternatives to the UDO to permit taller fences and walls within the secondary front yard, in keeping with traditional neighborhood patterns. These alternatives were presented to City Council during a work session on June 28, 2016. Staff formalized the June recommendations in the attached draft of related UDO amendments. The draft also presents general updates pertaining to fences and walls in all zoning districts and other UDO sections that were affected by definition and process changes.

On September 13, 2016, City Council approved Resolution 16-82 to formally initiate the text amendment process.

CURRENT REGULATION

The previous Zoning Ordinance and current UDO Section 72-56.2.B. regulate that "in any front yard of a site in any R District, a fence or wall shall not exceed four feet in height back to the front of the principal structure on the site. This provision shall also apply to residential uses in other districts." There are two presumptive reasons for the limitation - bulk/mass in the front yard and safety along public spaces.

Bulk/Mass in a Front Yard

The general purpose of a minimum front yard setback is to provide for open areas and access to and around structures, for visibility and traffic safety, access to natural light, ventilation and direct sunlight, separation of incompatible land uses, and space for privacy, landscaping and recreation. The code currently allows for four foot fences to be placed anywhere on a residential lot and allows for taller fences to be placed in keeping with the minimum front yard setback. Just as the code limits principal structures (houses) and accessory structures (sheds and garages) from placement within close proximity to a street in residential zoning districts, fence heights are limited due to the mass and bulk they also create along the street. Fences along the street have the ability to provide privacy for the individual lot owner, but they may also disrupt an entire block face if not constructed in harmony¹ with the context of adjacent properties.

¹ Virginia Code § 15.2-2283. One of the purposes of zoning ordinances is to "facilitate the creation of a convenient, attractive and harmonious community."

Safety along Public Spaces

As taller structures are placed nearer to the street, there is a potential heightened risk to public safety. Taller fences within front yards can create potential sight distance conflicts with vehicles utilizing driveways and alleys intersecting with pedestrians on public sidewalks. Additionally, taller fences may increase potential dangers along the sidewalk by creating dark areas and places for people to hide if the fence is not adequately setback or built with a certain level of transparency.

PROPOSAL

To address the public's desire to allow taller fences/walls within the secondary front yard while maintaining good design in relation to bulk/mass and safety, staff recommends changes to the UDO which will:

Article 2 Administration

- Establish criteria and permit the Board of Zoning Appeals (BZA) to issue and revoke Special Exceptions for fences within any front yard. To address unique lots in the City, the BZA will hold a public hearing and evaluate the location, materials, and height of the proposed fence and consider their effect on adjacent properties, public safety, and the character and pattern of development in the surrounding neighborhood. The standard for issuance of a Special Exception is lesser than for a variance which requires the demonstration of a hardship or that associated the ordinance would unreasonably restrict the utilization of the property.

Article 4 Accessory Use Standards

- Clarify that fences are permitted within a required yard.
- Update the term “double frontage lot” to “through lot.”

Article 5 Fences and Walls

- Reduce fence heights on property zoned Commercial from six feet to four feet in any front yard.
- Permit fence heights to exceed four feet, up to six feet, in secondary front yards on lots zoned Residential, Commercial, and Planned Development that meet certain established criteria. Examples include: lots with a secondary front yard that adjoins another secondary front yard or instances where an existing accessory structure on a lot already encroaches into a secondary front yard.



Example of two corner lots with adjoining secondary front yards where fences/walls would be permitted up to six feet in height within the secondary front yard.

- Increase the maximum permitted fence height from 24 inches to 40 inches within a sight triangle (in accordance with Virginia Department of Transportation standards).
- Prohibit the use of barbed wire, razor wire, or similar fence materials on properties zoned Residential, Commercial, or Planned Development and on properties used for residential purposes.
- Remove references to transparent and opaque fences.
- Update Figure 72-56.2 Fence and Wall Location.

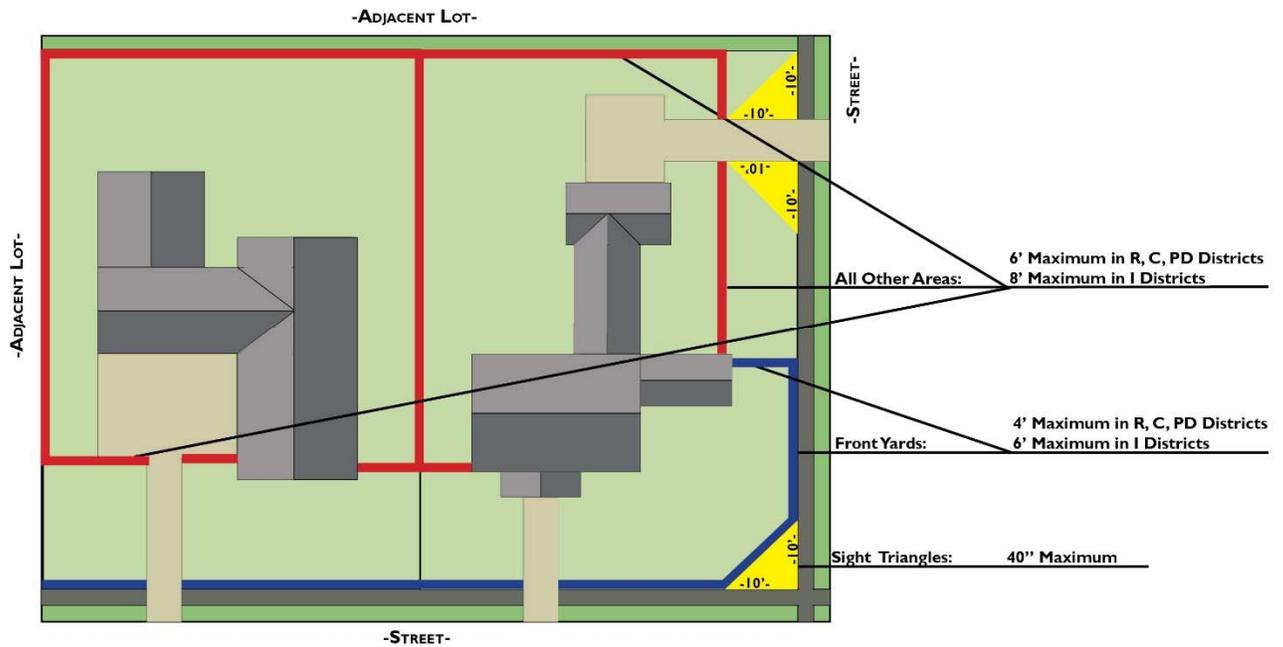


Figure 72-56.2 Fence and Wall Location

Article 6 Non-conforming Structures, Minor Alterations

- Identify that fences are non-conforming structures which qualify for alteration when they meet the listed criteria.

Article 8 Definitions and Interpretations

- Replace the term “double frontage lot” with “through lot.”
- Create the terms “Primary Front Yard” and “Secondary Front Yard.”
- Update of Figure 72-82.3A(4) Lot Types and 72-82.4A Yard Types to reflect text changes.

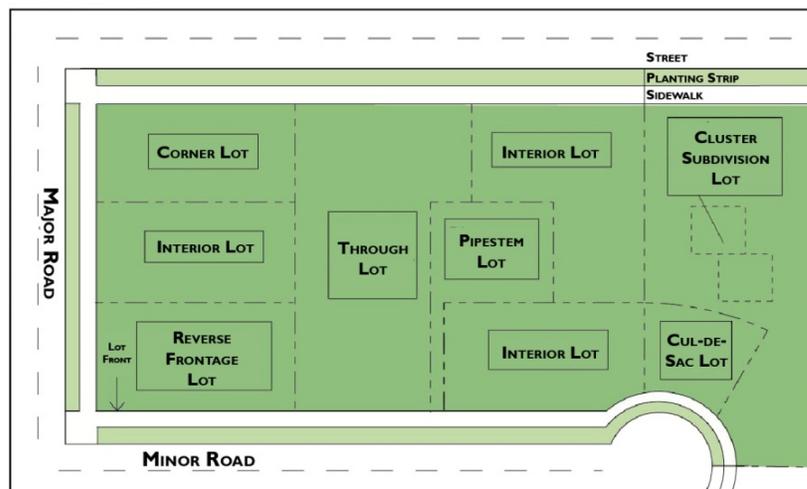


Figure 72-82.3A(4) Lot Types

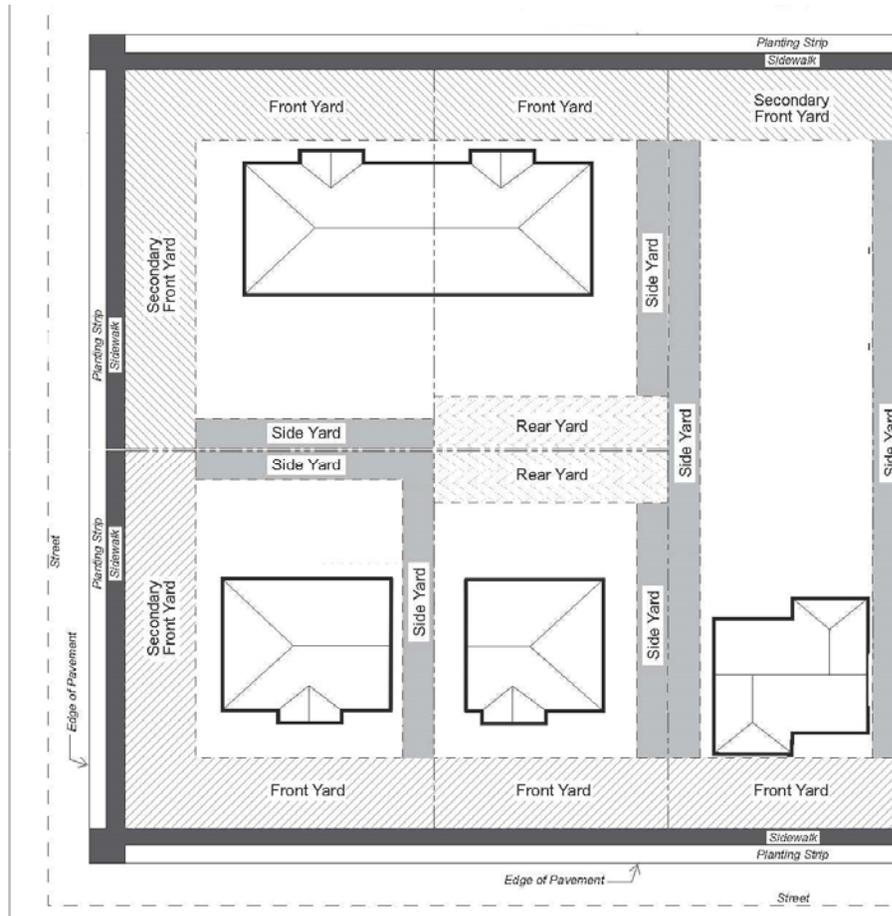


Figure 72-82.4A Yard Types

- Establish the criteria for measuring a sight triangle for the purposes of installing a fence.
- Remove the term Front (or primary façade) as it was replaced with Building Front during a previous text amendment.

Attachments: Draft Ordinance
Frequently Asked Questions
Planning Commission Draft Minutes, November 9, 2016 Meeting (Agenda Item 6)
City Council Resolution 16-82



MOTION:

SECOND:

[date]
Regular Meeting
Ordinance No. 16-__

RE: AMENDING THE UNIFIED DEVELOPMENT ORDINANCE REGULATIONS OF FENCES IN ALL ZONING DISTRICTS, INCLUDING CHANGES IN THE DEFINITIONS OF REQUIRED YARDS

ACTION: APPROVED: Ayes: 0; Nays: 0

FIRST READ: _____ SECOND READ: _____

IT IS HEREBY ORDAINED by the Fredericksburg City Council that City Code _____, “ _____,” is amended as follows.

I. Introduction.

The City Council adopted a resolution to initiate this text amendment at its meeting on September 13, 2016. The Planning Commission held its public hearing on the amendment on November 9, 2016, after which it voted to recommend the amendment to the City Council. The City Council held its public hearing on this amendment on _____.

The purpose of this amendment is to modify current zoning regulations for fences in all zoning districts, to provide additional clarity and flexibility in these regulations, while continuing to provide for adequate light, air, convenience of access, and safety from crime, and other dangers; to facilitate the creation of a convenient, attractive and harmonious community; and protect against loss of life, health, or property from fire. While the purpose of the ordinance is to change fence regulations, these changes require changes in the definitions of required yards, for purposes of implementing the new regulations and providing additional flexibility. In making these amendments, the City Council has considered the factors in Code of Virginia 15.2-2284. The City Council has determined that public necessity, convenience, general welfare and good zoning practice favor the amendment.

II. City Code Amendment.

1. City Code §72-21.7, “Development Review Structure,” is amended to add authority for the Board of Zoning Appeals to issue and revoke special exceptions for fences, upon recommendation of the Zoning Administrator. Such decisions may be appealed to the Circuit Court. The table shall be amended to add the following data:

Specific Review Procedure	City Council	Planning Commission	Board of Zoning Appeals	Architectural Review Board	Zoning Administrator	Development Administrator
<i>Special exception, fence</i>		<i>R</i>	<D>		<i>R</i>	

2. City Code §72-22.8, “Variances, administrative appeals, and Zoning Map interpretations,” shall be amended as follows:

Sec. 72-22.8. Variances, administrative appeals, special exceptions, and Zoning Map interpretations.

- A. Purpose and applicability. This section sets forth the procedures and criteria for the Board of Zoning Appeals (BZA) to consider applications for variances, appeals of administrative actions, *applications for special exceptions, revocations of special exceptions*, and interpretations as defined in Code of Virginia §15.2-~~2209~~ 2309 and 15.2-~~2210~~ 2310.
- B. Process.
- (1) Applications for variances *and fence special exceptions* shall be made to the Zoning Administrator in accordance with the rules adopted by the BZA pursuant to Code of Virginia §15.2-2310.
- (2) A variance, appeal, *application for special exception, revocation of a special exception* or Zoning Map interpretation shall be authorized by the BZA after a public hearing and shall be in compliance with the required findings and procedures set forth within Code of Virginia §15.2-2309 *or this section*.

[the remainder of subsection (B), and subsections (C), (D), and (E) are not amended.]

F. Review authority and criteria, special exceptions; fences. The Board of Zoning Appeals may hear and decide applications for a special exception from the regulations governing fence heights in any front yard (including a secondary front yard) in any zoning district. Special exceptions may be granted in cases where the size, configuration, or other unusual characteristic of the lot, including locations of existing mature vegetation or trees, requires an exception from the zoning requirements in order to provide a reasonable fenced area without creating significant impact to adjacent properties or the neighborhood. The board may impose such conditions relating to the fence as it may deem necessary in the public interest, including limiting the duration of the special exception, and may require a guarantee or bond to ensure that the conditions imposed are being and

will continue to be complied with. In considering an application, the Board shall apply the following criteria:

- (1) Whether approval of the special exception will impair an adequate supply of light or air to adjacent property, or cause or substantially increase the danger of fire or the spread of fire, or endanger public safety including impacts to adequate sight lines.*
- (2) Whether the proposal will be compatible with the existing character and pattern of development in the surrounding neighborhood and facilitate an attractive and harmonious community.*
- (3) Whether the application represents the only reasonable means and location on the lot to accommodate the proposed fence given the natural constraints of the lot or the existing development on the lot.*
- (4) The height of the proposed fence and the use of opaque or transparent design; the use of a buffer area between the public right of way and the fence. The fence shall not exceed six feet in height.*

F. G. The Board of Zoning Appeals is authorized to revoke a special exception previously granted by it, if the board determines that there has not been compliance with the terms or conditions of the special exception. No special exception may be revoked except after notice and hearing as provided in this section. However, when giving any required notice to the owners, their agents, or occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

H. Appeals. Any person or persons jointly or severally aggrieved by an action of the BZA on a variance application, or any aggrieved taxpayer or any officer, department, board or bureau of the locality City may file with the Clerk of the Circuit Court for the City of Fredericksburg, a petition, specifying the grounds on which aggrieved within 30 days after the final decision of the Board, pursuant to Code of Virginia §15.2-2314.

3. City Code §72-42.3, "Location of accessory uses or structures," shall be amended as follows:

Sec. 72-42.3. Location of accessory uses or structures.

- A. No accessory use or structure shall occupy more than 30% of the rear yard.
- B. No accessory structure except a fence shall be located in the any front yard. No accessory structure requiring a building permit shall be closer to a front lot line than the principal structure.

- C. No accessory use or structure shall be closer than five feet to a side or rear lot line, except that if the principal structure has a setback of less than five feet, then the setback of an accessory structure may be the same as exists for the principal structure.
- D. No accessory structure shall be located within any platted or recorded easement or over any known utility unless written authorization is provided from the easement holder or the City, as appropriate.
- E. An accessory structure may be located within ~~rear~~ *a secondary front yard* of a ~~double frontage~~ *through* lot provided:
 - (a) The lot is zoned with a nonresidential, mixed-use, or planned development district designation;
 - (b) The lot across the street *from the secondary front yard* has a nonresidential, mixed-use, or planned development district designation;
 - (c) The accessory structure does not exceed 12 feet in height, or one story, whichever is less;
 - (d) The accessory structure setback is at least five feet from the ~~rear~~ *secondary front* lot line; and
 - (e) The area between the accessory structure and adjacent street includes landscaping that is capable of screening the structure when it is mature.

4. City Code §72-56.1, “Location requirements,” shall be amended as follows:

Sec. 72-56.1 Location requirements.

A. General.

- (1) Fences or walls shall be located outside of the public right-of-way, ~~and~~ ~~may not exceed 24 inches in height if located within a required sight triangle.~~
- (2) Fences and walls are permitted on the property line between two or more parcels of land held in private ownership.
- (3) Fences and walls may be located within any required yard.

[The remaining subsections of §72-56.1 are not amended.]

5. City Code §72-56.2, “Height standards,” shall be amended as follows:

Sec. 72-56.2. Height standards.

- A. All fences and walls shall conform to the standards in Table 72-56.2, Fence and Wall Height. In all cases, heights are measured from established grade on the highest side of the fence or wall (see Figure 72-56.2, Fence and Wall Location).

Current Table 72-56.2, “Fence and Wall Height,” is repealed and replaced with the following table:

Table 72-56.2: Fence and Wall Height (effective [date])		
Zoning district	Location	Maximum height
Residential	Any location on a vacant lot	48”
Residential Commercial Planned Development	Between a front lot line and the front of the principal building	48”
	Within a secondary front yard	48”
	Any other location on the lot	72”
Industrial	Between the front lot line and the front of the principal building	72”
	Within a secondary front yard	72”
	Any other location on the lot	96”
Any zoning district	Within a sight triangle	40”

B. The following exceptions to the general height regulations apply to corner and through lots:

Zoning district	Location	Special Circumstance	Maximum Height
Residential Commercial Planned Development	Secondary front yard	The secondary front yard abuts a primary front yard of another lot.	72” if the fence is no closer to the secondary front property line than the front of the abutting principal structure.
		The secondary front yard abuts the secondary front yard of another lot.	72”
		An accessory structure is located within the secondary front yard.	72” if the fence is no closer to the secondary front lot line than any side of the accessory structure

NOTES:

~~[1] Transparent fences or walls are constructed so that 50% or more of the fence or wall is visually permeable.~~

A. The Zoning Administrator may approve fences or walls exceeding six feet in height in any side or rear yard in a residential, commercial, or planned zoning district, if the adjacent property is in a nonresidential zoning district, or if there are unique topographic or other

~~physical circumstances on the property that were not created by the property owner. The Zoning Administrator may condition approval on a prescribed setback from the property line. A fence or wall in any residential zoning district shall not exceed six feet in height above the existing grade in any side or rear yard of a site up to the front of the principal structure on the site. This provision shall also apply to fences and walls located on lots used for residential uses in other zoning districts. The Development Zoning Administrator may approve fences or walls exceeding six feet in height if the adjacent property is in a nonresidential zoning district or if there are unique topographic or other physical circumstances not created by the property owner. Additional setbacks may be required by the Development Administrator for such taller fences.~~

~~B. In any front yard of a site in any R District, a fence or wall shall not exceed four feet in height back to the front of the principal structure on the site. This provision shall also apply to residential uses in other districts.~~

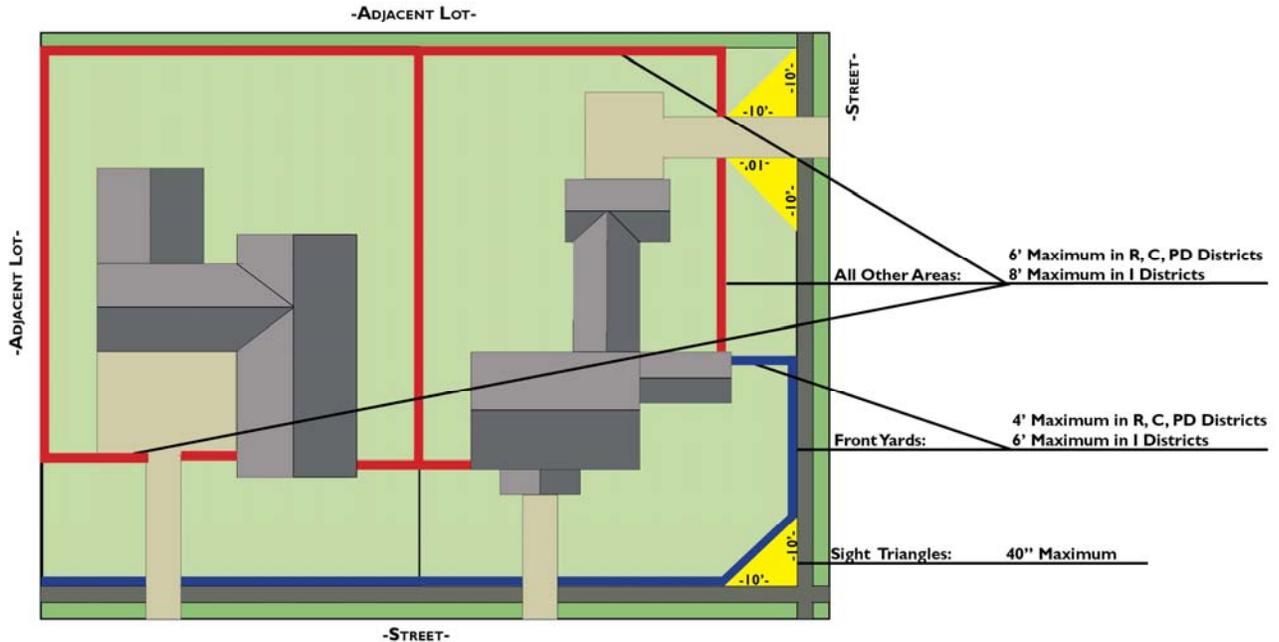
~~C. For vacant sites in residential districts, fences or walls may not exceed four feet in height.~~

~~B. The Zoning Administrator may approve fences or walls exceeding the maximum height in any yard in an industrial district if there are unique topographic or other physical circumstances not created by the property owner. The Zoning Administrator may condition approval on a prescribed setback from the property line. A fence or wall shall not exceed eight feet in height in any yard of any industrial or commercial use permitted by the provisions of this subsection unless the Development Administrator authorizes such fences or walls to exceed eight feet. The Development Administrator may approve fences or walls to exceed eight feet if there are unique topographic or other physical circumstances not created by the property owner. A additional setbacks may be required by the Development Administrator for such taller fences. Additional setbacks may be required by the Development Administrator for such taller fences.~~

~~C. No fence or wall shall be constructed in a manner or in a location that impairs safety or sight-lines for pedestrians and vehicles traveling on public rights of way.~~

Figure 72-56.2, "Fence and Wall Location," is repealed and replaced with the following figure:

Figure 72-56.2. Fence and Wall Location (effective date: _____)



[Section 72-56.3, "Maintenance," is not amended.]

6. New section 72-56.4 is added as follows:

Sec. 72-56.4. Fence materials.

No barbed wire, razor wire, or similar fence material is permitted in residential, planned development, or commercial zoning district or on a lot containing or adjacent to a residential use.

7. City Code §72-63.3, "Minor alterations," [to nonconforming structures] is amended as follows:

Sec. 72-63.3. Minor alterations.

Minor alterations shall not be deemed a change in the structural condition of the property, for purposes of § 72-61.1C. Minor alterations are alterations that meet one or more of the following criteria:

- A. The alterations consist of cosmetic modifications, interior renovations and similar improvements to a nonconforming residential structure and such alterations do not increase the land area occupied by any portion of the nonconforming building or structure, and shall not increase the gross floor area of any nonconforming building or structure.

- B. The alterations do not increase the extent of the structure's nonconformity with the minimum site or yard requirements of the zoning district.
 - C. The alterations consist of a substantially similar replacement of an existing residential accessory building or structure including, but not limited to, a *fence*, storage shed, garage or swimming pool, may be permitted and shall not be required to meet more restrictive setbacks enacted since the date the accessory structure became nonconforming, however, all other zoning regulations for the district in which the accessory structure is located shall apply.
8. City Code §72-82.3A, "Lots," is amended as follows:

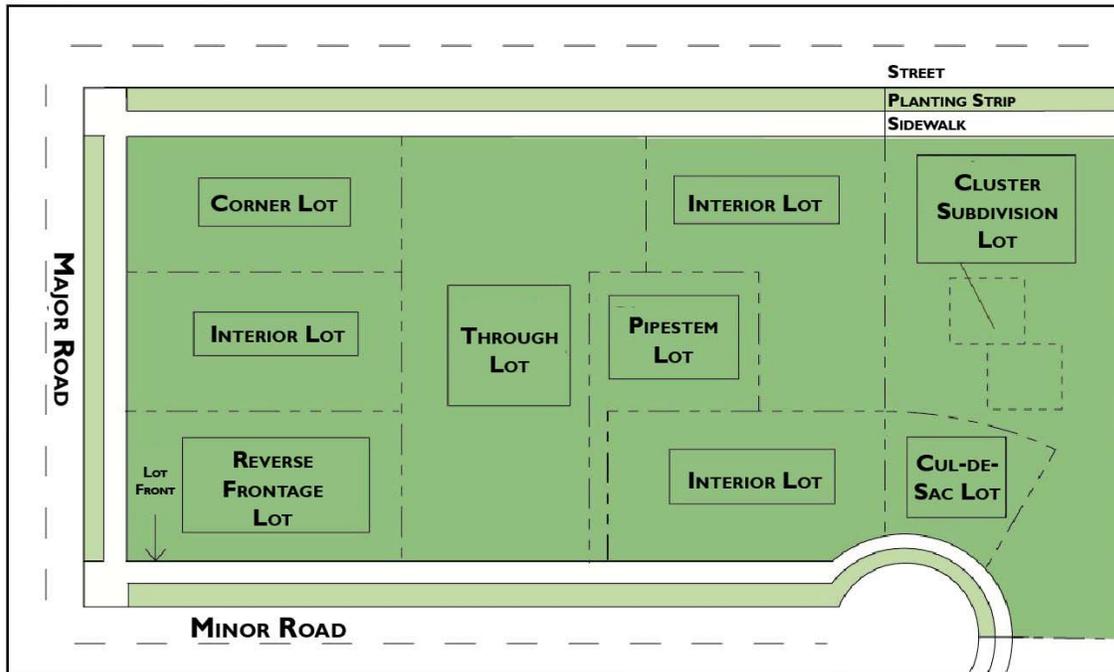
Sec. 72-82.3A.Lots.

[Subsections A (1), (2), and (3) are not amended.]

- (4) Lot types.
 - (a) Cluster subdivision lot. A cluster subdivision lot is a building lot located within a cluster subdivision.
 - (b) Corner lot. A corner lot is located at the intersection of two or more streets (other than alleys), regardless of whether or not such streets intersect at right angles.
 - (c) Cul-de-sac lot. A cul-de-sac lot is located on the head or turnaround of a cul-de-sac with side lot lines on a tangent to the arc of the right-of-way.
 - (d) ~~Double-frontage~~ *Through* lot. A ~~double-frontage~~ *through* lot is a lot other than a corner lot with frontage on more than one street other than an alley.
 - (e) Interior lot. An interior lot is a lot other than a corner lot with only one frontage on a street other than an alley.
 - (f) Pipestem lot. A pipestem lot is a lot which does not abut a public street other than by a driveway affording access to the lot.
 - (g) Reverse-frontage lot. A reverse-frontage lot is a corner lot, intentionally designed so that the front lot line faces a local street rather than facing a parallel major thoroughfare.

Figure 72-82.3A(4), "Lot Types," is repealed and replaced by the following table:

Figure 72-82.3A(4). Lot Types (effective date: _____)



B. General *Pipestem* lot requirements.

(1) ~~Pipestem~~ lots.

[The existing text is re-numbered as sub- paragraphs 1, 2, 3, and 4.]

9. City Code §72-82.4, "Required yards," is amended as follows:

Sec. 72-82.4. Required yards.

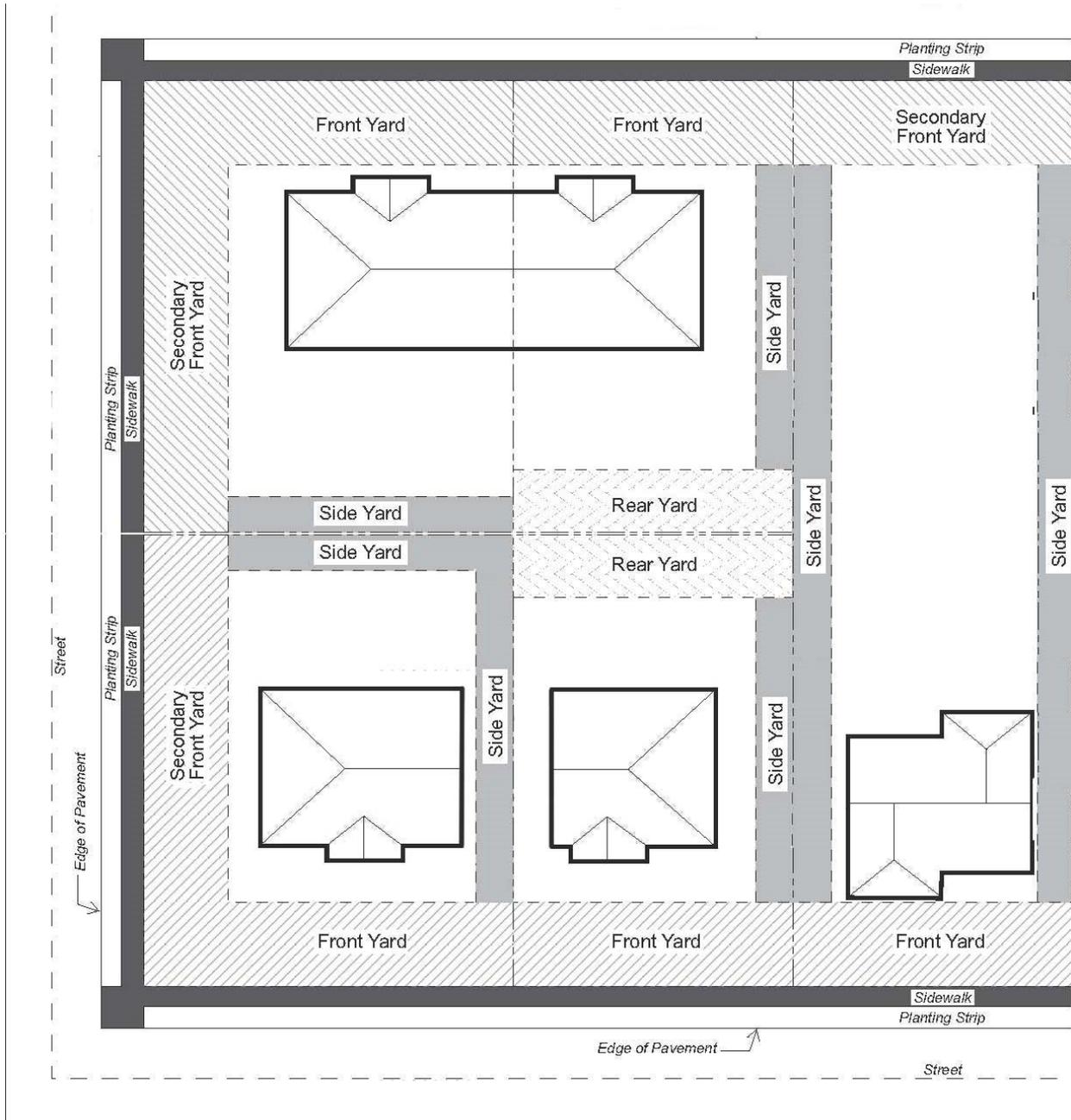
A. ~~Definitions/measurement.~~ Yard Types.

- (1) Setback. The term "setback" refers to the distance by which any portion of a building or structure shall be separated from a lot line.
- (2) Front yard. A front yard is an area of a lot adjacent to its front lot line, measured by the length of the front lot line, extending from one side lot line to the other side lot line, and the width of the required front setback.
- (3) *Primary front yard: for corner lots and through lots, the front yard that contains the building front.*

- (4) *Secondary front yard: a front yard of a corner or through lot that does not contain the building front. A secondary front yard begins at the point where it intersects with the primary front yard and extends to the side property line.*
- (5) Rear yard. The rear yard is an area of a lot adjacent to its rear lot line, measured by the length of the rear lot line, extending from one side lot line to the other side lot line, and the width of the required rear setback.
- (6) Side yard. The side yard is an area of a lot adjacent to its side lot line, measured by the length of the side lot line, extending from the edge of the front setback line to the edge of the rear setback line, and the width of the required side setback.

Figure 72-82.4A, “Yard Types,” is replaced with the following figure:

Figure 72-82.4A. Yard Types (effective date: _____)



B. General setback requirements.

- (1) Separation. When the standards in this chapter call for a separation between two different use types or development features, separation shall be measured from the closest edge of one lot to the closest edge of the other lot.

- (2) Averaging setbacks. When zoning district standards permit or require determination of a *any* front or side setback through averaging, the average yard shall be calculated by using the methods set forth here. The dimensions of existing yards shall be determined through the best information reasonably available, including, in order, surveys of record, on-site measurements, or the 2010 tax maps. The median is the type of average that shall be applied. The median front yard shall be calculated by using existing principal buildings along the same block face. The median side yard shall be determined by using lots or parcels of similar width located on the same block face. Each side yard median (left and right) shall be calculated and applied separately. If the foregoing measurements do not establish a clear pattern of development, then the administrator may use the opposite block face to establish the average front or side yard.

[Figure 72-82.4B, “Average Setback Measurement,” is not amended.]

- (3) Corner lots *and through lots*. On a corner lot or ~~double-frontage through~~ lot, the yards adjacent to the front lot lines shall be considered front yards and the remaining yards shall be considered side yards.
- (4) Setbacks following government acquisition of land. Where land acquisition for a public purpose reduces the distance between an existing legally established structure and an adjacent lot line to an amount less than the minimum required, the resulting distance shall be deemed the minimum setback for the lot.
- (5) Sight triangles. Regardless of the setbacks applied in a district, no structure except a fence shall be permitted within the required sight triangle. For fences, a sight triangle is *the triangle formed by the two right-of-way lines at a street intersection, or the intersection of a driveway and a street, and a line connecting those two lines 10 feet from their intersection*.
- (6) Uncovered terraces. Required yard setbacks shall not apply to uncovered terraces, uncovered patios and unroofed porches not more than 30 inches above existing grade in residential zoning districts or 15 inches in nonresidential and mixed-use zoning districts.

10. City Code §72-84.0, “Definitions,” is amended as follows:

~~Front (or primary) façade — The side or elevation of a structure that contains the structure’s architectural front, or the portion of the structure facing the street from which the structure derives its street address.~~

FRONT LOT LINE -- the street line(s) that form(s) the boundary of a lot; or, where a lot does not abut a street other than by its driveway, or is a through lot, the lot line which faces the building front.

SEC. III. Effective Date.

This ordinance is effective immediately.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Approved as to form:

Kathleen Dooley, City Attorney

Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Ordinance No. 16- duly adopted at a meeting of the City Council meeting held Date, 2016 at which a quorum was present and voted.

Tonya B. Lacey, CMC
Clerk of Council

1. What does the UDO regulate as a “fence?”

A “fence” is a structure used to delineate a boundary or act as a barrier or means of protection, confinement, or screening.¹ The fence regulations apply equally to “walls.”² The regulations apply to the construction of a new fence or wall, or the reconstruction or replacement of a new fence or wall.³ The regulations do not apply to temporary fencing for construction sites, tree protection,⁴ or retaining walls.

2. What general rules apply to the location of a fence or wall?

Fences and walls may be located in any of the required minimum yards (front, side, rear)⁵ so long as they are located outside the public right of way.⁶ They may be located on the property line between two or more parcels of private property.⁷ They may be located within utility easements, with the permission of the easement holder.⁸

If a fence is located within a “sight triangle,” then it shall not exceed 40 inches in height.⁹ If a fence is located within a required “buffer,” then it shall not disturb or damage vegetation within the buffer. Perimeter fencing within a buffer for a single (multi-lot) development shall be a uniform style.¹⁰

3. What are the general rules for the height of fences?

Generally speaking, rules for the maximum permitted height of a fence depend on two factors: (1) the zoning district, and (2) the location of the fence on the lot. The limitations on fence height within the sight triangle are the strictest, due to their direct impact on public safety.

Zoning district	Location	Maximum height
Any	Within a sight triangle	40”
Residential	Any location on a vacant lot	48”
Residential Commercial Planned Development	Between the front lot line and the front of the principal building	48”
	Any other location on the lot	72”
Industrial	Between the front lot line and the front of the principal building	72”
	Any other location on the lot	96”

¹ §72-84, Definitions.

² References to “fences” in this FAQ apply equally to walls.

³ §72-56.0(B)(1).

⁴ §72-56.0(B)(2).

⁵ §72-56.1(A)(3).

⁶ §72-56.1(A)(1).

⁷ §72-56.1(A)(2).

⁸ §72-56.1(B).

⁹ §72-56.1(A)(1). Ordinarily, no structures are permitted within a required sight triangle. (§72-82.4(B)(5)).

¹⁰ §72-56.1(D).

4. What are the regulations for maximum fence heights on corner or through lots?

Corner or through lots pose special considerations for maximum fence heights, since they have at least two “front yards.” The basic regulations for front yards apply to both of the front yards of a corner or through lot, unless special circumstances apply:

Zoning district	Location	Special Circumstance	Maximum Height
Residential Commercial Planned Development	Secondary front yard of a corner or through lot	The secondary front yard abuts a primary front yard.	72” if the fence is not closer to the secondary front property line than the front of the abutting principal structure.
		The secondary front yard abuts the secondary front yard of another lot.	72”

5. What are the regulations for maximum fence height for other special circumstances?

At this time, the regulations recognize one additional special circumstance that justifies a higher maximum fence height:

Zoning district	Location	Special Circumstance	Maximum Height
		An accessory structure is located on the same lot as the proposed fence.	72” if the fence is not closer to the secondary front property line than any side of the accessory structure.

6. Who may grant a case-by-case exception from the fence height regulations?

The Board of Zoning Appeals is authorized to grant a special exception, on a case-by-case basis, from the regulations governing fences in *any front yard* (primary or secondary) in any zoning district. The BZA holds a public hearing on the exception application and applies criteria established by City Council, to decide whether the exception is in the public interest.¹¹ The Planning Commission is entitled to notice of these applications, and it may either appear at the BZA public hearing or send a written comment or recommendation.¹² The BZA may impose conditions on the permit; and it is authorized to revoke a special exception it previously granted, if it determines there has not been compliance with the terms or conditions of the permit, after notice and a public hearing.

¹¹ See the criteria in §72-22.8(F).

¹² Code of Virginia §15.2-2310.

The Zoning Administrator may approve a fence or wall exceeding 6 feet in height in any side or rear yard in a residential, commercial, or planned zoning district, if the adjacent property is in a nonresidential zoning district, or if there are unique topographic or other physical circumstances on the property (that were not created by the property owner).

In addition, the Zoning Administrator may approve a fence or wall exceeding the permitted height in any yard in an industrial zoning district, if there are unique topographic or other physical circumstances on the property (that were not created by the property owner).

The Zoning Administrator may require any taller fence to be set back from the property line an appropriate distance to mitigate the impacts of the taller height.

7. What other restrictions are imposed on fences?

The City does not permit the use of barbed wire, razor wire, or similar fence materials in any zoning district except an industrial zoning district.¹³

A fence within a sight triangle may not impair safety or sight-lines for pedestrians or vehicles traveling in the public rights of way.¹⁴

A nonconforming fence may be replaced with a substantially similar fence in the same location, without bringing the new fence into compliance with current regulations.¹⁵

¹³New §72-56.4.

¹⁴ §72-56.1(E).

¹⁵ §72-63.3.

8. Please define the terms that are used in these regulations.

Please refer to the following definitions and illustrations:

Buffer: An area of natural or planted vegetation adjoining or surrounding a use and unoccupied in its entirety by any building, structure, paving or portion of such use, for the purposes of screening and softening the effects of the use, no part of which is used for recreation or parking.¹⁶

Building front: That one face or wall of a building architecturally designed as the front of the building, which normally contains the main entrance for use by the general public.¹⁷

Corner lot: A lot located at the intersection of two or more streets (other than alleys) regardless of whether the streets intersect at right angles.¹⁸

Front lot line: the street line that forms the boundary of a lot; or, where a lot does not abut a street other than by its driveway, or is a through lot, the lot line which faces the Building Front.

Front yard: the area of a lot adjacent to its front lot line, measured by the length of the front lot line, extending from one side lot line to the other side lot line, and the width of the required front setback.¹⁹

Nonconforming: a fence or wall lawfully constructed, which does not comply with current regulations.²⁰

Primary front yard: for corner lots and through lots, the area between the front lot line and the Building Front.²¹

Secondary front yard: a front yard of a corner or through lot that does not contain the Building Front. A secondary front yard begins at the point where it intersects with the primary front yard.²²

Sight triangle: the triangle formed by the two right-of-way lines at a street intersection, or the intersection of a driveway and a street, and a line connecting those two lines 10 feet from their intersection.²³

Through lot: A lot other than a corner lot, with frontage on more than one street other than an alley.²⁴

¹⁶ §72-84.0. See Article 5 of the UDO for buffer yard requirements.

¹⁷ §72-84.0.

¹⁸ §72-82.3(A)(4)(b).

¹⁹ §72-82.4.

²⁰ §72-61.1.

²¹ §72-82.4.

²² §72-82.4.

²³ §72-82.4(B)(5).

²⁴ §72-82.3(A)(4)(d).

PLANNING COMMISSION MINUTES

November 9, 2016

7:30 p.m.

City of Fredericksburg
715 Princess Anne Street
Council Chambers

You may view and listen to the meeting in its entirety by going to the Planning Commission page on the City's website: fredericksburgva.gov

MEMBERS

Jim Pates – Chair
Roy Gratz - Vice-Chair
Jim Beavers, Secretary
Kenneth Gantt
Tom O'Toole
Chris Hornung
Steve Slominski

CITY STAFF

Chuck Johnston, Director
Kathleen Dooley, City Attorney
Mike Craig, Zoning Administrator
Marne Sherman, Development Admin.

1. CALL TO ORDER

Mr. Pates called the November 9, 2016 Planning Commission meeting to order at 7:30 p.m. Mr. Pates welcomed newly-appointed Commissioners Mr. Chris Hornung and Mr. Steven Slominski. He explained the standard meeting procedures.

2. PLEDGE of ALLEGIANCE

3. ADOPTION OF MINUTES

The October 12, 2016 Minutes – Adopted, as edited by Mr. Pates.

4. CAPITAL IMPROVEMENT PLAN (CIP) – Update – Deidre Jett, Budget Manager

Mr. Johnston began the discussion by providing some background. He said Ms. Jett had provided Commissioners with a copy of Section 15.2-2239, which is the pertinent Virginia Code section that describes the Planning Commission's role in preparing a Capital Improvement Program (Attachment A). As indicated in the first sentence of that Code section: "*A local planning commission may, and at the direction of the governing body shall, prepare and revise annually a capital improvement program based on the comprehensive plan of the locality for a period not to exceed the ensuing five years.*" He noted that the Fredericksburg City Council has not taken an action directing a specific role for the Planning

Commission but Mr. Johnston said he believes it is appropriate that the Commission provide advisory comments and particularly focusing on the nature of the Capital Improvement Program to ensure consistency with the Comprehensive Plan. He said Ms. Jett will discuss the process. He added that the City is at the beginning stages of the FY2018 budget.

Ms. Jett said she had also distributed copies of the current budget calendar and a sample sheet of Project Costs (included in Attachment A). She provided an overview of what is new with the process, the challenges being faced in the FY2018 budget process, and what to expect next, as well as project costs. She said they have changed the look of the CIP to give decision-makers a better tool, as well as to communicate with the public the City's needs and priorities. The CIP will show Cost Categories, Funding Sources as well as Operating Impacts. She said she is currently working with Department Heads, as well as the City Manager, to develop the CIP and analyze the fiscal impacts. In relation to the FY2018 budget, she said staff recognizes that there will be some challenges due to an increase in costs related to the jail, the original Walker-Grant improvements and the current compensation classification study that is being conducted, realizing that there will be some adjustments in the budget for that as well. She briefly went over the Budget Calendar and said she would be happy to change the date of April 12, 2017, for the CIP presentation to the Planning Commission. She said she intends to come back before the Planning Commission after the budget is approved by the City Council in May, 2017.

Mr. Beavers referenced the \$200,000 project cost listed [on the sample Project Cost sheet in the packet] for "Dive and Water Recovery Vehicle & Generator." He noted that the river belongs to Spotsylvania and Stafford Counties and asked whether the City really needed to do this if the counties already had this type of equipment available.

Ms. Jett said it was her understanding that Stafford County did not have this specific dive equipment that the City has, and that when a dive rescue is required, it is the City's [emergency response team] that responds. She said she believed the City serves regionally in the Hazmat [response] role and that the Dive/Rescue is done the same way.

Mr. Gantt referenced the [same] sample project sheet showing "Ambulance, Dive and Water Recovery Vehicle & Generator" and "Fire Apparatus Replacement" and asked if they would be considered fully operational in the 2020 FY Budget timeframe, and whether there are any additional operation and maintenance costs. He said he was attempting to determine what the actual life cycle is for the equipment.

Ms. Jett said that since these are replacements, there would not be additional operation and maintenance costs.

Mr. Gantt said then that the debt service costs would be outside of the regular operation and maintenance funding.

Ms. Jett said that is correct.

Mr. Gantt asked if there has ever been a situation where the City is paying debt service but the replacement item has not come into service. If so, this could mean that we have a gap where we are funding [the item] but don't have utilization yet.

Ms. Jett said they would not do that.

Mr. Pates asked Ms. Jett what she thought the role of the Planning Commission was with respect to the CIP.

Ms. Jett said the role would be that which the City Council, City Manager and the Planning Commission determined it should be. She said that her role and obligation to the Planning Commission, as outlined on the budget calendar, was to present the slate of [capital] projects that the City has planned. She said she would prefer to return to the Planning Commission prior to April 12th, but she could send the Commission the CIP sometime after it was presented in March. That way, the Commission could have about a month to review it. However, she said, the Planning Commission's role is something that would be determined with the City Manager.

Mr. Pates said that in some other localities in Virginia, the Planning Commission is very involved with the CIP. He said it was his understanding that when they discussed the CIP process last year with Mr. Whitley, the intent was that the Planning Commission would get information and be involved in the CIP process early on so that the Commission would have some idea of what [the City Manager's] plans were and what would be the budget implications for items that were listed in the Comprehensive Plan. He said there were many projects listed in the Comprehensive Plan but that nothing was tied to them to ensure that they received funding or priority. He said he would like to see the Planning Commission take a more active role in the CIP this year and in the future.

Mr. Johnston said that as Ms. Jett said, and as he had indicated earlier in the discussion, the role of the Planning Commission in this community is perceived to be advisory and that once the City Manager has prepared his budget, it is considered appropriate that it be reviewed by the Planning Commission at that point in time so the Commission could make recommendations of consistency with the Comprehensive Plan.

Mr. Gantt reminded everyone that he was not serving on the Planning Commission this past spring for the FY2017 budget presentation/review and

asked where the resourcing link happens between the Comp Plan and the budget.

Mr. Pates said that was a good question and one that he was trying to get at. He asked Ms. Jett if she has some ideas along those lines.

Ms. Jett noted that she was relatively new and that we have a new City Manager. She said they want the process to be as useful as possible, as well as being cognizant of what the City can afford, what we are willing to raise taxes for, and what we willing to issue debt for. She said she will take some of the comments she has heard this evening, such as how this fits in with the Comprehensive Plan, and incorporate that into a category into the CIP layout so that it is more easily recognized.

Mr. Hornung said his understanding of CIPs was that a vast majority of what is listed in them is not specifically called out in the Comprehensive Plan, and perhaps the Commission could develop an implementation plan of its own by making a list of those items that we would like to have included [in the CIP]. He said it was an opportunity for the Planning Commission to be proactive to make recommendations of items it believes should be added.

Mr. Pates agreed and suggested that the CIP item be put back on the Commission's agenda for the December meeting, and for everyone to try to think about this to see whether there is something more that the Commission would like to do.

Mr. Johnston said those who were serving on the Planning Commission when the City went through the Comprehensive Plan process would remember that the City's senior planner, Mr. Nelson, had developed an Implementation Strategy/Action Plan as part of the Comprehensive Plan, and that he would forward a copy of that document to Commissioners. He said this could be the starting point for discussion at the next meeting.

Mr. Pates thanked Ms. Jett for her update to Commissioners and then moved on to the Public Hearing.

PUBLIC HEARING

5. The City of Fredericksburg proposes to amend Unified Development Ordinance, Articles 72-4, "Use Standards," and 72-8, "Definitions and Interpretations," to permit the manufacture of beer, wine, and spirits, either by right or by special use permit, in the commercial, planned commercial, planned mixed use, and industrial zoning districts. The uses are classified and regulated on the basis of production volume and the incorporation of commercial activities like restaurants or events venues.

Mr. Craig presented the staff report and a detailed PowerPoint presentation. The PowerPoint presentation is attached as **ATTACHMENT B**.

He said microbreweries were not proposed originally to have any change to where they are permitted. They are currently in the CD, CSC, CH, I1, I2, PDC and PDMU zoning districts. However, the City Council, during discussion of this amendment, suggested discussion of including Microbrewery/taproom as a Special Use Permit use in CT. Red Dragon is an example of this use in CT. They had to get a special use permit for the alcohol sales on site. He also noted that a local brewer's focus group had met and requested to change the term "craft" to "local" [for breweries and wineries] because it means something different to the Brewers Association. Another suggestion was to change a use standard to allow for a small level of outdoor storage for grain in a container for a couple of days, as long it is shown on a site plan.

Mr. Hornung asked whether, under the current zoning ordinance, regional breweries would be allowed as light manufacturing or heavy manufacturing uses?

Mr. Craig said it is undefined and that he does not know.

Mr. Hornung asked that with respect to the breakpoint between microbreweries and craft breweries: (1) Who monitors the reporting of that consumption level? and (2) You hope your business operation is successful and there is a situation where a microbrewery might sell more than they thought they would because they are successful or perhaps they are in a position where they are selling more off-site than on-site. Is it staff's thought at that point that under the new ordinance, it would trigger the business having to come in for a special use permit if they intended to stay at their current facility, or is there some other consideration?

Mr. Craig said the intent of that section is to permit commercial facilities in our commercial districts and the point of those facilities is to have commercial traffic. Up to 10,000 barrels is the business model. He said the way it is structured now, if someone were to continue to expand, they could then obtain the special use permit. The check on production is a [Alcoholic Beverage Control Board] license. He said they have to turn in a license and the license is 500 to 10,000 barrels; or 10,000 and up. They have to submit this every year, so the City will know generally.

Mr. O'Toole said staff had mentioned no outside storage is permitted, but then said that they would like to allow some grain storage outside. He asked the size of the grain storage container.

Mr. Craig said it is roughly the size of a trash can.

Mr. O'Toole asked if they would be required to screen it, or if it something that is permitted.

Mr. Craig said that is up for debate. He said in talking with some of the business owners, they had said that they were already doing it and no one had noticed it. So, he said, to be fair in respect to how they are currently operating and this is their need, then he believes that in talking it through with the Planning Commission that there is a solution. He said if you are talking about something the size of a trash can that is outside for a day or two, and we get it on a site plan so we know where it is to be located, he does not see a problem with it. He said that would be a change from what is currently noted in the Planning Commission's packet.

Mr. O'Toole said on the draft ordinance, page 2, paragraph T(4), it says that "*In considering a special use application, the City Council may consider the proposed location of a loading dock...*" He suggested that "may" be changed to "shall."

Mr. Craig said he agrees that changing it to "shall" would be an acceptable amendment.

Mr. O'Toole referenced the draft ordinance, page 2, paragraph I(4), which reads: "*The location of any loading dock is subject to approval by City Council or the Zoning Administrator, as appropriate.*" He asked for clarification as to what exactly that means.

Mr. Craig said that during the Special Use Permit process, [the location] would be subject to City Council approval; in those certain zoning districts where the use would be permitted by right, the location would be approved by the Zoning Administrator.

Mr. Pates confirmed that it depends on the zoning district.

Mr. Pates said he had questions about the chart [shown on page 1 of the ordinance] and allowing microbreweries in the CD zoning district by right. He said this could essentially allow one on every block in the downtown.

Mr. Craig said this is correct but that currently there is only one.

Mr. Pates said he has some problems with this. He said the only place in the City where a special use permit would be required would be in the CT zoning district.

Mr. Craig said that is correct and that is the only change from what it permitted now.

Hearing no further questions from Commissioners, Mr. Pates opened the floor for public comment.

There was no public comment.

Mr. Pates closed the public comment period for this item and asked the will of the Commission.

Mr. Beavers said he understands Mr. Pates' comment about the possibility of one microbrewery being located on every corner. But, on the other hand, he said, do we really want 50 antique stores that close at 5:00 p.m., or do we want businesses that attract people to the downtown that stay open until 10:30 or 11:00 p.m.? He said that given a choice, he would prefer businesses that are open in the evening.

Mr. Beavers made a motion to approve the Zoning Ordinance Text Amendment as presented by staff and incorporating the following amendments: (1) the language requested by Mr. O'Toole on Page 2, paragraph T(4), first sentence -- to replace the word "may" with "shall"; (2) the change to using the term "local" instead of "craft"; and (3) the allowance of storage of small containers of grain, as long as it was so noted on a site plan.

Mr. Hornung seconded the motion and said he saw this text amendment as being more protective of the downtown.

Motion carried by a vote of 7 – 0.

UNFINISHED BUSINESS/ACTION ITEMS

6. The City of Fredericksburg proposes amendments to the Unified Development Ordinance of the City Code to change fence regulations. The amendments:
 - a. provide additional flexibility for fences on corner lots and through lots;
 - b. decrease permitted fence heights from six feet to four feet in any front yard of lots zoned Commercial;
 - c. authorize the Board of Zoning Appeals to issue special exceptions from fence height regulations in any front yard (including a secondary front yard on a corner or through lot);
 - d. prohibit the use of barbed wire or razor wire except in an Industrial district; and
 - e. clarify terms, figures, measurements, and tables related to sight triangles, lot types, required yards, and building fronts on lots in all zoning districts.

Ms. Sherman presented the updates in the staff report. The public hearing for this item was held on October 12, 2016. There was no public comment at that time. Even though the public hearing had closed, one citizen who lives on a corner lot offered written public comment on October 14 and requested approval of the text amendment.

She also said the Board of Zoning Appeals (BZA) had reviewed the proposed text at a meeting on October 17, 2016. No formal action was taken, but several BZA members expressed a desire to maintain a limit of four feet in height on fences within any front yard (primary and secondary) and allow for case-by-case consideration by the BZA through a Special Exception Process.

There was additional discussion about further defining the criteria by which to evaluate a Special Exception request. Suggestions included requiring a specified setback [for the fence] per inch in fence height that was above the four-foot limitation (e.g., for every inch of height increase, the fence would be set back four inches from the property line) or mandating a certain level of transparency for fencing over the four-foot height.

Staff considered these items but determined that there are no specific criteria that would work in all cases throughout the City. There may be some lots where a solid six-foot tall fence within a front yard would be appropriate right along the property line and some cases where a taller fence would be inappropriate due to the character and pattern of the neighborhood, no matter its design. A minimal setback could create a "dead space" between the fence and the sidewalk, where a property owner might neglect maintenance of a small grass strip because it is hidden behind the taller fence. Additionally, the resulting setback may not be enough to protect the adjacent lot and maintain the overall neighborhood pattern. The concepts of transparency and setback are listed as evaluation criteria for issuance of a Special Exception. As written, the BZA will consider these elements with each unique application.

Ms. Sherman added that staff had provided fence tours that were attended by several members of the Planning Commission and two BZA members. One BZA member took a tour independently.

Ms. Sherman referenced page three of the text amendment, criteria (4). She said a BZA member suggested that this language be moved into the preamble of [the ordinance describing] when the BZA would even consider a Special Exception. Specifically, the suggested wording is to be inserted into Section 72-22.8F as the second sentence: "*Special exceptions may be granted in cases where the size, configuration, or other unusual characteristics of the lot, including existing mature vegetation or trees, requires an exception from the zoning requirements in order to provide a reasonable fenced area without creating significant harm to adjacent properties or the neighborhood.*"

Mr. Beavers commended staff for putting this highly technical ordinance together. He referenced paragraph "H. Appeals," on page three of the ordinance. He said the language is redundant because any tax payer is obviously a "person", and he suggested it be stricken from the ordinance.

Mr. Dooley said she would be happy to forward Mr. Beavers' remarks to the General Assembly, but this language was from the State Code.

Mr. Beavers said he had previously suggested that the language [in the ordinance] distinguish between privacy fences (e.g., regular six-foot solid privacy fences) versus more transparent six-foot fences, such as the one at Federal Hill, where a [transparent] view is maintained. He said staff had said at that time that they did not want to get that prescriptive; yet staff does address razor wire, barbed wire, or similar applications. He asked staff to distinguish for him the privacy fence issue.

Ms. Sherman said the razor wire and barbed wire are not only an aesthetic issue but also one of safety, particularly in residential districts. She said that although we have commercial uses that include a mix of residential uses, [transparency of fences for these lots] is also an issue of safety and aesthetics. She added that everyone has an opinion as to how transparent something should be before it is off-putting. She said staff attempts to write ordinances that are as straightforward as possible, although this issue is somewhat complex.

Mr. Slominski said that during the fence tour, it was discussed that vegetation can almost become a "wall." He asked if there is anything that can be done to regulate this, because in his opinion tall vegetation can have the same affect.

Mr. Hornung said he believes that you are heading down a slippery slope when you start regulating vegetation on private property. He said he believes, in general, that vegetation itself is a more acceptable treatment along the property line vs a solid wall fence.

Dr. Gratz pointed out that on page 5 of the ordinance, in the Fence and Wall Height table, it shows that in any zoning district; within a site triangle, the maximum height is 40." However, on page 6 of the ordinance in Figure 72-56.2, the diagram shows that the Site Triangle is 3.5 feet maximum, which is 42 inches.

Ms. Sherman thanked Dr. Gratz for catching that error and said it would be corrected.

Dr. Gratz said he is concerned about the 40 inches. He said he has a low car and pulls up to a curb he cannot see what is coming due to cars being parked along the roadways. He said he believes 24 inches would be better. Also, he said he is uncomfortable with the BZA making these decisions instead of the

Planning Commission and City Council. An additional concern, he said, was these corner lots with a secondary front yard and being allowed to build a six-foot fence when it may not be conducive for certain neighborhoods.

Ms. Sherman said that was the BZA's concern, which is why they generally felt that maintaining the four-foot height limit across the board and then allowing them to consider taller fences on a case-by-case bases was the way to go.

Dr. Gratz asked Ms. Sherman to state once again why these considerations would go to the BZA instead of the Planning Commission and ultimately City Council.

Ms. Sherman said it was because going to the BZA involved only one public hearing. She said it might be a little [too] much to require a homeowner to come before two boards/commissions; also, the expense associated with advertising two public hearings and a process which could end up being a two- to three-month process just seemed a bit excessive for a fence. She said the biggest thing is to make sure the neighbors know that these types of proposals are going before the BZA, to allow their input on these issues.

Ms. Sherman and Mr. Johnston explained that the Planning Commission would have an opportunity to comment on these cases and submit its comments to the BZA for consideration.

Mr. Pates referenced page two of the proposed ordinance, paragraph F (1). He said it seemed to him that one of the main issues on these special fence applications would be blocking the sight lines, regardless of your sight triangle for oncoming automobile traffic. He asked if staff would consider that part of "endangering the public safety" [language used in the ordinance].

Ms. Sherman said, yes, she would. She said that if the Commission believes it should be included, they could specify sight lines.

Mr. Pates said he believed it would be helpful because that is the main problem with these tall fences at corners, which is that it blocks the sight lines and ability to see oncoming traffic.

Mr. Pates said that with respect to privacy vs transparent fences, he believed the issue was a very legitimate one. He referenced condition #5 on page three of the draft ordinance. He said he wondered if it would be beneficial to have some drawings in the Code that could be used as a guide for what the City considers acceptable or what we have in mind for transparency. He said he also shared the concern expressed about the BZA granting special exceptions. He asked if currently the City Council grants all special exceptions.

Ms. Sherman said yes, the City Council currently considers all Special Exception requests.

Mr. Pates said he would support a motion to amend the ordinance to provide for the City Council to grant any special exception regarding fences.

Mr. Gantt said he would like to address the comments made by Mr. Pates and Dr. Gratz. He asked if it is not a two-fold matter where the City is trying to ensure we uphold a standard, but that we also not make the process tedious. He said he wanted to clearly understand why what the staff has presented is causing concern that something may be missed. So [why] are we wanting to extend the process beyond what has been proposed by staff?

Dr. Gratz said he does not know why this should be a special exception to the special exception rules. He said it appears to him that if we do this, then there will be other [situations] where they City will want to do the same thing. He said any special exception request should require some effort by the people who are requesting it. Are we now going to say there are other things that are considered "minor" and say they only need [to go through] one public hearing in order to move forward? He suggested that all special exceptions be kept the same and go through the Planning Commission and the City Council.

Mr. Gantt said here again, he would like to ask: Are we suggesting we do it the way Dr. Gratz and Mr. Pates are suggesting because that is the way we have always done it and should [therefore] continue doing it this way? Or are we trying to ensure that the standards are adhered to?

Dr. Gratz said of course we want to make sure the standards are adhered to, but he does not believe that holding two public hearings is that big of a deal. He added that these types of things usually have minor objections by neighbors, so they get a chance to state their objections twice instead of just once.

Mr. Pates said that, for himself, having all special exceptions go to the Council is advisable because it raises the profile of the issue and allows the public and neighborhoods more of an opportunity to weigh in on something like this. He said there is almost nothing that can get a neighborhood upset as much as fences and he believes they are important and they have a real impact on neighborhoods.

Mr. Hornung said he is in the "expediency category" on this issue. He said he would like to see the ordinance written where there is an administrative variance process that requires you meet certain criteria. He said that by the production of the proposed ordinance, staff is very well-schooled in the issue at hand. He said he understands where there could be a situation when a neighbor may disagree with a certain type of fence and he said he had suggested in the past that, if there could be an administrative variance process where an applicant met the

criteria, staff would be able to approve it administratively. He said the proposal of having it go to the BZA is a good middle ground and that he would oppose requiring it to go to the Planning Commission and City Council.

Mr. Beavers said he disagreed with Mr. Hornung. He said he personally had a situation where his neighbor wanted to put up a six-foot fence, which would have been 8 inches from his house because of the way his home is situated. He asked if we are just going to allow the administrative staff to approve these, as opposed to City Council or BZA. He said in his case, they had to go before the BZA and ARB because it was in the historic district. He said he opposes allowing the Admin staff to approve these.

Mr. Beavers made a motion to recommend approval of the ordinance by adopting the language that was suggested by Mr. Pates, that these issues go before the Planning Commission and City Council for consideration and not the BZA. He also moved to include:

- Moving paragraph (4) on page 3 of the draft ordinance to Section 72-22.8F as the second sentence;
- Correcting the drawing on page 6 of the ordinance to reflect the Sight Triangle only being allowed a maximum of 40 inches (instead of 3.5' Maximum as currently indicated); and
- Adding the language regarding "sight lines" to paragraph F.(1) on page two of the ordinance.

Dr. Gratz seconded the motion.

Motion failed by a vote of 3 – 4, with Mr. Hornung, Mr. Gantt, Mr. Slominski and Mr. O'Toole voting against the motion.

Mr. Gantt said he is fine with all the changes mentioned in the previous motion except he would remove the requirement of these applications going before the Planning Commission and City Council. He would like these applications to go before the BZA, as outlined by staff.

Mr. Gantt made a motion to recommend approval of the proposed ordinance as drafted with the following amendments:

- Moving paragraph (4) on page 3 of the draft ordinance to be inserted into Section 72-22.8F as the second sentence;
- Correcting the drawing on page 6 of the draft ordinance to reflect the Sight Triangle only being allowed a maximum of 40 inches (instead of 3.5' Maximum as currently indicated); and
- Adding the language regarding "sight lines" to paragraph F.(1) on page two of the draft ordinance.

Mr. Hornung seconded the motion.

Motion passed by a vote of 5 – 2, with Mr. Pates and Dr. Gratz voting against the motion.

GENERAL PUBLIC COMMENT

*A general public comment period is provided at each regular meeting for comments by citizens regarding any matter **related to Commission business that is not listed on the Agenda for Public Hearing.** The Chair will request that speakers observe the **three-minute time limit** and yield the floor when the Clerk indicates that their time has expired. No dialogue between speakers will be permitted.*

Mr. Pates opened the floor for General Public Comment.

There were no speakers.

Mr. Pates closed the General Public Comment period, and moved on to New Business.

NEW BUSINESS

Mr. Pates added "New Business" to the Agenda, noting that the Bylaws provide that this item is supposed to regularly come after "Old Business" and before "General Public Comment" on the Agenda.

7. Zoning Notices from Spotsylvania County. Mr. Pates said that the Planning Director had forwarded to the Commission two notices of public hearings being conducted by the Spotsylvania County Planning Commission on two zoning matters. He asked how the Commission or City staff wanted to handle these notifications.

Mr. Johnston said the notifications were required by the State Code, if applications for special use/exceptions and zoning map amendments were for property located within a certain distance of the City limits. He said that the two items listed on the most recent notice that he received were fairly minor issues that didn't have a significant impact on the City. However, he said, when he receives these notifications, he will submit them to the Commission in case they may want to provide input or voice concerns to these adjoining jurisdictions when applications could potentially have a significant impact on the City.

Dr. Gratz suggested that Commissioners may go to the Spotsylvania County website if they require additional information on upcoming hearings.

OTHER BUSINESS

8. Planning Commissioner Comments

Mr. Pates asked when the Planning Commission could expect to receive the draft Planning Commission Annual Report.

Ms. Sherman said that staff is currently working on the Annual Report and has scheduled it for submission with the December 14, 2016 Planning Commission packet.

For the benefit of the newly-appointed Commission members, Mr. Pates read Section 5-14 of the Planning Commission By-Laws, which states: *“Not later than December 1 of each year, the Commission shall make recommendations and an annual report to the Council concerning the operation of the Commission and the status of Planning within the City. The report shall include statistics on land use development during the preceding fiscal year, enforcement activities, and the implementation of recommendations set forth in the Comprehensive Plan.”*

9. Planning Director Comments

Mr. Johnston provided an update of recent City Council Action:

- Proffer Regulations – City Council asked for a work session on December 6, 2016.
- Rezoning request for the Hamptons – No action for two weeks.
- B&B at 1517 Caroline Street – Approved.

Mr. Johnston also informed Commissioners of an upcoming application that may be coming before them at their December 14 meeting regarding a special exception and special use permit request for the Hillel Jewish Center by UMW.

Mr. Johnston reminded Commissioners of two upcoming Small Area Plans (Areas 3 and 6) meetings being held in November.

ADJOURNMENT

Meeting adjourned.

James M. Pates, Chair

Code of Virginia
Title 15.2. Counties, Cities and Towns
Chapter 22. Planning, Subdivision of Land and Zoning

§ 15.2-2239. Local planning commissions to prepare and submit annually capital improvement programs to governing body or official charged with preparation of budget.

A local planning commission may, and at the direction of the governing body shall, prepare and revise annually a capital improvement program based on the comprehensive plan of the locality for a period not to exceed the ensuing five years. The commission shall submit the program annually to the governing body, or to the chief administrative officer or other official charged with preparation of the budget for the locality, at such time as it or he shall direct. The capital improvement program shall include the commission's recommendations, and estimates of cost of the facilities and life cycle costs, including any road improvement and any transportation improvement the locality chooses to include in its capital improvement plan and as provided for in the comprehensive plan, and the means of financing them, to be undertaken in the ensuing fiscal year and in a period not to exceed the next four years, as the basis of the capital budget for the locality. In the preparation of its capital budget recommendations, the commission shall consult with the chief administrative officer or other executive head of the government of the locality, the heads of departments and interested citizens and organizations and shall hold such public hearings as it deems necessary.

Localities may use value engineering for any capital project. For purposes of this section, "value engineering" has the same meaning as that in § 2.2-1133.

Code 1950, § 15-966; 1962, c. 407, § 15.1-464; 1975, c. 641; 1976, c. 650; 1996, c. 553; 1997, c. 587; 2006, c. 565; 2011, c. 658.

FY 2018 Budget Calendar

Summary	
Budget Instructions Sent to Departments	Monday, October 17, 2016
CIP Planning Discussion with Planning Commission	Wednesday, November 09, 2016
Budget Submissions due to Budget Manager	Friday, December 02, 2016
City Manager's Budget Presented to City Council	Tuesday, March 14, 2017
Budget Work Session	Tuesday, March 28, 2017
Budget Work Session	Tuesday, April 11, 2017
CIP Presentation to Planning Commission*	Wednesday, April 12, 2017
Public Hearing on Budget	Tuesday, April 18, 2017
First Reading of Budget	Tuesday, April 25, 2017
Second Reading of Budget	Tuesday, May 09, 2017
Approved CIP Presentation to Planning Commission	Wednesday, May 10, 2017
Budget Posted to Website	Friday, June 30, 2017

** Tentative date. This is the first regularly scheduled Planning Commission meeting after the CIP is presented to the City Council.*

Ambulance and Fire Apparatus

Est. Opening Date: **On-going**

PROGRAM DESCRIPTION

The City replaces ambulances and fire apparatus as part of an ongoing fleet replacement program. The City needs to replace fire apparatus as they age; the same holds true for ambulance units. In addition, the City is seeing increased call volume for EMS, and needs to add personnel and ambulance units.

The City is also replacing the dive team vehicle and associated equipment, with funding scheduled for FY 2018.

OPERATING IMPACT SUMMARY

There is a plan to add nine EMS Medics over three years for the extension of coverage to 24-7 at the Advanced Life Support level. The City has added five of the nine personnel heading into the FY 2017 budget cycle.



PROJECT COSTS

Cost Categories	Prior Year	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	Total	Future Years
Ambulance	0	0	260,000	260,000	0	0	520,000	0
Dive and Water Recovery Vehicle & Generator	0	220,000	0	0	0	0	220,000	0
Fire Apparatus Replacement	0	0	675,000	0	0	0	675,000	0
Total	\$0	\$220,000	\$935,000	\$260,000	\$0	\$0	\$1,415,000	\$0

Funding Sources	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	Total	Future Years
General Fund Transfer	0	0	220,000	260,000	0	740,000	0
Debt Issuance	0	0	0	675,000	0	675,000	0
Total	\$0	\$0	\$220,000	\$935,000	\$260,000	\$1,415,000	\$0

Operating Impacts	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	Total	Future Years
Personnel	0	0	0	0	0	0	0
Operating	0	0	0	0	0	0	0
Debt Service	0	0	0	81,163	81,163	162,326	649,303
Revenue/Savings	0	0	0	0	0	0	0
Total	\$0	\$0	\$0	\$81,163	\$81,163	\$162,326	\$649,303



UDOTA ----

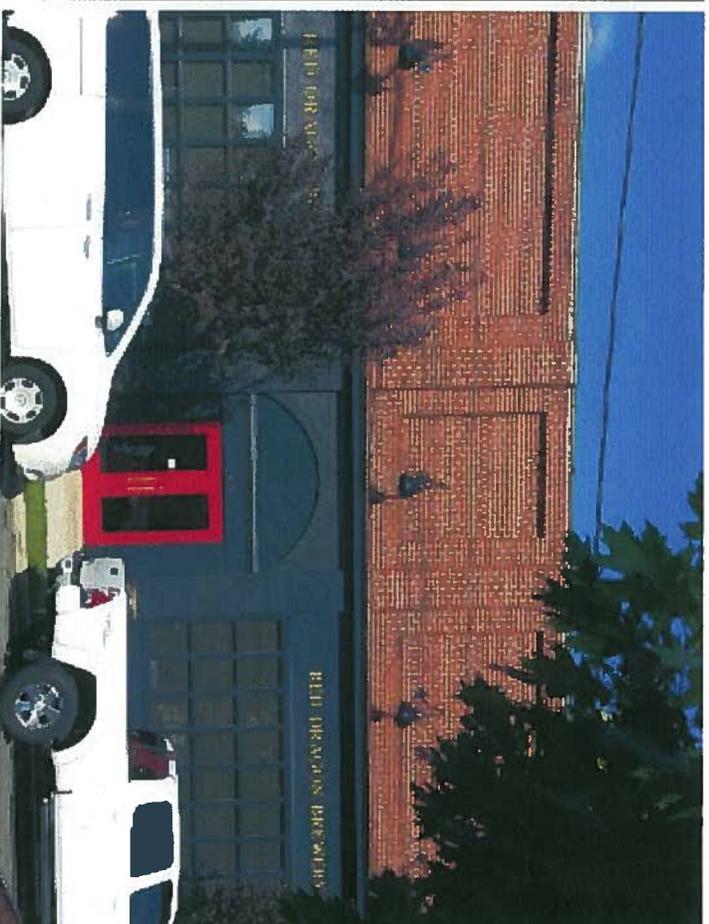
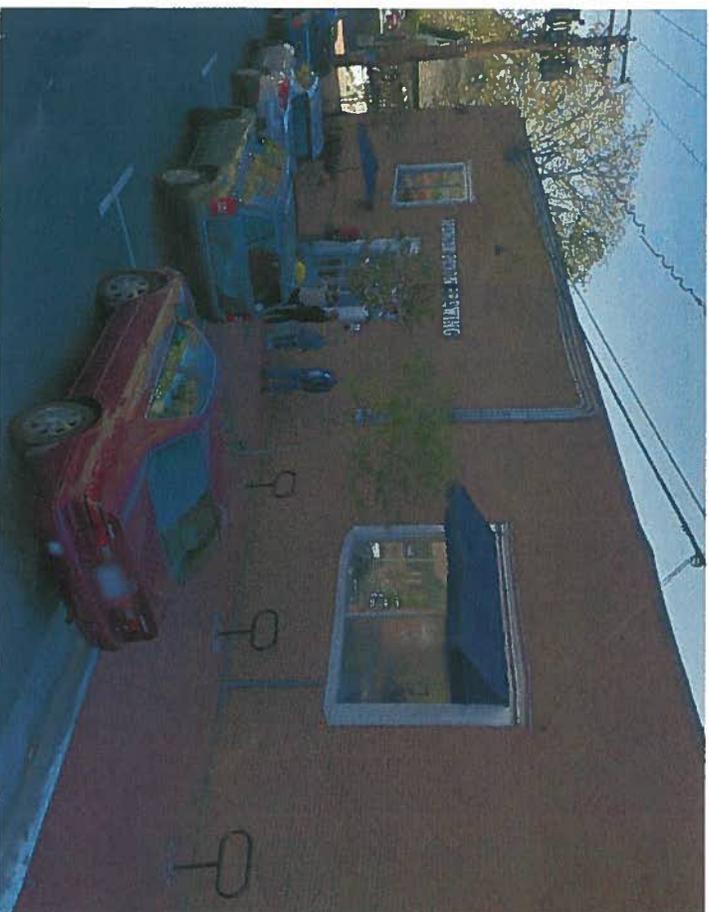
BREWERIES, WINERIES, DISTILLERIES

WHY?

- Changes in state law have affected the way breweries, wineries and distilleries operate in the state of Virginia:
 - Post-prohibition industrial/manufacturing character of the production of beer, wine and spirits is no longer the sole model.
 - Microbreweries, craft breweries, wineries, and distilleries have become more commercial in nature, with lower production volumes and a focus on on-site sales and consumption.
 - Regional breweries, wineries, and distilleries have become tourist destinations and the Fredericksburg Regional Alliance and the City's Economic Development Department are marketing sites in the heavy commercial and industrial districts for these uses.
- Changes in industry practice have evolved beyond the regulations in the City's Unified Development Ordinance:
 - Uses are best differentiated by production volume and commercial character.
 - Use standards need to be updated to ensure that the proposed alcohol producer blend into the existing urban fabric.
 - Current uses are too restrictive and too permissive!

DEFINING AND INTERPRETING NEW (AND EXISTING) USES

- Production stratified to be in accordance with Virginia Alcoholic Beverage Control licensing limits and by commercial character:
- Microbrewery is currently unlimited. Proposal is to limit at 10,000 barrels annually where beer produced on-site is primarily consumed on-site.
- Use standards are proposed with the Microbrewery use:
 - No outside storage;
 - Outdoor events require an event plan; and
 - VABC licensing needs to be on file.



DEFINING AND INTERPRETING NEW (AND EXISTING) USES

- Craft level breweries produce from 10,001 to 30,000 barrels and wineries and distilleries produce up to 5,000 gallons where 25% is consumed or sold on-site in a commercial facility.
- Distilleries are different from wineries and breweries. They are limited in the amount they may serve on-site (4 servings of 0.5 ounces for each person). The commercial components are tours and an on-site distillery store that sells the spirits for off-site consumption.
- Use standards are proposed with the Craft level uses:
 - No outside storage;
 - Outdoor events require an event plan;
 - VABC licensing needs to be on file;
 - The location of any loading dock; and
 - An analysis of existing public water and sewer conveyance and treatment.



DEFINING AND INTERPRETING NEW (AND EXISTING) USES

-Regional level breweries produce from 30,001 to 250,000 barrels and wineries and distilleries produce from 5,001 to 36,000 gallons where there is a commercial component (like a restaurant, tasting room, provision for tours, etc) but no required amount of on-site consumption.

-Use standards are proposed with the Craft level uses:

- Outdoor storage shall conform to the standards for outside storage as a principal use;
- Outdoor events require an event plan;
- VABC licensing needs to be on file;
- The location of any loading dock; and
- An analysis of existing public water and sewer conveyance and treatment.



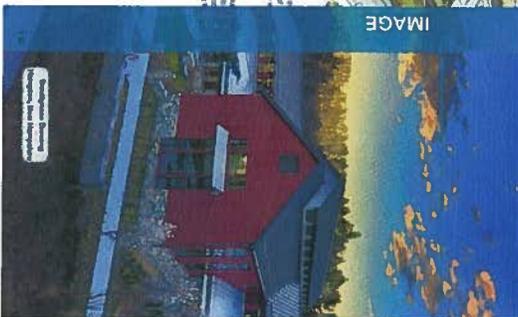
IMAGE



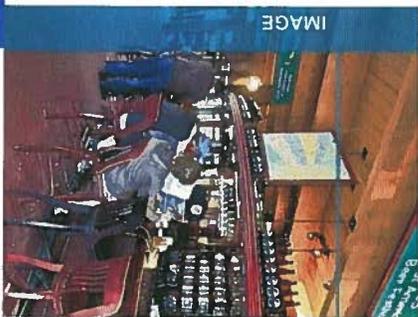
INDUSTRIAL BREWERY
CONCEPT DEVELOPMENT



Architectural Details
 This rendering depicts a concept for an industrial brewery building. The design is a modern, multi-story structure with a mix of materials and colors. The building is surrounded by landscaping, including trees and walkways. The rendering is a perspective view from an elevated angle.

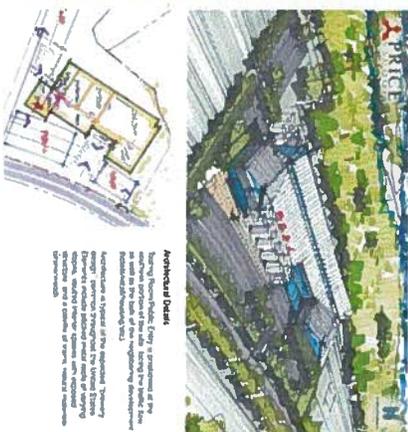


IMAGE



IMAGE

TRADITIONAL BREWERY
CONCEPT DEVELOPMENT



Architectural Details
 This rendering depicts a concept for a traditional brewery building. The design is a two-story structure with a prominent red roof and a mix of materials. The building is surrounded by landscaping, including trees and walkways. The rendering is a perspective view from an elevated angle.



CONTEXTUAL BREWERY
CONCEPT DEVELOPMENT



Architectural Details
 This rendering depicts a concept for a contextual brewery building. The design is a two-story structure with a mix of materials and colors. The building is surrounded by landscaping, including trees and walkways. The rendering is a perspective view from an elevated angle.

DEFINING AND INTERPRETING NEW (AND EXISTING) USES

-Heavy manufacturing includes breweries producing over 250,000 barrels and wineries and distilleries producing over 36,000 gallons annually.



ALLOCATING NEW (AND EXISTING) USES

- No uses permitted in Commercial – Transitional Office.
- No change to microbrewery zoning.
- Craft** level uses are an S in in other Commercial and Light Industrial zones and P in General Industrial.
- Regional level uses are an S in PD-C and General Industrial.
- Heavy Manufacturing is an S in General Industrial.

Existing Use Table:

Use Type	C-T	C-D	C-SC	C-H	I-1	I-2	PD-C	PD-MU
Microbrewery/taproom		P	P	P	P	P	P	P
Restaurant, indoor/outdoor seating	P	P	P	P	P	P	P	P
On-premise consumption of alcohol	S							
Manufacturing, light					P	P		
Manufacturing, heavy						S		

Proposed Use Table:

Use Category	Use Type	CT	CD	CSC	CH	I1	I2	PDC	PDMU
Alcoholic Beverage Production	Microbrewery/taproom		P	P	P	P	P	P	P
	Craft brewery		S	S	S	S	P	S	S
Production	Craft distillery		S	S	S	S	P	S	S
	Craft winery		S	S	S	S	P	S	S
	Regional brewery							S	S
	Regional winery							S	S
	Regional distillery							S	S
	Heavy Manufacturing						S		

LOCAL BREWERS FOCUS GROUP

Four comments on the ordinance as written ----

1. Overall positive change by the City.
2. Requested to change the name "craft" as it means something different to the Brewers Association than as defined in this ordinance. We suggest "local".
3. Consider a small level of outdoor storage for grain in a container. We suggest that a minor level of storage in a container be permitted as long as it is shown on the site plan.
4. Ensure that a production facility (no commercial accessory) between 0 and 30,000 barrels annually is permitted in the industrial districts. We suggest adding this type of facility to the definition of Light Manufacturing.



MOTION: KELLY
SECOND: WITHERS

September 13, 2016
Regular Meeting
Resolution No. 16-82

RE: INITIATING A UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT TO CHANGE THE REGULATIONS OF FENCES IN ALL ZONING DISTRICTS, INCLUDING CHANGES IN THE DEFINITIONS OF REQUIRED YARDS

ACTION: APPROVED: Ayes: 7; Nays: 0

WHEREAS, the City Council proposes to amend the Unified Development Ordinance regulations for fences in all zoning districts, to provide clarity and flexibility in these regulations, while continuing to provide for adequate light, air, convenience of access, and safety from crime, and other dangers; to facilitate the creation of a convenient, attractive and harmonious community; and protect against loss of life, health, or property from fire. While the purpose of the ordinance is to change fence regulations, these changes require changes in the definitions of required yards, for purposes of implementing the new regulations and providing additional flexibility.

WHEREAS, in proposing these amendments, the City Council has considered the factors in Code of Virginia 15.2-2284; the City Council has determined that public necessity, convenience, general welfare and good zoning practice favor the amendment.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby initiate an amendment to City Code Chapter 72, the Unified Development Ordinance, to modify the regulations for fences in all zoning districts. City Council refers this proposal to the Planning Commission for review, public hearing, and recommendation under the procedures set forth in City Code §72-22.1.

Votes:

Ayes: Greenlaw, Withers, Devine, Duffy, Ellis, Frye, Kelly

Nays: None

Absent from Vote: None

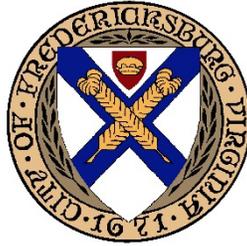
Absent from Meeting: None

Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Resolution No. 16-82 duly adopted at a meeting of the City Council meeting held September 13, 2016, at which a quorum was present and voted.



Tonya B. Lacey, CMC
Clerk of Council



C. Johnston

MEMORANDUM

TO: Tim Baroody, City Manager
FROM: Mike Craig, Zoning Administrator
DATE: December 5, 2016 (for the December 13, 2016 meeting)
RE: Proposed Unified Development Ordinance Text Amendment– Breweries, Wineries, Distilleries

ISSUE

Shall the City Council amend the Unified Development Ordinance to define and locate different levels and types of Alcoholic Beverage Production facilities in commercial, industrial, and planned development zoning districts?

RECOMMENDATION

Approve the text amendment.

PLANNING COMMISSION PUBLIC HEARING

The Planning Commission held a public hearing on this item on November 9, 2016 at which no one spoke. However, the Zoning Administrator met with the owner / operators of Spencer Devon and Red Dragon Brewery to discuss the proposed resolution prior to the Planning Commission meeting. The group had three suggestions:

- Change the “craft” designation to “local.”
- Permit grain to be temporarily stored in a container roughly the size of a trashcan outside on a loading dock or other area shown on a site plan.
- Clarify the definition of Light Manufacturing to state that a production facility making up to 30,000 barrels annually without a designated commercial element would be permitted as an industrial use. Light Manufacturing (including “food processing”) is currently permitted by right in the I-1 and I-2 zoning districts.

The Planning Commission included the first two provisions in a recommendation for approval of the ordinance to the City Council that was approved unanimously. The third provision was not addressed by the Commission, but has been included in the draft ordinance for consideration by the City Council.

BACKGROUND

The attached proposed amendment to the UDO revises the provision for brewery, winery, and distillery uses in the City of Fredericksburg. The amendments recognize that the post-Prohibition industrial/manufacturing character of the production of beer, wine, and spirits is no longer the sole model, with the emergence of lower-volume specialized production facilities, paired with

traditional commercial character (retail sales, restaurants, events) starting in the 1990s. This new business model is appropriate and indeed desirable in many areas of the city. The amendments distinguish the new uses by (1) production volume and (2) commercial character – especially the on-premises sales or consumption of the product – and distribute these uses in the appropriate commercial zoning districts, either by-right or by special use permit. The City’s ordinances need to be updated to keep pace with changes in the marketplace.

The Fredericksburg Regional Alliance (FRA) and the City’s Economic Development staff have identified and are marketing several sites in the City’s Commercial, Industrial, and Planned Development zoning districts for different types of breweries, wineries and distillers that would require a Special Exception to operate. Also, the City’s existing definitions and use regulations do not reflect the emerging local alcohol production industries; the City’s definition of a microbrewery currently has no upper production limit or use standards associated with the use. This means that a fairly intensive use can be developed by-right adjacent to residential areas without appropriate safeguards or protections for surrounding uses.

Below is a summary of the proposed amendment to the UDO.

1. Creating the alcoholic beverage production use category.

The proposed update establishes a new Use Category in the Use Table called Alcoholic Beverage Production. The current Microbrewery/Taproom use is incorporated into this category. The Use Types within the category will be stratified by intensity. Intensity is based on commercial character and annual production. The different levels of Use Type built within this Use Category are proposed to be: microbrewery, local brewery/distillery/winery, and regional brewery/distillery/winery. Industrial alcohol production are proposed to be specifically defined in the Light and Heavy Manufacturing Use Types, that are to remain in the Manufacturing Use Category.

2. Defining and interpreting new uses within the use category.

The proposed update amends the definition of Microbrewery to establish production levels up to 10,000 barrels per year (a barrel is 31 gallons). This is in accordance with Virginia Alcoholic Beverage Control (VABC) licensing limits and establishes that the beer produced at the facility will primarily be sold or consumed on-site in an accessory commercial area.

The proposed update defines Local Brewery as a brewery producing from 10,001 to 30,000 barrels with on-premises retail sales or consumption of at least 25% of the beer produced required in an accessory commercial area. The proposed update similarly requires 25% of wine or spirits to be sold in an on-site accessory commercial area within the proposed Local Distillery and Winery but sets their production limits at 5,000 gallons in accordance with VABC licensing limits.

The proposed ordinance defines Regional Brewery as a brewery producing from 30,001 to 250,000 barrels of beer and requires an accessory commercial use, but no required amount of on-site consumption of the product. The proposed ordinance similarly defines Regional Distillery and Winery but sets their production limits from 5,001 to 36,000 gallons in accordance with VABC licensing limits.

The proposed update amends the definition of Light Manufacturing to clarify that food processing includes a *production brewery producing up to 30,000 barrels of beer annually* as an industrial use. The

proposed update amends the definition of Heavy Manufacturing to include breweries producing more than 250,000 barrels annually and wineries or distilleries producing more than 36,000 gallons annually.

The proposed update defines Barrel, Beer, Spirits, and Wine as prescribed in Code of Virginia Title 4.1, Alcohol Beverage Control Act, § 4.1-100, “Definitions.”

It also creates a new section in § 72-83 Use Classification, Categories, and Use Types to add the Alcoholic Beverage Use category and explanations and examples of each use type.

An exhibit is attached to this memo containing examples of these different types of uses in order to help illustrate each type of use.

3. Allocating and regulating the newly defined uses.

The proposed amendment allocates the micro, local, and regional into the commercial and industrial zoning districts in accordance with the following chart:

Use Category	Use Type	CT	CD	CSC	CH	I1	I2	PDC	PDMU
<i>Alcoholic Beverage Production</i>	<i>Microbrewery/taproom</i>		P	P	P	P	P	P	P
	<i>Local brewery</i>		S	S	S	S	P	S	S
	<i>Local distillery</i>		S	S	S	S	P	S	S
	<i>Local winery</i>		S	S	S	S	P	S	S
	<i>Regional brewery</i>						S	S	
	<i>Regional winery</i>						S	S	
	<i>Regional distillery</i>						S	S	
	<i>Light Manufacturing</i>					P	P		
	<i>Heavy Manufacturing</i>						S		

The proposed amendment assigns use standards to the micro, local, and regional level uses. Microbreweries are proposed to comply with the following standards:

- (1) A copy of the current Virginia ABC license shall kept on file with the Zoning Administrator.
- (2) No outdoor storage is permitted, however, a brewery may temporarily store grain in a container in a cubic foot area in accordance with the following:
 - a) The storage shall be approved on a minor site plan.
 - b) The storage shall not be between the building and any public right-of-way.
 - c) The storage area shall be collocated with a loading dock where applicable.
- (3) No outdoor events are permitted on the premises without an approved minor site plan, which shall show the event date, time and location; frequency; improvements; outdoor amplification systems; food trucks; and maximum occupancy, in addition to other information required for an evaluation of the minor site plan.

Local level uses are proposed to comply with the following standards:

- (1) A copy of the current Virginia ABC license shall kept on file with the Zoning Administrator.

- (2) No outdoor storage is permitted, however, a brewery may temporarily store grain in a container in a cubic foot area in accordance with the following:
 - a) The storage shall be approved on a minor site plan.
 - b) The storage shall not be between the building and any public right-of-way.
 - c) The storage area shall be collocated with a loading dock where applicable.
- (3) No outdoor events are permitted on site without an approved minor site plan, which shall show the event date, time and location; frequency; improvements; outdoor amplification systems; food trucks; and maximum occupancy, in addition to other information required for an evaluation of the minor site plan.
- (4) The location of any loading dock is subject to approval by City Council or the Zoning Administrator, as appropriate.
- (5) In considering a special use application, the City Council shall consider whether existing public water and sanitary sewer conveyance and treatment facilities are adequate for the proposed use.

Regional level uses are proposed to comply with the following standards:

- (1) A copy of the current Virginia ABC license shall kept on file with the Zoning Administrator.
- (2) Outdoor storage shall conform to the standards for outdoor storage as a principal use.
- (3) No outdoor events are permitted on site without an approved minor site plan, which shall show the event date, time and location; frequency; improvements; outdoor amplification systems; food trucks; and maximum occupancy, in addition to other information required for an evaluation of the minor site plan.
- (4) In considering a special use application, the City Council shall consider the proposed location of a loading dock and whether existing public water and sanitary sewer conveyance and treatment facilities are adequate for the proposed use.

CONCLUSION

The Unified Development Ordinance needs to be updated to keep pace with changes in Virginia's brewing and distilling economy. The ordinance needs to better define breweries, wineries, and distilleries and those uses should be differentiated by their production levels and commercial nature. Additional regulations are needed to ensure that the uses remain in harmony with surrounding residential, commercial, or industrial uses. The City Council should approve the proposed update to the Unified Development Ordinance attached to this memo.

ATTACHMENTS

1. Draft ordinance
2. Exhibit – Comparable Alcoholic Beverage Producers

EXHIBIT – COMPARABLE ALCOHOLIC BEVERAGE PRODUCERS

1. Triple Crossing – Downtown Richmond (Comparable: Core Caroline / Princess Anne / William Streets)

Licensing – Micro 500 – 10,000 barrels

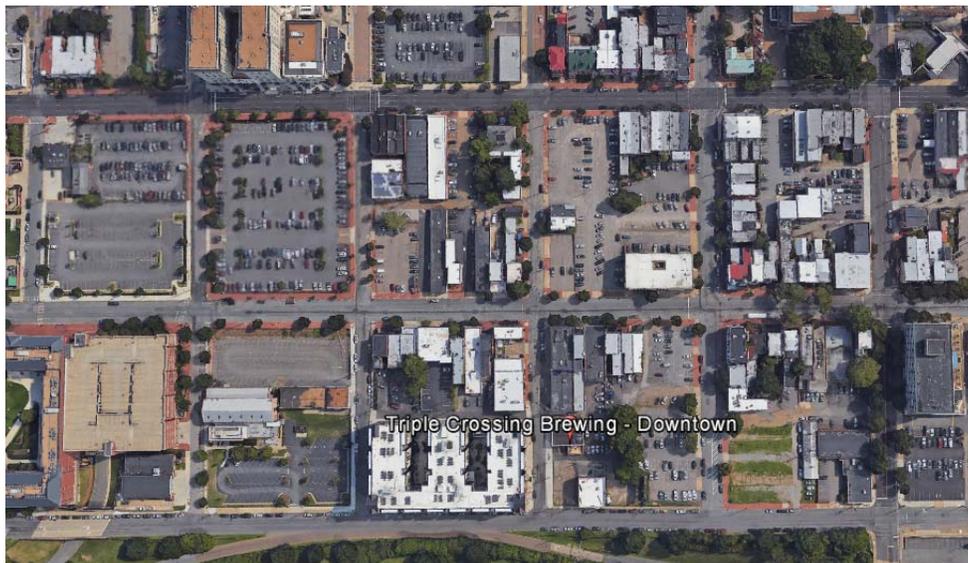
Location – Downtown Richmond

Building size – 2,700 +/- sf

Loading facilities – Yes

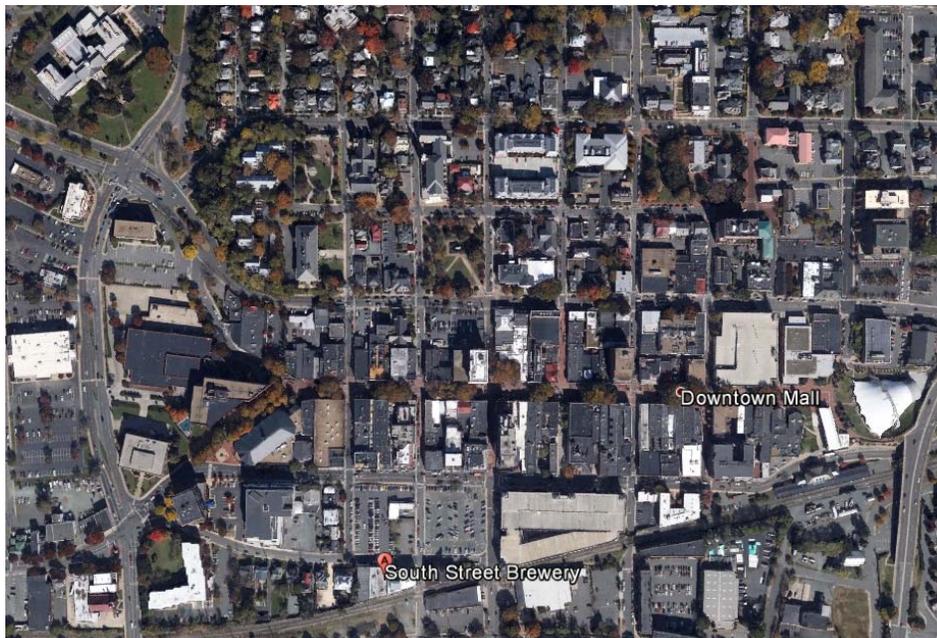
Accessory uses – Tasting room and outdoor events

Parking – 9 spaces



2. South Street Brewery – Charlottesville, Downtown Mall (Comparable: Core Caroline / Princess Anne / William Streets)

Licensing – Micro 500 – 10,000 barrels
Location – Downtown Charlottesville (Downtown Mall)
Building size – 5,000 +/- sf
Loading facilities – No
Accessory uses – Restaurant
Parking – 0 spaces



3. Champion Brewery – Charlottesville, Urban / Industrial (Comparable: Train Station / Warehouse District / Mill District and Princess Anne Street Corridor / Jeff Davis Highway Commercial Areas)

Licensing – Local 10,000 + barrels

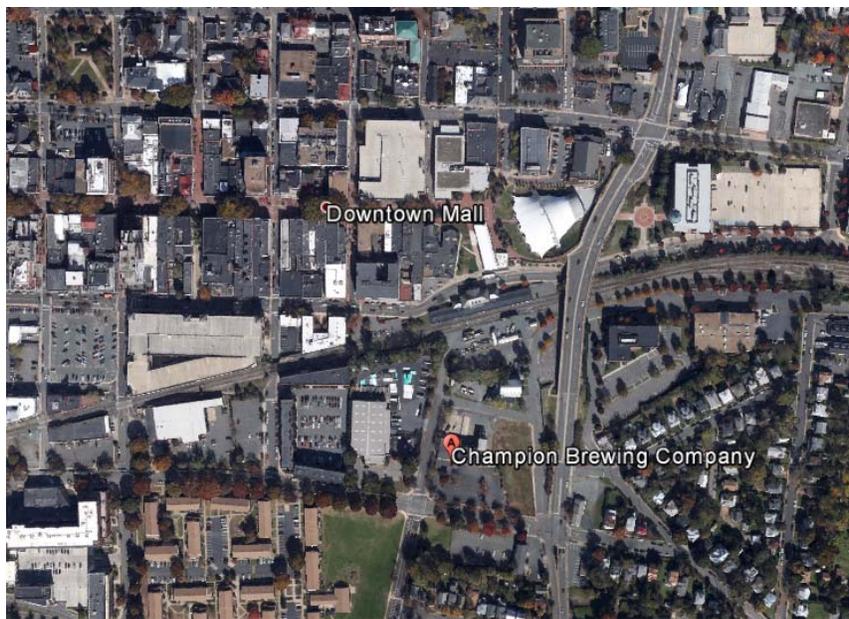
Location – Urban / Industrial Charlottesville (between neighborhoods and Downtown Mall)

Building size – 7,000 +/- sf

Loading facilities – Yes

Accessory uses – Tap room / tasting room

Parking – 50 spaces (shared)



4. Legend Brewing Company – Richmond, Urban Industrial (Comparable: Train Station / Warehouse District / Mill District / Lafayette Corridor / Belman Road)

Licensing – Local 12,000 barrels

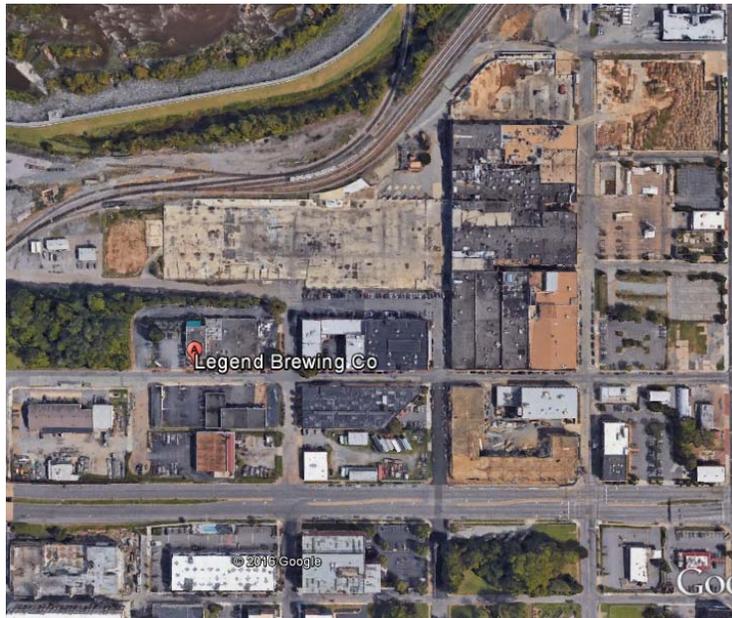
Location – Urban / Industrial Richmond

Building size – 25,000 +/- sf

Loading facilities – Yes

Accessory uses – Restaurant

Parking – 50 spaces



**5. Chesapeake Bay Distillery – Virginia Beach, Commercial District
(Comparable: Train Station / Warehouse District / Mill District and
Princess Anne Street Corridor / Jeff Davis Highway Commercial Areas)**

Licensing – Local 5,000 gallons

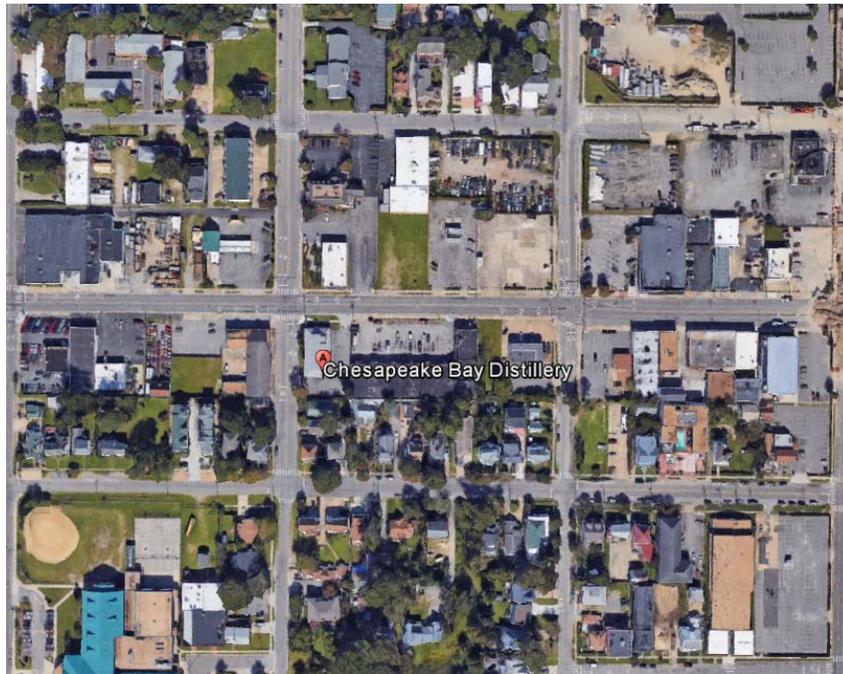
Location – Commercial District Virginia Beach

Building size – 25,000 +/- sf

Loading facilities – Yes

Accessory uses – Tours / Tasting Room / Retail Store

Parking – 20 spaces



6. Dark Corner Distillery – Greenville, South Carolina, Main Street (Comparable: Core Caroline Street)

Licensing – Unknown

Location – Main Street Greenville, South Carolina

Building size – 25,000 +/- sf

Loading facilities – No

Accessory uses – Tours / Tasting Room / Retail Store

Parking – 0 spaces



**A. Smith Bowman Distillery – Bowman Industrial Park, Spotsylvania County
(Comparable: Belman Road)**

Licensing – Heavy Manufacturing, over 36,000 gallons

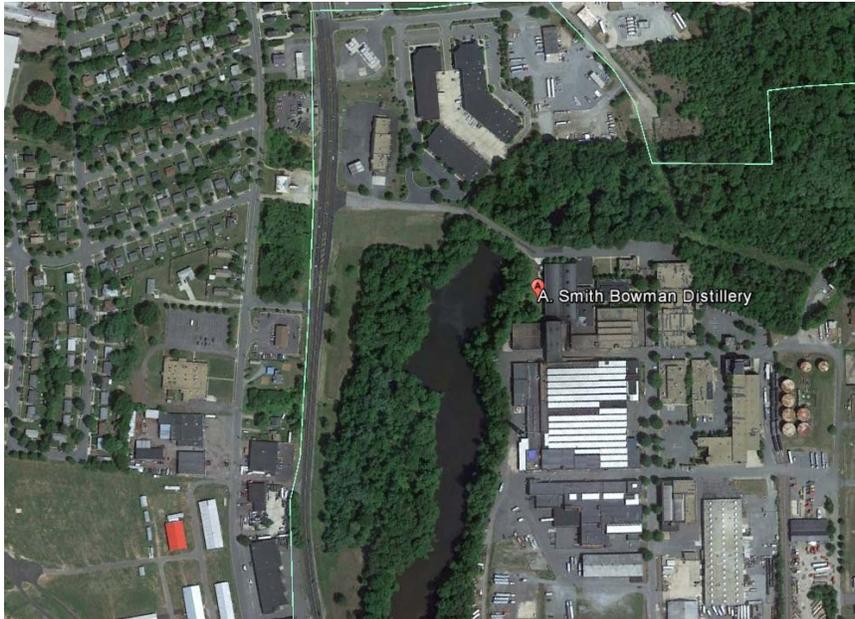
Location – Bowman Industrial Park

Building size – 30,000 +/- sf

Loading facilities – Yes

Accessory uses – Tours / Tasting Room / Retail Store

Parking – Shared





MOTION:

[date]
Regular Meeting
Ordinance No. 16-__

SECOND:

RE: AMENDING THE UNIFIED DEVELOPMENT ORDINANCE TO PROVIDE FOR BREWERIES, WINERIES, AND DISTILLERIES IN THE CITY OF FREDERICKSBURG

ACTION: APPROVED: Ayes: 0; Nays: 0

FIRST READ: _____ SECOND READ: _____

IT IS HEREBY ORDAINED by the Fredericksburg City Council that City Code Chapter 72, “Unified Development Ordinance,” is amended as follows.

I. Introduction.

The City Council adopted a resolution to initiate this text amendment at its meeting on September 27, 2016. The Planning Commission held its public hearing on the amendment on November 9, 2016, after which it voted to recommend the amendment to the City Council. The City Council held its public hearing on this amendment on December 13, 2016.

The City Council has determined that public necessity, convenience, general welfare and good zoning practice favor these amendments to the Unified Development Ordinance.

II. City Code Amendment.

1. City Code §72-4, “Use Table,” is amended as follows:

Use Category	Use Type	CT	CD	CSC	CH	I1	I2	PDC	PDMU
<i>Alcoholic Beverage Production</i>	Microbrewery/taproom	S	P	P	P	P	P	P	P
	<i>Local brewery</i>		S	S	S	S	P	S	S
	<i>Local distillery</i>		S	S	S	S	P	S	S
	<i>Local winery</i>		S	S	S	S	P	S	S
	<i>Regional brewery</i>						S	S	
	<i>Regional winery</i>						S	S	
	<i>Regional distillery</i>						S	S	

2. City Code §72-41.3, “Commercial Uses” is amended to add a new subsection “I. Local brewery, distillery, or winery,” as follows:

I Local brewery, distillery, or winery. A local brewery, distillery, or winery shall comply with the following standards:

- (1) A copy of the current Virginia ABC license shall kept on file with the Zoning Administrator.*
- (2) No outdoor storage is permitted, however, a brewery may temporarily store grain in a container in a cubic foot area in accordance with the following:*
 - a) The storage shall be approved on a minor site plan.*
 - b) The storage shall not be between the building and any public right-of-way.*
 - c) The storage area shall be collocated with a loading dock where applicable.*
- (3) No outdoor events are permitted on site without an approved minor site plan, which shall show the event date, time and location; frequency; improvements; outdoor amplification systems; food trucks; and maximum occupancy, in addition to other information required for an evaluation of the minor site plan.*
- (4) The location of any loading dock is subject to approval by City Council or the Zoning Administrator, as appropriate.*
- (5) In considering a special use application, the City Council may consider whether the establishment of the use results in the rehabilitation or re-use of an existing industrial or commercial building, and whether existing public water and sanitary sewer conveyance and treatment facilities are adequate for the proposed use.*

3. City Code §72-41.3, “Commercial Uses” is amended to add a new subsection “Q. Microbrewery” as follows:

Q. Microbrewery. A microbrewery shall comply with the following standards:

- (1) A copy of the current Virginia ABC license shall kept on file with the Zoning Administrator.*
- (2) No outdoor storage is permitted, however, a brewery may temporarily store grain in a container in a cubic foot area in accordance with the following:*
 - a) The storage shall be approved on a minor site plan.*
 - b) The storage shall not be between the building and any public right-of-way.*
 - c) The storage area shall be collocated with a loading dock where applicable.*
- (3) No outdoor events are permitted on the premises without an approved minor site plan, which shall show the event date, time and location; frequency; improvements; outdoor amplification systems; food trucks; and maximum occupancy, in addition to other information required for an evaluation of the minor site plan.*

4. City Code §72-41.3, “Commercial Uses” is amended to add a new subsection “T. Regional breweries, wineries, and distilleries,” as follows:

T. Regional breweries, wineries, and distilleries.

- (1) *A copy of the current Virginia ABC license shall kept on file with the Zoning Administrator.*
 - (2) *Outdoor storage shall conform to the standards for outdoor storage as a principal use.*
 - (3) *No outdoor events are permitted on site without an approved minor site plan, which shall show the event date, time and location; frequency; improvements; outdoor amplification systems; food trucks; and maximum occupancy, in addition to other information required for an evaluation of the minor site plan.*
 - (4) *In considering a special use application, the City Council shall consider the proposed location of a loading dock, and whether existing public water and sanitary sewer conveyance and treatment facilities are adequate for the proposed use.*
5. City Code §72-83.4, “Commercial use classification,” is amended to add the following uses in alphabetical order, and the remaining uses are re-lettered:

a. *CRAFT BREWERY/WINERY/DISTILLERY.*

Characteristics. The Commercial Alcoholic Beverage Use Category includes facilities for the production, packaging and distribution of beer, wine, and spirits. These uses are characterized as commercial uses, as opposed to the traditional manufacturing character, because the production volume is lower than that associated with a traditional manufacturing use. In addition, the production use is combined with one or more commercial uses such as eating establishment, entertainment venue, gift shop, special event facility, tap room, tasting room, tours, or similar accessory use. Finally, this use involves the offering of the product for sale or consumption on premises.

b. *MICROBREWERY.*

Characteristics. The Commercial Alcoholic Beverage Use Category includes facilities for the production of beer. These uses are characterized as commercial uses, as opposed to the traditional manufacturing character, because the production volume is lower than that associated with a traditional manufacturing use. In addition, the production use is combined with one or more commercial uses such as eating establishment, entertainment venue, gift shop, special event facility, tap room, tasting room, tours, or similar accessory use. Finally, this use is characterized by the on-premises retail sales or consumption of most of the beer produced. On-premises distribution facilities may be an accessory use.

c. *REGIONAL BREWERY/WINERY/DISTILLERY.*

Characteristics. The Commercial Alcoholic Beverage Use Category includes facilities for the production, packaging and distribution of beer, wine, and spirits. The production volume associated with the “regional” classification presents mixed commercial and manufacturing characteristics, but is still lower than a traditional manufacturing use. The

production use is combined with one or more commercial uses such as eating establishment, entertainment venue, gift shop, special event facility, tap room, tasting room, tours, or similar accessory use. This use involves the offering of the product for sale or consumption on premises; but distribution facilities for off-premises sale of the product are a characteristic of this use.

6. The definition of “Manufacturing, Heavy,” is amended as follows:

MANUFACTURING, HEAVY

Manufacturing uses include, but are not limited to: asphalt/concrete mixing and batching, manufacture or assembly of machinery, equipment, instruments, vehicles, appliances, communications equipment, computer or electronic equipment, precision items and other electrical items; the processing of food and related products; *breweries producing more than 250,000 barrels annually, wineries or distilleries producing more than 36,000 gallons*,lumber mills, pulp and paper mills, and the manufacture of other wood products; and electric power generation plants. Specifically prohibited are rendering, petroleum/asphalt refining, concrete manufacturing plants, and manufacture of chemicals, fertilizers, paint, and turpentine.

7. The definition of “Manufacturing, Light,” is amended as follows:

MANUFACTURING, LIGHT

The mechanical transformation of predominantly previously prepared materials into new products, including assembly of component parts and the creation of products for sale to the wholesale or retail markets or directly to consumers. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals, and do not emit noxious noise, smoke, vapors, fumes, dust, glare, odor, or vibration. Examples include, but are not limited to: production or repair of small machines or electronic parts and equipment; woodworking and cabinet building; publishing and lithography; computer design and development; research, development, testing facilities and laboratories; apparel production; sign making; assembly of pre-fabricated parts, manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of artificial limbs, dentures, hearing aids, and surgical instruments; manufacture, processing, and packing of food products *including a production brewery producing up to 30,000 barrels of beer annually*, cosmetics, and manufacturing of components, jewelry, clothing, trimming decorations, and any similar item.

8. The definition of “Microbrewery/Taproom,” in City Code §72-84.0, “Definitions,” is amended as follows:

MICROBREWERY/TAPROOM. ~~A facility intended for the production and packaging of beer for distribution, retail sale, or on premise consumption. The development may also include a restaurant and may also include a bar or provision of live entertainment as an accessory use.~~ *Annual production of 0 to 10,000 barrels of beer, primarily for on-premises*

retail sales or consumption. The facility includes one or more of the following accessory uses: eating establishment, entertainment venue, gift shop, special event facility, tap room, tasting room, tours, or similar accessory use.

9. City Code §72-84.0, “Definitions,” is amended to add the following definitions in alphabetical order:

BARREL. The volume of 31 gallons, used to measure the production of beer.

BEER. This term shall have the same meaning as prescribed in Code of Virginia Title 4.1, Alcohol Beverage Control Act, §4.1-100, “Definitions.”

LOCAL BREWERY. Annual production, packaging, and distribution of 10,001 to 30,000 barrels of beer, with on-premises retail sales or consumption of at least 25% of the beer produced. The facility includes one or more of the following accessory uses: eating establishment, entertainment venue, gift shop, special event facility, tap room, tasting room, tours, or similar accessory use.

LOCAL DISTILLERY. Annual production, packaging, and distribution of 0 to 5,000 gallons of distilled spirits, with on-premise retail sales and consumption of at least 25% of the spirits produced. The facility includes one or more of the following accessory uses: eating establishment, entertainment venue, gift shop, special event facility, tap room, tasting room, tours, or similar accessory use.

LOCALWINERY. Annual production, packaging and distribution of 0 to 5,000 gallons of wine, with on-premise retail sales and consumption of at least 25% of the wine produced. The facility includes one or more of the following accessory uses: eating establishment, entertainment venue, gift shop, special event facility, tap room, tasting room, tours, or similar accessory use.

REGIONAL BREWERY. Annual production, packaging, and distribution of 30,001 to 250,000 barrels of beer, with on-premises retail sales and consumption, and for distribution off-premises. The facility includes one or more of the following accessory uses: eating establishment, entertainment venue, gift shop, special event facility, tap room, tasting room, tours, or similar accessory use.

REGIONAL DISTILLERY. Annual production, packaging, and distribution of 5,001 to 36,000 gallons of distilled spirits, with on-premises retail sales and consumption and for distribution off-premises. The facility includes one or more of the following accessory uses: eating establishment, entertainment venue, gift shop, special event facility, tap room, tasting room, tours, or similar accessory use.

REGIONAL WINERY. Annual production, packaging and distribution of 5,001 to 36,000 gallons of wine, for on-premises retail sales and consumption and for distribution off-

premises. The facility includes one or more of the following accessory uses: eating establishment, entertainment venue, gift shop, special event facility, tap room, tasting room, tours, or similar accessory use.

SPIRITS. This term shall have the same meaning as prescribed in Code of Virginia Title 4.1, Alcohol Beverage Control Act, §4.1-100, "Definitions."

WINE. This term shall have the same meaning as prescribed in Code of Virginia Title 4.1, Alcohol Beverage Control Act, §4.1-100, "Definitions."

SEC. III. Effective Date.

This ordinance is effective immediately.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Approved as to form:

Kathleen Dooley, City Attorney

Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Ordinance No. 16- duly adopted at a meeting of the City Council meeting held Date, 2016 at which a quorum was present and voted.

Tonya B. Lacey, CMC
Clerk of Council

PLANNING COMMISSION MINUTES

November 9, 2016

7:30 p.m.

City of Fredericksburg
715 Princess Anne Street
Council Chambers

You may view and listen to the meeting in its entirety by going to the Planning Commission page on the City's website: fredericksburgva.gov

MEMBERS

Jim Pates – Chair
Roy Gratz - Vice-Chair
Jim Beavers, Secretary
Kenneth Gantt
Tom O'Toole
Chris Hornung
Steve Slominski

CITY STAFF

Chuck Johnston, Director
Kathleen Dooley, City Attorney
Mike Craig, Zoning Administrator
Marne Sherman, Development Admin.

1. CALL TO ORDER

Mr. Pates called the November 9, 2016 Planning Commission meeting to order at 7:30 p.m. Mr. Pates welcomed newly-appointed Commissioners Mr. Chris Hornung and Mr. Steven Slominski. He explained the standard meeting procedures.

2. PLEDGE of ALLEGIANCE

3. ADOPTION OF MINUTES

The October 12, 2016 Minutes – Adopted, as edited by Mr. Pates.

4. CAPITAL IMPROVEMENT PLAN (CIP) – Update – Deidre Jett, Budget Manager

Mr. Johnston began the discussion by providing some background. He said Ms. Jett had provided Commissioners with a copy of Section 15.2-2239, which is the pertinent Virginia Code section that describes the Planning Commission's role in preparing a Capital Improvement Program (Attachment A). As indicated in the first sentence of that Code section: "*A local planning commission may, and at the direction of the governing body shall, prepare and revise annually a capital improvement program based on the comprehensive plan of the locality for a period not to exceed the ensuing five years.*" He noted that the Fredericksburg City Council has not taken an action directing a specific role for the Planning

Commission but Mr. Johnston said he believes it is appropriate that the Commission provide advisory comments and particularly focusing on the nature of the Capital Improvement Program to ensure consistency with the Comprehensive Plan. He said Ms. Jett will discuss the process. He added that the City is at the beginning stages of the FY2018 budget.

Ms. Jett said she had also distributed copies of the current budget calendar and a sample sheet of Project Costs (included in Attachment A). She provided an overview of what is new with the process, the challenges being faced in the FY2018 budget process, and what to expect next, as well as project costs. She said they have changed the look of the CIP to give decision-makers a better tool, as well as to communicate with the public the City's needs and priorities. The CIP will show Cost Categories, Funding Sources as well as Operating Impacts. She said she is currently working with Department Heads, as well as the City Manager, to develop the CIP and analyze the fiscal impacts. In relation to the FY2018 budget, she said staff recognizes that there will be some challenges due to an increase in costs related to the jail, the original Walker-Grant improvements and the current compensation classification study that is being conducted, realizing that there will be some adjustments in the budget for that as well. She briefly went over the Budget Calendar and said she would be happy to change the date of April 12, 2017, for the CIP presentation to the Planning Commission. She said she intends to come back before the Planning Commission after the budget is approved by the City Council in May, 2017.

Mr. Beavers referenced the \$200,000 project cost listed [on the sample Project Cost sheet in the packet] for "Dive and Water Recovery Vehicle & Generator." He noted that the river belongs to Spotsylvania and Stafford Counties and asked whether the City really needed to do this if the counties already had this type of equipment available.

Ms. Jett said it was her understanding that Stafford County did not have this specific dive equipment that the City has, and that when a dive rescue is required, it is the City's [emergency response team] that responds. She said she believed the City serves regionally in the Hazmat [response] role and that the Dive/Rescue is done the same way.

Mr. Gantt referenced the [same] sample project sheet showing "Ambulance, Dive and Water Recovery Vehicle & Generator" and "Fire Apparatus Replacement" and asked if they would be considered fully operational in the 2020 FY Budget timeframe, and whether there are any additional operation and maintenance costs. He said he was attempting to determine what the actual life cycle is for the equipment.

Ms. Jett said that since these are replacements, there would not be additional operation and maintenance costs.

Mr. Gantt said then that the debt service costs would be outside of the regular operation and maintenance funding.

Ms. Jett said that is correct.

Mr. Gantt asked if there has ever been a situation where the City is paying debt service but the replacement item has not come into service. If so, this could mean that we have a gap where we are funding [the item] but don't have utilization yet.

Ms. Jett said they would not do that.

Mr. Pates asked Ms. Jett what she thought the role of the Planning Commission was with respect to the CIP.

Ms. Jett said the role would be that which the City Council, City Manager and the Planning Commission determined it should be. She said that her role and obligation to the Planning Commission, as outlined on the budget calendar, was to present the slate of [capital] projects that the City has planned. She said she would prefer to return to the Planning Commission prior to April 12th, but she could send the Commission the CIP sometime after it was presented in March. That way, the Commission could have about a month to review it. However, she said, the Planning Commission's role is something that would be determined with the City Manager.

Mr. Pates said that in some other localities in Virginia, the Planning Commission is very involved with the CIP. He said it was his understanding that when they discussed the CIP process last year with Mr. Whitley, the intent was that the Planning Commission would get information and be involved in the CIP process early on so that the Commission would have some idea of what [the City Manager's] plans were and what would be the budget implications for items that were listed in the Comprehensive Plan. He said there were many projects listed in the Comprehensive Plan but that nothing was tied to them to ensure that they received funding or priority. He said he would like to see the Planning Commission take a more active role in the CIP this year and in the future.

Mr. Johnston said that as Ms. Jett said, and as he had indicated earlier in the discussion, the role of the Planning Commission in this community is perceived to be advisory and that once the City Manager has prepared his budget, it is considered appropriate that it be reviewed by the Planning Commission at that point in time so the Commission could make recommendations of consistency with the Comprehensive Plan.

Mr. Gantt reminded everyone that he was not serving on the Planning Commission this past spring for the FY2017 budget presentation/review and

asked where the resourcing link happens between the Comp Plan and the budget.

Mr. Pates said that was a good question and one that he was trying to get at. He asked Ms. Jett if she has some ideas along those lines.

Ms. Jett noted that she was relatively new and that we have a new City Manager. She said they want the process to be as useful as possible, as well as being cognizant of what the City can afford, what we are willing to raise taxes for, and what we willing to issue debt for. She said she will take some of the comments she has heard this evening, such as how this fits in with the Comprehensive Plan, and incorporate that into a category into the CIP layout so that it is more easily recognized.

Mr. Hornung said his understanding of CIPs was that a vast majority of what is listed in them is not specifically called out in the Comprehensive Plan, and perhaps the Commission could develop an implementation plan of its own by making a list of those items that we would like to have included [in the CIP]. He said it was an opportunity for the Planning Commission to be proactive to make recommendations of items it believes should be added.

Mr. Pates agreed and suggested that the CIP item be put back on the Commission's agenda for the December meeting, and for everyone to try to think about this to see whether there is something more that the Commission would like to do.

Mr. Johnston said those who were serving on the Planning Commission when the City went through the Comprehensive Plan process would remember that the City's senior planner, Mr. Nelson, had developed an Implementation Strategy/Action Plan as part of the Comprehensive Plan, and that he would forward a copy of that document to Commissioners. He said this could be the starting point for discussion at the next meeting.

Mr. Pates thanked Ms. Jett for her update to Commissioners and then moved on to the Public Hearing.

PUBLIC HEARING

5. The City of Fredericksburg proposes to amend Unified Development Ordinance, Articles 72-4, "Use Standards," and 72-8, "Definitions and Interpretations," to permit the manufacture of beer, wine, and spirits, either by right or by special use permit, in the commercial, planned commercial, planned mixed use, and industrial zoning districts. The uses are classified and regulated on the basis of production volume and the incorporation of commercial activities like restaurants or events venues.

Mr. Craig presented the staff report and a detailed PowerPoint presentation. The PowerPoint presentation is attached as **ATTACHMENT B**.

He said microbreweries were not proposed originally to have any change to where they are permitted. They are currently in the CD, CSC, CH, I1, I2, PDC and PDMU zoning districts. However, the City Council, during discussion of this amendment, suggested discussion of including Microbrewery/taproom as a Special Use Permit use in CT. Red Dragon is an example of this use in CT. They had to get a special use permit for the alcohol sales on site. He also noted that a local brewer's focus group had met and requested to change the term "craft" to "local" [for breweries and wineries] because it means something different to the Brewers Association. Another suggestion was to change a use standard to allow for a small level of outdoor storage for grain in a container for a couple of days, as long it is shown on a site plan.

Mr. Hornung asked whether, under the current zoning ordinance, regional breweries would be allowed as light manufacturing or heavy manufacturing uses?

Mr. Craig said it is undefined and that he does not know.

Mr. Hornung asked that with respect to the breakpoint between microbreweries and craft breweries: (1) Who monitors the reporting of that consumption level? and (2) You hope your business operation is successful and there is a situation where a microbrewery might sell more than they thought they would because they are successful or perhaps they are in a position where they are selling more off-site than on-site. Is it staff's thought at that point that under the new ordinance, it would trigger the business having to come in for a special use permit if they intended to stay at their current facility, or is there some other consideration?

Mr. Craig said the intent of that section is to permit commercial facilities in our commercial districts and the point of those facilities is to have commercial traffic. Up to 10,000 barrels is the business model. He said the way it is structured now, if someone were to continue to expand, they could then obtain the special use permit. The check on production is a [Alcoholic Beverage Control Board] license. He said they have to turn in a license and the license is 500 to 10,000 barrels; or 10,000 and up. They have to submit this every year, so the City will know generally.

Mr. O'Toole said staff had mentioned no outside storage is permitted, but then said that they would like to allow some grain storage outside. He asked the size of the grain storage container.

Mr. Craig said it is roughly the size of a trash can.

Mr. O'Toole asked if they would be required to screen it, or if it something that is permitted.

Mr. Craig said that is up for debate. He said in talking with some of the business owners, they had said that they were already doing it and no one had noticed it. So, he said, to be fair in respect to how they are currently operating and this is their need, then he believes that in talking it through with the Planning Commission that there is a solution. He said if you are talking about something the size of a trash can that is outside for a day or two, and we get it on a site plan so we know where it is to be located, he does not see a problem with it. He said that would be a change from what is currently noted in the Planning Commission's packet.

Mr. O'Toole said on the draft ordinance, page 2, paragraph T(4), it says that "*In considering a special use application, the City Council may consider the proposed location of a loading dock...*" He suggested that "may" be changed to "shall."

Mr. Craig said he agrees that changing it to "shall" would be an acceptable amendment.

Mr. O'Toole referenced the draft ordinance, page 2, paragraph I(4), which reads: "*The location of any loading dock is subject to approval by City Council or the Zoning Administrator, as appropriate.*" He asked for clarification as to what exactly that means.

Mr. Craig said that during the Special Use Permit process, [the location] would be subject to City Council approval; in those certain zoning districts where the use would be permitted by right, the location would be approved by the Zoning Administrator.

Mr. Pates confirmed that it depends on the zoning district.

Mr. Pates said he had questions about the chart [shown on page 1 of the ordinance] and allowing microbreweries in the CD zoning district by right. He said this could essentially allow one on every block in the downtown.

Mr. Craig said this is correct but that currently there is only one.

Mr. Pates said he has some problems with this. He said the only place in the City where a special use permit would be required would be in the CT zoning district.

Mr. Craig said that is correct and that is the only change from what it permitted now.

Hearing no further questions from Commissioners, Mr. Pates opened the floor for public comment.

There was no public comment.

Mr. Pates closed the public comment period for this item and asked the will of the Commission.

Mr. Beavers said he understands Mr. Pates' comment about the possibility of one microbrewery being located on every corner. But, on the other hand, he said, do we really want 50 antique stores that close at 5:00 p.m., or do we want businesses that attract people to the downtown that stay open until 10:30 or 11:00 p.m.? He said that given a choice, he would prefer businesses that are open in the evening.

Mr. Beavers made a motion to approve the Zoning Ordinance Text Amendment as presented by staff and incorporating the following amendments: (1) the language requested by Mr. O'Toole on Page 2, paragraph T(4), first sentence -- to replace the word "may" with "shall"; (2) the change to using the term "local" instead of "craft"; and (3) the allowance of storage of small containers of grain, as long as it was so noted on a site plan.

Mr. Hornung seconded the motion and said he saw this text amendment as being more protective of the downtown.

Motion carried by a vote of 7 – 0.

UNFINISHED BUSINESS/ACTION ITEMS

6. The City of Fredericksburg proposes amendments to the Unified Development Ordinance of the City Code to change fence regulations. The amendments:
 - a. provide additional flexibility for fences on corner lots and through lots;
 - b. decrease permitted fence heights from six feet to four feet in any front yard of lots zoned Commercial;
 - c. authorize the Board of Zoning Appeals to issue special exceptions from fence height regulations in any front yard (including a secondary front yard on a corner or through lot);
 - d. prohibit the use of barbed wire or razor wire except in an Industrial district; and
 - e. clarify terms, figures, measurements, and tables related to sight triangles, lot types, required yards, and building fronts on lots in all zoning districts.

Ms. Sherman presented the updates in the staff report. The public hearing for this item was held on October 12, 2016. There was no public comment at that time. Even though the public hearing had closed, one citizen who lives on a corner lot offered written public comment on October 14 and requested approval of the text amendment.

She also said the Board of Zoning Appeals (BZA) had reviewed the proposed text at a meeting on October 17, 2016. No formal action was taken, but several BZA members expressed a desire to maintain a limit of four feet in height on fences within any front yard (primary and secondary) and allow for case-by-case consideration by the BZA through a Special Exception Process.

There was additional discussion about further defining the criteria by which to evaluate a Special Exception request. Suggestions included requiring a specified setback [for the fence] per inch in fence height that was above the four-foot limitation (e.g., for every inch of height increase, the fence would be set back four inches from the property line) or mandating a certain level of transparency for fencing over the four-foot height.

Staff considered these items but determined that there are no specific criteria that would work in all cases throughout the City. There may be some lots where a solid six-foot tall fence within a front yard would be appropriate right along the property line and some cases where a taller fence would be inappropriate due to the character and pattern of the neighborhood, no matter its design. A minimal setback could create a "dead space" between the fence and the sidewalk, where a property owner might neglect maintenance of a small grass strip because it is hidden behind the taller fence. Additionally, the resulting setback may not be enough to protect the adjacent lot and maintain the overall neighborhood pattern. The concepts of transparency and setback are listed as evaluation criteria for issuance of a Special Exception. As written, the BZA will consider these elements with each unique application.

Ms. Sherman added that staff had provided fence tours that were attended by several members of the Planning Commission and two BZA members. One BZA member took a tour independently.

Ms. Sherman referenced page three of the text amendment, criteria (4). She said a BZA member suggested that this language be moved into the preamble of [the ordinance describing] when the BZA would even consider a Special Exception. Specifically, the suggested wording is to be inserted into Section 72-22.8F as the second sentence: "*Special exceptions may be granted in cases where the size, configuration, or other unusual characteristics of the lot, including existing mature vegetation or trees, requires an exception from the zoning requirements in order to provide a reasonable fenced area without creating significant harm to adjacent properties or the neighborhood.*"

Mr. Beavers commended staff for putting this highly technical ordinance together. He referenced paragraph "H. Appeals," on page three of the ordinance. He said the language is redundant because any tax payer is obviously a "person", and he suggested it be stricken from the ordinance.

Mr. Dooley said she would be happy to forward Mr. Beavers' remarks to the General Assembly, but this language was from the State Code.

Mr. Beavers said he had previously suggested that the language [in the ordinance] distinguish between privacy fences (e.g., regular six-foot solid privacy fences) versus more transparent six-foot fences, such as the one at Federal Hill, where a [transparent] view is maintained. He said staff had said at that time that they did not want to get that prescriptive; yet staff does address razor wire, barbed wire, or similar applications. He asked staff to distinguish for him the privacy fence issue.

Ms. Sherman said the razor wire and barbed wire are not only an aesthetic issue but also one of safety, particularly in residential districts. She said that although we have commercial uses that include a mix of residential uses, [transparency of fences for these lots] is also an issue of safety and aesthetics. She added that everyone has an opinion as to how transparent something should be before it is off-putting. She said staff attempts to write ordinances that are as straightforward as possible, although this issue is somewhat complex.

Mr. Slominski said that during the fence tour, it was discussed that vegetation can almost become a "wall." He asked if there is anything that can be done to regulate this, because in his opinion tall vegetation can have the same affect.

Mr. Hornung said he believes that you are heading down a slippery slope when you start regulating vegetation on private property. He said he believes, in general, that vegetation itself is a more acceptable treatment along the property line vs a solid wall fence.

Dr. Gratz pointed out that on page 5 of the ordinance, in the Fence and Wall Height table, it shows that in any zoning district; within a site triangle, the maximum height is 40." However, on page 6 of the ordinance in Figure 72-56.2, the diagram shows that the Site Triangle is 3.5 feet maximum, which is 42 inches.

Ms. Sherman thanked Dr. Gratz for catching that error and said it would be corrected.

Dr. Gratz said he is concerned about the 40 inches. He said he has a low car and pulls up to a curb he cannot see what is coming due to cars being parked along the roadways. He said he believes 24 inches would be better. Also, he said he is uncomfortable with the BZA making these decisions instead of the

Planning Commission and City Council. An additional concern, he said, was these corner lots with a secondary front yard and being allowed to build a six-foot fence when it may not be conducive for certain neighborhoods.

Ms. Sherman said that was the BZA's concern, which is why they generally felt that maintaining the four-foot height limit across the board and then allowing them to consider taller fences on a case-by-case bases was the way to go.

Dr. Gratz asked Ms. Sherman to state once again why these considerations would go to the BZA instead of the Planning Commission and ultimately City Council.

Ms. Sherman said it was because going to the BZA involved only one public hearing. She said it might be a little [too] much to require a homeowner to come before two boards/commissions; also, the expense associated with advertising two public hearings and a process which could end up being a two- to three-month process just seemed a bit excessive for a fence. She said the biggest thing is to make sure the neighbors know that these types of proposals are going before the BZA, to allow their input on these issues.

Ms. Sherman and Mr. Johnston explained that the Planning Commission would have an opportunity to comment on these cases and submit its comments to the BZA for consideration.

Mr. Pates referenced page two of the proposed ordinance, paragraph F (1). He said it seemed to him that one of the main issues on these special fence applications would be blocking the sight lines, regardless of your sight triangle for oncoming automobile traffic. He asked if staff would consider that part of "endangering the public safety" [language used in the ordinance].

Ms. Sherman said, yes, she would. She said that if the Commission believes it should be included, they could specify sight lines.

Mr. Pates said he believed it would be helpful because that is the main problem with these tall fences at corners, which is that it blocks the sight lines and ability to see oncoming traffic.

Mr. Pates said that with respect to privacy vs transparent fences, he believed the issue was a very legitimate one. He referenced condition #5 on page three of the draft ordinance. He said he wondered if it would be beneficial to have some drawings in the Code that could be used as a guide for what the City considers acceptable or what we have in mind for transparency. He said he also shared the concern expressed about the BZA granting special exceptions. He asked if currently the City Council grants all special exceptions.

Ms. Sherman said yes, the City Council currently considers all Special Exception requests.

Mr. Pates said he would support a motion to amend the ordinance to provide for the City Council to grant any special exception regarding fences.

Mr. Gantt said he would like to address the comments made by Mr. Pates and Dr. Gratz. He asked if it is not a two-fold matter where the City is trying to ensure we uphold a standard, but that we also not make the process tedious. He said he wanted to clearly understand why what the staff has presented is causing concern that something may be missed. So [why] are we wanting to extend the process beyond what has been proposed by staff?

Dr. Gratz said he does not know why this should be a special exception to the special exception rules. He said it appears to him that if we do this, then there will be other [situations] where they City will want to do the same thing. He said any special exception request should require some effort by the people who are requesting it. Are we now going to say there are other things that are considered "minor" and say they only need [to go through] one public hearing in order to move forward? He suggested that all special exceptions be kept the same and go through the Planning Commission and the City Council.

Mr. Gantt said here again, he would like to ask: Are we suggesting we do it the way Dr. Gratz and Mr. Pates are suggesting because that is the way we have always done it and should [therefore] continue doing it this way? Or are we trying to ensure that the standards are adhered to?

Dr. Gratz said of course we want to make sure the standards are adhered to, but he does not believe that holding two public hearings is that big of a deal. He added that these types of things usually have minor objections by neighbors, so they get a chance to state their objections twice instead of just once.

Mr. Pates said that, for himself, having all special exceptions go to the Council is advisable because it raises the profile of the issue and allows the public and neighborhoods more of an opportunity to weigh in on something like this. He said there is almost nothing that can get a neighborhood upset as much as fences and he believes they are important and they have a real impact on neighborhoods.

Mr. Hornung said he is in the "expediency category" on this issue. He said he would like to see the ordinance written where there is an administrative variance process that requires you meet certain criteria. He said that by the production of the proposed ordinance, staff is very well-schooled in the issue at hand. He said he understands where there could be a situation when a neighbor may disagree with a certain type of fence and he said he had suggested in the past that, if there could be an administrative variance process where an applicant met the

criteria, staff would be able to approve it administratively. He said the proposal of having it go to the BZA is a good middle ground and that he would oppose requiring it to go to the Planning Commission and City Council.

Mr. Beavers said he disagreed with Mr. Hornung. He said he personally had a situation where his neighbor wanted to put up a six-foot fence, which would have been 8 inches from his house because of the way his home is situated. He asked if we are just going to allow the administrative staff to approve these, as opposed to City Council or BZA. He said in his case, they had to go before the BZA and ARB because it was in the historic district. He said he opposes allowing the Admin staff to approve these.

Mr. Beavers made a motion to recommend approval of the ordinance by adopting the language that was suggested by Mr. Pates, that these issues go before the Planning Commission and City Council for consideration and not the BZA. He also moved to include:

- Moving paragraph (4) on page 3 of the draft ordinance to Section 72-22.8F as the second sentence;
- Correcting the drawing on page 6 of the ordinance to reflect the Sight Triangle only being allowed a maximum of 40 inches (instead of 3.5' Maximum as currently indicated); and
- Adding the language regarding "sight lines" to paragraph F.(1) on page two of the ordinance.

Dr. Gratz seconded the motion.

Motion failed by a vote of 3 – 4, with Mr. Hornung, Mr. Gantt, Mr. Slominski and Mr. O'Toole voting against the motion.

Mr. Gantt said he is fine with all the changes mentioned in the previous motion except he would remove the requirement of these applications going before the Planning Commission and City Council. He would like these applications to go before the BZA, as outlined by staff.

Mr. Gantt made a motion to recommend approval of the proposed ordinance as drafted with the following amendments:

- Moving paragraph (4) on page 3 of the draft ordinance to be inserted into Section 72-22.8F as the second sentence;
- Correcting the drawing on page 6 of the draft ordinance to reflect the Sight Triangle only being allowed a maximum of 40 inches (instead of 3.5' Maximum as currently indicated); and
- Adding the language regarding "sight lines" to paragraph F.(1) on page two of the draft ordinance.

Mr. Hornung seconded the motion.

Motion passed by a vote of 5 – 2, with Mr. Pates and Dr. Gratz voting against the motion.

GENERAL PUBLIC COMMENT

*A general public comment period is provided at each regular meeting for comments by citizens regarding any matter **related to Commission business that is not listed on the Agenda for Public Hearing.** The Chair will request that speakers observe the **three-minute time limit** and yield the floor when the Clerk indicates that their time has expired. No dialogue between speakers will be permitted.*

Mr. Pates opened the floor for General Public Comment.

There were no speakers.

Mr. Pates closed the General Public Comment period, and moved on to New Business.

NEW BUSINESS

Mr. Pates added "New Business" to the Agenda, noting that the Bylaws provide that this item is supposed to regularly come after "Old Business" and before "General Public Comment" on the Agenda.

7. Zoning Notices from Spotsylvania County. Mr. Pates said that the Planning Director had forwarded to the Commission two notices of public hearings being conducted by the Spotsylvania County Planning Commission on two zoning matters. He asked how the Commission or City staff wanted to handle these notifications.

Mr. Johnston said the notifications were required by the State Code, if applications for special use/exceptions and zoning map amendments were for property located within a certain distance of the City limits. He said that the two items listed on the most recent notice that he received were fairly minor issues that didn't have a significant impact on the City. However, he said, when he receives these notifications, he will submit them to the Commission in case they may want to provide input or voice concerns to these adjoining jurisdictions when applications could potentially have a significant impact on the City.

Dr. Gratz suggested that Commissioners may go to the Spotsylvania County website if they require additional information on upcoming hearings.

OTHER BUSINESS

8. Planning Commissioner Comments

Mr. Pates asked when the Planning Commission could expect to receive the draft Planning Commission Annual Report.

Ms. Sherman said that staff is currently working on the Annual Report and has scheduled it for submission with the December 14, 2016 Planning Commission packet.

For the benefit of the newly-appointed Commission members, Mr. Pates read Section 5-14 of the Planning Commission By-Laws, which states: *“Not later than December 1 of each year, the Commission shall make recommendations and an annual report to the Council concerning the operation of the Commission and the status of Planning within the City. The report shall include statistics on land use development during the preceding fiscal year, enforcement activities, and the implementation of recommendations set forth in the Comprehensive Plan.”*

9. Planning Director Comments

Mr. Johnston provided an update of recent City Council Action:

- Proffer Regulations – City Council asked for a work session on December 6, 2016.
- Rezoning request for the Hamptons – No action for two weeks.
- B&B at 1517 Caroline Street – Approved.

Mr. Johnston also informed Commissioners of an upcoming application that may be coming before them at their December 14 meeting regarding a special exception and special use permit request for the Hillel Jewish Center by UMW.

Mr. Johnston reminded Commissioners of two upcoming Small Area Plans (Areas 3 and 6) meetings being held in November.

ADJOURNMENT

Meeting adjourned.

James M. Pates, Chair

Code of Virginia
Title 15.2. Counties, Cities and Towns
Chapter 22. Planning, Subdivision of Land and Zoning

§ 15.2-2239. Local planning commissions to prepare and submit annually capital improvement programs to governing body or official charged with preparation of budget.

A local planning commission may, and at the direction of the governing body shall, prepare and revise annually a capital improvement program based on the comprehensive plan of the locality for a period not to exceed the ensuing five years. The commission shall submit the program annually to the governing body, or to the chief administrative officer or other official charged with preparation of the budget for the locality, at such time as it or he shall direct. The capital improvement program shall include the commission's recommendations, and estimates of cost of the facilities and life cycle costs, including any road improvement and any transportation improvement the locality chooses to include in its capital improvement plan and as provided for in the comprehensive plan, and the means of financing them, to be undertaken in the ensuing fiscal year and in a period not to exceed the next four years, as the basis of the capital budget for the locality. In the preparation of its capital budget recommendations, the commission shall consult with the chief administrative officer or other executive head of the government of the locality, the heads of departments and interested citizens and organizations and shall hold such public hearings as it deems necessary.

Localities may use value engineering for any capital project. For purposes of this section, "value engineering" has the same meaning as that in § 2.2-1133.

Code 1950, § 15-966; 1962, c. 407, § 15.1-464; 1975, c. 641; 1976, c. 650; 1996, c. 553; 1997, c. 587; 2006, c. 565; 2011, c. 658.

FY 2018 Budget Calendar

Summary	
Budget Instructions Sent to Departments	Monday, October 17, 2016
CIP Planning Discussion with Planning Commission	Wednesday, November 09, 2016
Budget Submissions due to Budget Manager	Friday, December 02, 2016
City Manager's Budget Presented to City Council	Tuesday, March 14, 2017
Budget Work Session	Tuesday, March 28, 2017
Budget Work Session	Tuesday, April 11, 2017
CIP Presentation to Planning Commission*	Wednesday, April 12, 2017
Public Hearing on Budget	Tuesday, April 18, 2017
First Reading of Budget	Tuesday, April 25, 2017
Second Reading of Budget	Tuesday, May 09, 2017
Approved CIP Presentation to Planning Commission	Wednesday, May 10, 2017
Budget Posted to Website	Friday, June 30, 2017

** Tentative date. This is the first regularly scheduled Planning Commission meeting after the CIP is presented to the City Council.*

Ambulance and Fire Apparatus

Est. Opening Date: **On-going**

PROGRAM DESCRIPTION

The City replaces ambulances and fire apparatus as part of an ongoing fleet replacement program. The City needs to replace fire apparatus as they age; the same holds true for ambulance units. In addition, the City is seeing increased call volume for EMS, and needs to add personnel and ambulance units.

The City is also replacing the dive team vehicle and associated equipment, with funding scheduled for FY 2018.

OPERATING IMPACT SUMMARY

There is a plan to add nine EMS Medics over three years for the extension of coverage to 24-7 at the Advanced Life Support level. The City has added five of the nine personnel heading into the FY 2017 budget cycle.



PROJECT COSTS

Cost Categories	Prior Year	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	Total	Future Years
Ambulance	0	0	260,000	260,000	0	0	520,000	0
Dive and Water Recovery Vehicle & Generator	0	220,000	0	0	0	0	220,000	0
Fire Apparatus Replacement	0	0	675,000	0	0	0	675,000	0
Total	\$0	\$220,000	\$935,000	\$260,000	\$0	\$0	\$1,415,000	\$0

Funding Sources	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	Total	Future Years
General Fund Transfer	0	0	220,000	260,000	0	740,000	0
Debt Issuance	0	0	0	675,000	0	675,000	0
Total	\$0	\$0	\$220,000	\$935,000	\$260,000	\$1,415,000	\$0

Operating Impacts	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	Total	Future Years
Personnel	0	0	0	0	0	0	0
Operating	0	0	0	0	0	0	0
Debt Service	0	0	0	81,163	81,163	162,326	649,303
Revenue/Savings	0	0	0	0	0	0	0
Total	\$0	\$0	\$0	\$81,163	\$81,163	\$162,326	\$649,303



UDOTA ----

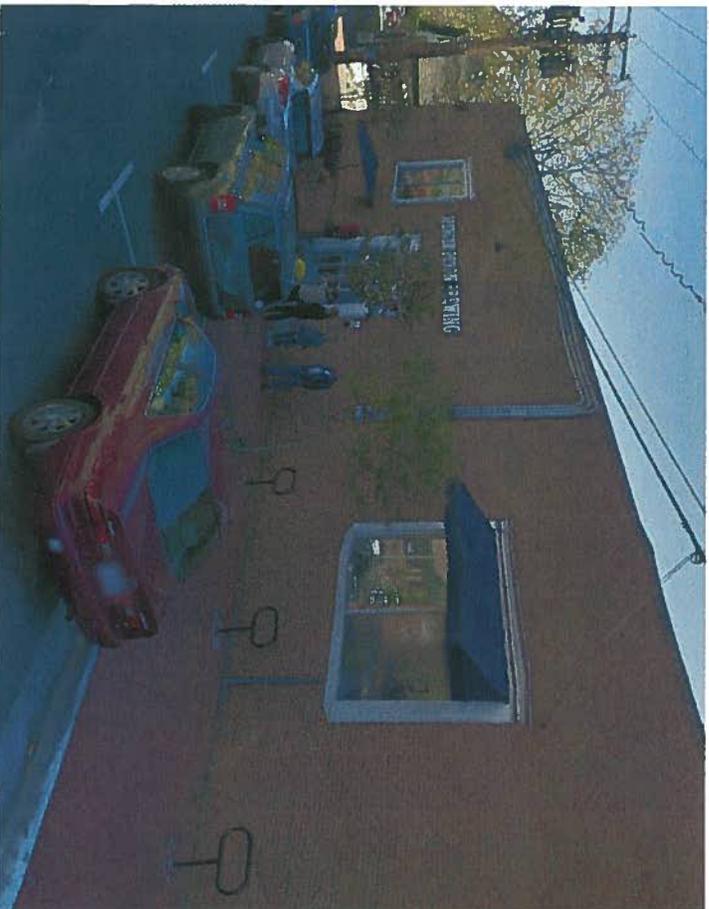
BREWERIES, WINERIES, DISTILLERIES

WHY?

- Changes in state law have affected the way breweries, wineries and distilleries operate in the state of Virginia:
 - Post-prohibition industrial/manufacturing character of the production of beer, wine and spirits is no longer the sole model.
 - Microbreweries, craft breweries, wineries, and distilleries have become more commercial in nature, with lower production volumes and a focus on on-site sales and consumption.
 - Regional breweries, wineries, and distilleries have become tourist destinations and the Fredericksburg Regional Alliance and the City's Economic Development Department are marketing sites in the heavy commercial and industrial districts for these uses.
- Changes in industry practice have evolved beyond the regulations in the City's Unified Development Ordinance:
 - Uses are best differentiated by production volume and commercial character.
 - Use standards need to be updated to ensure that the proposed alcohol producer blend into the existing urban fabric.
 - Current uses are too restrictive and too permissive!

DEFINING AND INTERPRETING NEW (AND EXISTING) USES

- Production stratified to be in accordance with Virginia Alcoholic Beverage Control licensing limits and by commercial character:
- Microbrewery is currently unlimited. Proposal is to limit at 10,000 barrels annually where beer produced on-site is primarily consumed on-site.
- Use standards are proposed with the Microbrewery use:
 - No outside storage;
 - Outdoor events require an event plan; and
 - VABC licensing needs to be on file.



DEFINING AND INTERPRETING NEW (AND EXISTING) USES

- Craft level breweries produce from 10,001 to 30,000 barrels and wineries and distilleries produce up to 5,000 gallons where 25% is consumed or sold on-site in a commercial facility.
- Distilleries are different from wineries and breweries. They are limited in the amount they may serve on-site (4 servings of 0.5 ounces for each person). The commercial components are tours and an on-site distillery store that sells the spirits for off-site consumption.
- Use standards are proposed with the Craft level uses:
 - No outside storage;
 - Outdoor events require an event plan;
 - VABC licensing needs to be on file;
 - The location of any loading dock; and
 - An analysis of existing public water and sewer conveyance and treatment.



DEFINING AND INTERPRETING NEW (AND EXISTING) USES

-Regional level breweries produce from 30,001 to 250,000 barrels and wineries and distilleries produce from 5,001 to 36,000 gallons where there is a commercial component (like a restaurant, tasting room, provision for tours, etc) but no required amount of on-site consumption.

-Use standards are proposed with the Craft level uses:

- Outdoor storage shall conform to the standards for outside storage as a principal use;
- Outdoor events require an event plan;
- VABC licensing needs to be on file;
- The location of any loading dock; and
- An analysis of existing public water and sewer conveyance and treatment.

INDUSTRIAL BREWERY
CONCEPT DEVELOPMENT

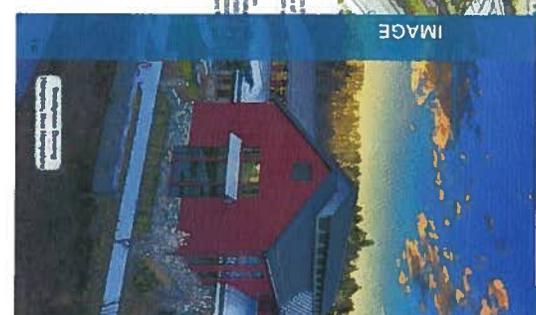


Architectural Details
This rendering depicts a large, modern industrial building with a prominent tower structure. The tower features a sign that reads "BEER". The building is surrounded by a paved area and some landscaping. The sky is blue with some clouds.



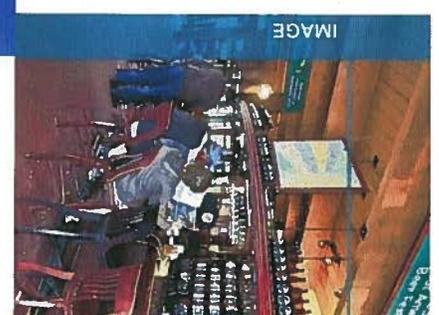
Architectural Details
This rendering depicts a large, modern industrial building with a prominent tower structure. The tower features a sign that reads "BEER". The building is surrounded by a paved area and some landscaping. The sky is blue with some clouds.

TRADITIONAL BREWERY
CONCEPT DEVELOPMENT



Architectural Details
This rendering depicts a traditional-style building with a prominent red roof and a sign that reads "BEER". The building is surrounded by a paved area and some landscaping. The sky is blue with some clouds.

CONTEXTUAL BREWERY
CONCEPT DEVELOPMENT



Architectural Details
This rendering depicts a building with a sign that reads "BEER". The building is surrounded by a paved area and some landscaping. The sky is blue with some clouds.



Architectural Details
This rendering depicts a building with a sign that reads "BEER". The building is surrounded by a paved area and some landscaping. The sky is blue with some clouds.

DEFINING AND INTERPRETING NEW (AND EXISTING) USES

-Heavy manufacturing includes breweries producing over 250,000 barrels and wineries and distilleries producing over 36,000 gallons annually.



ALLOCATING NEW (AND EXISTING) USES

- No uses permitted in Commercial – Transitional Office.
- No change to microbrewery zoning.
- Craft** level uses are an S in in other Commercial and Light Industrial zones and P in General Industrial.
- Regional level uses are an S in PD-C and General Industrial.
- Heavy Manufacturing is an S in General Industrial.

Existing Use Table:

Use Type	C-T	C-D	C-SC	C-H	I-1	I-2	PD-C	PD-MU
Microbrewery/taproom		P	P	P	P	P	P	P
Restaurant, indoor/outdoor seating	P	P	P	P	P	P	P	P
On-premise consumption of alcohol	S							
Manufacturing, light					P	P		
Manufacturing, heavy						S		

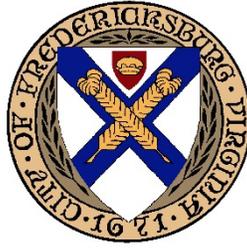
Proposed Use Table:

Use Category	Use Type	CT	CD	CSC	CH	I1	I2	PDC	PDMU
Alcoholic Beverage Production	Microbrewery/taproom		P	P	P	P	P	P	P
	Craft brewery		S	S	S	S	P	S	S
Production	Craft distillery		S	S	S	S	P	S	S
	Craft winery		S	S	S	S	P	S	S
	Regional brewery							S	S
	Regional winery							S	S
	Regional distillery							S	S
	Heavy Manufacturing						S		

LOCAL BREWERS FOCUS GROUP

Four comments on the ordinance as written ----

1. Overall positive change by the City.
2. Requested to change the name "craft" as it means something different to the Brewers Association than as defined in this ordinance. We suggest "local".
3. Consider a small level of outdoor storage for grain in a container. We suggest that a minor level of storage in a container be permitted as long as it is shown on the site plan.
4. Ensure that a production facility (no commercial accessory) between 0 and 30,000 barrels annually is permitted in the industrial districts. We suggest adding this type of facility to the definition of Light Manufacturing.



Mark Whitley

MEMORANDUM

TO: Mayor and City Council
FROM: Tim Baroody, City Manager
Mark Whitley, Assistant City Manager
RE: City Re-organization
DATE December 6, 2016

ISSUE

The City Manager is re-organizing certain positions, duties, and departments within the City of Fredericksburg's local government organization.

RECOMMENDATION

This is a transmittal for Council information, and no action is required. The FY 2018 Operating Budget will be built on the basis of these changes. There are no new positions in FY 2017 as a result of these changes.

BACKGROUND

The City Manager is the chief executive of the City of Fredericksburg, and reports directly to City Council. Many of the functions of municipal government report through the departments that report in the organization chart to the City Manager. Other functions are shared regionally, are performed by Constitutional Officers, or are governed by other boards, such as the Board of Social Services or the Fredericksburg City School Board.

The City Manager has several departments that report directly to him, or to the Assistant City Manager. There are times that external needs or conditions change, and the changing strengths of an organization sometimes need to be re-aligned to meet new challenges or provide better alignment of City human resources to current tasks and demands. In working with the department directors and others throughout the organization, we believe that this is an excellent time for such a re-alignment.

Below are the changes forthcoming effective January 2, 2017, and a brief description of the impact on each of the affected departments.

Organizational Change #1 - Assistant City Manager

The City Manager currently has nine direct reports:

- Chief of Police
- Fire Chief

- Public Works Director
- Director of Parks, Recreation, and Public Facilities
- Director of Transit
- Executive Assistant / Deputy Clerk
- Assistant City Manager
- Director of Community Planning & Building
- Director of Economic Development & Tourism

This is a mostly horizontal organizational structure that has worked well for some time. However, this organizational structure reduces time needed by the City Manager to more fully engage citizens, City stakeholders and businesses; a core responsibility.

The new proposal is the creation of a second Assistant City Manager position. The new Assistant City Manager would be responsible for direct supervision of Public Works (including Utilities), Transit, and a new Transportation Administrator (more below). Capital project oversight and management will also be consolidated under the new Assistant City Manager position. This action will consolidate the current nine reports to eight direct reports, and move reporting responsibilities of several functions to the Assistant City Manager, leaving the City Manager's direct reports as:

- Chief of Police
- Fire Chief
- Assistant City Manager (#1)
- Executive Assistant / Deputy Clerk
- Assistant City Manager (#2)
- Director of Community Planning & Building
- Director of Parks & Recreation
- Director of Economic Development.

The current and new organizational charts (focusing on the direct reports to the City Manager, and his Assistant City Managers) are attached to this memo.

[Organizational Change #2 – Public Facilities](#)

The City's Public Facilities division was formerly part of the Public Works Department before being moved and merged into the Parks & Recreation Department approximately twenty years ago. Public Facilities is staffed with an excellent and diverse skilled personnel, including building maintenance technicians, custodians, and the parking garage staff.

However, the day-to-day management of public facilities share many characteristics with public works functions, in that there is much maintenance and construction work, there is a need for twenty-four hour emergency response, and similar missions such as snow removal. This re-organization proposes to move the Public Facilities function over to the Public Works Department. This effort, over time, is meant to create a more direct chain of command on like responsibilities, build a better sense of team, and drive efficiencies in operations.

Organizational Change #3 – Public Works

The duties of the current Public Works Director will change, and now will be responsible for the oversight of all City Public Facilities. In order to maintain this organization without adding any positions, the new Public Works Director will not have an Assistant Director until one can be added through an upcoming budget process. Recruitment for this Director position will be internal and occur immediately.

Organizational Change #4 – Transportation Administrator

The City of Fredericksburg currently has transportation planning done by the Deputy Director of Planning in the Community Planning and Building Department. The person in this position currently serves as one of two City representatives on the FAMPO Technical Committee, and fills out City grant applications for transportation.

This re-organization will expand upon this role for the incumbent, and move that position out from the Planning and Building Services Department. The purpose is to improve the coordination with regional and state transportation authorities and improve the City's ability to compete for transportation grant projects across the variety of federal and state transportation grant programs. This position would become a direct report of the new Assistant City Manager position and would work closely with both Public Works, Economic Development, Planning, Budget, and others to more proactively identify, obtain funding, and execute beneficial transportation projects throughout the region. This position would also be charged with planning for and improving City gateways and wayfinding signage systems.

Organizational Change #5 – Special Events

Special Events will be administered by Parks & Recreation. The City currently has a part-time position in Economic Development and Tourism that assists event organizers with the Special Event process. There is a team of employees from several different departments that reviews special event applications to ensure public safety is protected and that events are well-planned and executed.

The re-organization maintains the committee, but the function will be led by Parks & Recreation, in cooperation with Economic Development and Tourism. The part-time position in Economic Development and Tourism will be re-assigned to Parks & Recreation. The Parks & Recreation Department will continue its focus on supporting existing events, in cooperation with Economic Development and Tourism, and moving forward will have a stronger focus on the attraction of new events. These events are meant to live region wide goals for increasing economic development activities, while enhancing a sense of pride in our community.

Other Changes

The re-organization and the new reporting relationships will involve the physical moving of several offices. This process will take several months, and may begin in earnest upon the move of the Fredericksburg City School offices out of the Executive Plaza building to the renovated Original Walker-Grant School.

The City Manager's Office and the Public Works and Parks & Recreation Department are actively considering the future departmental home of the Parks Maintenance team. A final recommendation on this change has been deferred for several months to see if the other changes in Parks & Recreation and Public Works might impact the function of Parks Maintenance.

Other Impacts

The re-organization plan will not involve the creation of any new positions near term. However, staff notes that the removal and re-assignment of various positions and duties will create some situations where duties that are assigned to existing personnel will be re-assigned to other personnel. Council may, in future budget cycles, authorize staff to hire additional personnel to fill positions that will become vacated as a result of the re-organization – either as they are currently constituted or as they might be re-constituted after examining the remaining duties that will be spread through existing Departments.

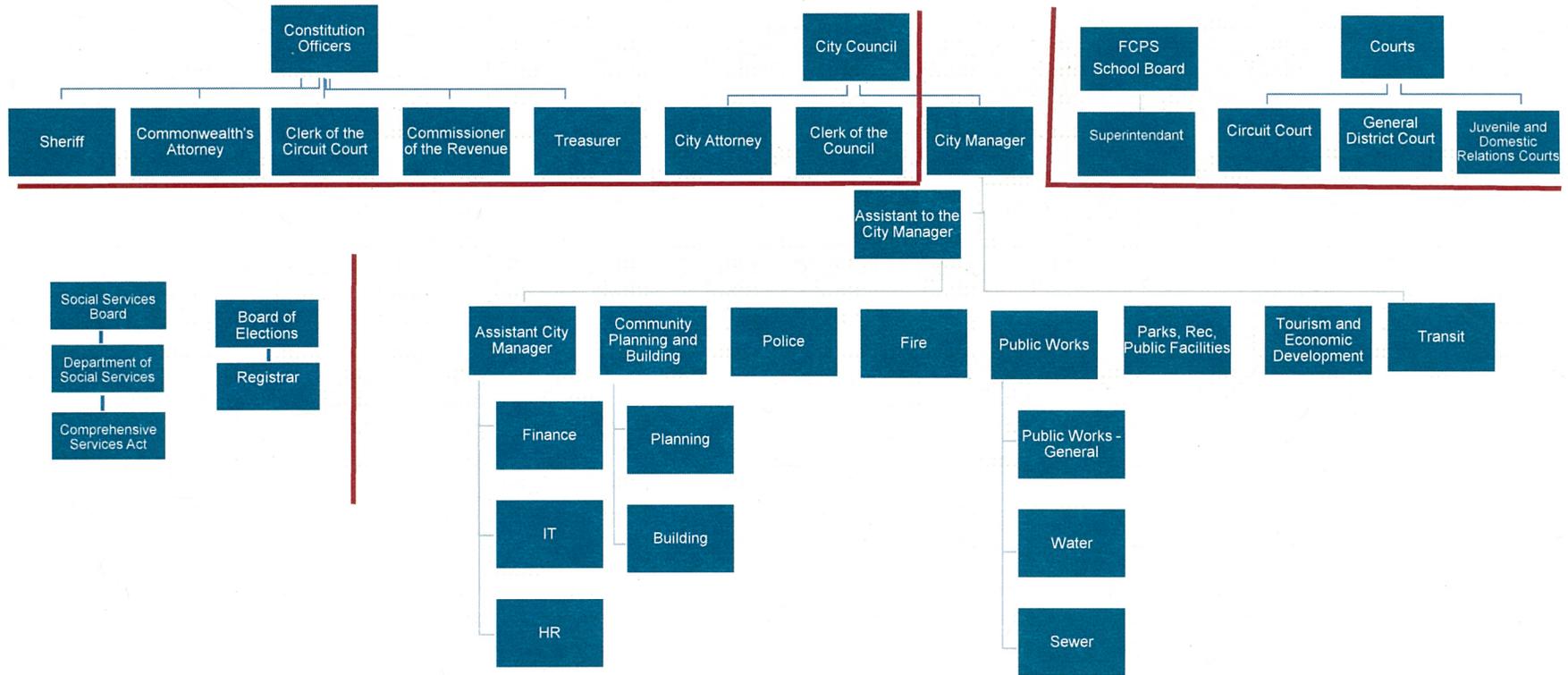
FISCAL IMPACT

As the re-organization plan does not involve any funding for new positions, the potential costs are relatively minor. City Council may be asked to approve a budget amendment at a future meeting, which will largely consist of transfers between divisions, or be asked to fund potential costs in coming FYs.

Attachments: Re-organization Slides

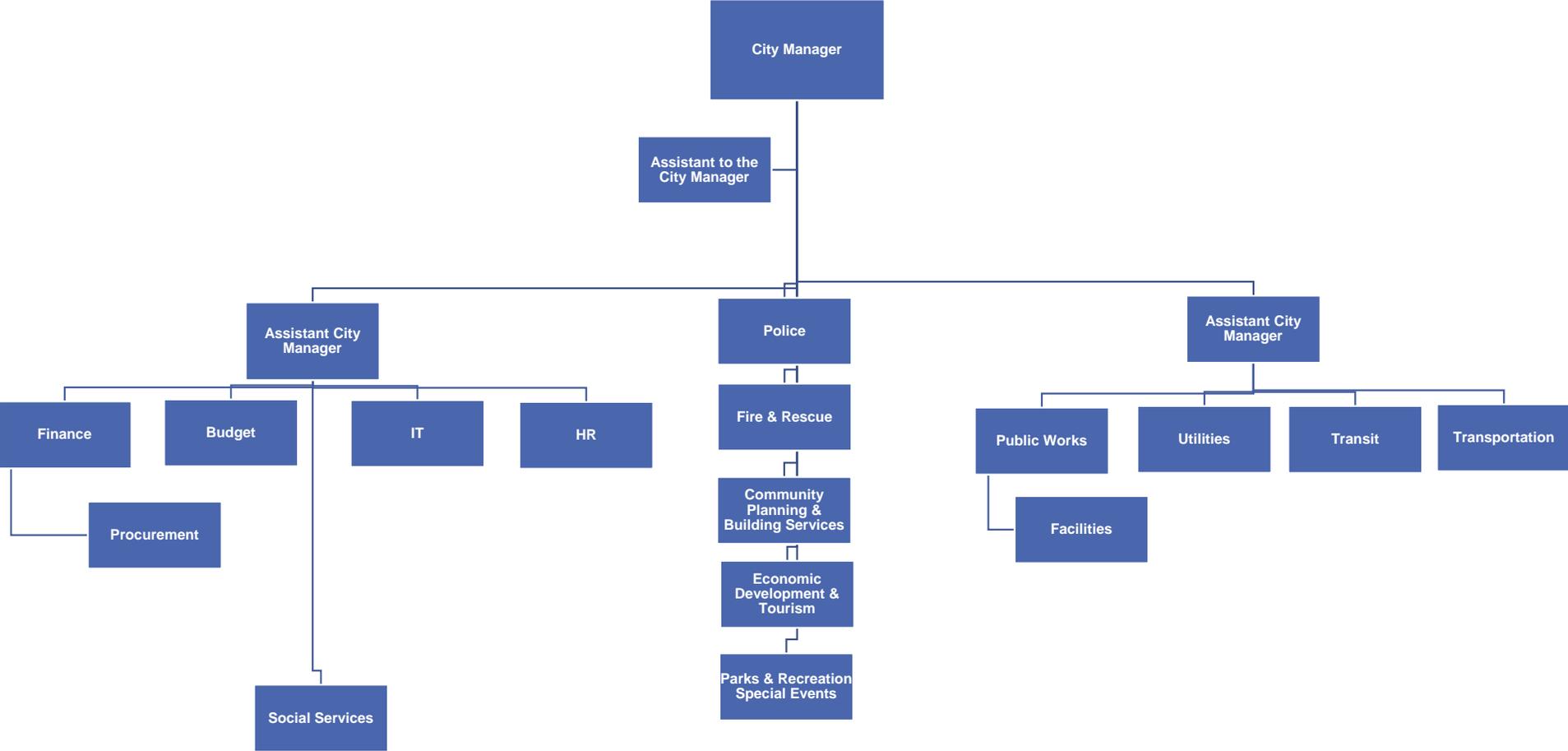


City of Fredericksburg



June 2016

**Current Reorganization Plan
December 2016**





MEMORANDUM

TO: City Council

FROM: Kathleen Dooley, City Attorney *Kathleen Dooley*
Tonya Lacey, Clerk of Council *TL*

DATE: December 7, 2016

RE: Resolution format updated

The Clerk and the City Attorney worked together to update the format for City Council resolutions. Robert Eckstrom and Susanna Finn provided support for this review. The update removes archaic language and modernizes the text font for easy reading in print and on computer screens. The language and format of resolutions, like contract language, should be clear. But traditional language and formats stray from clarity in many different ways.¹ The attached resolution template illustrates the new look for resolutions.

The use of “whereas” in resolution recitals, for example, is archaic, and detracts from the clarity of the resolution. The resolution recitals, which are the paragraphs that follow the word, “whereas,” serve a story-telling function. They provide the background and establish the historic record for the action that follows. The recitals call for simple narrative prose.² The word “whereas,” signifies “in view of the fact that; seeing that.” But it obviously is not standard in modern usage.

Recitals should be complete sentences, rather than clauses ending in semicolons. There is no need to string a series of recitals together with a semicolon and the word “and.” There is no legal requirement to use this word or format. Each recital may have more than one sentence. Simple narrative prose is best.

You will see that the action clause is also modernized, but it still contains all of the necessary elements. The word “therefore” ties the action clause to the recitals, and the word “hereby” is appropriate in this context.³

¹ A Manual of Style for Contract Drafting, Kenneth A. Adams, ABA, 3rd Edition, Chapter 1, “The Characteristics of Optimal Contract Language,” and Chapter 20, “Drafting Corporate Resolutions.” (“Ken Adams.”)

² Ken Adams §2.127 and following.

³ Ken Adams §20.29: “Just as it’s appropriate to use *hereby* in language of performance in contracts, it’s also appropriate to use *hereby* in performative resolutions. . . . the word *hereby* serves to make it clear that it’s through the resolution that the officers derive their authority.

Finally, you'll also see changes in typography -- the "look" of the resolution. Typography is the visual component of the written word. It is for the benefit of the reader; good typography rewards the reader's attention, a valuable resource.⁴ The new format substitutes the Garamond font for the old Times New Roman. Garamond, a serif font bundled with many Microsoft products, is optimized for on-screen reading. The 12 point font and line spacing were also selected for the purpose of making the document easy to read.

The City seal still appears at the top of the resolution. The "1671" seal is carried forward from the current format.

The Clerk and Deputy Clerk of Council have had to spend many hours in the past, reformatting resolutions for the Council packet. We are hopeful that this new template will assist City personnel in preparing resolutions that will be ready to up-load. We propose to implement this new format in January 2017.

No formal action of City Council is requested. However, Council comments and suggestions on how to improve the readability and clarity of resolutions are always welcome.

⁴ Typography for Lawyers, by Matthew Butterick, Jones McClure Publishing, 2010, Chapter 1.



MOTION:

Date

SECOND:

Regular Meeting

Resolution 1x-__

RE: Establishing the City Council Resolution Template

ACTION: APPROVED: Ayes:0; Nays: 0

Good typography, modern formatting, and the use of standard English are important for the benefit of the reader of City Council meeting materials. The use of typography and formatting common during the era of the typewriter is counter-productive in the era of the word processor.

This template uses the Garamond font, a serif font bundled with many Microsoft products. The 12 point size for resolution text, with line spacing of exactly 18 points and justified text alignment, enhances readability. The paragraphs are separated by an additional line, but the first line is not indented. Use one space after a period. Do not use all caps for the resolution title.

Using the term “whereas” in recitals is archaic, as is using the phrase, “now, therefore, it is hereby resolved;” but the use of the word “hereby” is appropriate in performative resolutions, because it makes clear that it is through the adoption of the resolution that the act is performed.

Ending each recital paragraph with a semicolon and the word “and” creates one long run-on sentence, which is not standard English.

Therefore, the City Council hereby resolves that:

- this shall be the standard format for resolutions;
- a line shall separate each separate resolution clause.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Clerk's Certificate

I certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Resolution No. 1x-__, adopted at a meeting of the City Council held Date, 201x, at which a quorum was present and voted.

Tonya B. Lacey, CMC
Clerk of Council



MEMORANDUM

E. Nelson

TO: Timothy J. Baroody, City Manager
FROM: Erik F. Nelson, Senior Planner
DATE: December 6, 2016
SUBJECT: Resolution of Support for including the City as part of the Potomac Heritage National Scenic Trail

ISSUE

The City of Fredericksburg has the opportunity to become part of the Potomac Heritage National Scenic Trail, which is a network of pathways that celebrate the natural and cultural lands and waterways between the Chesapeake Bay and the Allegheny Highlands.

RECOMMENDATION

That the City Council adopt the attached resolution that authorizes the Mayor and City Manager to execute a Memorandum of Understanding (MOU) that includes the City of Fredericksburg in the Potomac Heritage National Scenic Trail network, which comprises a growing aspect of heritage tourism.

BACKGROUND

The Potomac Heritage National Scenic Trail initially celebrated George Washington's vision to link the Potomac and Ohio Rivers with canals as a means to strengthen the east-west connections of the new nation. Over the years, the trail concept has expanded in scope to include additional areas around the Chesapeake Bay, with connections to the first president. National sites include Great Falls, Harpers Ferry, the Great Allegheny Passage, and the George Washington Birthplace. Nearby private sites include Mount Vernon and Ferry Farm. Inclusion of the City will add our own downtown sites maintained by Washington Heritage Museums and the George Washington Foundation.

As seen on the map within the MOU document, the trail within the City follows Amelia and William Streets, which already have sharrows designating a shared roadway for bicycles. It then follows Washington Avenue as the link between those two streets and the Rappahannock Canal and Rappahannock River Heritage Trails. Both the Falmouth and Chatham bridges are used to cross the Trail over the Rappahannock River and there is active planning underway to provide enhanced pedestrian facilities on those structures.

The concept of the national trail is to combine outdoor recreation with educational opportunities. A series of partners (federal, state, and local) create and maintain opportunities for recreation, education, health and fitness, and heritage tourism. This coordinated network invites users to

explore a great variety of trail experiences and also provides a process for partners to develop new experiences. Participation also includes authorization to use the Trail logo, which provides the visual framework for the overall system. Continued regional coordination will be accomplished through the Fredericksburg Area Metropolitan Planning Organization (FAMPO).

Consistency with the Comprehensive Plan

Participation in the Potomac Heritage National Scenic Trail partnership furthers adopted Comprehensive Plan goals to promote the historic downtown environment, to recognize and celebrate the community's historic character, and to promote heritage tourism.

FISCAL IMPACT

The City has no financial obligations, but is encouraged to develop and place appropriate signs, using the authorized Potomac Heritage National Scenic Trail logo. Some limited federal funding is sometimes available for signs, but not with any consistency.

Attachments:

- Resolution
- Memorandum of Understanding
- Potomac Heritage National Scenic Trail route marking and graphic guide
- Two maps of the overall Potomac Heritage National Scenic Trail system



**December 13, 2016
Regular Meeting
Resolution No. 16-**

MOTION:

SECOND:

RE: SUPPORTING THE INCLUSION OF THE CITY AS PART OF THE POTOMAC HERITAGE NATIONAL SCENIC TRAIL

ACTION: APPROVED: Ayes: Nays:

WHEREAS, the City Council of the City of Fredericksburg does recognize its native son George Washington and actively promotes a related heritage tourism that is regional in scope; and

WHEREAS, the City of Fredericksburg desires to join Stafford and King George Counties, the Dahlgren Railroad Heritage Trail, the Northern Neck Tourism Commission, the George Washington Regional Commission, and the Fredericksburg and Spotsylvania National Military Park as part of the Potomac Heritage National Scenic Trail; and

WHEREAS, the City staff has worked with the Fredericksburg Area Metropolitan Planning Organization (FAMPO) to designate trail routes through the City, with links to Stafford and King George Counties,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fredericksburg, Virginia does hereby support the City’s participation in the regional heritage tourism project that is the Potomac Heritage National Scenic Trail.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Fredericksburg, Virginia does hereby authorize the Mayor and the City Manager to enter into a Memorandum of Understanding that formally includes Fredericksburg as part of the Potomac Heritage National Scenic Trail.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Clerk’s Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Resolution No. 16- duly adopted at a meeting of the City Council held December 13, 2016 at which a quorum was present and voted.

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

Memorandum of Understanding
among
the Stafford County Board of Supervisors;
the King George County Board of Supervisors;
the City of Fredericksburg City Manager;
the City of Fredericksburg Mayor;
the Dahlgren Railroad Heritage Trail
the George Washington Regional Commission;
the Northern Neck Tourism Commission;
and, within the National Park Service, U.S. Department of the Interior:
Fredericksburg-Spotsylvania National Military Park; and
the Potomac Heritage National Scenic Trail Office.

This Memorandum is entered into by and among the agencies and organizations (or “cooperators”) that plan for, manage segments of, and promote the experience of trails within Stafford County, King George County and the City of Fredericksburg, Virginia, as segments of the Potomac Heritage National Scenic Trail.

ARTICLE I – BACKGROUND AND OBJECTIVE

The National Trail System (NTS) was established through enactment of the *National Trail System Act of 1968* (82 Stat. 919, Public Law 90-543) (the Act). The legislation also authorized “feasibility studies” for additional components of the National Trails System, including the Potomac Heritage Trail; such a study was completed in 1974 by the Bureau of Outdoor Recreation. A 1983 amendment to the *Act* (77 Stat. 43, Public Law 90-543) designated the Potomac Heritage National Scenic Trail (“PHT” or the “Trail”) as a component of the National Trails System, recognized a corridor for the Trail, and assigned administration of the Federal interest in the Trail to the Secretary of the Interior, whose role is delegated to the National Park Service (NPS).

Today, the evolving Trail network is an enterprise of many partners, including government agencies at all levels, individual volunteers, non-profit organizations and commercial interests. Partnerships are the heart of the Trail concept, creating a locally-managed, non-motorized trail network for outdoor recreation, education, transportation, health and heritage tourism. The growing network increasingly provides opportunities for exploration between the mouth of the Potomac River and the Allegheny Highlands, a corridor embracing portions of five physiographic provinces. Modes of travel vary by Trail segment, including hiking, bicycling, paddling, horseback riding, and cross-country skiing.

The purpose of this Memorandum is to:

- recognize planned and existing routes within Stafford County, King George County and the City of Fredericksburg (see maps, Attachments A, B, C and D)
- authorize use of the official Trail marker (logo) by the signatory agencies; and
- establish a formal foundation for coordination to develop planned Trail segments, conserve Trail-related resources and promote Trail-related experiences.

ARTICLE II - AUTHORITY

Section 5.(a)(11) of the National Trails System Act of 1968, as amended in 1983 and codified at 16 U.S.C. § 1244 (a) (11), designating a general alignment for the Potomac Heritage National Scenic Trail; Section 7.(e) of the same Act, codified at 16 U.S.C. 1246, authorizing the Secretary of the Interior to “enter into such agreements with landowners, States, local governments, private organizations, and individuals for the use of lands for trail purposes...”.

ARTICLE III – STATEMENT OF WORK

A. The NPS will:

1. recognize existing and planned PHT routes within Stafford County, King George County and the City of Fredericksburg as segments of the PHT network on the NPS Trail brochure, website and other media related to the PHT network;
2. provide opportunities for coordination between staff of the signatories to this Memorandum and other Trail network stakeholders;
3. provide Trail markers and digital files of the Trail marker in various formats to staff of agencies and organizations that manage segments of the Trail;
4. recognize the status of routes in Stafford County, King George County and the City of Fredericksburg in NPS reports; and
5. execute, in support of specific projects when deemed to be of mutual advantage, cooperative agreements and sub-agreements between NPS and the agencies and organizations that manage segments of the Trail.

B. Cooperators will:

1. consider guidelines to mark the route, based on *Potomac Heritage National Scenic Trail: route marking & graphic identity* (2015), available at <http://www.nps.gov/pohe/learn/management/index.htm>;
2. recognize existing and planned PHT routes within Stafford County, King George County and the City of Fredericksburg in plans and publications and on websites and other media as determined through mutual agreement; and
3. explore connections to other non-motorized outdoor recreation opportunities in the region.
4. be responsible for the maintenance of PHT routes within their jurisdiction.

C. All will:

1. maintain a point of contact for Trail-related business;
2. review annually the status of existing and planned PHT routes in Stafford County, King George County and the City of Fredericksburg and seek opportunities to establish and maintain a continuous PHT route or routes for non-motorized travel;
3. share geographic information system (GIS) data when deemed to be of mutual interest; and
4. consider opportunities to conserve trail-related resources and to promote, to residents and visitors, experiences associated with PHT segments.

ARTICLE IV – EXPENDITURE OF FUNDS

Any activities agreed to by any party to this agreement are subject to available funding and nothing in this agreement shall be construed to obligate any party to expend any funds in excess of appropriations authorized by law.

ARTICLE V – TERM OF MEMORANDUM

This Memorandum will be effective for a period of five years from the date of final signature, unless terminated earlier by one of the parties pursuant to Article VII below.

ARTICLE VI – LETTERS OF SUPPORT

Additional parties may choose to demonstrate commitments to the development and management of the Trail network through letters of support.

ARTICLE VII – KEY OFFICIALS

All communications and notices regarding this Memorandum will be directed to the following key officials:

For the Stafford County Board of Supervisors:

Douglas Barnes, Interim Stafford County Administrator
1300 Courthouse Road
Stafford, VA 22554
(540) 658-8670
dbarnes@staffordcountyva.gov

For the King George County Board of Supervisors:

Travis Quesenberry, King George County Administrator
10459 Courthouse Drive Suite 200
King George, VA 22485
(540) 775-9181
tquesenberry@co.kinggeorge.state.va.us

For the City of Fredericksburg City Manager:

Timothy Baroody
P.O. Box 7447
Fredericksburg, VA 22404
(540) 372-1010
tjbaroody@fredericksburgva.gov

For the City of Fredericksburg Mayor:

Mary Katherine Greenlaw
P.O. Box 7447
Fredericksburg, VA 22404
(540) 372-1022
mkgreenlaw@fredericksburgva.gov

For the Dahlgren Railroad Heritage Trail:

David Brickley, Owner
5000 Liberty Woods Lane
Woodbridge, VA 22193
(703) 628-5007
911trail@comcast.net

For the George Washington Regional Commission:

Nicholas Quint, Senior Regional Planner
406 Princess Anne Street
Fredericksburg, VA 22401
(540) 373-2890
quint@gwregion.org

For the Northern Neck Tourism Commission:

Lisa Hull, Executive Director
Post Office Box 1600
Warsaw, VA 22572
(804) 333-1919
lhull@nnpdc17.state.va.us

For Fredericksburg and Spotsylvania National Military Park:

Kirsten Talken-Spaulding, Superintendent
120 Chatham Lane
Fredericksburg, VA 22405
(540) 654-5121
kirsten_talken-spaulding@nps.gov

For the Potomac Heritage National Scenic Trail Office, National Park Service:

Donald E. Briggs, Superintendent
Post Office Box B
Harpers Ferry, WV 25425
(304) 535-4016
don_briggs@nps.gov

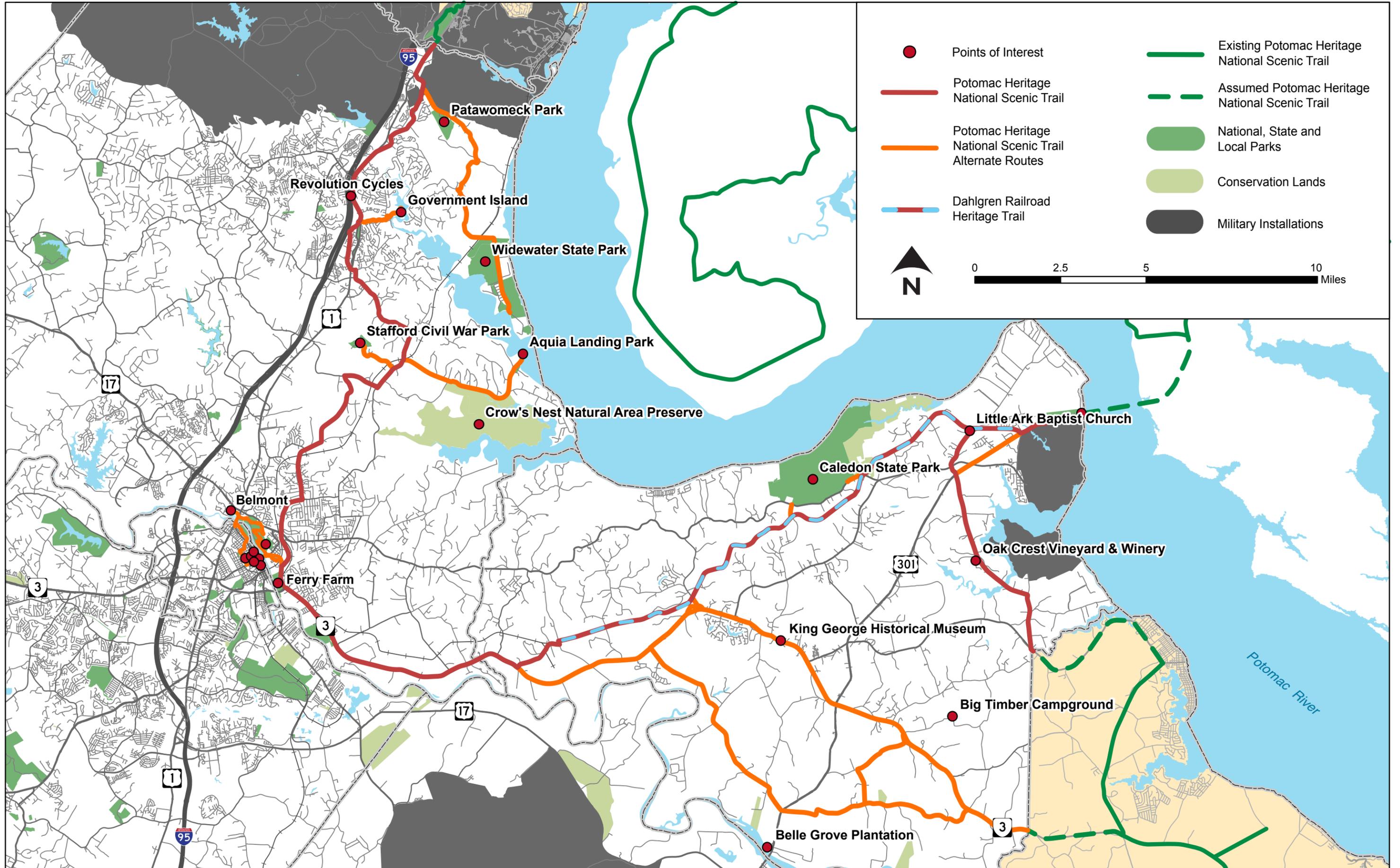
ARTICLE VIII – MODIFICATION AND TERMINATION

- A. This Agreement may be modified only by a written instrument executed by the parties.
- B. Any party may terminate participation in the Memorandum by providing the other parties with sixty (60) days advance written notice. In the event that one party notifies the other parties of an intention to terminate participation, the parties will promptly discuss the reasons for the notice.

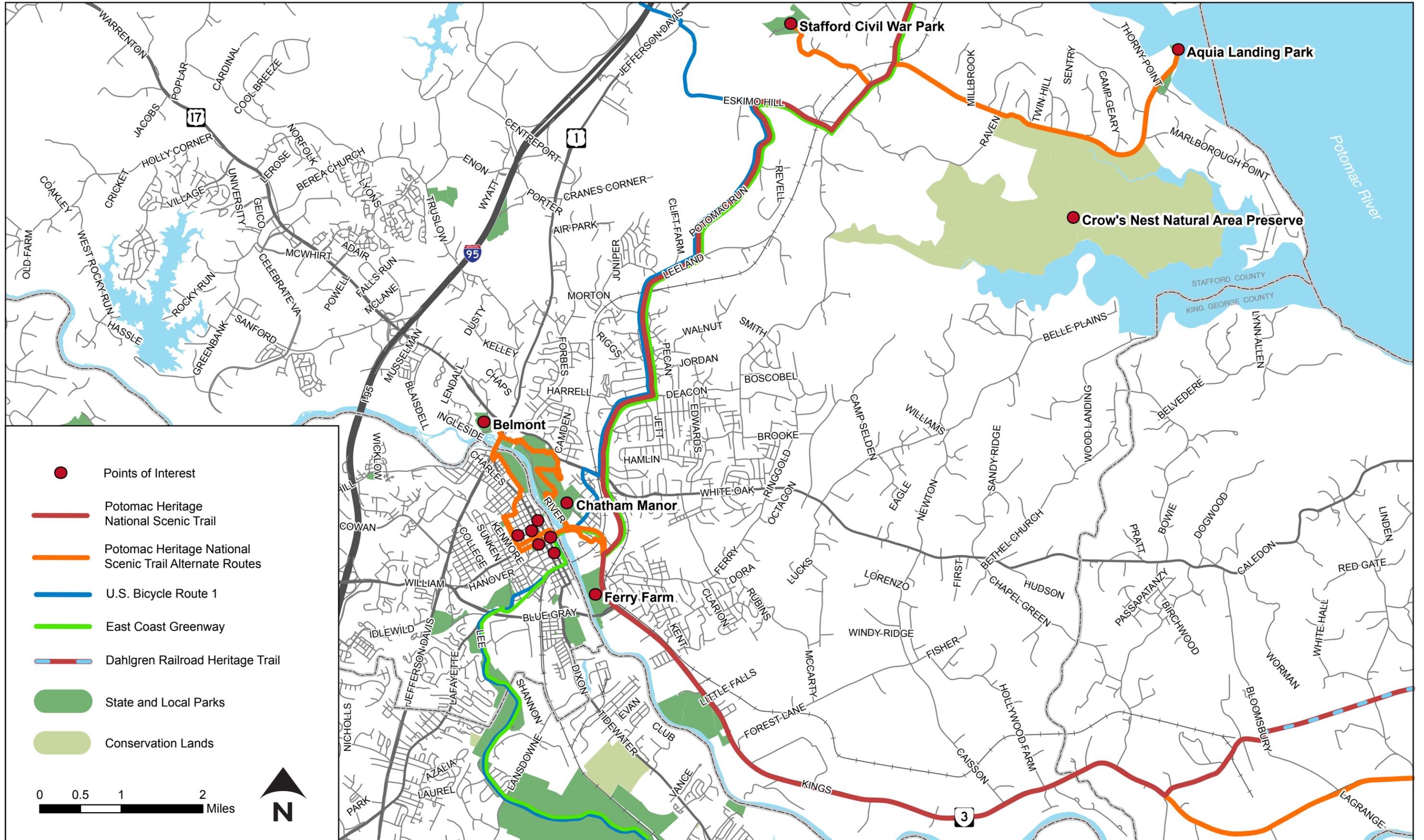
ARTICLE IX – ATTACHMENTS

- A. George Washington Region Map
- B. Northern/Central Stafford County Map
- C. Southern Stafford County Map
- D. Fredericksburg Map
- E. King George County Map

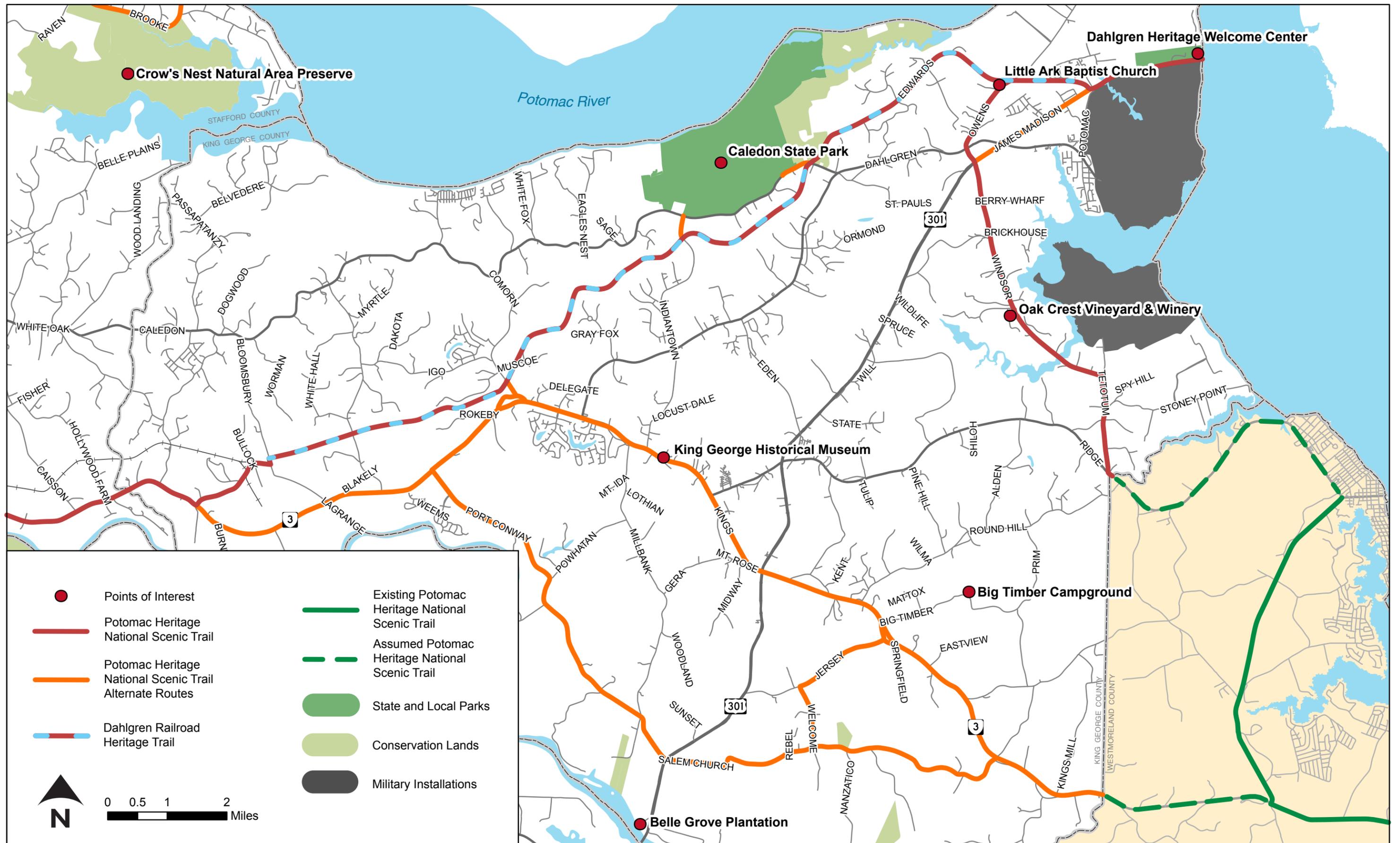
Proposed Potomac Heritage National Scenic Trail through the George Washington Region



Southern Stafford County Proposed Potomac Heritage National Scenic Trail



King George County/Colonial Beach Proposed Potomac Heritage National Scenic Trail



● Points of Interest

— Potomac Heritage National Scenic Trail

— Potomac Heritage National Scenic Trail Alternate Routes

— Dahlgren Railroad Heritage Trail

— Existing Potomac Heritage National Scenic Trail

— Assumed Potomac Heritage National Scenic Trail

● State and Local Parks

● Conservation Lands

● Military Installations

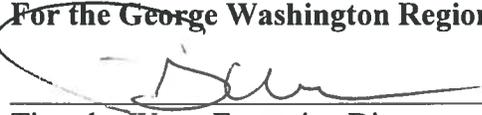
0 0.5 1 2 Miles



ARTICLE X – SIGNATURES

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum on the dates set forth below.

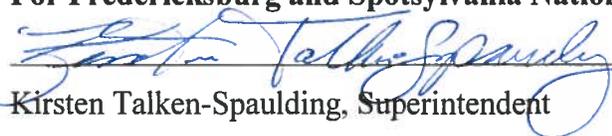
For the George Washington Regional Commission:



Timothy Ware, Executive Director

Date: 12/1/16

For Fredericksburg and Spotsylvania National Military Park, National Park Service:



Kirsten Talken-Spaulding, Superintendent

Date: 1 Dec 2016

For the Potomac Heritage National Scenic Trail Office, National Park Service:

Donald E. Briggs, Superintendent

Date: _____

For King George County Board of Supervisors:



Ruby Brabo, Chairman

Date: Oct 18, 2016

APPROVED AS TO FORM:



Eric A. Gregory, County Attorney

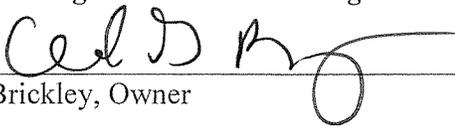
For the City of Fredericksburg Mayor:

_____ **Date:** _____
Mary Katherine Greenlaw, Mayor

For the City of Fredericksburg City Manager:

_____ **Date:** _____
Timothy Baroody, City Manager

For the Dahlgren Railroad Heritage Trail:



David Brickley, Owner

Date: 10/18/16

For the Northern Neck Tourism Commission:

_____ Date: _____
Lisa Hull, Executive Director

For Stafford County Board of Supervisors:

C. Douglas Barnes

Date: 11-30-16

C. Douglas Barnes, Interim County Administrator

Potomac Heritage National Scenic Trail

March 2015



route marking & graphic identity guide

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INTRODUCTION



PURPOSE, NEED, AND GOALS

The Potomac Heritage National Scenic Trail (PHT or the Trail) is a developing network of outdoor recreation pathways that celebrate the natural and cultural history—and continuing evolution—of lands and waterways between the Chesapeake Bay and the Allegheny Highlands. Segments of the Trail network are managed by local, regional, state and federal agencies and, in some cases, by private organizations. Along with the evolution of the Trail network over the past 15 years, the need to better develop clear associations between and among Trail segments has become increasingly apparent to realize fully the values associated with the designation of the Trail as a component of the National Trails System.

These guidelines are a “toolkit” for Trail segment managers, intended to foster continuity between and among various segments of the Trail network—and experiences associated with such segments—by establishing a consistent identity for the network through a set of clear, concise, and flexible tools. Using the tools in these guidelines, staff of the National Park Service (NPS) can more efficiently and effectively assist Trail segment managers with planning, designing, and producing various types of interrelated media, thus creating a consistent look and feel. Consistency allows users to plan and execute travel with a high level of confidence, and a means to navigate and experience intended routes. In addition, clear, consistent, and recognizable graphics will help develop and maintain an identity for the Trail network, Trail experiences among users, and NPS partner agencies and organizations. This established identity will allow further development of advocates for outdoor recreation and conservation, and establish a basis on which to promote Trail experiences and associated places to national and international audiences.

These guidelines can be applied in a variety of trail contexts. The guidelines also respect the need for Trail segment managers to retain institutional identities and address organizational needs and goals. The following criteria were followed in the creation of these guidelines:

- ◆ Trail signage and information materials should be highly efficient in order to give users the impression of a coherent, unified trail system, thus providing continuity of experience.
- ◆ The National Park Service should produce a set of general guidelines that provide a menu of options for Trail partners. The guidelines should be easy to implement and should recognize existing practices.
- ◆ The guidelines suggest a family of signs composed of a limited range of images, materials, and colors intended to reduce complexity and clutter in the Trail corridor, to establish a clear identity and continuity of experience, and to account for the existing design guidelines of partner agencies and organizations.
- ◆ Guidelines, particularly the graphic identity, are designed to complement a range of interpretive media. Elements of the guidelines should be applied to other future media including Web pages, cell phone and tablet applications, brochures, maps, guides and more.
- ◆ Guidelines incorporate best practices pertaining to accessibility. Guidance from the Architectural Barriers Act (ABA) and the Americans with Disabilities Act (ADA) has been used to develop this document.

THE USER EXPERIENCE

The Trail network today embodies a wide range of resource types, management interests, and users. The need to establish and maintain physical, graphic, and interpretive continuity between and among Trail segments is essential for a corridor with national and international significance. Without such continuity, the “Trail” is simply a list of unrelated outdoor recreational opportunities.

These guidelines are intended to further establish and improve the following experiences for trail users:

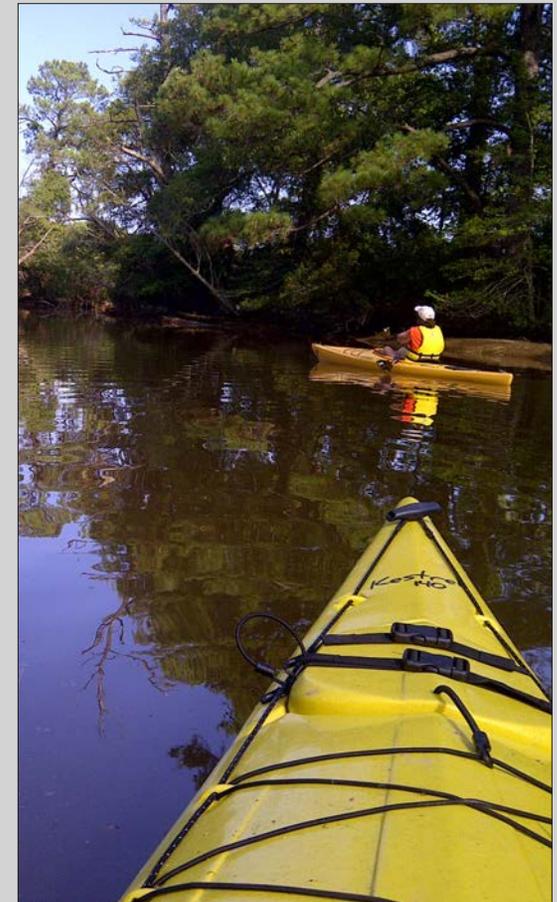
- ♦ The local experience - Users can confidently and safely navigate between Trail segments managed by different partners.
- ♦ The long-distance experience - Users can confidently and safely navigate significant portions of—or the entire length of—the Trail corridor between the mouth of the Potomac River and the Allegheny Highlands.
- ♦ A sense of the connections between lands and rivers and streams - Users are aware of intersections between land trails and launch and landing sites for canoes, kayaks, and other human-powered craft; various combinations of travel modes can provide opportunities for physical continuity throughout the Trail network.
- ♦ A sense of something larger - At key trailheads and destinations, users understand their current location in relation to the Trail network as a whole from both navigational and interpretive perspectives. This experience ties site-specific locations to local and regional histories.

RELATED DOCUMENTS

These guidelines build off of previous planning efforts that articulate the purpose, role, and functions of the Trail designation; and expand on previous guidance. And, as best practices evolve, the guidelines will be revised. Future updates will be made as conditions change or as new circumstances arise within the Trail network. Other plans related to the Trail network are listed below and can be found at

<http://www.nps.gov/pohe/getinvolved/planning.htm>:

- ♦ *Foundation Document: Potomac Heritage National Scenic Trail (2014)*: Provides basic guidance for planning and operations. Articulates the purpose, significance, and fundamental resources and values for the Trail.
- ♦ *Potomac Heritage National Scenic Trail: Identity Guidelines for Trail Partners (2006)*: Guidelines for Trail partners on the Trail insignia (logo), text for printed communications, trailhead orientation signs, wayside interpretive exhibits, and design templates for publications.
- ♦ *2006 Potomac Heritage National Scenic Trail Development and Management Plan*: Provides guidance for developing and managing segments of the Trail in the Commonwealth of Virginia.
- ♦ *Potomac Heritage National Scenic Trail: Northern Virginia's Piedmont Region: Wayside Exhibits (2008)*: Illustrates a related set of categories for different kinds of signs and provides reproducible examples of each (orientation to the network and the region; sites; types of outdoor recreational uses; interpretation; route marking) with implementation beginning in 2008.
- ♦ Director's Order 45: *National Trails System (2013)*.



LEGISLATION AND ADMINISTRATION

The Potomac Heritage National Scenic Trail is a component of the National Trails System, authorized in 1983 as an amendment to the National Trails System Act (Public Law 90-543, 82 Stat. 919); the Trail is also considered part of the National Park System. The National Park Service is responsible for administration of the federal interest in the Trail.

Primary responsibilities include:

- ♦ Authorize and manage use of the Trail insignia, a Federal mark (i.e., Trail marker or logo);
- ♦ Manage trails within Trail-related areas of the national park system as segments of the Trail network; and
- ♦ Execute formal agreements with other governmental and non-governmental entities for management of Trail segments.

Based on extensive public involvement, NPS roles also include:

- ♦ Provide coordination and maintain partnerships between and among staff of governmental agencies, nonprofit organizations, and volunteers;
- ♦ Provide assistance with Trail-related projects managed by other entities to develop, manage, interpret, promote, and sustain the Trail network and related Trail segments;
- ♦ Consider trends, anticipate needs and opportunities, and maintain a vision for the Trail network;
- ♦ Establish annual work plans; and
- ♦ Develop continuity of experience throughout the Trail network.

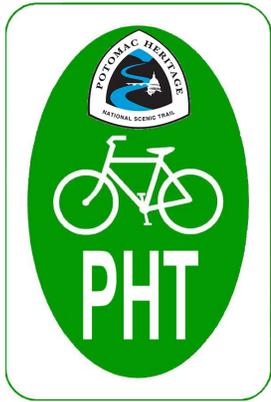
TRAIL TYPES

The network of trails that comprise the Potomac Heritage National Scenic Trail include long and short trails which connect to various destinations as well as to other trail systems. In order for PHT users to navigate effectively, trails within the PHT network can generally be categorized as one of two types:

- ♦ Primary Trail Segment - Contribute to an opportunity for continuous, nonmotorized travel between the mouth of the Potomac River and the Allegheny Highlands. As part of the Trail network, such routes enable unique long-distance experiences.
- ♦ Connecting and Side Trails - Provide opportunities for local experiences, combine use of a Trail segment with other trails to form loops, allow access to out and back experiences and access to Trail-related points of interest or to primary Trail segments.

For more information on the National Trails Act, visit:

<http://www.nps.gov/ncrc/programs/nts/legislation.html>.



On-Road Cycling Route – MUTCD M1-8a



Cross-Country Skiing



Hiking



Paddling



Horseback Riding



Mountain Biking

TRAIL EXPERIENCES

Building on the intent of the National Trails System Act, trails within the PHT network provide one or more of the following nonmotorized travel experiences. Consistent use of these—or similar symbols—will help users choose a route and experience. These symbols should be used on maps, signs, as well as interpretive and informational media.



TOOLS

The suite of tools in this section provides Trail segment managers with the ability to aid current and potential trail users in pre-trip planning as well as navigation. Consistent use of these elements on signage, as well as in print and web materials will ensure that users and PHT advocates perceive the PHT network as a unified system and set of complementary and outstanding outdoor recreational experiences.

TRAIL TERMS

- ♦ Potomac Heritage National Scenic Trail is the official name.
- ♦ The abbreviated name is the Potomac Heritage Trail.
- ♦ The initials PHT can be used for brevity.
- ♦ Potomac Heritage National Scenic Trail network (or Trail network), Potomac Heritage Trail network, or PHT network can be used to refer to the physical network of trails, as well as the larger community of organizations and agencies involved in the management and stewardship of resources in the Trail corridor.

FONTS

In order to ensure that materials (including signs and brochures) have a high level of readability, the following fonts are recommended. See “Appendix A: Access for Everyone” for additional Outdoor Developed Area Guidelines that uphold the Americans with Disabilities Act (ADA) and the Architectural Barriers Act (ABA).

- ♦ Arial
- ♦ Optima=====
- ♦ Trebuchet
- ♦ Frutiger
- ♦ **Helvetica**=====
- ♦ Tahoma
- ♦ Univers (sans serif)=====
- ♦ Century (serif)



The official trail logo – three color (black, white, and Pantone 299 Blue). Trail segment managers can request versions of the logo in a 3-inch sticker, 3.5-inch plastic decal, and/or as a 9-inch plastic decal.

THE TRAIL MARKER (LOGO)

Signs link people to places; they enable safe journeys and enrich the experience of travel. At their best, they enlarge our perspectives and deepen our appreciation of our heritage. Use of the Trail logo helps to achieve all of these ends.

The Trail logo, an official “Federal mark” published in the Federal Register, is the official Trail insignia¹. With written permission from the Potomac Heritage National Scenic Trail administrator, the logo may be used on signs and in printed and electronic media such as brochures, guides, maps, and websites. The logo should not be used in place of a blaze or other means of marking a route in cases where directional guidance is necessary and/or desirable.

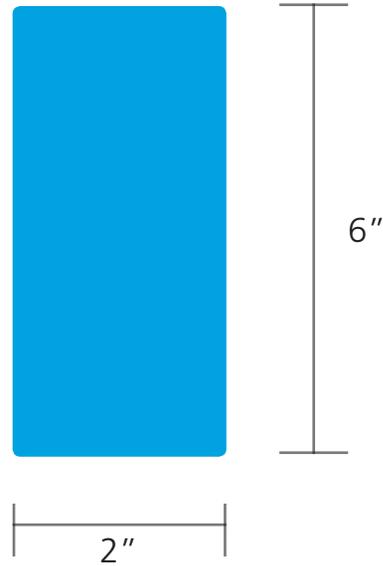
Use of the Trail logo provides visual continuity and recognizes formal relationships between Trail segments and the Trail network, the National Trails System, the National Park Service (as Trail administrator), and the Trail management partners. When possible the logo should be placed on the main body of a trail sign in the upper right hand or the lower right hand corner.

1. The design of the Trail insignia is part of a family of insignia for national historic and national scenic trails within the National Trails System. Authorities for development and use of the Trail insignia (or logo) can be found in the National Trails System Act of 1968 (as amended), 16 U.S.C. 124(a) and 1246(c) and in Protection of Official Badges, Insignia, etc. in 18 U.S.C. 701.3

THE BLAZE

Primary Trails should be marked with a blue (Pantone 299 blue) paint blaze in both directions of travel. Where possible, the blaze should be placed at eye level (approximately six feet off the ground) on trees, posts, or rocks. The standard blaze should consist of a rectangle of paint two inches wide by six inches high. A right turn should be marked with a double blaze, with the right rectangle offset slightly higher as shown below. A left turn would be the opposite.

The Standard Blaze

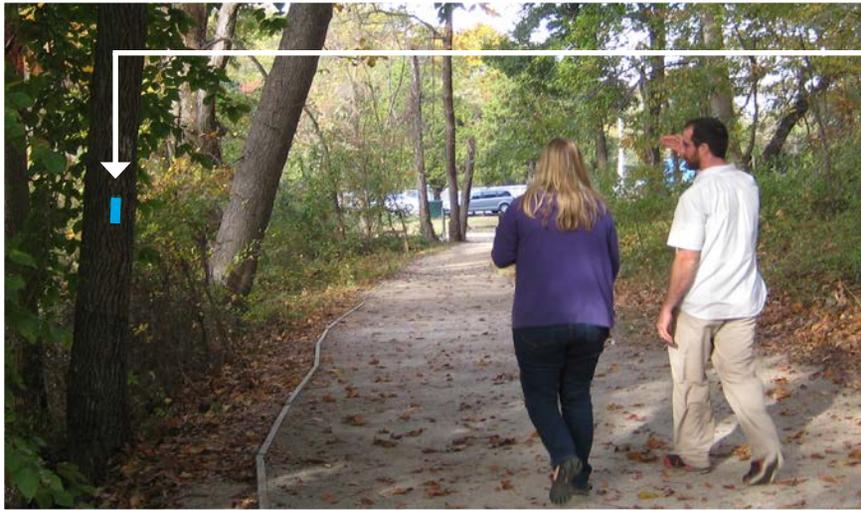


Left Turn



Right Turn





Use of the standard blaze along the Trail to reinforce user confidence about the route



Use of the left turn blaze to indicate an upcoming turn



as displayed



as seen with protanopia



as seen with deuteranopia

When To Use The Blaze

The blaze is a complement to the Trail logo on primary Trails. The Trail logo should not be used in place of the blaze. The overall purpose of the blaze is to communicate to trail users that they are following an intended route and to aid in navigational decisions.

Thus, the blaze should be used mainly at decision points along a route, such as trail intersections, road crossings, and changes in direction. In areas where the trail tread is well defined—such as a paved trail—the blaze need only be used where the user has a choice to make. Minimal use of blazes and other forms of route marking reinforce the PHT as a national scenic trail.

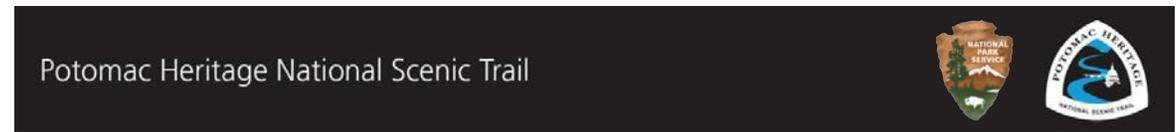
By using the official blue color the blaze will be visible for people with protanopia and deuteranopia, the two most common forms of color blindness.

THE TRAIL BANNER

A banner provides a visual cue that a particular place is associated with the Potomac Heritage National Scenic Trail. A banner helps to convey brand identity better than the logo alone. The black banner shown here should be used at sites within the Trail corridor managed by the National Park Service. It contains a rectangular black background, along with the logo and official Trail name. The banner is best applied as a “headline” graphic atop printed materials, informational signs, and Web pages.

The Black Banner

For use at NPS sites

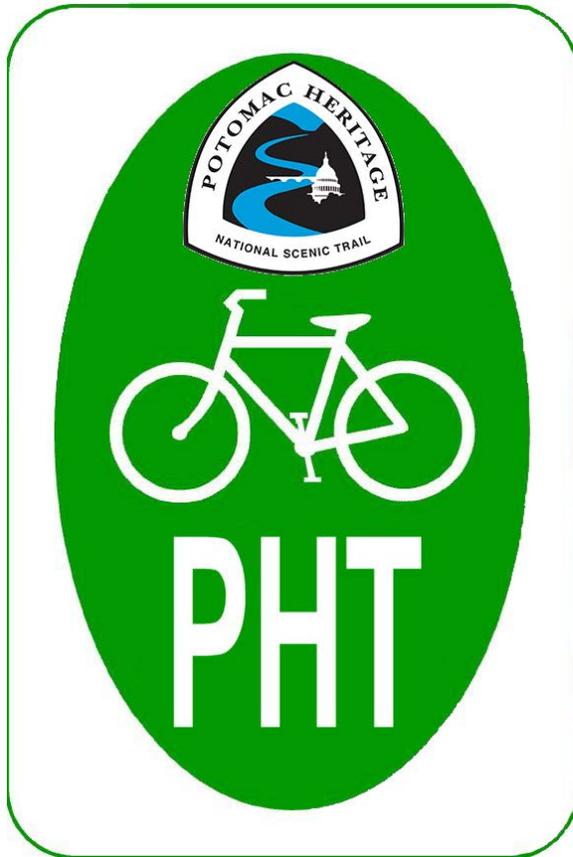


Brush Stroke Banner

This banner can be used at locations managed by entities other than the National Park Service



On-Road Bicycling Route
MUTCD M1-8a compliant



ON-ROAD BICYCLING ROUTE

The sign below, which is referred to in the *Manual of Uniform Traffic Control Devices* as M1-8a, can be used along roadways to denote PHT on-road bicycling routes. On-road routes are usually paved and present a very different experience and setting than that of off-road routes. This sign is currently in use along roadways in the Northern Neck area of Virginia.

Trail segment managers should be aware of state policies for planning, installing, and maintaining on-road Trail-related signs. The *Manual on Uniform Traffic Control Devices*, or MUTCD, should be referenced for any Trail signage along roadways. It defines the standards used by road managers nationwide to install and maintain traffic control devices on all public streets, highways, bikeways, and private roads open to public travel. The MUTCD is published by the Federal Highway Administration (FHWA) under 23 Code of Federal Regulations (CFR), Part 655, Subpart F.

REGIONAL ORIENTATION

Orientation panels place users in the landscape, illustrate location in the context of the entire Trail network, and provide important information. These panels should also stimulate further interest in the Trail network.

The PHT regional panel shown here has been designed for use at trailheads and other key destinations in the network. The panel focuses on the bigger picture (regional geographic scale) and is designed to give users a sense of something larger. The map is not intended to be used for navigation.

Potomac Heritage National Scenic Trail

PIEDMONT REGION

George Washington walked, rode horseback, and boated through this region pursuing his dream of westward expansion—connecting the Atlantic Seaboard to the frontier West. His efforts to reengineer, dam, channelize, and straighten the Potomac River influenced industrialization in the 1800s and beyond. But the river resisted. Today wild intermingles with urban. Huge oaks, sycamores, and tulip poplars guard the river and welcome all seeking solace there.

The Potomac Heritage National Scenic Trail network is a portal into the region's history, culture, and ecology. Here a network of hiking and water trails affords you an intimate connection with the river and the distinctive Piedmont landscape. The trails beckon exploration and offer adventure.

Experiences found along this section of trail

- Hiking
- Bicycling
- Canoeing

Hiking Trail
Segments of the Potomac Heritage National Scenic Trail wind through a 50-mile-long corridor of private and public lands in northern Fairfax and eastern Loudoun counties. The corridor showcases the rolling hills of the Piedmont at the river's edge. The rich floodplain forest here offers many discoveries from spring wildflowers to great mill ruins.

Water Trail
Miles of water trail on the Potomac River and Goose Creek allow paddlers to hug the safety and calm near the shoreline. Paddlers may surprise great blue herons, kingfishers, wood ducks, and even rare otters. Historic features like Goose Creek Canal and George Washington's Patowmack Canal await your discovery.

THE BLAZE
Thus, the blaze should be used mainly at decision points along a route, such as trail intersections, road crossings, or major changes in direction. In areas where the trail tread is well defined—such as a paved trail—the blaze need only be used where the user has a choice to make.

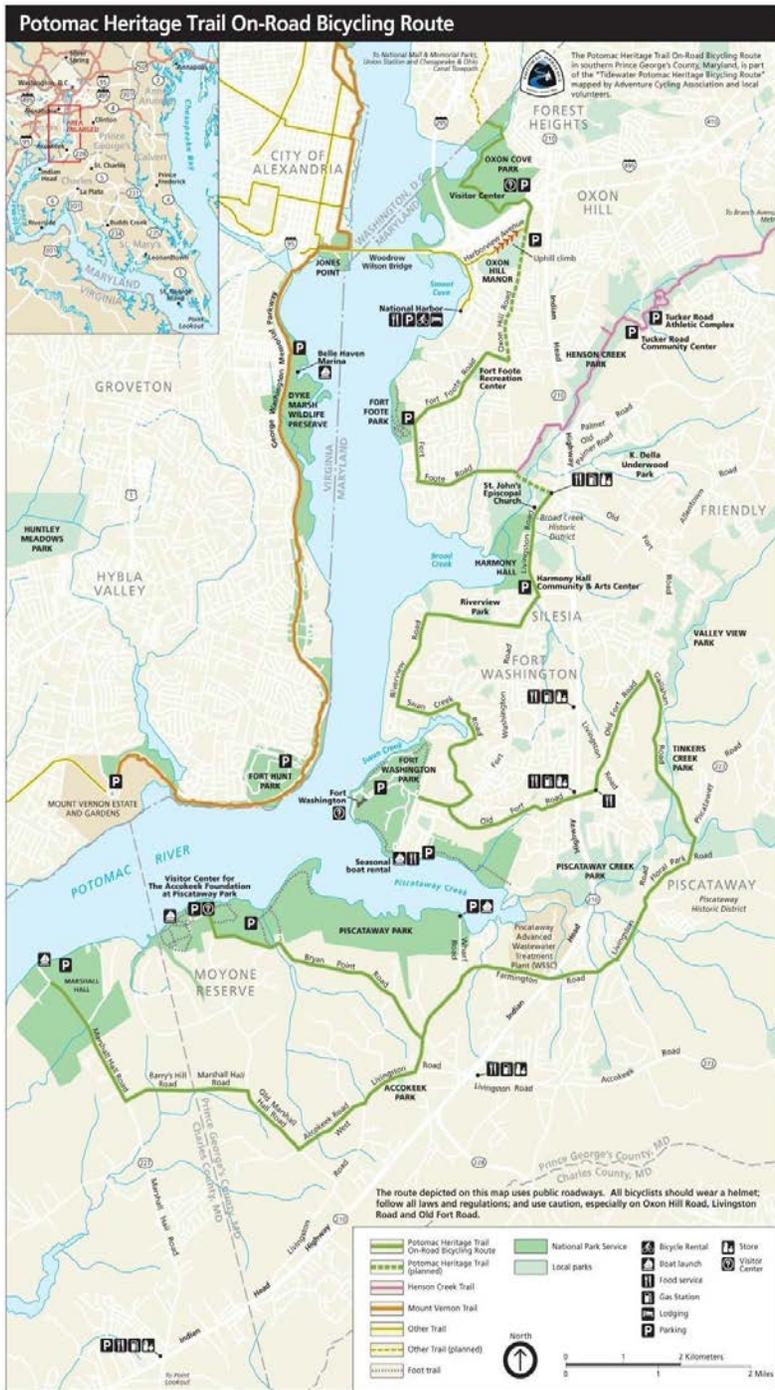
Potomac Heritage National Scenic Trail

Trail segments here in Fairfax and Loudoun counties are part of the larger Trail network that traverses the District of Columbia, Virginia, Maryland, and Pennsylvania. The Trail network passes through five distinct landscapes, each the result of climatic effects on past and present geologic environments and each influencing the history of people living there.

- Various Potomac Heritage Trail segments
- Great Allegheny Passage
- Laurel Highlands Hiking Trail
- Chesapeake and Ohio Canal Towpath
- Potomac Heritage Trail (George Washington Memorial Parkway)
- Fort Circle Park Trail
- Alexandria Heritage Trail
- Mount Vernon Trail
- Southern Maryland Potomac Heritage Trail (On Road Bicycling Route)
- Northern Neck Heritage Trail (Bicycling Route)

Water Trail

- Blue Heron
- Kingfisher
- Wood Duck
- Otter



LOCAL EXPERIENCE PANEL

Navigational and related user information should be shown on a "local experience" map or panel that will often be accompanied by a regional orientation panel. The exact design and content of the local experience map or panel is flexible. The local experience panel should clearly indicate which local trail is part of the PHT network. Below is an example of a local experience panel. The map at left shows an example of how to indicate which local trail is designated as the PHT.



THUMBNAIL MAPS OF THE TRAIL

These “thumbnail” maps can be used on materials where space is limited—such as a brochure or an application for a smart phone. The maps show the location and geographic expanse of the trail network, while not requiring the amount of space and detail as the PHT regional panel. Trail management partners may use either map.

A simplified version of the thumbnail map, without topographic detail and colors depicting land cover, can be used when space is limited and map details may not be clearly readable.



RACK CARDS

Great Allegheny Passage

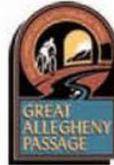
Passing through the Mountains

The Great Allegheny Passage, a segment of the Potomac Heritage National Scenic Trail, is the longest rail-trail in the East. Using massive railroad bridges and tunnels, the hiking and biking trail passes through—not over—the Allegheny Mountains.

The trail system is complete between McKeesport and Meyersdale, Pennsylvania. When finished, the Great Allegheny Passage will extend 150 miles between Cumberland, Maryland, and Pittsburgh, connecting with the western terminus of the 184.5-mile Chesapeake and Ohio Canal Towpath.

More Information

Allegheny Trail Alliance
888-ATA-BIKE
www.atatrail.org



Potomac Heritage National Scenic Trail

District of Columbia, Maryland, Virginia, Pennsylvania

National Park Service
U.S. Department of the Interior



Connecting People and Places

The Great Allegheny Passage is a segment of the Potomac Heritage National Scenic Trail. An enterprise of many partners, the evolving Trail network celebrates the heritage of the Potomac and upper Ohio river basins and offers opportunities for hiking, bicycling, boating, horseback riding and cross-country skiing.



Information on federal roles

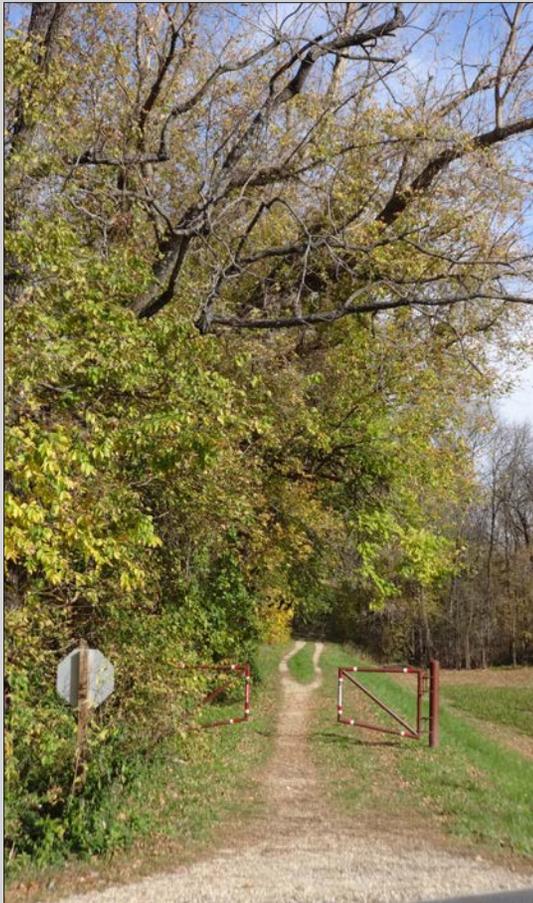
Potomac Heritage N.S.T. Office
National Park Service
304-535-4014
www.nps.gov/pohe
Post Office Box B
Harpers Ferry, WV 25425

Designed to fit in a brochure rack, these cards inform readers about the existence and location of Trail segments and of an association with the Trail network. They are used for promotion and public education and not for site-specific user information. Rack cards are a relatively inexpensive way to print and distribute information about a Trail segment and the Trail network. Placed at visitor centers or museums, for example, rack cards will explain local connections to the Potomac Heritage National Scenic Trail network as a whole. At public events and visitor centers away from Trail segments, cards invite visitation and public participation. With a minimal initial investment, rack cards can be easily updated.

The rack card is 3.75 inches wide by 8.5 inches tall, printed on both sides. Side A of the card contains information about the Trail segment and key messages about the trail's relationship to the PHT; optional elements include a major illustration. Side B features a map of the PHT corridor or regional maps.

TRAIL MESSAGING

The Trail network should be consistently described. Below are key facts and messages for use on signs, printed materials, and in web-based materials.



Key Messages

Key messages are used to communicate meanings, concepts, contexts, and values represented by Trail resources. The National Park Service refers to these messages as “interpretive themes” because these messages are vital for telling the stories associated with the Trail network and describing the values for which the Trail corridor is nationally significant. Partners are encouraged to use these messages as a basis for site specific interpretive media and programs.

These key messages apply to the Trail network as a whole.

- ◆ **Meeting Ground for Ideas**

The Potomac Heritage National Scenic Trail is based on a network of mutually beneficial partnerships to develop and sustain a system of trails and associated resources for recreation, transportation, health, and education between the mouth of the Potomac River and the Allegheny Highlands in western Pennsylvania. Among users and stakeholders, the Trail is also a meeting ground for ideas and practices, reflecting a desire for the conservation of lands and waters, for educational opportunities combined with outdoor recreation, and for a celebration of regional diversity and distinctiveness.

- ◆ **Natural History and Human Ecology**

Between the mouth of the Potomac River and the Allegheny Highlands, the Trail corridor includes portions of five distinct physiographic regions. Each region, in different ways, has inspired and shaped human generations with beauty, abundance, and utility.

- ◆ **Nation-Building / Nurturing a Nation**

Routes connecting the Potomac River with the Forks of the Ohio River provided an essential context for the development of the US republic, and now connect Trail visitors and users with the places and stories related to the founding and continuing evolution of the nation.

- ◆ **Boundary, Corridor, and Crossroads**

As a boundary between north and south and an east to west route into the North American interior, the Potomac River has been a crossroads of opportunity, diversity, and conflict.

Key Facts

- ◆ **What is the Potomac Heritage National Scenic Trail?**

Authorized by Congress in 1983 as an amendment to the National Trails System Act (NTSA), the Potomac Heritage National Scenic Trail is a “component” of the National Trails System—an evolving network of over 700 miles of locally-managed trails between the mouth of the Potomac River and the Allegheny Highlands in western Pennsylvania. The Trail network includes opportunities for hiking, bicycling, paddling, horseback riding, and cross-country skiing in one of the most diverse and historically significant corridors in the nation.

- ◆ **What is the meaning of “national scenic trail”?**

National scenic trails are 100 miles or longer, continuous, primarily nonmotorized routes with outstanding outdoor recreation opportunity.

- ◆ **Why was the Trail authorized?**

Complementing other federal legislation, trails authorized in the NTSA are intended to provide for the increasing outdoor recreational needs of the nation. In a practical sense, the Trail is a means to connect people to places, to recognize local resources and experiences in a national context, and to establish and maintain partnerships.

- ◆ **How do trails become part of the Trail network?**

Outside of areas managed by federal agencies, a trail is recognized as a “segment” of the Trail network through a formal “agreement for management,” usually a “memorandum of understanding,” between the National Park Service and the managing entity, governmental or non-governmental. Such agreements usually span a period of five to ten years and include an authorization by the Trail administrator for use of the Trail insignia.

- ◆ **How long is the Trail?**

Based on existing agreements, the Trail network is approximately 710 miles, of which approximately 50 miles are planned segments. Depending on starting and ending points and modes of travel, a continuous route might span a distance of 500–600 miles. A walk from Point Lookout State Park in southern Maryland to the northeast terminus of the Laurel Highlands Hiking Trail, for example, is approximately 585 miles.

- ◆ **How is the Trail managed?**

The Trail network is managed through a wide range of partnerships between and among local, regional, state and federal agencies; volunteers; nonprofit organizations; and the National Park Service.

For more information on the National Trails System, see the “Frequently Asked Questions” Web page at

<http://www.nps.gov/nts/>.

For more information about the Potomac Heritage National Scenic Trail, see the NPS Web page for the Trail at

<http://www.nps.gov/pohe/>

APPLICATIONS

This chapter provides additional information on how and where to use the elements described in the tools chapter.

WAYFINDING SIGNS

Wayfinding signs help users navigate to and along the Trail network. This section provides guidance on where and when to use the PHT logo/banner to help users find their way. The following are some options to illustrate ways to use the Trail logo to complement local identity while creating continuity throughout the Trail network.

Trailheads

Option A (NPS areas): Agency name is located above the PHT black banner –such as Chesapeake and Ohio Canal NHP or Piscataway Park.

Option B uses only the PHT logo below the Trail partner name. The logo is available as a 3” sticker, 3.5” plastic decal, or 9” plastic decal from the PHT Trail Office. Note that the size of the information and the PHT logo should be generally proportional to each other.

OPTION A

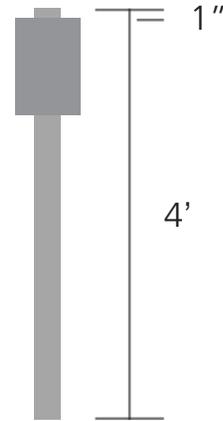
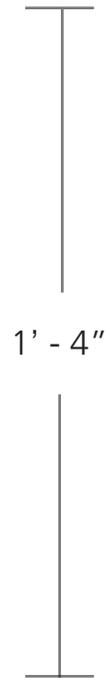


OPTION B



Option C uses the brush-stroke oriented vertically.

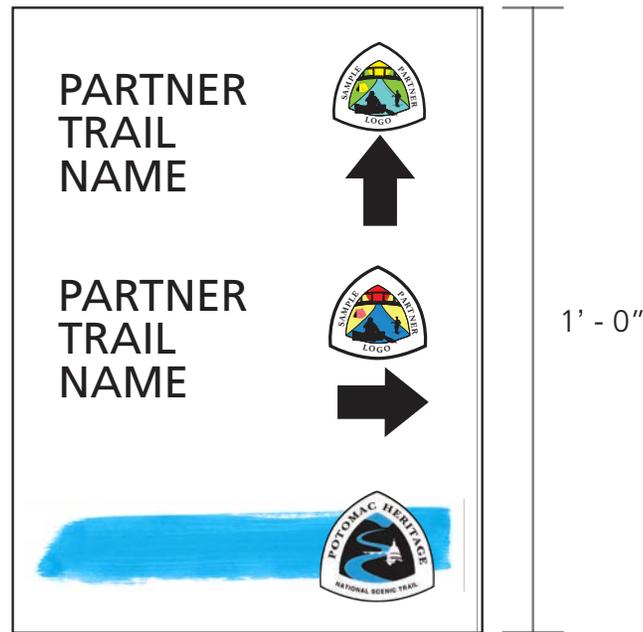
OPTION C



Trail Intersections

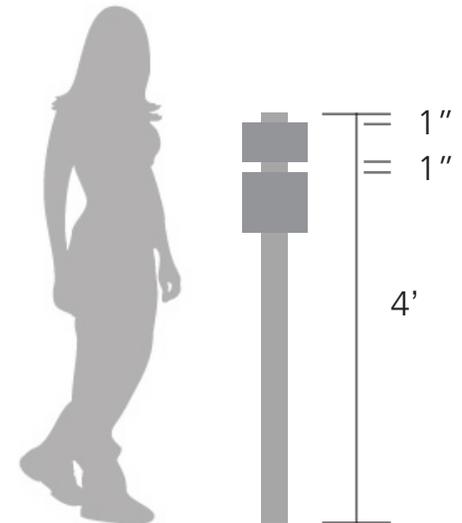
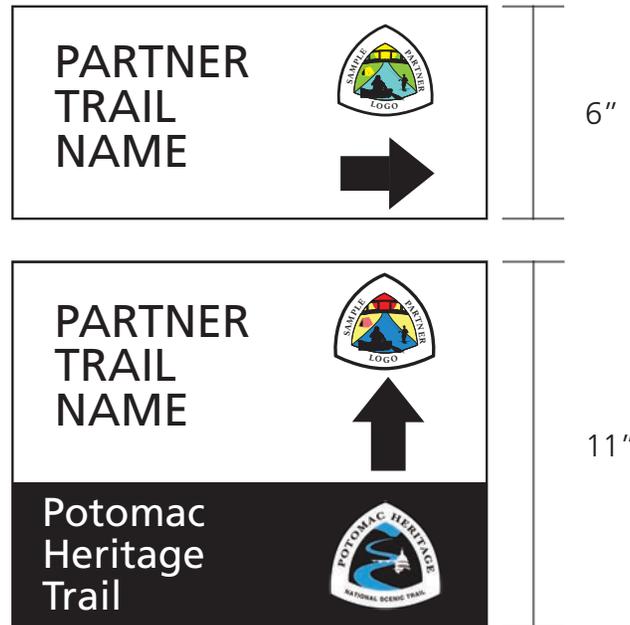
Shared Identity

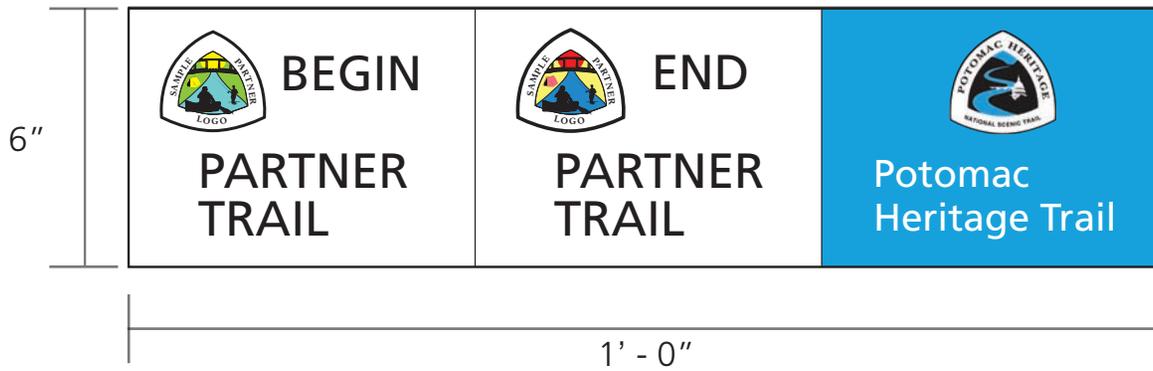
This sign does not separate information and includes a brush-stroke at the bottom to indicate that both trails are part of the PHT network.



Single Trail

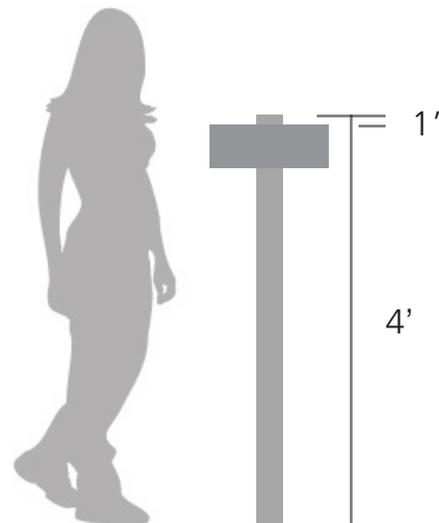
The PHT logo should also be used where the user has to make a route choice. The signs below use separation between icons to show that the trail that goes straight ahead is also the Potomac Heritage National Scenic Trail (via the black banner) and that the trail that goes to the right is not part of the PHT network.





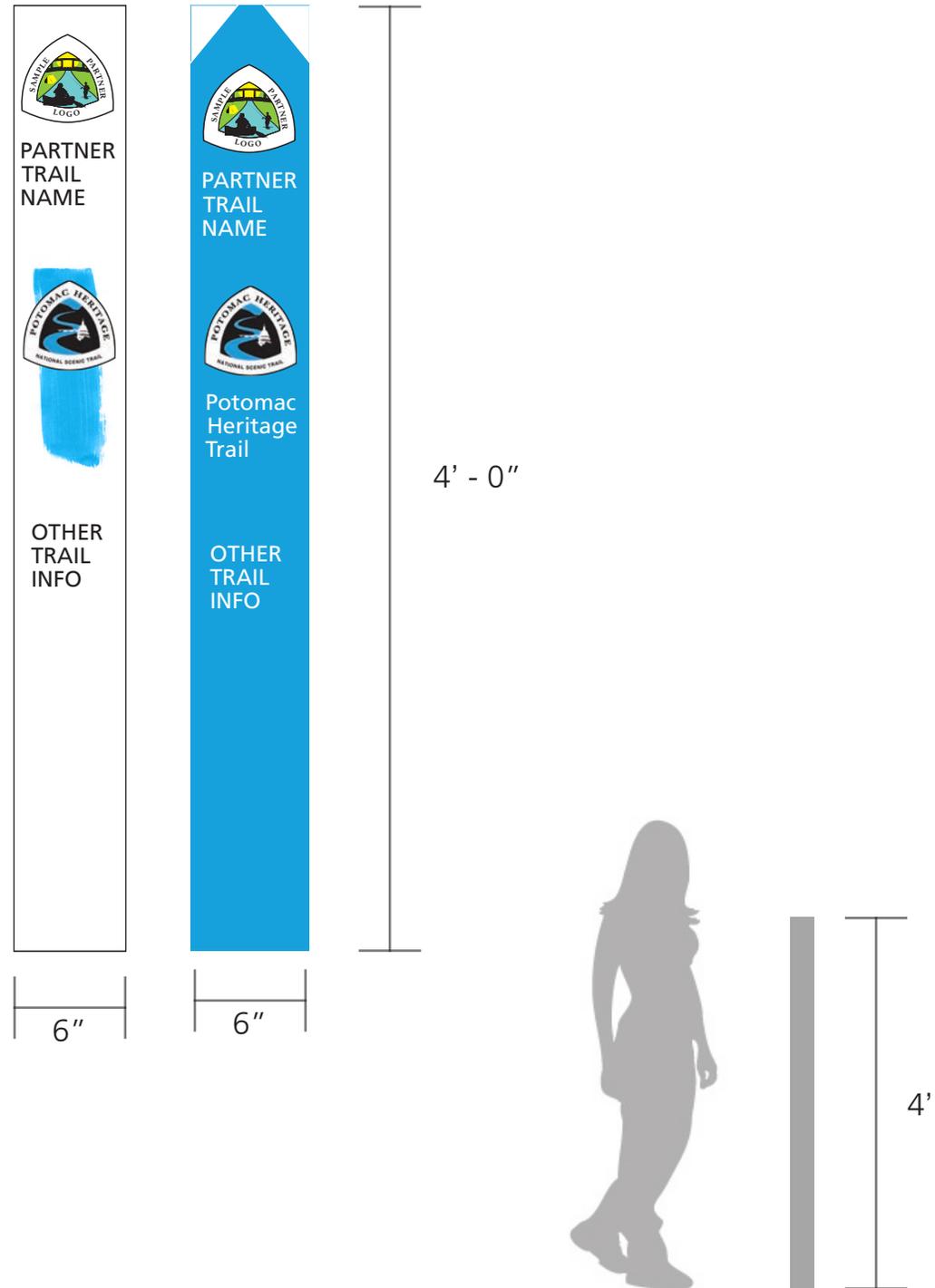
Changes in Trail Jurisdiction

The PHT identity provides continuity between trails managed by different agencies and organizations. Hence, it is important to use the PHT logo or banner in transition areas between different Trail segment managers. Use of the logo or banner on signage in these areas accomplishes two objectives: 1) it reinforces user confidence that they remain on a primary Trail segment; and 2) it creates a geographic and thematic link between different jurisdictions.



Water Trail Launch and Landing Sites

The PHT network includes paddling routes on rivers and streams. In some cases, these areas contain a transition between a PHT water route and a PHT land trail. Signs should indicate that these areas are part of the network. Below are two methods for marking put-in and take-out locations.



Rural and Natural Areas

Trail segments in rural and natural areas may use signs with a natural feel, such as wooden posts with small icons.

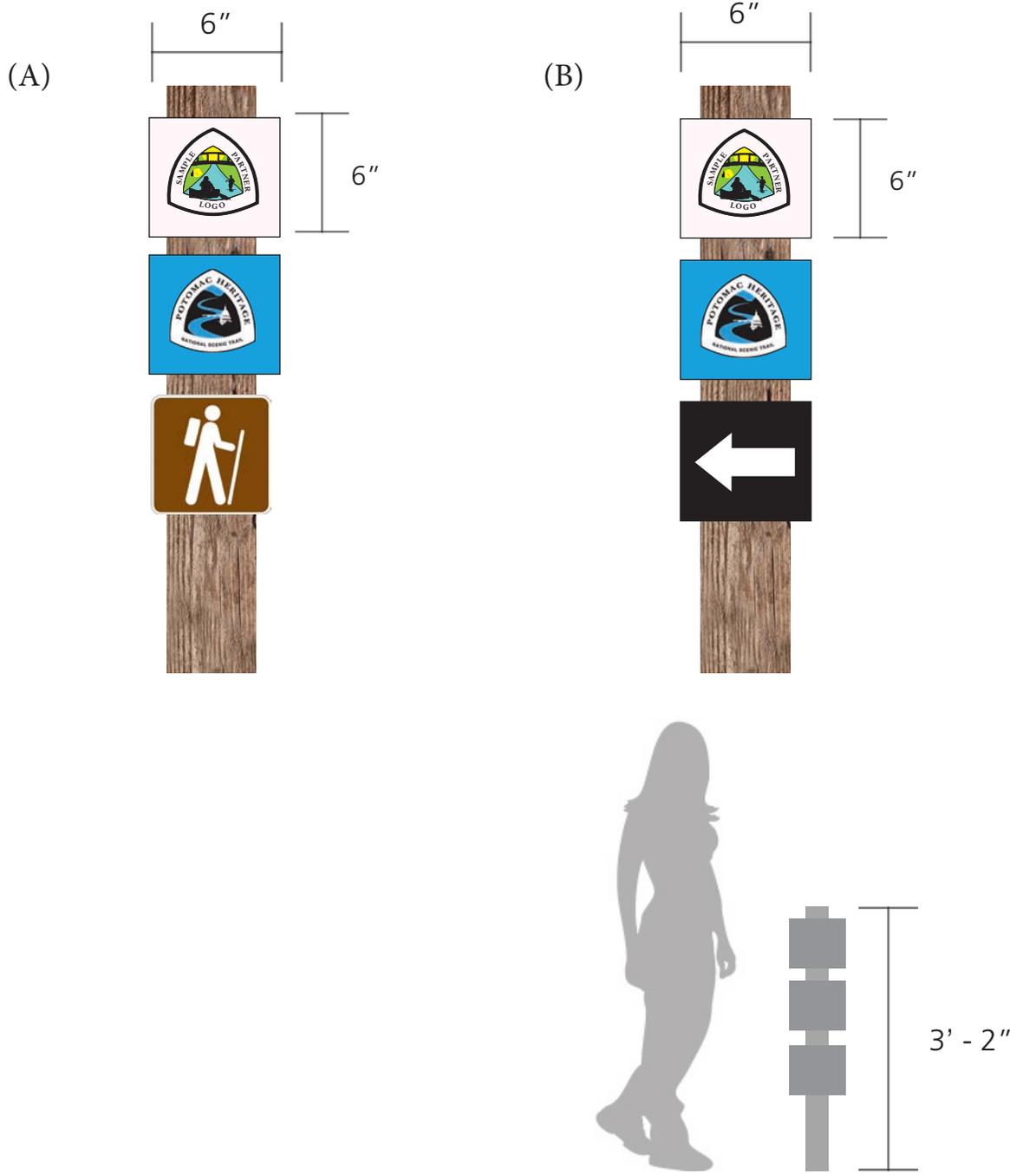
Mark the start of a trail and transitions between jurisdictions.

This image (A) shows use of the PHT logo beneath the information for the Trail segment manager, but above information showing what uses are permitted on the trail. The 4'x4' post is suggested to be cut into a triangle shape at a 45 degree angle and the height should be 3'2" above ground.

Marking an intersection or change in direction.

This image (B) shows use of the PHT logo below the Trail segment information and above the navigational arrow.

The PHT logo (3.5 inches) is mounted on a 6X6 inch blue metal square. The partner trail logo is mounted on a 6X6 inch metal square as well, color to be determined by the partner.

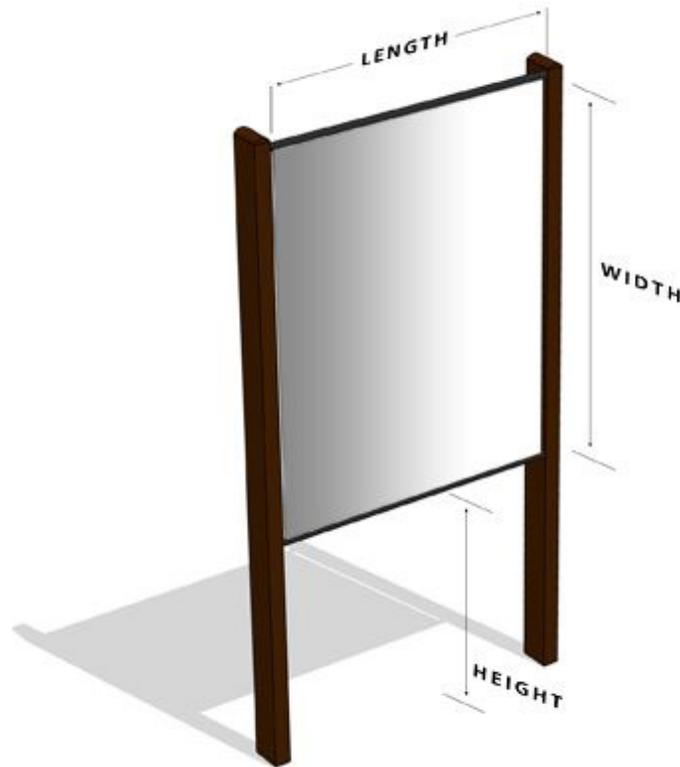


KIOSKS AND SIGN KITS

Trail signs should be used at major trailheads. Please note that signs should comply with either ABA or ADA depending on the jurisdiction and funding source (see appendix A).

The Single Panel Sign Kit

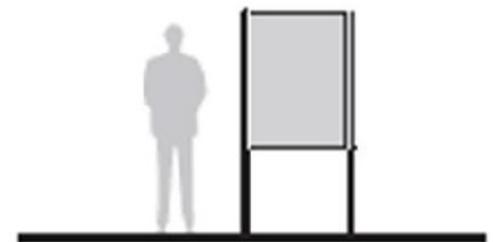
A single sign kit, shown here, should be used for the PHT regional panel.

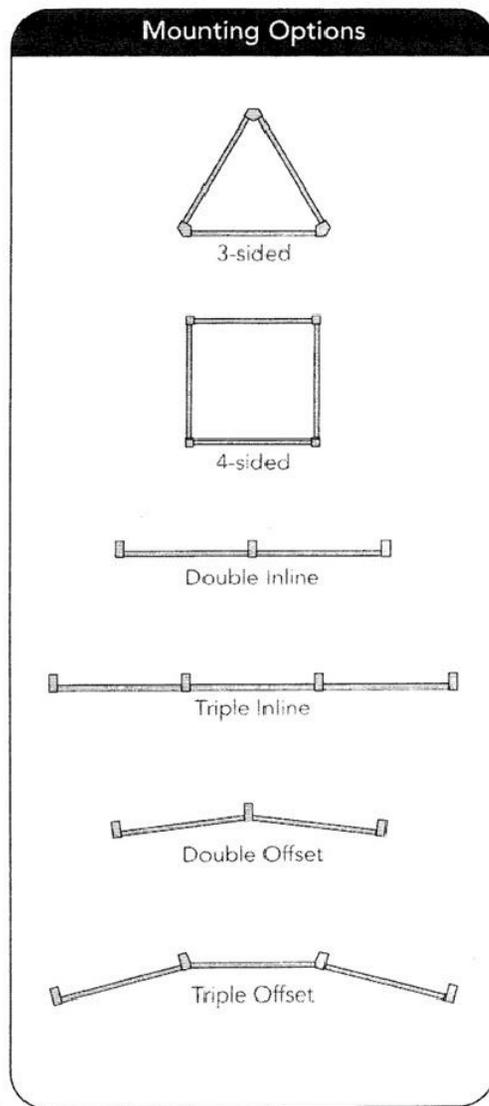
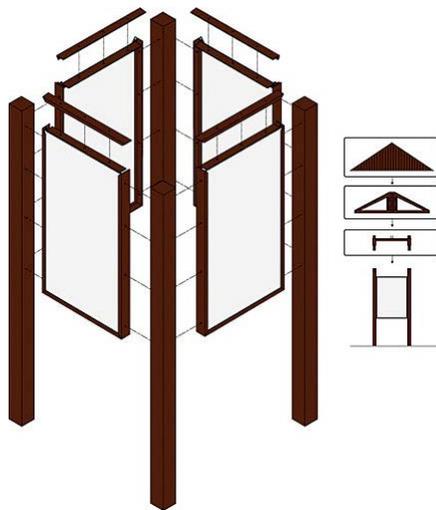


Panel Sizes:
(LxW, inches): 24x36, 24x48,
36x48

Height:
32 inches

Material:
Galvanized Steel, Weathering
Steel, Painted Aluminum (NPS
Brown/NPS Medium Gray)





Multiple Panels

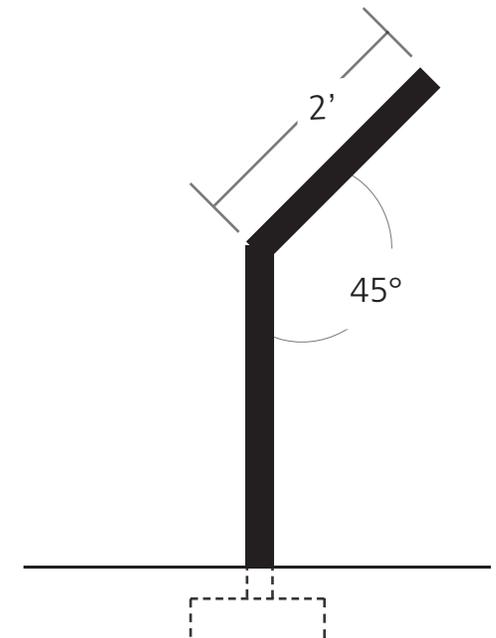
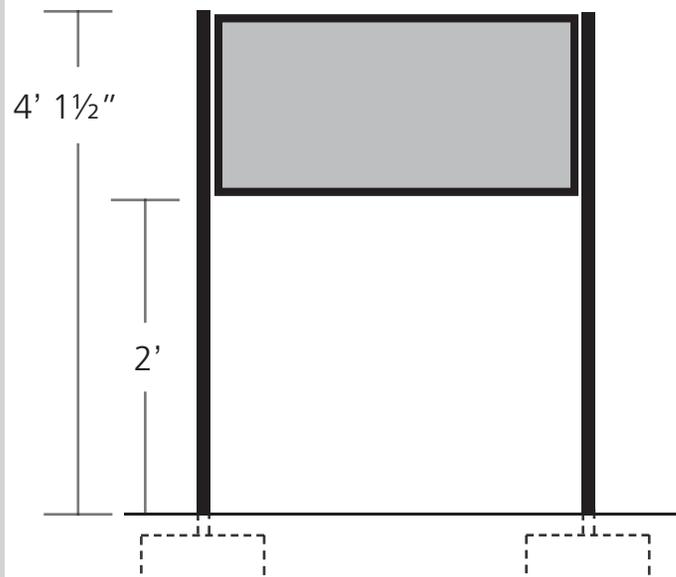
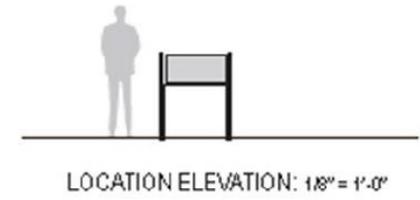
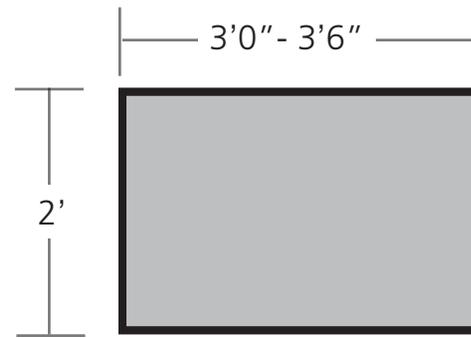
A Two-Panel Sign Kit: The two-panel sign kit should provide both the PHT regional panel and the Local Experience or site specific panel.

A Three-Panel Sign Kit: The three-panel sign kit should provide both the PHT regional panel and the Local Experience panel. The third panel is at the discretion of the Trail segment manager.

A Four-Panel Sign Kit: The four-panel sign kit would provide both the PHT regional panel and the Local Experience panel. The third and fourth panels are at the discretion of the Trail segment manager.

Interpretive Panels

The standard low-profile interpretive panel shown here is used to convey local or regional interpretive information at a particular place along a Trail segment. Interpretive panels will usually relate in some way to the key messages about the Trail, identified on page 18 of these guidelines.





TRAIL SETTINGS

The following categories of trail settings can be used as a tool among Trail segment managers, other Trail partners, and NPS staff to determine what kind of PHT-related signage and interpretive materials are appropriate at a particular location.

Anchor Sites

Some trails in the network lead directly to anchor sites—key historical locations, tourist destinations, or events that are nationally significant. A PHT regional panel should be located at the starting point of these trails.

Anchor Sites Along Primary Routes

These trailheads are major developed areas that provide direct access to PHT primary routes and include parking, multiple informational and interpretive panels, and a visitor contact station with the PHT stamp for the NPS Passport book. These trailheads typically serve a larger, more regional population and are part of the PHT Primary Trail experience. The signs at these trailheads should include the PHT regional panel, the local experience panel, additional interpretation on natural and cultural history, and trail information.





Connecting Trailheads

Connecting trailheads are those that are part of the larger PHT network that offer access to PHT connecting trails and loops. These trailheads typically provide parking and a minimum two-panel kiosk; one panel being the PHT regional panel and the second being the local experience panel.



Public Transit Hubs

Public transit hubs, such as Virginia Railway Express (VRE) and Maryland Area Regional Commuter (MARC) Stations, have an opportunity to serve as a location for visitors to enter the PHT trail network and should allow for the same level of signage and amenities as trailheads. A public transit hub that serves as a trailhead (and that is recognized on informational materials) may have bike lockers, safe pedestrian access to the Trail, and sidewalks and/or bike lanes along major motorized and nonmotorized access routes to the transit hub.



Trail partners are encouraged to consult with the Trail administrator. Agencies and organizations that manage Trail segments may also contact the Trail Office to request Trail markers and digital files, as well as technical assistance.

Potomac Heritage National Scenic Trail Office
National Park Service
304-535-4016 or 4014
phnst@nps.gov

Website for the Potomac Heritage National Scenic Trail:
www.nps.gov/pohe

Website for the National Trails System Act of 1968 (as amended):
<http://www.nps.gov/ncrc/programs/nts/legislation.html>

Outdoor Developed Area Guidelines:
See “Appendix A: Access for Everyone”

RESOURCES FOR TRAIL PARTNERS

APPENDIX A

ACCESS FOR EVERYONE

The Americans with Disabilities Act (ADA), the Architectural Barriers Act (ABA), and Outdoor Developed Area Guidelines for trailheads and trail signs ensure an accessible experience to visitors of all abilities. State and local jurisdictions are required to comply with ADA guidelines, while federally managed sites or projects using federal funds must comply with ABA.

The full set of guidelines can be found at the following links:

<http://www.access-board.gov/guidelines-and-standards/recreation-facilities/outdoor-developed-areas/a-summary-of-accessibility-standards-for-federal-outdoor-developed-areas>

<http://www.access-board.gov/guidelines-and-standards/recreation-facilities/outdoor-developed-areas>

<http://www.ada.gov/>

The following check lists are provided so that existing and proposed trailheads and trail signage can be evaluated for their compliance with **ABA and Outdoor Developed Area Guidelines**.

CHECK LISTS

Trailhead Kiosks

Yes No N/A

The letters are in a readable type face of sans serif (Arial, Optima, Trebuchet, Frutiger, Helvetica, Tahoma, or Univers) or serif (NPS Rawlinson or Century). NPS standard fonts, Frutiger and NPS Rawlinson, are preferable.

Font size is 24pt (Helvetica) minimum.

Regardless of type size, there is sufficient space between characters, words, and lines. The default settings of Frutiger and NPS Rawlinson provide ample space.

Alignment is flush left and ragged right and hyphens are avoided.

Black or white type color is used or at least a 70% contrast is distinguishable (e.g., black text on any light colors, white text on dark colors.) Contrast of typeface to background is between 70% and 95%.

Understandable hierarchical patterns and layouts are used to simplify reading.

YES NO N/A

Purely decorative elements or graphics in the background are avoided so that text is presented clearly.

Italicized and underlined text is avoided.

Special effects to text are only on large display fonts or headers, not on secondary text.

All-caps text is avoided.

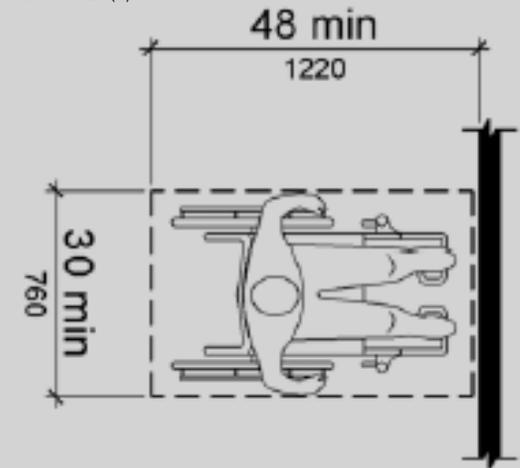
Graphics (photographs, diagrams, and maps) are enlarged accordingly without distortion, loss of detail, contrast, focus, or clarity of image.

Photograph or image content contrasts with surrounding content clearly.

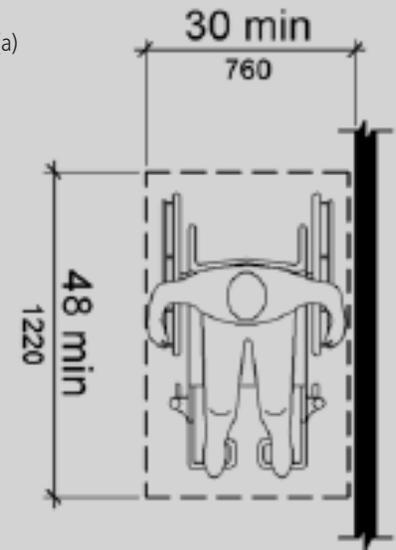
Line drawings are clear and bold with limited detail and a minimum type size of 16pt for labels.

Clear floor space is provided at kiosk, 2'6" x 4' (30" x 48") from a forward or parallel approach, with a 2% maximum slope in any direction on a firm and stable surface. See Figure 305.5.

FORWARD (a)



PARALLEL (a)



POSITION OF CLEAR FLOOR OR GROUND SPACE

Outdoor Constructed Features at Trailheads:

YES NO N/A

At least 20%, but no less than one, of each type of outdoor constructed feature provided at trailheads is accessible.

Unless otherwise specified, one full unobstructed side of the clear ground space adjoins or overlaps an outdoor recreation route or a trail, as applicable, or another clear ground space.

Openings in the clear ground space surface do not allow the passage of a sphere more than ½" in diameter.

A handheld shower spray unit is provided, with a hose at least 4'11" (59") long and at least one fixed position 1'3" (15") minimum and 4' (48") maximum above the ground. EXCEPTION: When vandalism is a consideration, a fixed showerhead mounted at 4' (48") above the ground is allowed in place of a handheld shower spray unit.

Operable parts of outdoor rinsing showers, such as handles or levers, are 1'3" (15") minimum and 4' (48") maximum above the ground. They are operable with one hand without tightly grasping, pinching, or twisting the rest, and with no more than 5 pounds of force. If self-closing devices are used, they remain open and allow water to flow for at least 10 seconds.

Benches:

YES NO N/A

Where provided, benches have companion seating clear space adjacent to the bench of 3' x 4' (36" x 48") adjoining an outdoor recreation access route or trail. The clear space does not overlap the trail and is a maximum 2% maximum grade in any direction. If necessary for drainage and the clear ground space is other than asphalt, concrete, or boards, a 5% maximum slope is allowed. 20%, but no less than one, of each type of bench provided at each location on the trail is accessible.

Best practice: Bench seat is 3'6" (42") long minimum and between 1'6" (20") deep minimum and 2' (24") deep maximum. Bench seat surface is 1'3" (17") minimum and 1'5" (19") maximum above the finish floor or ground. Additional clear floor space is provided parallel to the short axis of the bench, 2'6" by 4' (30" x 48") from a parallel approach, with a 2% maximum slope in any direction on a firm and stable surface. See Figure 305.5.

Trash and Recycling Receptacles:

YES NO N/A

Where provided, trash and recycling receptacles have a clear ground space of 3' x 4' (36" x 48") positioned for a forward approach to the receptacle opening OR 2'6" x 5' (30" x 60") positioned for a parallel approach to the receptacle opening. The clear ground space is a firm and stable surface with 2% maximum slope in all directions or 5% maximum where necessary for drainage and the surface is other than asphalt, concrete, or boards.

Operable parts of trash and recycling containers, such as handles or latches, are 15" minimum and 48" maximum above the ground. They are operable with one hand without tightly grasping, pinching, or twisting the rest, and with no more than 5 pounds of force.

Viewing Scopes:

YES NO N/A

Viewing scopes have a clear ground space of 3' x 4' (36" x 48") positioned for a forward approach to the viewing scope with a knee clearance of 2'3" (27") minimum and a toe clearance of 9" minimum. The clear ground space is centered on the eyepiece of the viewing scope. The clear ground space is a firm and stable surface with 2% maximum slope in all directions or 5% maximum where necessary for drainage and the surface is other than asphalt, concrete, or boards.

The eyepiece of the viewing scope used from a seated position is 3'7" (43") minimum and 4'3" (51") maximum above the ground surface. Other operable parts of the element, such as handles or levers, are located 1'3" (15") minimum and 4' (48") maximum above the ground and are operable with one hand without tightly grasping, pinching, or twisting the rest, and with no more than 5 pounds of force.

Trailheads:

YES NO N/A

Trailhead signage provides the following information: length of the trail or trail segment; surface type; typical and minimum tread width; typical and maximum running slope; and typical and maximum cross slope.

At least one outdoor recreation access route connects accessible parking spaces and other arrival points; the starting point of the trail; and accessible elements, spaces, and facilities within the trailhead.

Existing trailheads. Elements or spaces are altered but the circulation path to the altered space or element is not changed at existing trailheads. If so, the circulation path does not have to be altered to comply with the technical requirements of outdoor recreation access routes. If the circulation path to the trailhead is altered and a condition for exception does not permit full compliance with a specific provision in the technical requirements for outdoor recreation access routes, the circulation path must comply with the specific provision to the extent practicable.

Outdoor Exhibits and Maps:

Non-tactile Exhibits and Maps:

YES NO N/A

Objects are identified and it is communicated to visitors that the objects are NOT meant to be touched.

When possible, alternative formats such as audio descriptions and large print displays are provided for learning and understanding what the exhibits are meant to convey

Tactile and Interactive Exhibits and Maps:

YES NO N/A

Parallel Approach. Exhibit surface is 3' (36") long minimum and 3' (36") high maximum

Forward Approach. Exhibit surface is 2'-6" (30") long minimum and 3' (36") high maximum, with 2'-3" (27") minimum knee clearance space under the counter.

Objects are identified and it is communicated to visitors that objects are meant to be touched.

Tactile models, maps, reproductions, and other exhibits are available whenever possible.

YES NO N/A

The model is made of materials that are comfortable to touch, resistant to wear, and finished with a coating that allows for routine cleaning.

There are no applied or glued elements on the model, but instead it is cast, carved, or CNC (computer numerical control) routed as one piece.

Color and images are incorporated in the materials, spray applied, or ink-jet printed. There is no brush-painted detail or self-adhesive vinyl decals or type used.

Varieties of texture are used to differentiate features, such as topography and vegetation, on the model.

Details of the model are in the appropriate scale and are discernible by finger touch.

Clear floor space is provided at exhibits, 2'6" by 4' (30" x 48") from a forward or parallel approach, with a 2% maximum slope in any direction on a firm and stable surface. See Figure 305.5.

YES NO N/A

Reach ranges for tactile and interactive exhibits and maps from a forward approach that is unobstructed are between 1'3" (15") minimum and 4' (48") maximum. See Figure 308.2.1. If the reach is obstructed a maximum of 1'8" (20"), the reach may be 4' (48") maximum, while where the obstruction is between 1'8" (20") and 2'1" (25"), the reach may be 3'8" (44") high maximum. See Figure 308.2.2.

Reach ranges for tactile and interactive exhibits and maps from a parallel approach that is unobstructed no more than 10" are between 1'3" (15") minimum and 4' (48") maximum. See Figure 308.3.1. If the side reach is obstructed no more than 10" maximum in depth and 2'10" (34") maximum in height, the high side reach is 4' (48") maximum in height. See Figure 308.3.2. Where the reach depth is between 10" and 2' (24"), the high side reach shall be 3'10" (46") maximum for a reach depth of 2' (24") maximum. See Figure 308.3.2.

Interpretive Waysides:

YES NO N/A

Letters are in a readable typeface of sans serif (Arial, Optima, Trebuchet, Frutiger, Helvetica, Tahoma, or Univers) or serif (NPS Rawlinson or Century). NPS standard fonts, Frutiger and NPS Rawlinson, are preferable.

Font size is 24pt (Helvetica) minimum.

Regardless of type size, there is sufficient space between characters, words, and lines. The default settings of Frutiger and NPS Rawlinson provide ample space.

Alignment is flush left and ragged right and hyphens are avoided.

Black or white type color is used or at least a 70% contrast is distinguishable (e.g., black text on any light colors, white text on dark colors. Contrast of typeface to background is between 70% and 95%.

Understandable hierarchical patterns and layouts are used to simplify reading.

Purely decorative elements or graphics in the background are avoided so that text is presented clearly.

YES NO N/A

Italicized and underlined text is avoided.

Special effects to text are only on large display fonts or headers, not on secondary text.

All-caps text is avoided.

Graphics (photographs, diagrams, and maps) are enlarged accordingly without distortion, loss of detail, contrast, focus, or clarity of image.

Photograph or image content clearly contrasts with surrounding content.

Line drawings are clear and bold with limited detail and a minimum type size of 16pt for labels. Tactile signage should be used whenever possible.

Clear floor space is provided at work surfaces, 2'6" by 4' (30" x 48") from a forward approach, with a 2% maximum slope in any direction on a firm and stable surface. See Figure 305.5.

Interpretive waysides provide 2'3" (27") minimum knee clearance under the surface.

Event Announcements:

YES NO N/A

Event announcements are provided with information to contact the park (email and phone number) to request special accommodations that may be needed.

Event announcements are provided in a variety of formats including large print, audio, and/or accessible PDF to meet the needs of diverse audiences.

Audio-Visual Systems and Videos:

YES NO N/A

Videos include open and/or closed captioning. The captions display spoken dialogue as printed words on television screens, computer monitors, projection screens, captions boards, and other visual displays. Text should indicate identification of speakers and nonverbal sound effects. Subtitles refer to translation only. Captions display vocabulary relevant to the audience. Open captioning is recommended as a best practice, and NPS guidelines state that all new media must be open-captioned, i.e., on at all times. A black bar underneath text is also recommended as a best practice to increase readability for users.

YES NO N/A

Black or white type color is used or at least a 70% contrast is distinguishable. Contrast of typeface to background shall be between 70% and 95%.

Graphics (photographs, diagrams, and maps) are enlarged accordingly without distortion, loss of detail, contrast, focus, or clarity of image.

Photograph or image content clearly contrasts with surrounding content.

Transcripts are available for videos in standard, large print format, and/or accessible digital documents (e.g., PDFs).

Cell Phone Tours and Audio Programs:

YES NO N/A

Black or white typeface colors are used on cell phone tour indicator signage of at least a 70% contrast and are distinguishable. Contrast of typeface to background shall be between 70% and 95%.

Letters of cell phone tour indicator signage are in a readable typeface of sans serif (Arial, Optima, Trebuchet, Frutiger, Helvetica, Tahoma, or Univers) or serif (NPS Rawlinson or Century). NPS standard fonts, Frutiger and NPS Rawlinson, are preferable. Font size is 24pt (Helvetica) minimum and provides sufficient space between characters, words, and lines.

Transcripts are available for cell phone tours in standard, large print format, and/or accessible digital documents (e.g., PDFs).

If applicable, walking routes are accessible with 3' (36") minimum width and 5' (60") minimum diameter turning spaces.

YES NO N/A

Where stopping points are provided at elements, they allow 2'6" x 4' (30" x 48") clear space from a forward or parallel approach with a 2% maximum slope in any direction on a firm and stable surface. See Figure 305.5. If necessary for drainage, slip underneath elements may be 8.33%.

Conditions for Exceptions:

The conditions in AGODA 1019 are the basis for using the exceptions to the requirements for outdoor constructed features and trails. On trails, the exceptions apply only on the portion of the route where the condition applies. The trail is required to fully comply with the requirements in chapter 10 of the AGODA at all other portions of the route where the conditions do not apply.

YES NO N/A

- | | | | |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | This project will use an exception in AGODA 1019.2 for outdoor constructed features and trails. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Compliance is not feasible due to terrain. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Compliance cannot be accomplished with the prevailing construction practices. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Compliance would fundamentally alter the function or purpose of the facility or the setting. |

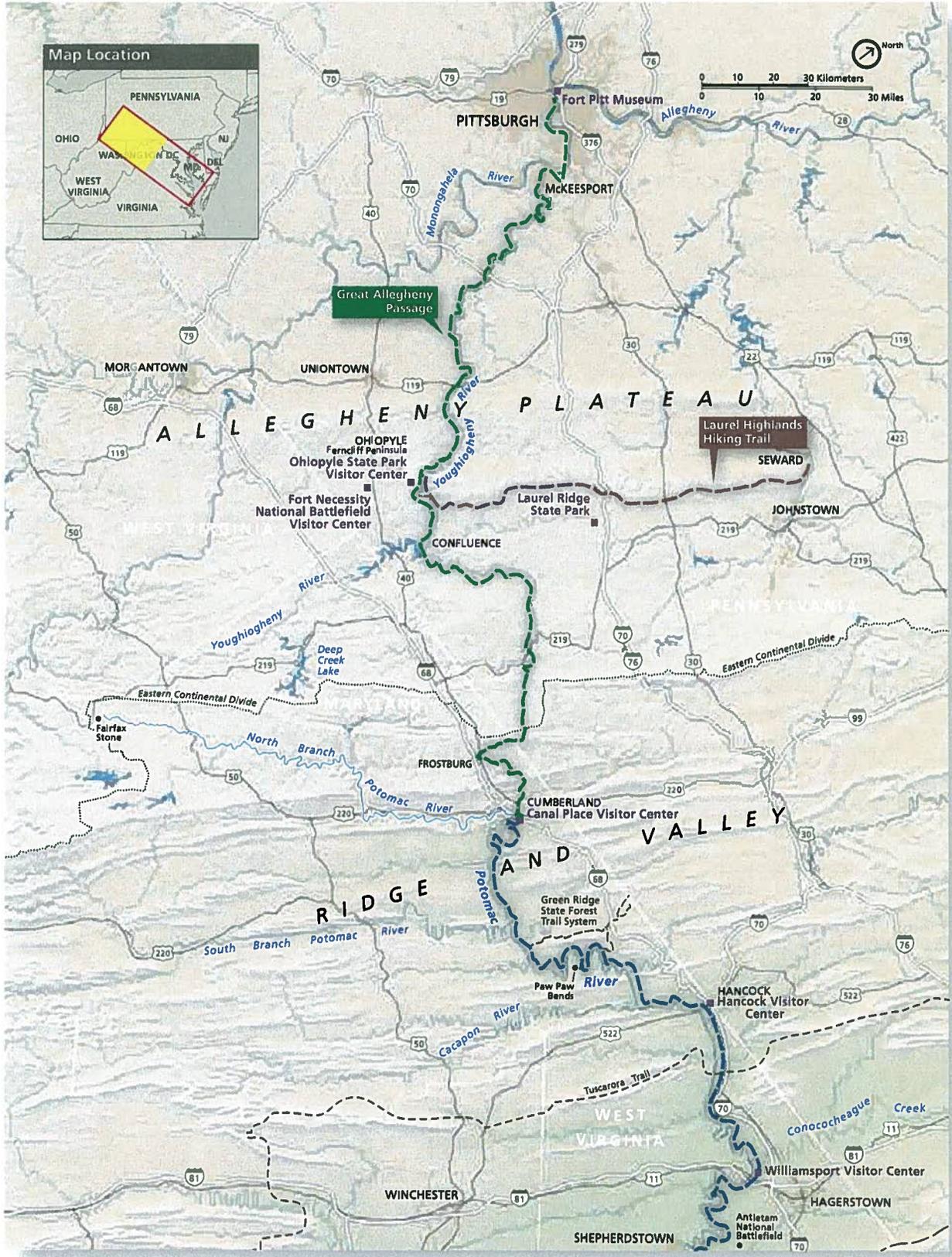
Compliance is precluded by the:

- Endangered Species Act (16 U.S.C. §§ 1531 et seq.)
- National Environmental Policy Act (42 U.S.C. §§ 4321 et seq.)
- National Historic Preservation Act (16 U.S.C. §§ 470 et seq.)
- Wilderness Act (16 U.S.C. §§ 1131 et seq.)
- Other federal, state, or local law the purpose of which is to preserve threatened or endangered species; the environment; or archeological, cultural, historical, or other significant natural features

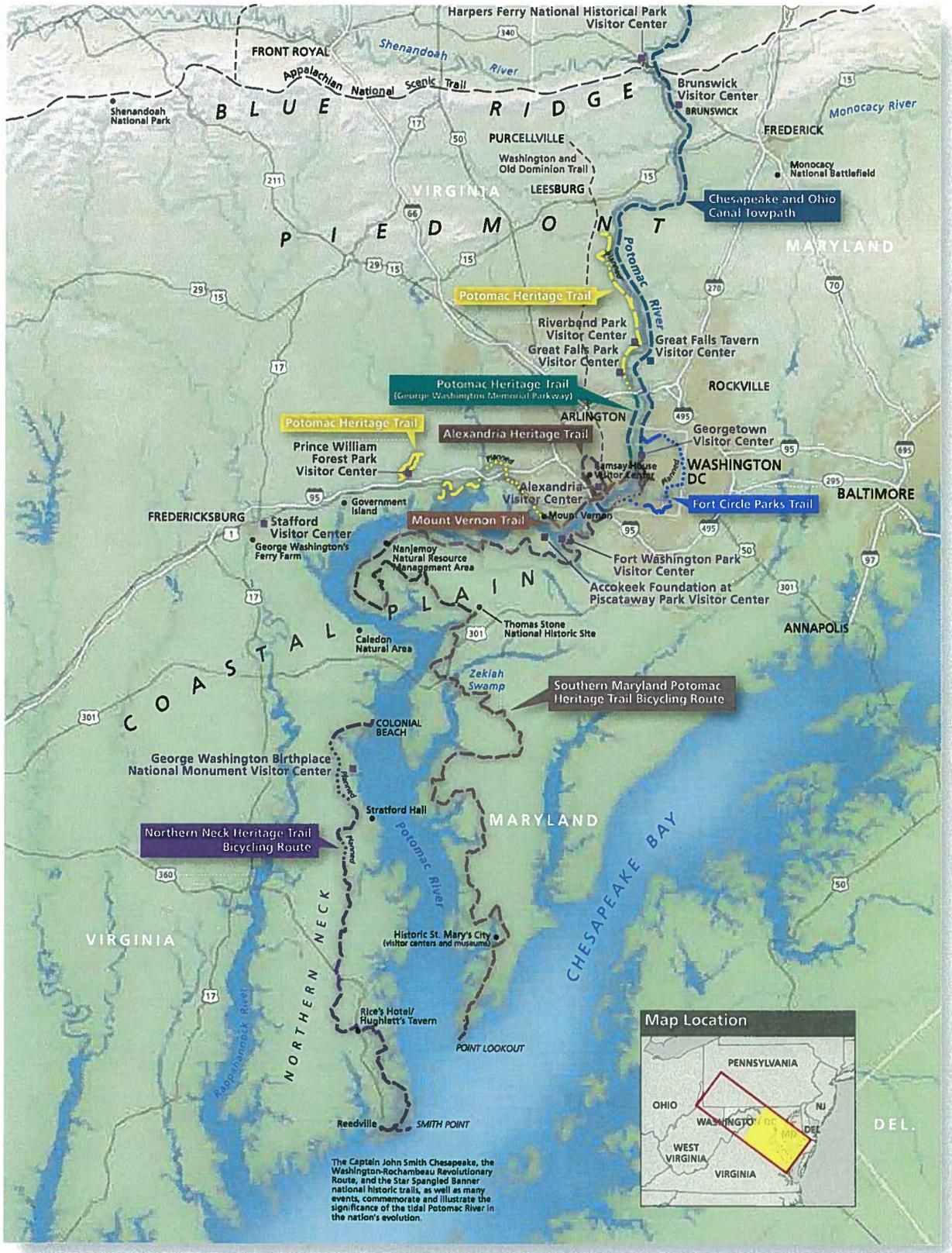
route marking & graphic identity guide



Northwest section



Southeast section





Deidre G. Jett

MEMORANDUM

TO: Timothy Baroody, City Manager
FROM: Deidre Jett, Budget Manager
DATE: December 6, 2016
SUBJECT: Resolution Increasing the FY 2017 Appropriation of the Rappahannock Regional Justice Academy by \$78,079

ISSUE

Shall the City Council increase the FY 2017 budget appropriation for the Rappahannock Regional Justice Academy (the “Academy”) by \$78,079?

RECOMMENDATION

Staff recommends approval of this resolution which requires only one reading.

BACKGROUND

On May 10, 2016 the City Council approved the FY 2017 Budget which included an appropriation of \$1,627,726 for the Academy (Fund 736). The City serves as fiscal agent for the Academy. Due to a net increase in revenues of \$78,079 related to an increase in state aid, the Academy is requesting additional appropriation authority.

FISCAL IMPACT

The resolution increases the appropriation of Academy (Fund 736) by \$78,079 to \$1,705,805 from \$1,627,726. The attached resolution had no impact on the City’s general fund since no additional local funds are required.

Attachment: Resolution

cc: Mark Whitley, Assistant City Manager
Clarence Robinson, Director of Fiscal Affairs
Michael Harvey, Executive Director



December 13, 2016
Regular Meeting
Resolution No. 16-xx

MOTION:

SECOND:

**RE: AMENDING THE RAPPAHANNOCK REGIONAL JUSTICE ACADEMY
FISCAL YEAR 2017 BUDGET**

ACTION: APPROVED: Ayes: 0; Nays 0

WHEREAS, a budget appropriation of \$1,627,726 for the Rappahannock Regional Criminal Justice Academy (the “Academy”) for Fiscal Year 2017 was adopted by the City Council on May 10, 2016; and

WHEREAS, the City of Fredericksburg serves as fiscal agent for the Academy through Fund 736; and

WHEREAS, the Academy has requested an increase in their budget appropriation by \$78,079; and

WHEREAS, the proposed amendment was approved at a meeting of the Charter Members of the Academy on November 2, 2016;

NOW, THEREFORE, BE IT RESOLVED, that the annual appropriation in the Academy (Fund 736) be increased by \$78,079 to \$1,705,805.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Clerk’s Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Resolution No. 16-xx duly adopted at a meeting of the City Council meeting held December 13, 2016 at which a quorum was present and voted.

*Tonya B. Lacey, CMC
Clerk of Council*

Fredericksburg Cable Commission
Draft Minutes of September 15, 2016 Meeting

In Attendance: Howard Piggee, Vice Chair
Fred Howe
Bob Young, FCPS
Chris Glover, CRRL
Suzanne Tills, Director of Information Technology/CIO

Others In Attendance: Todd Brinklow, Cox
Louise Anderson, Verizon
Marie Schuler, Comcast
Mike George, FCPS
Brenda Martin, Assistant to the City Manager

The meeting was called to order at 11:02 a.m.

Approval of Agenda

Mrs. Tills motioned for the agenda for the meeting to be approved, and the motion was seconded by Bob Young. The motion was approved by all.

Cable Commission Complaints

None

Financial Update for PEG Access Funds

Mrs. Tills provided a financial report with the additional cable provider checks collected.

Approval of Minutes

Mr. Howe motioned for the August 18, 2016 minutes to be approved, and the motion was seconded by Mr. Young. The motion was approved by all.

Old Business

a. Verizon Fiber & City Hall – Update

There were some glitches that occurred during several live broadcasts but those have been resolved. The trouble seemed to be occurring within the transfer equipment operated by our broadcast company Advanced Media Solutions (AMS). Chris Chandler with AMS is working on monitoring the system to try to troubleshoot it as well. The ability to view the live broadcast is still needed in the cable broadcast room in council chambers. Ms. Anderson said she would schedule a technician to install the correct equipment for the ability to view the Verizon feed live.

Mr. Glover stated the library has Verizon fiber and questioned would there be the ability to have their feed serve as a redundant backup to the City's in case something happened again to ours. Ms. Anderson said she would follow up and ask whether that would be possible.

b. Potential PEG Funding Projects Update

i. Schools

Mr. Young gave an overview of the technology needed for broadcasting the School Board meetings when they move to the renovated Original Walker Grant. There was a discussion on the breakdown of the three levels of equipment and components. See quote from Communication Specialist for details.

Mr. Howe questioned the redundancy in the City Hall system and the new system in the Original Walker Grant. He expressed his concerns in not knowing this was going to take place in the renovation of the building. Mr. Young explained this room will be a multi-purpose community room for others to use such as Head Start. Mr. Howe also expressed a concern from when he was on Council from previous school projects. He would like have it in writing that the Schools will allow the City to use the room as well, if PEG funds will be used.

Mr. Young stated he will meet with the Superintendent and others and provide a formal list of the plans and how it will be used with the public. Mr. Howe again asked for it to be placed in writing who will be able to use the room.

ii. Library

Mr. Glover stated he did not have the cost estimate yet but that the request will be for the equipment on each end of the fiber line to push content signal from the library to the council chambers so it can go out on the PEG channel. They also want to add a visual media lab for the public to use and for library programming.

iii. Fire Department

The Fire Department estimates \$10,000 is needed for equipment to develop and produce video products for the City of Fredericksburg Fire Departments public safety and training program which makes public service announcements on a variety of Fire and EMS subjects and well as in house training videos. A letter from Battalion Chief Edward Sparks describing needs and estimated costs was submitted to the commission for review and approval.

An estimated amount of PEG funding is usually appropriated each year at the beginning of the fiscal year, but it hasn't happened yet this year. Mrs. Tills suggested appropriating all the PEG money estimated to be needed for these projects at one Council meeting and then using what is needed for each of the projects. This will prevent waiting for the exact numbers to be finalized and holding up the other projects, since the commission is not meeting again until November. The proposal for the finalized items are needed by September 19 for the deadline for the September 27 Council Meeting.

Mr. Howe made a motion recommending asking staff to prepare for the September 27, 2016 Council Meeting to appropriate \$35,000 for the Schools for the equipment at the Original Walker Grant, \$15,000 for Library for visual media lab and \$10,000 for the Fire department audio visual equipment for creating public safety videos. It was supported unanimously.

c. Addition of the Arts Channel (Cox)

Mrs. Tills reported that Julie Perry forwarded an email to her Arts Commission members to requesting that during the month of September they submit any requests to the Arts Channel to Cox. Mrs. Tills brought it up to the group that an annual report is expected from the commission. She will write the draft for the group to review for the end of the year.

d. Review of Franchise Agreements

Mrs. Tills reported that she discussed with Assistant City Attorney Rob Eckstrom the request to review the franchise agreements every three years for updates for technological needs. He asked that the commission review what they wanted updated and make those recommendations and he would be happy to assist. Discussions followed on amending franchise agreements, technology, delivery standards and compliance.

New Business

a. Selection of new Chair and Vice-Chair

Mr. Howe was nominated to be Chair by Col. Piggee. It was unanimously supported. Col. Piggee was nominated by Mrs. Tills for Vice-Chair. It was unanimously supported. One seat remains open on the commission. One application has been received. Mrs. Tills will check to make sure Mr. David has officially resigned. He has moved to Ireland.

Mr. Howe motioned to close the Cable Commission Meeting at 12:08 pm; the motion was seconded by Mr Young. All approved the motion.

December 1, 2016
Regular Meeting
Res. No. 16-12-01

MOTION: KELLY
SECOND: BARKER
RE: APPROVE – MINUTES – NOVEMBER 3, 2016
ACTION: APPROVED

WHEREAS, on November 3, 2016, at 7:00 p.m. the Potomac and Rappahannock Transportation Commission (“PRTC” or the “Commission”) convened their regular meeting at the PRTC Transit Center, located at 14700 Potomac Mills Road, Woodbridge, Virginia; and

WHEREAS, PRTC conducted business in accordance with a published agenda dated November 3, 2016.

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission does hereby approve the minutes of November 3, 2016.

Votes:

Ayes: Anderson (Ruth), Barker, Jenkins, Jones, Kelly, Milde, Miller, Nohe, Pittard, Principi, Skinner, Way

Nays: None

Abstain: None

Absent from Vote: Franklin

Alternate Present Not Voting: None

Absent from Meeting: Anderson (Richard), Aveni, Barg, Caddigan, Catterton, Horsley, Lasch, Lawson, Lovejoy, Maurer, McLaughlin, Mitchell, Naddoni, Ross, Sellers, Thomas, Trampe, Withers, Wren

ATTEST: 
Eric Marx, Interim Executive Director

November 3, 2016
Regular Meeting
Res. No. 16-11-01

MOTION: WAY
SECOND: THOMAS
RE: APPROVE – MINUTES – OCTOBER 6, 2016
ACTION: APPROVED

WHEREAS, on October 6, 2016, at 7:00 p.m. the Potomac and Rappahannock Transportation Commission ("PRTC" or the "Commission") convened their regular meeting at the PRTC Transit Center, located at 14700 Potomac Mills Road, Woodbridge, Virginia; and

WHEREAS, PRTC conducted business in accordance with a published agenda dated October 6, 2016.

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission does hereby approve the minutes of October 6, 2016.

Votes:

Ayes: Anderson (Richard), Anderson (Ruth), Barker, Caddigan, Jones, Lawson, Milde, Miller, Nohe, Pittard, Principi, Skinner, Thomas, Way

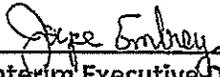
Nays: None

Abstain: Lasch

Absent from Vote: None

Alternate Present Not Voting: None

Absent from Meeting: Aveni, Barg, Franklin, Horsley, Jenkins, Kelly, Lovejoy, Maurer, McLaughlin, Mitchell, Naddoni, Ross, Selfers, Trampe, Withers, Wren

ATTEST:  
Eric Marx, Interim Executive Director

November 3, 2016
Regular Meeting
Res. No. 16-11-02

MOTION: THOMAS
SECOND: JONES
RE: APPROVE – MINUTES – OCTOBER 24, 2016
ACTION: APPROVED

WHEREAS, on October 24, 2016, at 6:00 p.m. the Potomac and Rappahannock Transportation Commission ("PRTC" or the "Commission") convened a special meeting at the PRTC Transit Center, located at 14700 Potomac Mills Road, Woodbridge, Virginia; and

WHEREAS, PRTC conducted business in accordance with a published agenda dated October 24, 2016.

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission does hereby approve the minutes of October 24, 2016.

Votes:

Ayes: Anderson (Richard), Anderson (Ruth), Barker, Caddigan, Jones, Lawson, Miller, Nohe, Principi, Thomas, Way

Nays: None

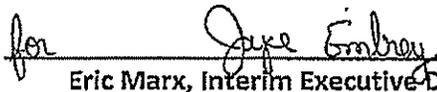
Abstain: Lasch, Milde, Pittard, Skinner

Absent from Vote: None

Alternate Present Not Voting: None

Absent from Meeting: Aveni, Barg, Franklin, Horsley, Jenkins, Kelly, Lovejoy, Maurer, McLaughlin, Mitchell, Naddoni, Ross, Sellers, Trampe, Withers, Wren

ATTEST:


Eric Marx, Interim Executive Director

November 3, 2016
Regular Meeting
Res. No. 16-11-03

MOTION: SKINNER

SECOND: JONES

RE: APPROVE – AGENDA – NOVEMBER 3, 2016

ACTION: APPROVED

WHEREAS, the Potomac and Rappahannock Transportation Commission ("PRTC" or the "Commission") meets on a monthly basis and an agenda is presented to the Commission for review and approval.

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission does hereby approve the agenda of November 3, 2016, as presented.

Votes:

Ayes: Anderson (Richard), Anderson (Ruth), Barker, Caddigan, Jones, Lasch, Lawson, Milde, Miller, Nohe, Pittard, Principi, Skinner, Thomas, Way

Nays: None

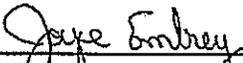
Abstain: None

Absent from Vote: None

Alternate Present Not Voting: None

Absent from Meeting: Aveni, Barg, Franklin, Horsley, Jenkins, Kelly, Lovejoy, Maurer, McLaughlin, Mitchell, Naddoni, Ross, Sellers, Trampe, Withers, Wren

ATTEST:

 
Eric Marx, Interim Executive Director

November 3, 2016
Regular Meeting
Res. No. 16-11-04

MOTION: NOHE
SECOND: CADDIGAN
RE: APPROVE -- CONSENT AGENDA -- NOVEMBER 3, 2016
ACTION: APPROVED

WHEREAS, the Potomac and Rappahannock Transportation Commission ("PRTC" or the "Commission") was presented with a consent agenda; and

WHEREAS, an opportunity was afforded for items to be added or deleted from the consent agenda.

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission does hereby approve the consent agenda of November 3, 2016, as presented.

Votes:

Ayes: Anderson (Richard), Anderson (Ruth), Barker, Caddigan, Jones, Lasch, Lawson, Milde, Miller, Nohe, Pittard, Principi, Skinner, Thomas, Way

Nays: None

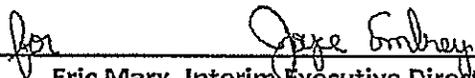
Abstain: None

Absent from Vote: None

Alternate Present Not Voting: None

Absent from Meeting: Aveni, Barg, Franklin, Horsley, Jenkins, Kelly, Lovejoy, Maurer, McLaughlin, Mitchell, Naddoni, Ross, Sellers, Trampe, Withers, Wren

ATTEST:


Eric Marx, Interim Executive Director

November 3, 2016
Regular Meeting
Res. No. 16-11-05

MOTION: NOHE

SECOND: CADDIGAN

**RE: ACCEPTANCE OF THE POTOMAC AND RAPPAHANNOCK
TRANSPORTATION COMMISSION MONTHLY JURISDICTIONAL
FINANCIAL REPORT FOR THE PERIOD ENDED AUGUST 31, 2016**

ACTION: APPROVED

WHEREAS, a financial report for each jurisdiction is prepared each month for presentation to the Potomac and Rappahannock Transportation Commission ("PRTC" or the "Commission"); and

WHEREAS, this report supplies information on the current month and year-to-date motor fuel tax collections; earned interest, other revenues, state administration cost, expenditures, transfers and encumbrances; and

WHEREAS, this information covers the PRTC as a whole, as well as each separate jurisdiction; and

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission does hereby accept the Jurisdictional Financial Report for the period ended August 31, 2016, as presented.

Votes:

Ayes: Anderson (Richard), Anderson (Ruth), Barker, Caddigan, Jones, Lasch, Lawson, Milde, Miller, Nohe, Pittard, Principi, Skinner, Thomas, Way

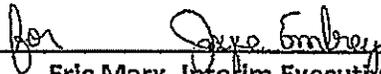
Nays: None

Abstain: None

Absent from Vote: None

Alternate Present Not Voting: None

Absent from Meeting: Aveni, Barg, Franklin, Horsley, Jenkins, Kelly, Lovejoy, Maurer, McLaughlin, Mitchell, Naddoni, Ross, Sellers, Trampe, Withers, Wren

ATTEST: 
Eric Marx, Interim Executive Director

November 3, 2016
Regular Meeting
Res. No. 16-11-06
VRE Agenda Item 8-A

MOTION: MILDE

SECOND: WAY

RE: RECOMMEND APPROVAL OF THE 2016/17 VRE LEGISLATIVE AGENDA

ACTION: APPROVED

WHEREAS, the Virginia Railway Express (VRE) is a vital part of the regional transportation network for the Northern Virginia and DC Metropolitan region; and

WHEREAS, the VRE serves residents throughout the Commonwealth to provide a meaningful public transportation option; and

WHEREAS, it is essential for VRE to advocate for its funding needs and legislative/regulatory concerns with members and staff in Congress, with staff of federal entities in the Virginia General Assembly and with the Governor and his administration; and

WHEREAS, the VRE has coordinated its Legislative Agenda with the staffs of the Commissions and member jurisdictions; and

WHEREAS, the VRE Operations Board recommends the following action.

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission hereby approves the 2016/17 VRE Legislative Agenda and authorizes the VRE Chief Executive Officer to actively pursue the elements set forth in the attached document.

November 3, 2016
Regular Meeting
Res. No. 16-11-06
VRE Agenda Item 8-A

Votes:

Ayes: Anderson (Ruth), Caddigan, Jones, Lasch, Milde, Nohe, Principi, Skinner, Thomas, Way

Nays: Lawson

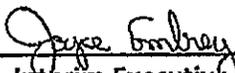
Abstain: Anderson (Richard), Barker, Miller, Pittard

Absent from Vote: None

Alternate Present Not Voting: None

Absent from Meeting: Aveni, Barg, Franklin, Horsley, Jenkins, Kelly, Lovejoy, Maurer,
McLaughlin, Mitchell, Naddoni, Ross, Sellers, Trampe, Withers, Wren

ATTEST: *for*



Eric Marx, Interim Executive Director

November 3, 2016
Regular Meeting
Res. No. 16-11-07

MOTION: WAY

SECOND: SKINNER

RE: ADOPT 2016-17 LEGISLATIVE AGENDA

ACTION: APPROVED

WHEREAS, each year the Potomac and Rappahannock Transportation Commission ("PRTC" or the "Commission") adopts state and federal legislative agendas to guide its advocacy efforts; and

WHEREAS, the 2016-17 agenda was presented for discussion to the Commission in draft form at its October 6, 2016 meeting.

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission does hereby approve its 2016-17 legislative agenda.

BE IT FURTHER RESOLVED that the Potomac and Rappahannock Transportation Commission does hereby direct the Interim Executive Director to continue efforts already underway to advocate for issues contained in the 2016-17 legislative agenda.

Votes:

Ayes: Anderson (Ruth), Caddigan, Jones, Lasch, Milde, Nohe, Principi, Skinner, Thomas, Way

Nays: Lawson

Abstain: Anderson (Richard), Barker, Miller, Pittard

Absent from Vote: None

Alternate Present Not Voting: None

Absent from Meeting: Aveni, Barg, Franklin, Horsley, Jenkins, Kelly, Lovejoy, Maurer,
McLaughlin, Mitchell, Naddoni, Ross, Sellers, Trampe, Withers, Wren

ATTEST:


Eric Marx, Interim Executive Director

November 3, 2016
Regular Meeting
Res. No. 16-11-08

MOTION: CADDIGAN

SECOND: WAY

RE: ACCEPTANCE OF GAINESVILLE/PENTAGON OMNIRIDE SERVICE PUBLIC PARTICIPATION PROCESS RESULTS

ACTION: APPROVED

WHEREAS, at its March 3, 2016 meeting, the Potomac and Rappahannock Transportation Commission ("PRTC" or the "Commission") authorized the Interim Executive Director to apply for and accept funds from the Transform 66 Multimodal Project for OmniRide service between Gainesville and the Pentagon; and

WHEREAS, PRTC's project was selected to receive \$887,900 to fully fund the service through the end of FY19; and

WHEREAS, on September 8, 2016, the Commission authorized the Interim Executive Director to commence the public participation process, in accordance with PRTC's adopted Public Participation Policy; and

WHEREAS, in accordance with the Public Participation Policy, a public hearing was held on October 19, 2016 at Manassas City Hall and written comment was accepted until October 26, 2016; and

WHEREAS, all comments were positive or neutral.

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission does hereby accept results of the public participation process.

November 3, 2016
Regular Meeting
Res. No. 16-11-08
Page Two

Votes:

Ayes: Anderson (Richard), Anderson (Ruth), Barker, Caddigan, Jones, Lasch, Lawson, Milde,
Miller, Nohe, Pittard, Principi, Skinner, Thomas, Way

Nays: None

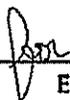
Abstain: None

Absent from Vote: None

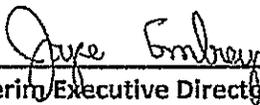
Alternate Present Not Voting: None

Absent from Meeting: Aveni, Barg, Franklin, Horsley, Jenkins, Kelly, Lovejoy, Maurer,
McLaughlin, Mitchell, Naddoni, Ross, Sellers, Trampe, Withers, Wren

ATTEST:



Eric Marx, Interim Executive Director





CITY OF FREDERICKSBURG, VIRGINIA
CITY COUNCIL
MINUTES
Council Chambers, 715 Princess Anne Street
Fredericksburg, Virginia 22401

ITEM #9A

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. BRADFORD C. ELLIS, WARD ONE
HON. DR. TIMOTHY P. DUFFY, WARD THREE
HON. CHARLIE L. FRYE, JR., WARD FOUR

**Council Work Session
September 13, 2016**

**Fences
Financial Policies/Fiscal Year 2016 Year End Update**

The Council of the City of Fredericksburg, Virginia held a work session on Tuesday, September 13, 2016, beginning at 5:30 p.m. in the City Hall Conference Room.

Council Present. Mayor Mary Katherine Greenlaw, Presiding. Councilors Kerry P. Devine, Timothy P. Duffy, Bradford C. Ellis, Charlie L. Frye, Jr. and Matthew J. Kelly.

Councilor Absent. Councilor William C. Withers, Jr.

Also Present. City Manager Timothy J. Baroody, Assistant City Manager Mark Whitley, City Attorney Kathleen Dooley, Planning Services Director Charles Johnston, Development Administrator Marne Sherman, Fiscal Affairs Director Clarence Robinson, Budget Manager Deidre Jett and Clerk of Council Tonya B. Lacey.

Fences. Development Administrator Sherman reviewed the current fence regulations with the Council and presented the proposed changes to those regulations. These changes can be found in the attached staff memo.

Councilor Ellis asked how many fences would be negatively impacted by the changes and Ms. Sherman said it would impact more positively than negatively.

Councilor Frye asked what would happen to the residents who have been out of compliance and Ms. Sherman said they would not have to worry unless they decide to put up a new fence. Ms. Sherman said she has about a couple violators a month. She also noted that if the proposed changes were approved they would contact all the fence companies and let them know of the changes.

Financial Policies/Fiscal Year 2016 Year End Update. Staff presented a PowerPoint presentation and report on the Year-End Financial Results. The preliminary results were good the City used less than budgeted of the General Fund Balance. The Revenues were

ITEM #9A

2.62% higher than the final budget. Expenditures were approximately \$2 million less than budgeted. The staff has set aside \$1,000,000 for the OPEB Trust.

Staff also discussed the Financial Policy and the City's Bond rating. See attached documents for more information.

Councilor Kelly requested to see the meals tax earned for downtown restaurants versus other restaurants.

Mr. Whitley noted that the juvenile jail true cost were going to be high but because the money had been set aside for this reason it would be pulled from there. Councilor Kelly said he would like to discuss the trends at the jail as well as address any problems. City Manager Baroody said the new jail superintendent was hired because he promised to look at expenses in a more critical way. Councilor Frye noted that the arrest rates for juveniles were down and he would like to see a percentage of the funds used to incarcerate invested in the community to help with the kids. Councilor Kelly said he would like to see what the crimes are and time served for those times and how many are actually City residents.

City Council had some discussion on putting funds into a contingency fund to be earmarked for certain projects such as schools and staff suggested if they wanted to do that they should put in the policy. Mr. Whitley explained if this was done it would be general fund dollars.

When Mr. Whitley presented the portion on financial policy debt limit Council liked the proposal to change the basis from total to taxable value and they liked the five percent (5%) taxable value.

The economic Development portion of the Financial Policy Council thought it needed to be rewritten. Council also agreed to change the policy so that staff would not have to bring a resolution to affirm the policies every two years it could be included in the CAFR.

Mr. Whitley said that they plan to bring the policy back from time to time with changes.

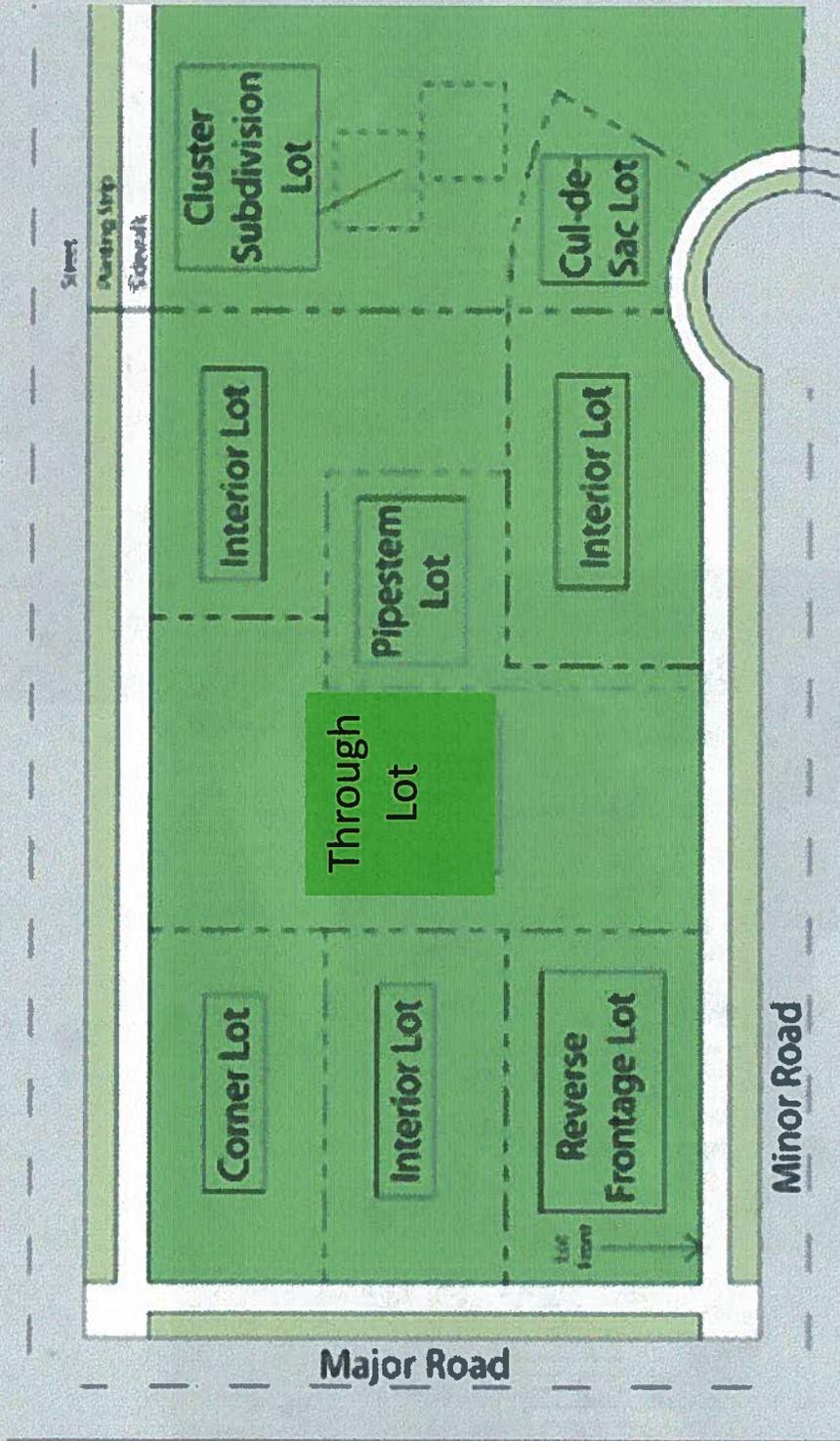
Adjournment. There being no further business to come before the Council at this time. Mayor Greenlaw declared the work session officially adjourned at 6:24 p.m.

**Tonya B. Lacey
Clerk of Council
City of Fredericksburg**

City Council Work Session – June 28, 2016
Fence Regulations



City Council Work Session – June 28, 2016
Fence Regulations



City Council Work Session – June 28, 2016

Fence Regulations



City Council Work Session – June 28, 2016
Fence Regulations

Bulk and Mass



City Council Work Session – June 28, 2016

Fence Regulations

Safety



City Council Work Session – June 28, 2016
Fence Regulations

Alternative 1



City Council Work Session – June 28, 2016

Fence Regulations

Alternative 2



City Council Work Session – June 28, 2016
Fence Regulations

Alternative 2



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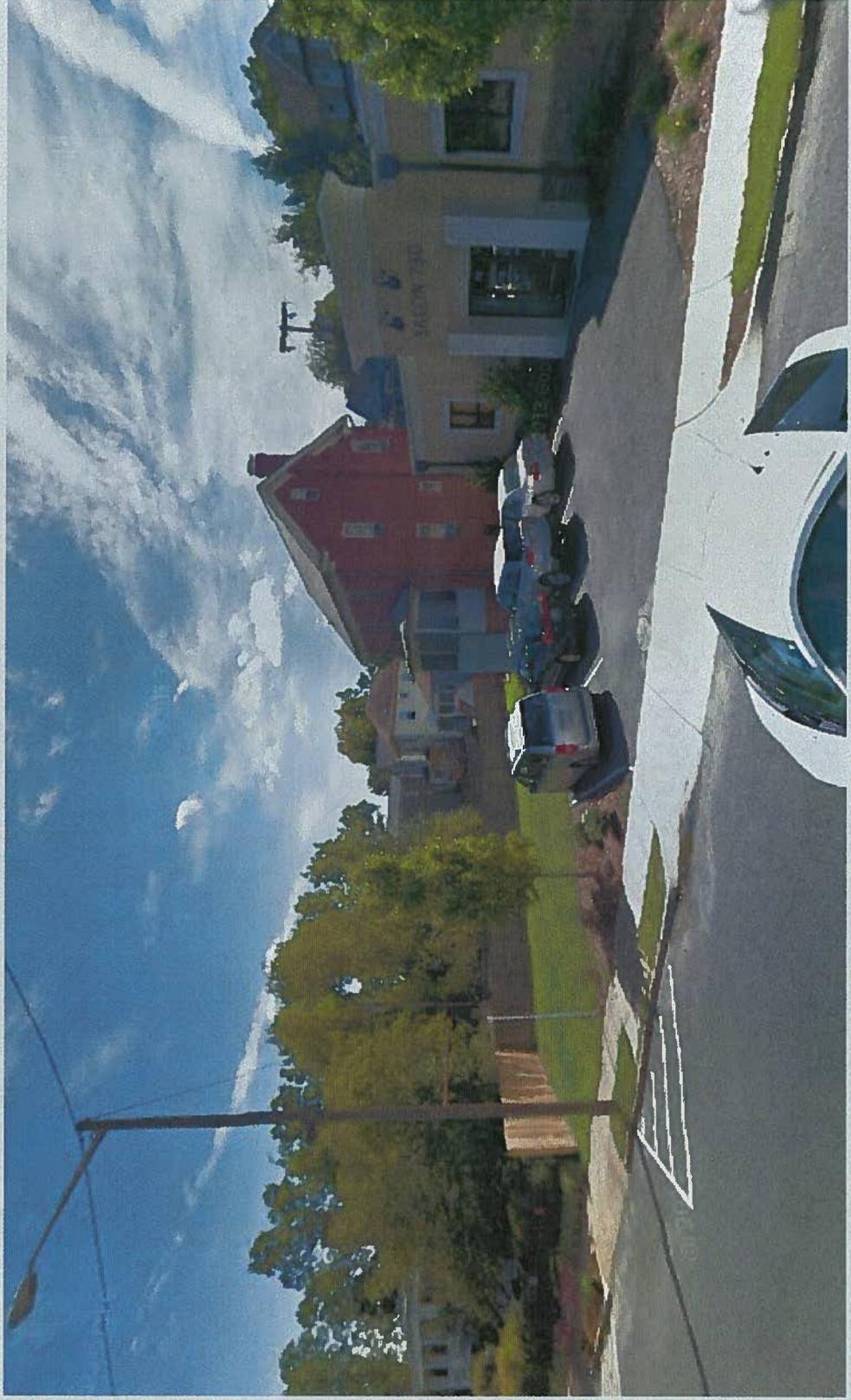
Fence Regulations

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City Council Work Session – June 28, 2016
Fence Regulations

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Colchester

MEMORANDUM

TO: Timothy J. Barody, City Manager
FROM: Marne E. Sherman, Development Administrator
RE: Resolution Initiating an Amendment to the Unified Development Ordinance Regarding Fences
DATE: September 6, 2016

ISSUE

Shall the Unified Development Ordinance (UDO) be amended to permit fences and walls within front yards on residential lots to exceed four feet in height?

RECOMMENDATION

Approval of the attached resolution to initiate an amendment to the UDO.

BACKGROUND

City residents, living on corner lots and through lots, have sought changes to the UDO to permit fences and walls exceeding four feet in height within secondary front yards. This is the area of a corner lot or through lot that many homeowners perceive as their side or back yards as they run behind or to the side of the house, along a secondary street frontage. Residents would like to enclose this area of the lot to gain privacy from the street and neighboring uses. In some cases, there are neighborhoods with established (non-conforming) patterns of corner lots with six foot tall fences along the secondary front lot line.

In May, City Council directed staff to present alternatives to the UDO to permit taller fences within the secondary front yard, in keeping with traditional neighborhood patterns. These alternatives were presented to City Council during a work session on June 28, 2016.

Staff formalized the June recommendations in the attached draft of related UDO amendments. In preparing the draft, staff considered other general updates and UDO sections that were affected by definitional and process changes.

All references to fences equally relate to walls.

CURRENT REGULATION

The previous Zoning Ordinance and current UDO Section 72-56.2.B. regulate that “in any front yard of a site in any R District, a fence or wall shall not exceed four feet in height back to the front of the principal

structure on the site. This provision shall also apply to residential uses in other districts.” There are two presumptive reasons for the limitation - bulk/mass in the front yard and safety along public spaces.

Bulk/Mass in a Front Yard

The general purpose of a minimum front yard setback is to provide for open areas and access to and around structures, for visibility and traffic safety, access to natural light, ventilation and direct sunlight, separation of incompatible land uses, and space for privacy, landscaping and recreation. The code currently allows for four foot fences to be placed anywhere on a residential lot and allows for taller fences to be placed in keeping with the minimum front yard setback. Just as the code limits principal structures (houses) and accessory structures (sheds and garages) from placement within close proximity to a street in residential zoning districts, fence heights are limited due to the mass and bulk they also create along the street. Fences along the street have the ability to provide privacy for the individual lot owner, but they may also disrupt an entire block face if not constructed in harmony¹ with the context of adjacent properties.

Safety along Public Spaces

As taller structures are placed nearer to the street, there is a potential heightened risk to public safety. Taller fences within front yards can create potential sight distance conflicts with vehicles utilizing driveways and alleys intersecting with pedestrians on public sidewalks. Additionally, taller fences may increase potential dangers along the sidewalk by creating dark areas and places for people to hide if the fence is not adequately setback or built with a certain level of transparency.

PROPOSAL

To address the public’s desire to allow for taller fences within the secondary front yard while maintaining good design in relation to bulk/mass and safety, staff recommends changes to UDO which will:

Article 2 Administration

- Establish criteria and permit the Board of Zoning Appeals (BZA) to issue and revoke Special Exceptions for fences within any front yard. The criterion for issuance of a Special Exception is lesser than the criteria to warrant a variance.

Article 4 Accessory Use Standards

- Clarify that fences are permitted within a required yard.
- Update the term “double frontage lot” to “through lot.”

Article 5 Fences and Walls

- Reduce fence heights on property zoned Commercial from six feet to four feet in any front yard.
- Permit fence heights to exceed four feet, up to six feet, in secondary front yards on lots zoned Residential, Commercial, and Planned Development that meet certain established criteria. Examples include: lots with a secondary front yard that adjoins another secondary front yard or instances where an existing accessory structure on a lot already encroaches into a secondary front yard.

¹ Virginia Code § 15.2-2283. Purpose of zoning ordinances.

- Increase the maximum permitted fence height from 24 inches to 40 inches within a sight triangle (in accordance with Virginia Department of Transportation standards).
- Prohibit the use of barbed wire, razor wire, or similar fence materials on properties zoned Residential, Commercial, or Planned Development and on properties used for residential purposes.
- Remove references to transparent and opaque fences.
- Update Figure 72-56.2 for Fence and Wall Locations.

Article 6 Non-conforming Structures, Minor Alterations

- Identify that fences are non-conforming structures which qualify for alteration when they meet the listed criteria.

Article 8 Definitions and Interpretations

- Replace the term “double frontage lot” with “through lot.”
- Create the terms “Primary Front Yard” and “Secondary Front Yard.”
- Update of Figure 72-82.3A(4) Lot Types and 72-82.4A Yard Types to reflect text changes.
- Establish the criteria for measuring a sight triangle for the purposes of installing a fence.
- Remove the term Front (or primary façade) as it was replaced with Building Front during a previous text amendment.

Attachments: Resolution
Draft Text Amendments

1. What does the UDO regulate as a “fence?”

A “fence” is a structure used to delineate a boundary or act as a barrier or means of protection, confinement, or screening.¹ The fence regulations apply equally to “walls.”² The regulations apply to the construction of a new fence or wall, or the reconstruction or replacement of a new fence or wall.³ The regulations do not apply to temporary fencing for construction sites, tree protection,⁴ or retaining walls.

2. What general rules apply to the location of a fence or wall?

Fences and walls may be located in any of the required minimum yards (front, side, rear)⁵ so long as they are located outside the public right of way.⁶ They may be located on the property line between two or more parcels of private property.⁷ They may be located within utility easements, with the permission of the easement holder.⁸

If a fence is located within a “sight triangle,” then it shall not exceed 40 inches in height.⁹ If a fence is located within a required “buffer,” then it shall not disturb or damage vegetation within the buffer. Perimeter fencing within a buffer for a single (multi-lot) development shall be a uniform style.¹⁰

3. What are the general rules for the height of fences?

Generally speaking, rules for the maximum permitted height of a fence depend on two factors: (1) the zoning district, and (2) the location of the fence on the lot. The limitations on fence height within the sight triangle are the strictest, due to their direct impact on public safety.

Zoning district	Location	Maximum height
Any	Within a sight triangle	40”
Residential	Any location on a vacant lot	48”
Residential Commercial Planned Development	Between the front lot line and the front of the principal building	48”
	Any other location on the lot	72”
Industrial	Between the front lot line and the front of the principal building	72”
	Any other location on the lot	96”

¹ §72-84, Definitions.

² References to “fences” in this FAQ apply equally to walls.

³ §72-56.0(B)(1).

⁴ §72-56.0(B)(2).

⁵ §72-56.1(A)(3).

⁶ §72-56.1(A)(1).

⁷ §72-56.1(A)(2).

⁸ §72-56.1(B).

⁹ §72-56.1(A)(1). Ordinarily, no structures are permitted within a required sight triangle. (§72-82.4(B)(5).

¹⁰ §72-56.1(D).

4. What are the regulations for maximum fence heights on corner or through lots?

Corner or through lots pose special considerations for maximum fence heights, since they have at least two “front yards.” The basic regulations for front yards apply to both of the front yards of a corner or through lot, unless special circumstances apply:

Zoning district	Location	Special Circumstance	Maximum Height
Residential Commercial Planned Development	Secondary front yard of a corner or through lot	The secondary front yard abuts a primary front yard.	72” if the fence is not closer to the secondary front property line than the front of the abutting principal structure.
		The secondary front yard abuts the secondary front yard of another lot.	72”

5. What are the regulations for maximum fence height for other special circumstances?

At this time, the regulations recognize one additional special circumstance that justifies a higher maximum fence height:

Zoning district	Location	Special Circumstance	Maximum Height
		An accessory structure is located on the same lot as the proposed fence.	72” if the fence is not closer to the secondary front property line than any side of the accessory structure.

6. Who may grant a case-by-case exception from the fence height regulations?

The Board of Zoning Appeals is authorized to grant a special exception, on a case-by-case basis, from the regulations governing fences in *any front yard* (primary or secondary) in any zoning district. The BZA holds a public hearing on the exception application and applies criteria established by City Council, to decide whether the exception is in the public interest.¹¹ The Planning Commission is entitled to notice of these applications, and it may either appear at the BZA public hearing or send a written comment or recommendation.¹² The BZA may impose conditions on the permit; and it is authorized to revoke a special exception it previously granted, if it determines there has not been compliance with the terms or conditions of the permit, after notice and a public hearing.

¹¹ See the criteria in §72-22.8(F).

¹² Code of Virginia §15.2-2310.

The Zoning Administrator may approve a fence or wall exceeding 6 feet in height in any side or rear yard in a residential, commercial, or planned zoning district, if the adjacent property is in a nonresidential zoning district, or if there are unique topographic or other physical circumstances on the property (that were not created by the property owner).

In addition, the Zoning Administrator may approve a fence or wall exceeding the permitted height in any yard in an industrial zoning district, if there are unique topographic or other physical circumstances on the property (that were not created by the property owner).

The Zoning Administrator may require any taller fence to be set back from the property line an appropriate distance to mitigate the impacts of the taller height.

7. What other restrictions are imposed on fences?

The City does not permit the use of barbed wire, razor wire, or similar fence materials in any zoning district except an industrial zoning district.¹³

A fence within a sight triangle may not impair safety or sight-lines for pedestrians or vehicles traveling in the public rights of way.¹⁴

A nonconforming fence may be replaced with a substantially similar fence in the same location, without bringing the new fence into compliance with current regulations.¹⁵

¹³New §72-56.4.

¹⁴ §72-56.1(E).

¹⁵ §72-63.3.

8. Please define the terms that are used in these regulations.

Please refer to the following definitions and illustrations:

Buffer: An area of natural or planted vegetation adjoining or surrounding a use and unoccupied in its entirety by any building, structure, paving or portion of such use, for the purposes of screening and softening the effects of the use, no part of which is used for recreation or parking.¹⁶

Building front: That one face or wall of a building architecturally designed as the front of the building, which normally contains the main entrance for use by the general public.¹⁷

Corner lot: A lot located at the intersection of two or more streets (other than alleys) regardless of whether the streets intersect at right angles.¹⁸

Front lot line: the street line that forms the boundary of a lot; or, where a lot does not abut a street other than by its driveway, or is a through lot, the lot line which faces the Building Front.

Front yard: the area of a lot adjacent to its front lot line, measured by the length of the front lot line, extending from one side lot line to the other side lot line, and the width of the required front setback.¹⁹

Nonconforming: a fence or wall lawfully constructed, which does not comply with current regulations.²⁰

Primary front yard: for corner lots and through lots, the area between the front lot line and the Building Front.²¹

Secondary front yard: a front yard of a corner or through lot that does not contain the Building Front. A secondary front yard begins at the point where it intersects with the primary front yard.²²

Sight triangle: the triangle formed by the two right-of-way lines at a street intersection, or the intersection of a driveway and a street, and a line connecting those two lines 10 feet from their intersection.²³

Through lot: A lot other than a corner lot, with frontage on more than one street other than an alley.²⁴

¹⁶ §72-84.0. See Article 5 of the UDO for buffer yard requirements.

¹⁷ §72-84.0.

¹⁸ §72-82.3(A)(4)(b).

¹⁹ §72-82.4.

²⁰ §72-61.1.

²¹ §72-82.4.

²² §72-82.4.

²³ §72-82.4(B)(5).

²⁴ §72-82.3(A)(4)(d).



MOTION:

[date]

SECOND:

Regular Meeting

Ordinance No. 16-__

RE: AMENDING THE UNIFIED DEVELOPMENT ORDINANCE REGULATIONS OF FENCES IN ALL ZONING DISTRICTS, INCLUDING CHANGES IN THE DEFINITIONS OF REQUIRED YARDS

ACTION: APPROVED; Ayes:0; Nays: 0

First read: _____ Second read: _____

IT IS HEREBY ORDAINED by the Fredericksburg City Council that City Code _____
" _____" is amended as follows.

I. Introduction.

The City Council adopted a resolution to initiate this text amendment at its meeting on September 13, 2016. The Planning Commission held its public hearing on the amendment on _____, after which it voted to recommend the amendment to the City Council. The City Council held its public hearing on this amendment on _____.

The purpose of this amendment is to modify current zoning regulations for fences in all zoning districts, to provide additional clarity and flexibility in these regulations, while continuing to provide for adequate light, air, convenience of access, and safety from crime, and other dangers; to facilitate the creation of a convenient, attractive and harmonious community; and protect against loss of life, health, or property from fire. While the purpose of the ordinance is to change fence regulations, these changes require changes in the definitions of required yards, for purposes of implementing the new regulations and providing additional flexibility. In making these amendments, the City Council has considered the factors in Code of Virginia 15.2-2284. The City Council has determined that public necessity, convenience, general welfare and good zoning practice favor the amendment.

II. City Code Amendment.

1. City Code §72-21.7, "Development Review Structure," is amended to add authority for the Board of Zoning Appeals to issue *and revoke* special exceptions for fences, upon recommendation of the Zoning Administrator. Such decisions may be appealed to the Circuit Court. The table shall be amended to add the following data:

Specific Review Procedure	City Council	Planning Commission	Board of Zoning Appeals	Architectural Review Board	Zoning Administrator	Development Administrator
<i>Special exception, fence</i>		R	<D>		R	

2. City Code §72-22.8, “Variances, administrative appeals, and Zoning Map interpretations,” shall be amended as follows:

Sec. 72-22.8. Variances, administrative appeals, special exceptions, and Zoning Map interpretations.

A. Purpose and applicability. This section sets forth the procedures *and criteria* for the Board of Zoning Appeals (BZA) to consider applications for variances, appeals of administrative actions, *applications for special exceptions, revocations of special exceptions,* and interpretations as defined in Code of Virginia §15.2-~~2209~~ 2309 and 15.2-~~2210~~ 2310.

B. Process.

(1) Applications for variances *and fence special exceptions* shall be made to the Zoning Administrator in accordance with the rules adopted by the BZA pursuant to Code of Virginia §15.2-2310.

(2) A variance, appeal, *application for special exception, revocation of a special exception* or Zoning Map interpretation shall be authorized by the BZA after a public hearing and shall be in compliance with the required findings and procedures set forth within Code of Virginia §15.2-2309 *or this section.*

[the remainder of subsection (B), and subsections (C), (D), and (E) are not amended.]

F. *Review authority and criteria, special exceptions; fences. The Board of Zoning Appeals may hear and decide applications for a special exception from the regulations governing fence heights in any front yard (including a secondary front yard) in any zoning district. The board may impose such conditions relating to the fence as it may deem necessary in the public interest, including limiting the duration of the special exception, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with. In considering an application, the Board shall apply the following criteria:*

(1) *Whether approval of the special exception will impair an adequate supply of light or air to adjacent property, or cause or substantially increase the danger of fire or the spread of fire, or endanger the public safety.*

- (2) *Whether the proposal will be compatible with the existing character and pattern of development in the surrounding neighborhood and facilitate an attractive and harmonious community.*
- (3) *Whether the application represents the only reasonable means and location on the lot to accommodate the proposed fence given the natural constraints of the lot or the existing development on the lot.*
- (4) *Whether the size, configuration, existing mature vegetation or trees, or other unusual characteristic of the lot requires an exception from the zoning requirements in order to provide a reasonable fenced area without creating significant impact to adjacent properties or the neighborhood.*
- (5) *The height of the proposed fence and the use of opaque or transparent materials; the use of a buffer area between the public right of way and the fence. The fence shall not exceed six feet in height.*

F. G. *The Board of Zoning Appeals is authorized to revoke a special exception previously granted by it, if the board determines that there has not been compliance with the terms or conditions of the special exception. No special exception may be revoked except after notice and hearing as provided in this section. However, when giving any required notice to the owners, their agents, or occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.*

H. *Appeals. Any person or persons jointly or severally aggrieved by an action of the BZA on a variance application, or any aggrieved taxpayer or any officer, department, board or bureau of the locality City may file with the Clerk of the Circuit Court for the City of Fredericksburg, a petition, specifying the grounds on which aggrieved within 30 days after the final decision of the Board, pursuant to Code of Virginia §15.2-2314.*

3. City Code §72-42.3, "Location of accessory uses or structures," shall be amended as follows:

Sec. 72-42.3. Location of accessory uses or structures.

- A.** No accessory use or structure shall occupy more than 30% of the rear yard.
- B.** No accessory structure *except a fence* shall be located in the any front yard. No accessory structure requiring a building permit shall be closer to a front lot line than the principal structure.
- C.** No accessory use or structure shall be closer than five feet to a side or rear lot line, except that if the principal structure has a setback of less than five feet, then the setback of an accessory structure may be the same as exists for the principal structure.

- D. No accessory structure shall be located within any platted or recorded easement or over any known utility unless written authorization is provided from the easement holder or the City, as appropriate.
- E. An accessory structure may be located within ~~rear~~ a secondary front yard of a ~~double frontage through~~ lot provided:
 - (a) The lot is zoned with a nonresidential, mixed-use, or planned development district designation;
 - (b) The lot across the street from the secondary front yard has a nonresidential, mixed-use, or planned development district designation;
 - (c) The accessory structure does not exceed 12 feet in height, or one story, whichever is less;
 - (d) The accessory structure setback is at least five feet from the ~~rear~~ secondary front lot line; and
 - (e) The area between the accessory structure and adjacent street includes landscaping that is capable of screening the structure when it is mature.

4. City Code §72-56.1, "Location requirements," shall be amended as follows:

Sec. 72-56.1 Location requirements.

A. General.

- (1) Fences or walls shall be located outside of the public right-of-way, ~~and may not exceed 24 inches in height if located within a required sight triangle.~~
- (2) Fences and walls are permitted on the property line between two or more parcels of land held in private ownership.
- (3) Fences and walls may be located within any required yard.

[The remaining subsections of §72-56.1 are not amended.]

5. City Code §72-56.2, "Height standards," shall be amended as follows:

Sec. 72-56.2. Height standards.

- A. All fences and walls shall conform to the standards in Table 72-56.2, Fence and Wall Height. In all cases, heights are measured from established grade on the highest side of the fence or wall (see Figure 72-56.2, Fence and Wall Location).

Current Table 72-56.2, "Fence and Wall Height," is repealed and replaced with the following table:

Table 72-56.2: Fence and Wall Height (effective [date])		
Zoning district	Location	Maximum height
Residential	Any location on a vacant lot	48"
Residential Commercial	Between a front lot line and the front of the principal building	48"

Planned Development	Within a secondary front yard	48"
	Any other location on the lot	72"
Industrial	Between the front lot line and the front of the principal building	72"
	Within a secondary front yard	72"
	Any other location on the lot	96"
Any zoning district	Within a sight triangle	40"

B. The following exceptions to the general height regulations apply to corner and through lots:

Zoning district	Location	Special Circumstance	Maximum Height
Residential Commercial Planned Development	Secondary front yard	The secondary front yard abuts a primary front yard of another lot.	72" if the fence is no closer to the secondary front property line than the front of the abutting principal structure.
		The secondary front yard abuts the secondary front yard of another lot.	72"
		An accessory structure is located within the secondary front yard.	72" if the fence is no closer to the secondary front lot line than any side of the accessory structure

NOTES:

~~[1] Transparent fences or walls are constructed so that 50% or more of the fence or wall is visually permeable.~~

~~A. The Zoning Administrator may approve fences or walls exceeding six feet in height in any side or rear yard in a residential, commercial, or planned zoning district, if the adjacent property is in a nonresidential zoning district, or if there are unique topographic or other physical circumstances on the property that were not created by the property owner. The Zoning Administrator may condition approval on a prescribed setback from the property line. A fence or wall in any residential zoning district shall not exceed six feet in height above the existing grade in any side or rear yard of a site up to the front of the principal structure on the site. This provision shall also apply to fences and walls located on lots used for residential uses in other zoning districts. The Development Zoning Administrator may approve fences or walls exceeding six feet in height if the adjacent property is in a nonresidential zoning district or if there are unique topographic or other physical circumstances not created by the property owner. Additional setbacks may be required by the Development Administrator for such taller fences.~~

~~B. In any front yard of a site in any R District, a fence or wall shall not exceed four feet in height back to the front of the principal structure on the site. This provision shall also apply to residential uses in other districts.~~

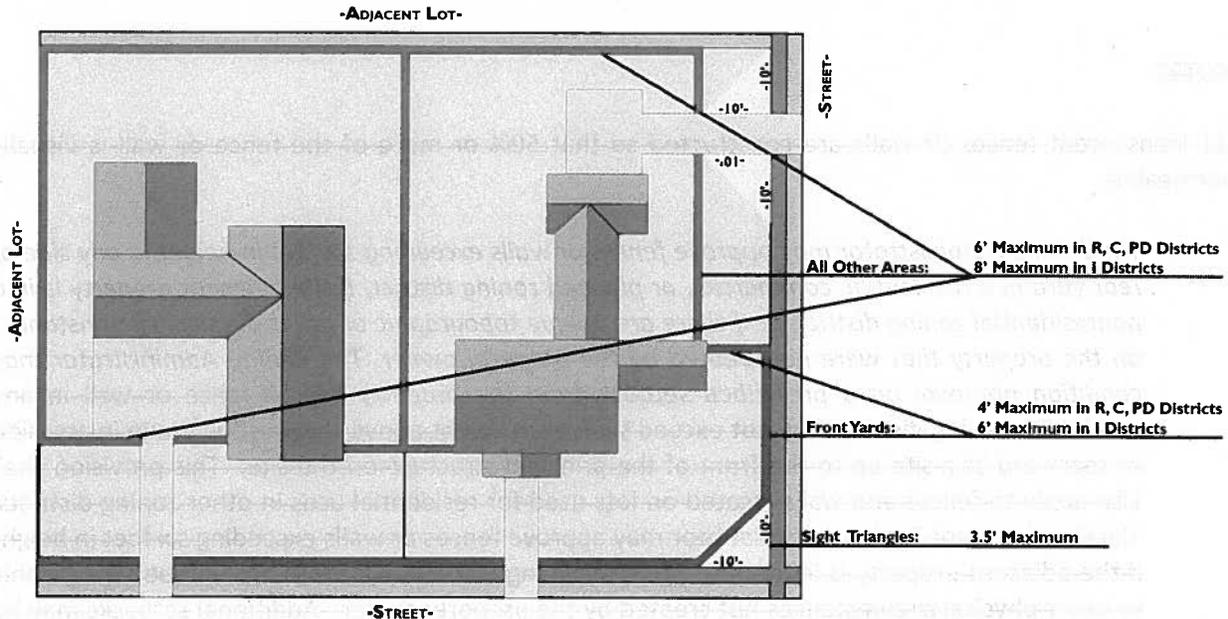
~~C. For vacant sites in residential districts, fences or walls may not exceed four feet in height.~~

B. *The Zoning Administrator may approve fences or walls exceeding the maximum height in any yard in an industrial district if there are unique topographic or other physical circumstances not created by the property owner. The Zoning Administrator may condition approval on a prescribed setback from the property line. A fence or wall shall not exceed eight feet in height in any yard of any industrial or commercial use permitted by the provisions of this subsection unless the Development Administrator authorizes such fences or walls to exceed eight feet. The Development Administrator may approve fences or walls to exceed eight feet if there are unique topographic or other physical circumstances not created by the property owner. Additional setbacks may be required by the Development Administrator for such taller fences. Additional setbacks may be required by the Development Administrator for such taller fences.*

C. No fence or wall shall be constructed in a manner or in a location that impairs safety or sight-lines for pedestrians and vehicles traveling on public rights of way.

Figure 72-56.2, "Fence and Wall Location," is repealed and replaced with the following figure:

Figure 72-56.2. Fence and Wall Location (effective date: _____)



[Section 72-56.3, "Maintenance," is not amended.]

6. New section 72-56.4 is added as follows:

Sec. 72-56.4. Fence materials.

No barbed wire, razor wire, or similar fence material is permitted in residential, planned development, or commercial zoning district or on a lot containing or adjacent to a residential use.

7. City Code §72-63.3, "Minor alterations," [to nonconforming structures] is amended as follows:

Sec. 72-63.3. Minor alterations.

Minor alterations shall not be deemed a change in the structural condition of the property, for purposes of § 72-61.1C. Minor alterations are alterations that meet one or more of the following criteria:

- A. The alterations consist of cosmetic modifications, interior renovations and similar improvements to a nonconforming residential structure and such alterations do not increase the land area occupied by any portion of the nonconforming building or structure, and shall not increase the gross floor area of any nonconforming building or structure.
- B. The alterations do not increase the extent of the structure's nonconformity with the minimum site or yard requirements of the zoning district.
- C. The alterations consist of a substantially similar replacement of an existing residential accessory building or structure including, but not limited to, a *fence*, storage shed, garage or swimming pool, may be permitted and shall not be required to meet more restrictive setbacks enacted since the date the accessory structure became nonconforming, however, all other zoning regulations for the district in which the accessory structure is located shall apply.

8. City Code §72-82.3A, "Lots," is amended as follows:

Sec. 72-82.3A. Lots.

[Subsections A (1), (2), and (3) are not amended.]

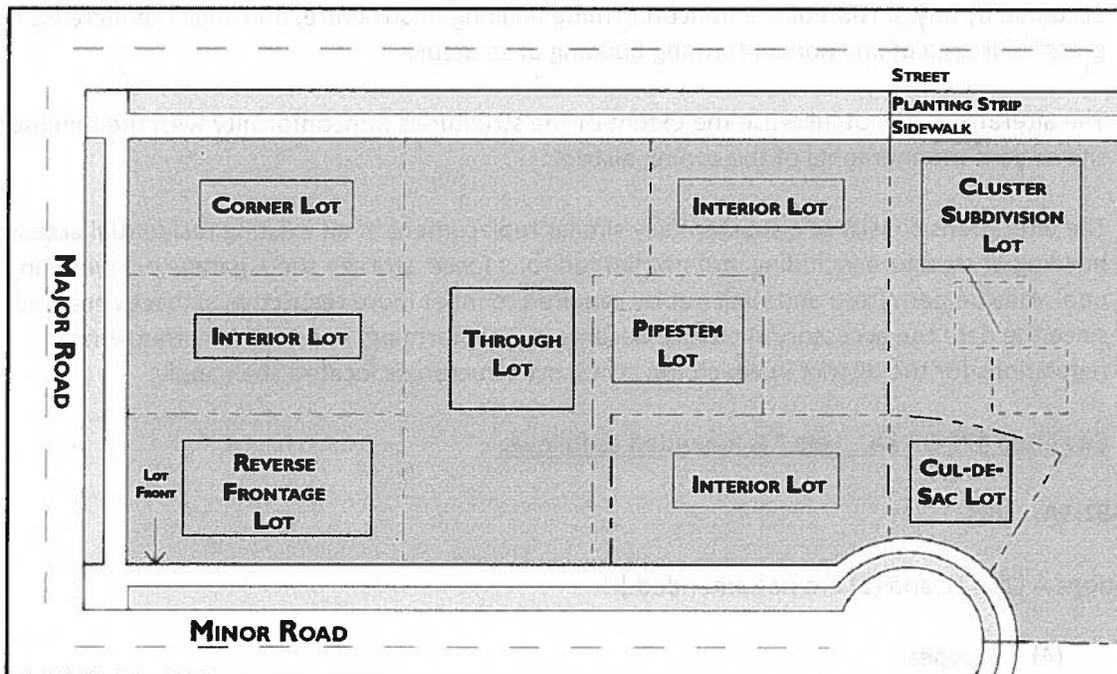
(4) Lot types.

- (a) Cluster subdivision lot. A cluster subdivision lot is a building lot located within a cluster subdivision.
- (b) Corner lot. A corner lot is located at the intersection of two or more streets (other than alleys), regardless of whether or not such streets intersect at right angles.

- (c) Cul-de-sac lot. A cul-de-sac lot is located on the head or turnaround of a cul-de-sac with side lot lines on a tangent to the arc of the right-of-way.
- (d) ~~Double-frontage~~ *Through* lot. A ~~double-frontage~~ *through* lot is a lot other than a corner lot with frontage on more than one street other than an alley.
- (e) Interior lot. An interior lot is a lot other than a corner lot with only one frontage on a street other than an alley.
- (f) Pipestem lot. A pipestem lot is a lot which does not abut a public street other than by a driveway affording access to the lot.
- (g) Reverse-frontage lot. A reverse-frontage lot is a corner lot, intentionally designed so that the front lot line faces a local street rather than facing a parallel major thoroughfare.

Figure 72-82.3A(4), "Lot Types," is repealed and replaced by the following table:

Figure 72-82.3A(4). Lot Types (effective date: _____)



B. General Pipestem lot requirements.

(1) Pipestem lots.

[The existing text is re-numbered as sub- paragraphs 1, 2, 3, and 4.]

9. City Code §72-82.4, "Required yards," is amended as follows:

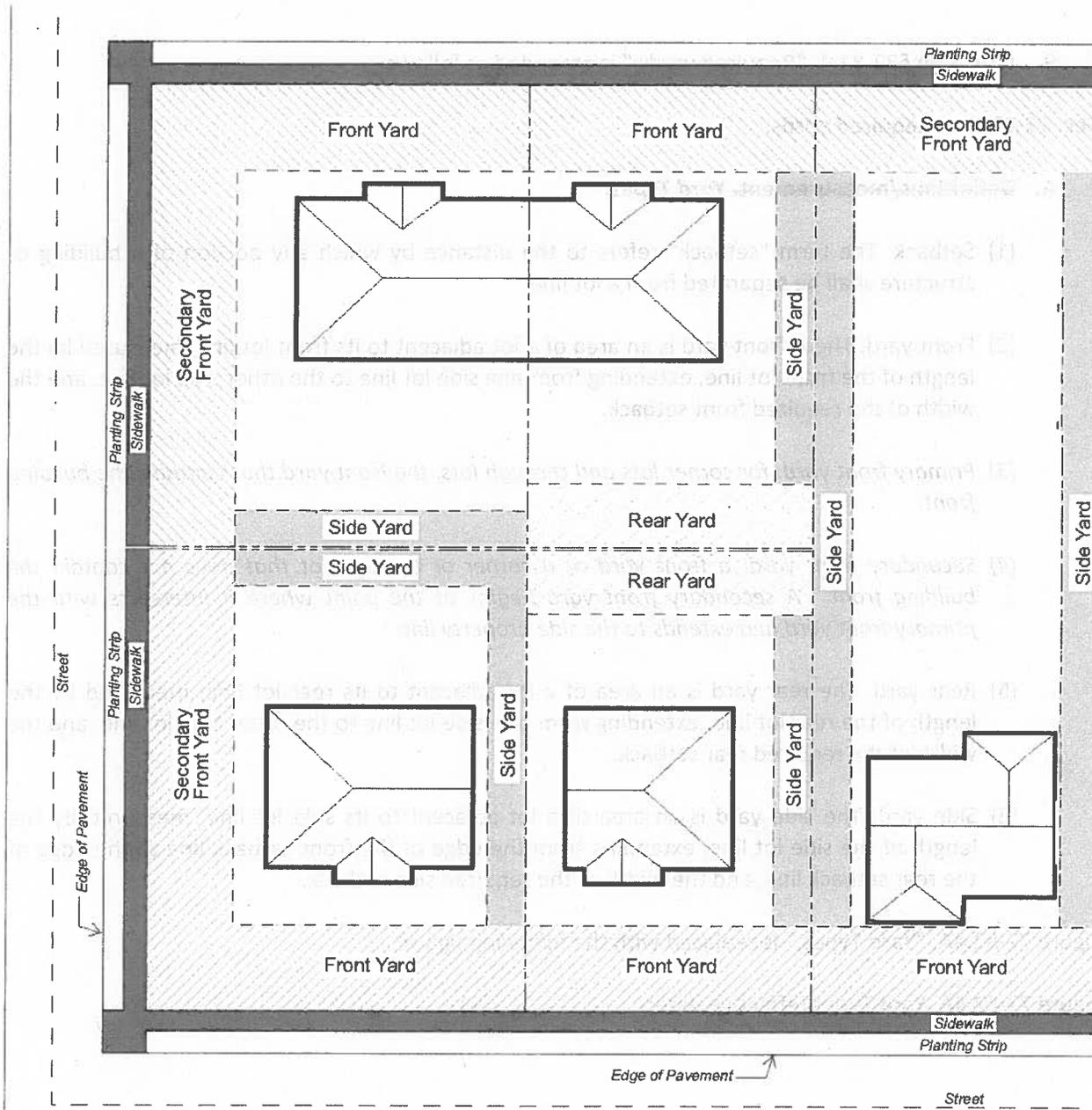
Sec. 72-82.4. Required yards.

A. ~~Definitions/measurement.~~ Yard Types.

- (1) Setback. The term "setback" refers to the distance by which any portion of a building or structure shall be separated from a lot line.
- (2) Front yard. ~~The A~~ front yard is an area of a lot adjacent to its front lot line, measured by the length of the front lot line, extending from one side lot line to the other side lot line, and the width of the required front setback.
- (3) *Primary front yard: for corner lots and through lots, the front yard that contains the building front.*
- (4) *Secondary front yard: a front yard of a corner or through lot that does not contain the building front. A secondary front yard begins at the point where it intersects with the primary front yard and extends to the side property line.*
- (5) Rear yard. The rear yard is an area of a lot adjacent to its rear lot line, measured by the length of the rear lot line, extending from one side lot line to the other side lot line, and the width of the required rear setback.
- (6) Side yard. The side yard is an area of a lot adjacent to its side lot line, measured by the length of the side lot line, extending from the edge of the front setback line to the edge of the rear setback line, and the width of the required side setback.

Figure 72-82.4A, "Yard Types," is replaced with the following figure:

Figure 72-82.4A. Yard Types (effective date: _____)



B. General setback requirements.

- (1) Separation. When the standards in this chapter call for a separation between two different use types or development features, separation shall be measured from the closest edge of one lot to the closest edge of the other lot.

- (2) **Averaging setbacks.** When zoning district standards permit or require determination of a *any* front or side setback through averaging, the average yard shall be calculated by using the methods set forth here. The dimensions of existing yards shall be determined through the best information reasonably available, including, in order, surveys of record, on-site measurements, or the 2010 tax maps. The median is the type of average that shall be applied. The median front yard shall be calculated by using existing principal buildings along the same block face. The median side yard shall be determined by using lots or parcels of similar width located on the same block face. Each side yard median (left and right) shall be calculated and applied separately. If the foregoing measurements do not establish a clear pattern of development, then the administrator may use the opposite block face to establish the average front or side yard.

[Figure 72-82.4B, "Average Setback Measurement," is not amended.]

- (3) **Corner lots *and through lots.*** On a corner lot or ~~double-frontage~~ *through* lot, the yards adjacent to the front lot lines shall be considered front yards and the remaining yards shall be considered side yards.
- (4) **Setbacks following government acquisition of land.** Where land acquisition for a public purpose reduces the distance between an existing legally established structure and an adjacent lot line to an amount less than the minimum required, the resulting distance shall be deemed the minimum setback for the lot.
- (5) **Sight triangles.** Regardless of the setbacks applied in a district, no structure *except a fence* shall be permitted within the required sight triangle. *For fences, a sight triangle is the triangle formed by the two right-of-way lines at a street intersection, or the intersection of a driveway and a street, and a line connecting those two lines 10 feet from their intersection.*
- (6) **Uncovered terraces.** Required yard setbacks shall not apply to uncovered terraces, uncovered patios and unroofed porches not more than 30 inches above existing grade in residential zoning districts or 15 inches in nonresidential and mixed-use zoning districts.

10. City Code §72-84.0, "Definitions," is amended as follows:

~~Front (or primary) façade -- The side or elevation of a structure that contains the structure's architectural front, or the portion of the structure facing the street from which the structure derives its street address.~~

FRONT LOT LINE -- the street line(s) that form(s) the boundary of a lot; or, where a lot does not abut a street other than by its driveway, or is a through lot, the lot line which faces the building front.

SEC. III. Effective Date.

This ordinance is effective immediately.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Approved as to form:

Kathleen Dooley, City Attorney

Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Ordinance No. 16- duly adopted at a meeting of the City Council meeting held Date, 2016 at which a quorum was present and voted.

Tonya B. Lacey, CMC
Clerk of Council

City of Fredericksburg

FY 2016 Preliminary Year-End Financial Results
Suggestions for Revisions - Financial Policies

September 13, 2016

FY 2016 Preliminary Year-End Financial Results

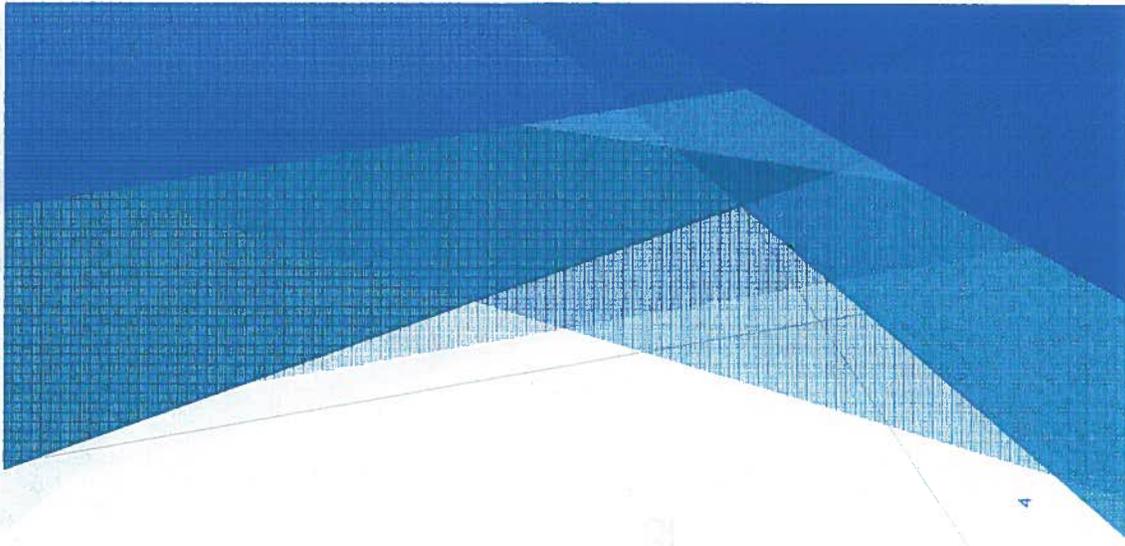
- ▶ Preliminary Results are good
- ▶ Revenues
- ▶ Expenditures
- ▶ Use of General Fund Balance - \$2.7 million
 - ▶ Less than budgeted Use
 - ▶ Of the \$2.7 million, \$1 million went to fund the OPEB Trust (Retiree Health Insurance)

FY 2016 Preliminary Year-End Financial Results

- ▶ Revenues
- ▶ FY 2016 - \$87,732,755 - 2.62% higher than final budget of \$85,488,755
- ▶ Several were strong
 - ▶ Business License - almost exactly \$6,000,000
 - ▶ Recordation taxes - \$711,421
 - ▶ Meals Tax - \$10.7 million

FY 2016 Preliminary Year-end Financial Results

- ▶ Expenditures total \$90,467,847
- ▶ Approximately \$2 million less than budgeted total of 92,469,786



FY 2016 Preliminary Year-End Financial Results

- ▶ Preliminary Use of Fund Balance for FY 2016 - \$2.7 million
 - ▶ Includes \$1,000,000 for OPEB Trust which is now set aside
- ▶ Less than Budgeted use of balance of almost \$7 million
- ▶ Unassigned Balance will be approximately \$19 million (22% of PY (Prior Year) Revenue)
- ▶ Jail Stabilization Reserve \$1.25 million is now in place

Financial Policies - Background

- ▶ Latest version from the early ¹⁹⁹⁷ 1990's
- ▶ Two recent amendments -
- ▶ Chapter XIII - Post Bond Issuance Compliance (from bond counsel)
- ▶ Chapter XIV - Regional Detention Facility Stabilization Fund
 - ▶ \$1.25 million set aside on the balance sheet to assist with RRJ and RDC funding (rating agency found this favorable)

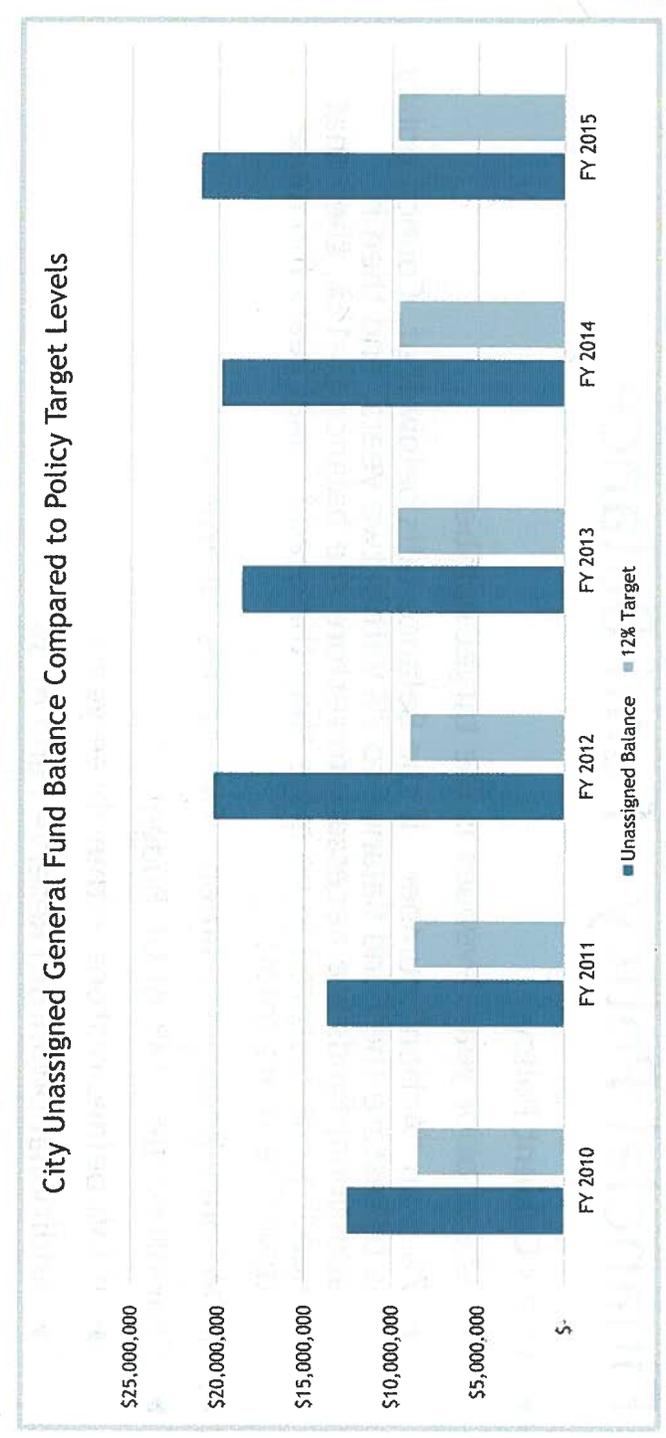
Financial Policy - Fund Balance

- ▶ City's Current Policy
 - ▶ 12% of prior year revenues is the target number
 - ▶ 7% is an "Action" number - if the Balance falls below that, Council policy is to restore the Fund Balance to 7% within two years, and then if additional funds are necessary to restore the balance to 12%, then that needs to be restored in no more than three additional years (no more than five years total).
- ▶ GFOA Policy Recommendation - Two Months' Operations
- ▶ Charlottesville - 14% of GF Budget
 - ▶ If fall below, restore within three years
 - ▶ Additional Downturn Reserve Fund of 3%
- ▶ Winchester - 20% of Expenditures less Capital Outlay funded by Bonds
 - ▶ If exceeds 25% of Total, amount over 25% Transferred to a Committed Capital Reserve Account up to an amount of \$2,000,000
 - ▶ If fall below, restore within three years

Govt Finance Officers Association (GFOA)

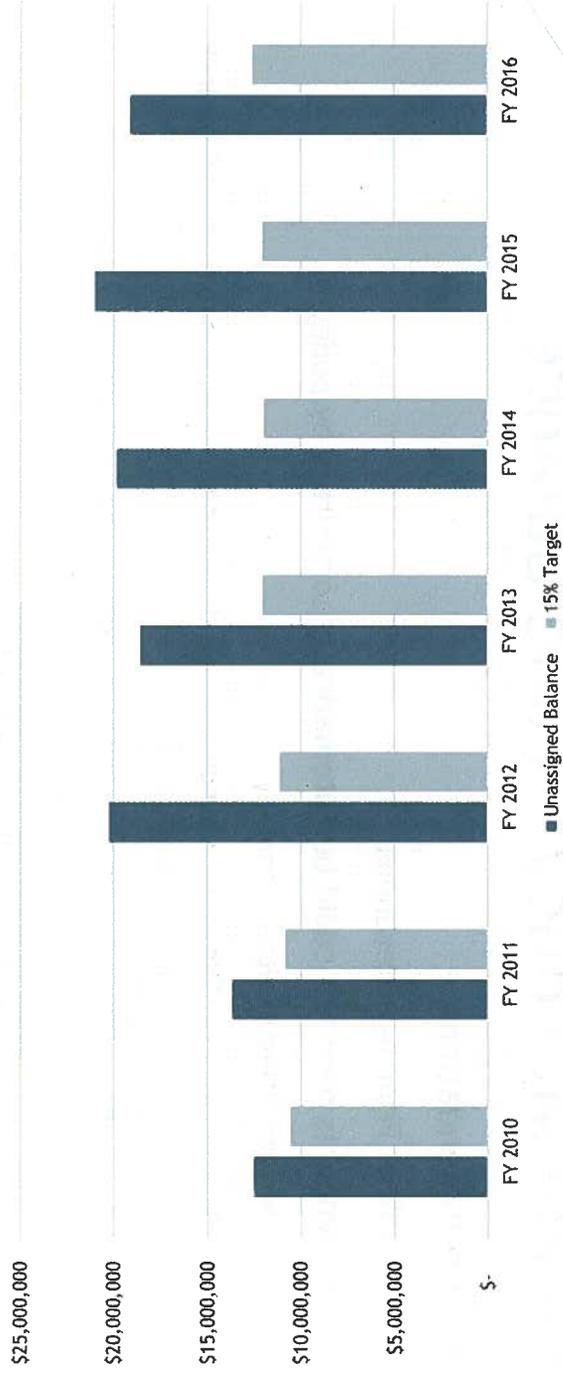
City Budget Commission (CBO)

Financial Policy - Fund Balance



Financial Policy - Fund Balance

City Unassigned Balance Compared to a Target of 15% of Prior Year Revenues



Financial Policy - Fund Balance

- ▶ Recommendations
 - ▶ 15% of Prior Year Revenues
 - ▶ Amounts over 17% could be automatically committed by policy to
 - ▶ Committed Capital - Generally
 - ▶ Include Policy Option for Council to set aside Commitment to a specific capital project
 - ▶ Example - New Elementary School
 - ▶ Or - Policy Option to Set Aside for other one-time commitments
 - ▶ Other reserve accounts such as
 - ▶ Regional Detention Fund Stabilization
 - ▶ Economic Development Opportunity
- ▶ Also - clean up the restoration provision to just say City will restore within three years.

Financial Policy - OPEB Trust

- ▶ Recommendation to acknowledge in the Financial Policies

Financial Policy - Debt Limit

- ▶ Current - 4.8% of total assessed value
- ▶ Constitution - 10% of taxable assessed value
- ▶ Winchester - Net Debt as a % of assessed value is targeted at 3.5% with a maximum of 4%
- ▶ Net Debt is GO Debt & Capital Lease payments exclusive of debt payable from the Enterprise Fund
- ▶ Also a limitation on Debt Service and capital lease payments targeting 12.5% and not exceeding 15% of GF Expenditures
- ▶ Charlottesville - Debt Service to General Fund expenditures at 8% or less
- ▶ Proposal - change the basis from total to taxable value

Council likes this proposal

Financial Policy - Debt Limit

- ▶ FY 2017 - Debt Service is 8.13% of Total GF Expenditures
- ▶ FY 2015 - Debt Policy Limit - Capacity of \$112,662,723
- ▶ If Change to 5% of taxable value - debt policy limit is \$86 million
- ▶ If Change to 4% of taxable value - debt policy limit is \$45 million

→ Council likes the 5% option

Financial Policy - Economic Development

- ▶ Current language is good, but general
- ▶ Option - remove all together and develop separately
- ▶ Option - continue as-is
- ▶ Option - develop here

Financial Policy - Policy Review

- ▶ Current policy calls for a review and adoption of a resolution of affirmation of the policies once every two years.
- ▶ Current policy calls for a separate report outside of the Comprehensive Annual Financial Report on the thirteen (now fourteen) policy categories concurrent with the delivery of the CAFR.
- ▶ Staff recommendation - re-write for inclusion with the budget or CAFR.

Financial Policies - Next Steps

- ▶ Incorporate City Council Discussion
- ▶ Depending upon the feedback and level of changes desired, bring back requested changes in late October or November for additional discussion and action

Balance Sheet
Governmental Funds
At June 30, 2015

	General	New Court Construction Fund	Other Governmental Funds	Total Governmental Funds
Assets:				
Cash and cash equivalents	\$ 28,282,591	\$ 3,417,951	\$ 10,501,428	\$ 42,201,970
Receivables (net of allowances for uncollectibles):				
Property taxes	616,319	-	-	616,319
Accounts	107,696	-	-	107,696
Accrued revenue	295,047	-	207,452	502,499
Inventory, at cost	26,810	-	-	26,810
Prepaid items	343,427	-	4,876	348,303
Due from other governments	3,070,701	-	3,269,185	6,339,886
Total assets	\$ 32,742,591	\$ 3,417,951	\$ 13,982,941	\$ 50,143,483
Liabilities:				
Reconciled overdraft	\$ -	\$ -	\$ 82,741	\$ 82,741
Accounts payable	716,163	480,452	1,273,333	2,469,948
Accrued liabilities	1,235,656	321,883	212,362	1,769,901
Amounts held for others	1,475,948	-	-	1,475,948
Unearned revenue	88,697	-	22,945	111,642
Total liabilities	\$ 3,516,464	\$ 802,335	\$ 1,591,381	\$ 5,910,180
Deferred Inflows of Resources:				
Unavailable revenue - property taxes	\$ 1,088,111	\$ -	\$ -	\$ 1,088,111
Fund Balances:				
Nonspendable	\$ 370,237	\$ -	\$ 4,876	\$ 375,113
Restricted	-	-	332,993	332,993
Committed	6,731,037	1,624,728	4,793,274	13,149,039
Assigned	47,997	990,888	7,260,417	8,299,302
Unassigned	20,988,745	-	-	20,988,745
Total fund balances	\$ 28,138,016	\$ 2,615,616	\$ 12,391,560	\$ 43,145,192
Total liabilities, deferred inflows of resources and fund balances	\$ 32,742,591	\$ 3,417,951	\$ 13,982,941	\$ 50,143,483

The accompanying notes to the financial statements are an integral part of this statement.

CITY OF FREDERICKSBURG, VIRGINIA

Notes to Financial Statements
As of June 30, 2015

Note 1—Summary of Significant Accounting Policies: (Continued)

T. Fund Equity: (Continued)

The details of governmental fund balances, as presented in aggregate on Exhibit 3, are as follows:

	General Fund	New Court Construction Fund	Other Governmental Funds	Total
Fund Balances:				
Nonspendable:				
Inventory	\$ 26,810	\$ -	\$ -	\$ 26,810
Prepays	343,427	-	4,876	348,303
Total Nonspendable Fund Balance	<u>\$ 370,237</u>	<u>\$ -</u>	<u>\$ 4,876</u>	<u>\$ 375,113</u>
Restricted:				
Courthouse maintenance	\$ -	\$ -	\$ 332,993	\$ 332,993
Committed:				
Social services	\$ -	\$ -	\$ 332,796	\$ 332,796
Comprehensive services	-	-	323,291	323,291
Cowan Boulevard debt service	-	-	262,519	262,519
Public safety construction projects	-	-	83,989	83,989
Public facilities construction projects	-	-	170,696	170,696
Public works construction projects	-	-	471,946	471,946
Blight abatement	-	-	195,621	195,621
Grant related projects	-	-	628,193	628,193
Forfeited asset sharing program	-	-	15,965	15,965
VPSA debt service	-	-	2,308,258	2,308,258
New court construction project	-	1,624,728	-	1,624,728
Street sanitation	214,544	-	-	214,544
Street maintenance	209,865	-	-	209,865
Future capital projects	5,724,255	-	-	5,724,255
Health insurance claims	386,962	-	-	386,962
Other purposes	195,411	-	-	195,411
Total Committed Fund Balance	<u>\$ 6,731,037</u>	<u>\$ 1,624,728</u>	<u>\$ 4,793,274</u>	<u>\$ 13,149,039</u>
Assigned:				
Public works construction projects	\$ -	\$ -	\$ 4,791,338	\$ 4,791,338
Public facilities construction projects	-	-	1,152,280	1,152,280
Public safety construction projects	-	-	1,316,799	1,316,799
New court construction project	-	990,888	-	990,888
Other purposes	47,997	-	-	47,997
Total Assigned Fund Balance	<u>\$ 47,997</u>	<u>\$ 990,888</u>	<u>\$ 7,260,417</u>	<u>\$ 8,299,302</u>
Unassigned Fund Balance	<u>\$ 20,988,745</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 20,988,745</u>
Total Fund Balances	<u>\$ 28,138,016</u>	<u>\$ 2,615,616</u>	<u>\$ 12,391,560</u>	<u>\$ 43,145,192</u>

**CITY OF FREDERICKSBURG
FINANCIAL MANAGEMENT POLICIES**

Section 2-2 Financial Management Policy¹

Policy I

Fund Balance

- 1.01 The City of Fredericksburg's Unassigned General Fund Balance will be maintained to provide the City with sufficient working capital and a comfortable margin of safety to address emergencies and unexpected declines in revenue without borrowing.
- 1.02 The Unassigned General Fund Balance should not be used to support recurring operating expenditures outside of the current budget year. If a budget variance requires the use of Unassigned General Fund Balance the City will increase its General Fund revenues and/or decrease its expenditures to prevent using the Unassigned General Fund Balance two consecutive fiscal years in a row to subsidize General Fund operations.

The Unassigned General Fund Balance will be provided as follows:

- 1.03 The Unassigned General Fund Balance goal will be twelve percent (12%), but not less than seven percent (7%), of the actual General Fund revenues for the preceding fiscal year. These funds can only be appropriated by a resolution of the City Council.
- 1.04 In the event the Unassigned General Fund Balance is used to provide for temporary funding of unforeseen emergency needs, the City shall restore the Unassigned General Fund Balance to seven percent (7%) of the actual General Fund revenues for the preceding year within two fiscal years following the fiscal year in which the event occurred. To the extent additional funds are necessary to restore the Unassigned General Fund Balance to twelve percent (12%) of the actual General Fund revenues for the preceding fiscal year, such funds will be accumulated in no more than five approximately equal contributions each fiscal year. This will provide for full recovery of the targeted fund balance amount within five years following the fiscal year in which the event occurred.
- 1.05 In the event that the Unassigned General Balance exceeds the twelve percent (12%) target described in 1.03 above, or available revenues exceed the annual deposits required in 1.04 above, then City Council may consider appropriating such funds for "pay as you go" capital outlay expenditures, other non-recurring expenditures, or supplemental reserves as deemed necessary by City Council.

¹ (Adopted 3/11/97 by Resolution 97-19; Amended 4/14/2015 by Resolution 15-18; Further Amended by Resolution 16-46 on 5/24/2016)

Policy II
Fiscal Planning

- 2.01 The City Manager shall submit to the City Council a proposed annual budget, with his recommendations, and shall execute the budget as finally adopted, pursuant to the requirements of Title 15.2 of the Code of Virginia, as amended.
- 2.02 The City Manager will budget revenues and expenditures on the basis of a fiscal year which begins July 1 and ends on the following June 30.
- 2.03 The City Manager shall provide annually a Budget Preparation Schedule outlining the preparation timelines for the proposed budget.
- 2.04 Budget packages for the preparation of the budget, including forms and instructions, shall be distributed to City departments to complete. Department officials shall prepare and return their budget proposals to the office of the Assistant City Manager.
- 2.05 The proposed budget will contain the following:
- A) Revenue estimates by major category;
 - B) Expenditure estimates by program levels and major expenditure categories;
 - C) Debt service summarized by issues detailing principal and interest amounts by fund.
- 2.06 The proposed budget will also contain information regarding:
- A) Proposed personnel staffing levels;
 - B) A detailed schedule of capital projects;
 - C) Any additional information, data, or analysis requested of management by the City Council.
- 2.07 The proposed budget will be balanced.
- 2.08 The City Council will adopt the budget no later than June 30.
- 2.09 A monthly report on the status of the general fund budget will be prepared by the Fiscal Affairs Department and presented to the City Council within 15 days of the end of each month.
- 2.10 Budgeting procedures will attempt to identify distinct functions and activities and to allocate budget resources to perform these functions and activities as required.

- 2.11 Alternatives for improving the efficiency and effectiveness of the City's programs and the productivity of its employees will be considered during the budget process.
- 2.12 Duplication of services and inefficiency in delivery should be eliminated wherever they are identified. The City will continue to examine alternative service delivery options for all City functions.
- 2.13 Performance measurement and productivity indicators will be integrated into the budget process as appropriate.
- 2.14 For multi-year projects, the appropriated by as yet unencumbered and encumbered balances will be considered for re-appropriation in the subsequent fiscal year in a resolution amending the adopting budget.
- 2.15 The City will fund current expenditures with current revenues and other recurring funding sources.
- 2.16 If a deficit is projected during any fiscal year, the City will take steps to reduce expenditures, increase revenues, or consider using the Undesignated General Fund Balance in accordance with Policy I, to the extent necessary to ensure a balanced budget at the close of the fiscal year.
- 2.17 The City will annually appropriate a Contingency Budget to provide for increases in service delivery costs and unanticipated needs that may arise throughout the fiscal year.
- 2.18 The City will follow the bid policy pursuant to the requirements of Chapter 2, Article XII of the City Code.

Policy III

Revenues and Collections

- 3.01 The City's goal is a diversified revenue system balanced between real estate, personal property, sales taxes and other revenue sources.
- 3.02 The City will monitor all taxes to insure they are equitably administered and collections are timely and accurate. Fees and charges should be based on benefits and/or privileges granted by the City, or based on costs of a particular service.
- 3.03 Periodically, the City will recalculate the full costs of activities supported by user fees to identify the impact of inflation and other attendant costs. It is recognized that, on occasion, competing policy objectives may result in user fee levels that recover only a portion of service costs.
- 3.04 The City will assess all real property annually as of July 1, and assess all personal property annually on January 1. Real property assessments shall be based on

market value and follow standards established by the International Association of Assessing Officers. Personal property assessments shall be based on the average trade-in value as supplied by a nationally recognized organization, or a percentage of original cost that reasonably estimates market value.

- 3.05 The City will provide, as appropriate, funding or tax exemptions to churches, governmental entities and other eligible organizations pursuant to the state and local guidelines. The City will process all requests for tax exemption status pursuant to the appropriate statute cited in the Code of Virginia.

Policy IV

Capital Improvement Program and Fixed Assets

- 4.01 The City Manager will annually submit a Capital Improvement Program for review by the City Council pursuant to the time line established in the annual Budget Preparation Schedule. Submission of the Capital Improvement Plan shall be consistent with the requirements of Title 15.2 of the Code of Virginia.

- A) An implementation program for each of the capital improvements.
- B) A statement of the objectives of the Capital Improvement Program and the relationship with the comprehensive plan.
- C) An estimate of the cost of and the anticipated sources of revenue for financing the Capital Improvement Program and an estimate of the impact of each capital improvement on City revenues and future operating expenses.
- D) An estimated debt service schedule for any debt anticipated as a source of funds for the Capital Improvement Program.

- 4.02 The City will maintain a schedule of fixed assets in its fixed asset accounting system.

- 4.03 Upon completion of any capital project, remaining appropriated funds in that project will be returned to the undesignated capital project fund balance.

Policy V

Debt Management

- 5.01 The City will not use long-term debt to fund current operations and will continue to emphasize “pay as you go” capital financing, where practical.

- 5.02 The City will not use tax anticipation notes (TRANs) to fund current operations.

- 5.03 The City does not intend to issue bond anticipation notes (BANs) for a period longer than three years.

- 5.04 The issuance of variable rate debt by the City will be subject to careful review and will be issued only in a prudent and fiscally responsible manner.
- 5.05 Whenever the City finds it necessary to issue bonds, the following policy will be adhered to:
- A) General Fund supported debt will not exceed 4.8% of the assessed valuation of real property in the City.
 - B) The term of any bond issue will not exceed the useful life of the capital project/facility or equipment for which the borrowing is intended.
- 5.06 The City shall comply with all U.S. Internal Revenue Service arbitrage rebate requirements for bonded indebtedness.
- 5.07 The City shall comply with all requirements of Title 15.2 of the Code of Virginia and other legal requirements regarding the issuance of bonds and certificates of the City or its debt issuing authorities.

Policy VI
Cash Management

- 6.01 The City shall invest all funds of the City according to four criteria, in order of their importance: (1) legality, (2) safety, (3) liquidity, (4) yield.
- 6.02 The City will collect, deposit and disburse all funds on a schedule which insures optimum cash availability.
- 6.03 All City bank accounts shall be reconciled on a timely basis.
- 6.04 The City will optimize the amount of funds available for investment by rapid collection of money owed to the City. Cash invested shall, at a minimum, equal 100% of total bank cash balances.
- 6.05 The City will conduct its treasury activities with financial institution(s) based upon written contracts.

Policy VII
Personnel

- 7.01 At no time shall the number of permanent full-time employees on the payroll exceed the number of positions authorized by the City Council. All Personnel actions shall be in strict conformance with applicable federal and state law and all City ordinances and policies.
- 7.02 The City Manager may institute a cessation during the fiscal year on hirings, promotions, and transfers for the purpose of expenditure control. Such action will not be used arbitrarily and without knowledge and support of the City Council and will allow for exceptions in appropriate areas to comply with emergency needs such as a loss or decline in a major revenue source or natural disaster.

Policy VIII
Accounting, Auditing and Financial Reporting

- 8.01 The City will comply with generally accepted accounting principles (GAAP) in its accounting and financial reporting, as contained in the following publications:
 - A.) Codification of Governmental Accounting and Financial Reporting Standards, issued by the Governmental Accounting Standard Board (GASB)
 - B.) Pronouncements of the Financial Accounting Standards Board, (FASB)
 - C.) Governmental Accounting, Auditing, and Financial Reporting (GAAFR), issued by the Government Finance

- Officers Association (GFOA) of the United States and Canada.
- D.) Uniform Financial Reporting Manual for Virginia Counties, prepared by the Commonwealth of Virginia Auditor of Public Accounts (APA).
 - E.) Audits of State and Local Governmental Units, an industry audit guide published by the American Institute of Certified Public Accounts (AICPA).
 - F.) Government Accounting Standards, issued by the Controller General of the United States.
- 8.02 Monthly financial reports will be issued to all agency administrators summarizing financial activity comparing actual revenues and expenditures with budgeted amounts.
- 8.03 A comprehensive financial audit including an audit of federal grants according to the Single Audit Act of 1984 will be performed annually by an independent public accounting firm. The independent public accounting firm will express an opinion on the City's Financial Statements.
- 8.04 The comprehensive annual financial report will be issued by November 30 of each year for the preceding fiscal year to the Commonwealth of Virginia Auditor of Public Accounts and to the City Council by December 5 or as required by the Code of Virginia.
- 8.05 The City will prepare its comprehensive annual financial report in compliance with the principles and guidelines established by the Government Finance Officers Association's Certificate of Achievement for Excellence in Financial Reporting Program.
- 8.06 Full disclosure will be provided in the City's annual financial and budget reports and bond documents.
- 8.07 The City will provide annual disclosure to the rating agencies and national bond disclosure libraries regarding City audited financial matters.

Policy IX

Risk Management

- 9.01 The City shall make diligent efforts to avoid or prevent loss of City assets and to reduce the City's exposure to liability through training, safety, risk financing and the transfer of risk when cost effective.
- 9.02 City shall transfer where cost effective by purchasing insurance and requiring others (contractors, etc.) to carry insurance.

- 9.03 The City shall manage risk exposure and purchase traditional insurance in the following areas: general liability, automobile liability, public officials' errors and omissions, police professional liability, property loss and worker's compensation.

Policy X

Expenditure Control

- 10.01 Expenditures will be controlled by an annual budget at the departmental level. The City Council may amend appropriations as necessary.
- 10.02 All purchases shall be made in accordance with the City's purchasing policies and procedures and applicable state and federal laws. The City shall endeavor to obtain supplies, equipment and services as economically as possible.
- 10.03 The City will maintain a purchasing system which provides needed materials in a timely manner to avoid interruptions in the delivery of services.
- 10.04 The City shall pay all invoices within thirty (30) days of receipt in accordance with the prompt payment requirements of the Code of Virginia.

Policy XI

Economic Development and Tourism

- 11.01 While constantly striving to enhance its appeal as a heritage tourism destination, the City shall continue to expand and diversify its economic base by attracting industrial and commercial enterprises to the City. Special emphasis should be given to industrial and commercial enterprises that will employ the local labor force. Such businesses and industries will be in accordance with the plans and ordinances of the City.
- 11.02 The City will endeavor to develop a network of public facilities which link planned industrial and commercial areas with its growing residential areas.

Policy XII

Policy Review

- 12.01 The City Council will review and affirm by resolution the financial policies contained in this document a minimum of once every two years after review with its staff.
- 12.02 The City Manager shall provide the City Council a written status report concerning the City of Fredericksburg's compliance with the thirteen financial policy categories on an annual basis concurrent with the delivery of the comprehensive annual financial report.

Policy XIII

Post Issuance Compliance Policies and Procedures – Governmental Bonds

13.01 Purpose

A. In General. The Internal Revenue Service (the “IRS”) has strongly recommended that issuers of municipal bonds assist with the efforts to administer the income tax laws by adopting written policies and procedures intended to assure that appropriate compliance measures are implemented by such issuers after their bonds have been issued. In connection with authorizing issuance of the City’s General Obligation Bonds, Series 2015A, the City Council of the City of Fredericksburg, Virginia (the “City” or “Issuer”), by Ordinance adopted on March 10, 2015, authorized and directed the City Manager, in consultation with the City’s bond counsel, to establish written post-issuance compliance policies and procedures in compliance with the IRS recommendations for all bonds to which the IRS recommendations apply, including bonds previously issued and bonds to be issued in the future. The City Council Ordinance directs the City Manager to administer the policies and procedures with the assistance of such officers and staff as the City Manager may designate and authorize for such purpose.

The City Council further adopted Resolution 15-18 incorporating the Post Issuance Compliance Policies and Procedures – Governmental Bonds into the City’s Financial Policies.

This document implements these directives from City Council and is intended to memorialize formally the written post-issuance compliance policies and procedures (the “PICPP”) the City has historically followed in connection with its Tax-Advantaged Bonds (as defined herein), and includes as Appendix A post-issuance compliance procedures related to securities law requirements for such obligations.

B. Definitions.

1. “*Authorized Representative*” means the Post-Issuance Compliance Officer designated in Section II below and any officer or staff of the Issuer designated by the Post-Issuance Compliance Officer to perform any of the functions described in this PICPP.

2. “*Bad Use*” means expenditure on projects to be used by other than a governmental user, a loan to a non-governmental person or use of a bond-financed facility by a non-governmental person. As indicated herein, such use may arise pursuant to a management agreement, research agreement, naming rights agreement, lease or any similar agreement relating to a bond-financed facility.

3. “*Bad Payments*” means any payments derived from Bad Use of bond financed property.
 4. “*Bond Counsel*” means any nationally recognized bond counsel engaged by or on behalf of the Issuer to review or opine on matters covered by this PICPP.
 5. “*Code*” means the federal Internal Revenue Code of 1986, as amended.
 6. “*Governing Body*” means the City Council of the Issuer.
 7. “*Regulations*” means the federal Income Tax Regulations promulgated pursuant to the Code.
 8. “*Tax-Advantaged Bonds*” means, collectively, any of the Issuer’s Tax Credit Bonds and Tax-Exempt Bonds.
 9. “*Tax Closing Documentation*” means any and all covenants, certificates, instructions and information reporting documentation contained in the closing transcript or record of proceedings for any series of Tax-Advantaged Bonds, whether executed in connection with the issuance of any such series of obligations or executed post-closing.
 10. “*Tax Credit Bonds*” means the one or more series of governmental purpose tax credit bonds or other form of obligations that the Issuer has previously issued or may in the future issue that entitle the Issuer, the owners of the Tax Credit Bonds, or any other permitted party to either a credit against federal income tax liability or a refundable credit from the United States Treasury.
 11. “*Tax-Exempt Bonds*” means the one or more series of governmental purpose bonds or other form of tax-exempt obligations that the Issuer has previously issued or may in the future issue, the interest on which is excludable from gross income of the owners thereof pursuant to Sections 103 and 141-150 of the Code and Regulations.
- C. Incorporation of Tax Closing Documentation. This PICPP shall be deemed to include and hereby incorporates all Tax Closing Documentation for each issue of the Issuer’s Tax-Advantaged Bonds.
- D. Incorporation of Appendices. This PICPP shall be deemed to include and hereby incorporates all special post-issuance compliance policies and procedures set forth in each of the Appendices hereto.

13.02 Overall Responsibility for Compliance

A. Assignment of Responsibility. Oversight responsibility for post-issuance compliance is assigned to the City Manager, currently Beverly R. Cameron (phone: 540-372-1010; e-mail: brcameron@fredericksburgva.gov, or such officer's successor. Such officer is hereby designated the Post-Issuance Compliance Officer ("PICO"). Certain specific compliance responsibilities may be assigned by the PICO to a designated Authorized Representative of the Issuer as stated below.

B. Consultation with Outside Professionals. The PICO and any Authorized Representative may consult with any Bond Counsel or other municipal finance advisors or professionals that they deem appropriate to meet the requirements of this PICPP.

13.03 Tax Documentation Assembly and Closing Filing Requirements

A. Tax Documentation Assembly. The PICO will assemble and document to his or her satisfaction the location of all Tax Closing Documentation for each issue of Tax-Advantaged Bonds of the Issuer. The PICO will keep all post-closing documentation as a supplement to the Tax Closing Documentation.

B. Closing Filing Requirements.

1. The PICO will confirm to his or her satisfaction the filing of the appropriate Form 8038-G or Form 8038-TC no later than the 15th day of the second calendar month after the close of the calendar quarter during which bonds are issued.

2. The PICO will confirm to his or her satisfaction whether Tax-Exempt Bonds have been issued as 'bank qualified' bonds pursuant to Section 265(b) of the Code and Regulations. If the Tax-Exempt Bonds are "bank qualified," the PICO will note as part of the Issuer's books and records the limits on additional Tax-Exempt Bonds that may be issued in the remaining portion of the calendar year.

C. Recordkeeping. All documentation relating to the Tax-Advantaged Bonds assembled pursuant to the tax document assembly referred to above or pursuant to any or any other compliance topic in this PICPP will be subject to the General Recordkeeping Requirements and Records Retention requirements set forth below.

D. Coordination with Accounting Systems. With respect to all compliance topics set forth in this PICPP and where relevant, the PICO will confirm recording of all information relating to any of the compliance topics set forth in this PICPP in either the Issuer's or any third-party or trustee accounting system.

If a trustee has been engaged, and there is a change in the trustee, the PICO will consult with the new trustee to ensure that all investment records have been transferred and are being maintained.

E. Federal Guaranty Prohibition. Upon closing, and throughout the term of the Tax-Advantaged Bonds, the PICO will determine whether more than 5% of the proceeds of Tax-Advantaged Bonds are invested, directly or indirectly, in federally insured deposits or accounts, or if the Tax-Advantaged Bonds are otherwise directly or indirectly federally guaranteed and will consult with Bond Counsel in the event there is a question with respect to the Tax-Advantaged Bonds being federally guaranteed within the meaning of Section 149(b) of the Code.

13.04 Arbitrage Investment Limitations and Rebate Requirements

A. Assignment of Compliance Duty.

With respect to this compliance topic, the PICO will coordinate compliance for each issue of Tax-Advantaged Bonds under this PICPP and the Tax Closing Documentation for each such issue. The PICO designates the occupant of the position of Assistant City Manager (the "Designated Officer") to assist in complying with this topic.

B. Information Assembly, Collection and Procedures. If not already set forth in the Tax Closing Documentation for an issue, the PICO will determine and record the following information and establish the following procedures:

1. Basic Information.

- (a) Determine whether the Tax-Advantaged Bonds are a fixed yield issue of bonds or a variable yield issue of bonds.
- (b) Determine whether the Issuer has entered in a hedging transaction (e.g., interest rate swap, cap, floor or collar) either before, on or after the bond issue date (the first day on which the Issuer receives the purchase price or sale proceeds in exchange for Tax-Advantaged Bonds).

With respect to all hedging transactions, determine or confirm with Bond Counsel prior to entering into any hedging transaction (including interest rate swaps and caps) with respect to the bonds whether or not such swap agreement is to be identified as a qualified hedge as defined in Section 1.148-4(h)(2) of the Regulations, and if such a qualified hedge is to be entered into, determine or confirm with Bond Counsel prior to amending or terminating the hedge the impact of any amendment or termination of such a qualified hedge. A qualified hedge must be identified in the first information reporting form relating to a bond issue filed with the IRS on or after the date on which the qualified hedge contract is executed.

- (c) Determine whether the bonds are secured by a bond insurance policy, letter of credit, or other form of credit enhancement or liquidity facility.

With respect to all bond insurance, letter of credit, other credit enhancement or liquidity facilities entered into with respect to the bonds, determine or confirm with Bond Counsel the impact of such a transaction on the bonds prior to entering into or amending or terminating any such credit enhancement.

2. Arbitrage Investment Limitation Information.

- (a) Identify or provide for the computation of the bond yield for each issue of the Tax-Advantaged Bonds.
- (b) Identify each fund or account containing “gross proceeds” of the bonds (as that term is defined in Section 1.148-1(b) of the Regulations, generally including, without limitation, sale proceeds received in exchange for Tax-Advantaged Bonds, earnings from investing proceeds, and any remaining proceeds of obligations refunded by such Tax-Advantaged Bonds), including any fund or account established under agreements other than the bond ordinance, resolution, indenture or Tax Closing Documentation, particularly any fund or account that may be expected to be used to pay debt service on the bonds.
- (c) Identify the applicable temporary periods and investment yield restrictions with respect to each such fund or account, including the investment yield restrictions applicable at the end of each temporary period.
- (d) Confirm that any “reserve or replacement fund” with respect to the bonds (in accordance with the provisions of Section 1.148-2(f) of the Regulations) has not been funded in an amount more than 10% of the issue price or principal amount of the bonds as may be applicable. Identify any investment yield restrictions applicable for deposits of any other moneys into any such reserve fund in excess of the applicable limits for such reserve fund as set forth in the related Tax Closing Documentation.
- (e) Record each type of investments in which gross proceeds (as described in IV(B)-2(b) above) have been invested.

Record whether investments were purchased at a fair market value and whether they were purchased on a negotiated basis

or were put out for bid. If by bid, obtain all documentation relating to whether there was compliance with the bidding rules established for the specific investment. Consult with Bond Counsel and/or financial advisors, if needed.

- (f) Provide for the documentation, computation and payment of any yield reduction payments in the same manner as set forth for rebate payments below.

3. Rebate Information.

- (a) Determine for each issue of Tax-Advantaged Bonds no later than the date set forth in the Tax Closing Documentation (and in no event later than the fifth anniversary date of the date of issuance of each issue), if a rebate consultant needs to be retained and the timing for hiring of such a rebate consultant. Obtain a copy of all rebate reports provided by a rebate consultant.
- (b) Establish whether each issue is eligible for any spending or small issuer exception to the rebate requirements.
- (c) Except as may otherwise be provided in the Tax Closing Documentation, establish a calendar of each date for each of the Issuer's bond issues that the Issuer will be required to make any rebate payment to the United States (generally, every 5 years and upon final payment of all bonds). Such a calendar must recognize that the dates of any required rebate payment to the United States must be adjusted to reflect any redemption date of a bond issue prior to final maturity.
- (d) Provide a procedure for timely filing of any required rebate payment to the United States, including the completion of any IRS Form 8038-T.

4. Reimbursement and Special Arbitrage and Rebate Spending Procedures.

- (a) To the extent any bond proceeds are used to reimburse the issuer for expenditures paid prior to the date of issuing the bonds, the PICO will assure such proceeds are allocated to the reimbursement of such expenditures no later than 18 months after the later of (i) the date the expenditure was paid, or (ii) the date the project was placed in service, but in no event more than 3 years after the expenditure was paid.
- (b) The PICO will assure bond proceeds are expended with due diligence for the purposes and in accordance with

expectations and covenants described in the applicable Tax Closing Documentation, including specifically those related to federal tax arbitrage compliance and rebate spending provisions.

5. Error Correction Procedures.

The PICO will document, as soon as practicable after bond closing, all steps to be taken to correct any investment and rebate compliance errors. These steps may include, but are not limited to, consultation with Bond Counsel or any of the procedures described in Section VII below as may be applicable.

13.05. Bond Proceeds Spending Requirements

A. Assignment of Compliance Duty.

With respect to this compliance topic, the PICO will coordinate compliance for each issue of Tax-Advantaged Bonds under this PICPP and the Tax Closing Documentation for each such issue. The PICO designates the Designated Officer to assist in complying with this topic.

B. Information Assembly, Collection and Procedures. If not already set forth in the Tax Closing Documentation for an issue, the PICO will determine and record the following information and establish the following procedures:

1. Basic Information.

- (a) Assemble a list of all purposes and projects to be financed by the bonds, including information on the expected useful lives of projects.
- (b) Designate which of these purposes represent capital expenditures or working capital.
- (c) Establish the exact amount of bond proceeds and all other sources of funding for the project. In connection with this procedure, the PICO will document all requirements applicable to any such other sources of funding.
- (d) Determine the amount, if any, of bond proceeds that may be expended on payment of interest on the bonds (i.e., capitalized interest) and all applicable spending and time limits applicable to such payment of interest on the bonds.
- (e) Identify and calendar any time periods that may be applicable as to when bond proceeds must be spent.

2. Spending Limitation Procedures.

- (a) The PICO will establish such accounting controls as are necessary to guarantee that no more than the lesser of (i) 10% of the net proceeds or (ii) \$15 million will be expended on projects used by persons other than a governmental unit.
- (b) The PICO will establish such accounting controls as are necessary to guarantee that no more than 5% of net proceeds of the bonds may be used for a purpose that is unrelated to, or disproportionate to, the governmental purpose of the bond issue (e.g., a privately operated cafeteria in a government office building is generally related use; leasing of space in the government office building to private commercial tenants is unrelated use).
- (c) The PICO will establish such accounting controls as are necessary to guarantee that no more than 5% of net proceeds of the bonds are loaned to a non-governmental person.
- (d) The PICO will establish such accounting controls as are necessary to assure that all costs of issuance paid with bond proceeds are so paid no later than 180 days after the date of issuing the bonds.

The PICO will establish such accounting controls as are necessary to identify to the PICO whether there is a variance of greater than 10% in the amount of costs of issuance, credit enhancement costs and refunding or new money uses reported on the IRS Form 8038-G for the bond issue.

- (e) The PICO will establish such accounting controls, calendars and reporting procedures as are necessary to confirm that any time periods limiting spending have been met.

In connection with this procedure, for new money issues, the PICO will establish such accounting reports as are necessary to determine at least annually the amounts and percentages of bond proceeds that have been spent on the intended projects.

- (f) The PICO will establish such accounting controls as are necessary to confirm that the proceeds are spent on the approved projects.
- (g) The PICO will establish such accounting and review procedures as are necessary to record and approve a change

from an expected qualified project to a qualified substitute project.

- (h) The PICO will establish such accounting and review procedures as are necessary to arrange for qualified expenditures of any unspent moneys that remain after completion of the original list of projects to be financed by the Tax-Advantaged Bonds.

In connection with this procedure, the PICO will prepare a written, detailed explanation regarding why such proceeds remain unspent.

In connection with this procedure, if a significant amount (i.e., more than 15%) of Tax-Exempt Bond proceeds or any amount of Tax Credit Bond proceeds remain unexpended as of the third anniversary date of the date of issue of the bonds, the PICO will confirm with Bond Counsel the proper steps to take to protect the qualified status of such bonds (including but not limited to the continued investment of such amounts) and will confirm with Bond Counsel whether the existence of such unspent proceeds impacts the ability of the Issuer to issue any new issue of Tax-Advantaged Bonds.

- (i) The PICO will establish such accounting controls, calendars and reporting procedures and such other review procedures as are necessary to confirm the actual expenditure or deemed allocation to expenditure of all bond gross proceeds (as described in IV(B)-2(b) above) by the date that is no later than 18 months after the later of the date the expenditure is paid or the date any project that is financed by the issue is placed in service. A final record of all actual expenditures or deemed allocations to expenditures must in all events be made by the date that is 60 days after the fifth anniversary date of the issuance of the bonds or 60 days after the retirement of the bonds, if earlier.

13.06 Use of Bond Financed Property and Bad Use or Bad Payments Limitations

A. Assignment of Compliance Duty.

With respect to this compliance topic, the PICO will coordinate compliance for each issue of Tax-Advantaged Bonds under this PICPP and the Tax Closing Documentation for each such issue. The PICO designates the Designated Officer to assist in complying with this topic.

B. Information Assembly, Collection and Procedures. If not already set forth in the Tax Closing Documentation for an issue, the PICO will determine and record the following information and establish the following procedures:

1. Basic Information.

- (a) Determine as of the date of issue of the bonds how each source of funding is to be expended on or allocated to any Bad Use.
- (b) Determine the amount of bond proceeds loaned or granted to non-governmental entities.
- (c) Determine the list of payments to be derived from operation of the bond financed property and whether the bond financed property secures the repayment of the bonds.

2. Bad Use and Bad Payments Control Procedures.

- (a) The PICO will establish such monitoring procedures as are necessary to bring to the attention of the PICO for approval prior to execution any lease, sales contract or other disposition of bond financed property.
- (b) With respect to the operation of bond financed property, the PICO will establish such monitoring procedures as are necessary to bring to the attention of the PICO for approval prior to execution any naming rights, sales or licensing contract; any management or service contract, research contract; any output contracts; cell phone tower agreements; solar power contracts or windmill-generation contracts or similar types of contracts.
- (c) Immediately upon the execution of any lease, sale or other disposition that constitutes a Bad Use, and in all events no less than annually during the term of any bond issue, the PICO will provide a calculation of the amount of Bad Use and Bad Payments with respect to bond financed property.
- (d) Should the amount of Bad Use and Bad Payments approach the limits described above, the PICO will refer to the Change in Use and Remediation requirements of this PICPP and shall immediately consult with Bond Counsel as to the best course of action to respond to such a situation.

13.07 Change in Use and Remediation

A. Assignment of Compliance Duty.

With respect to this compliance topic, the PICO will coordinate compliance for each issue of Tax-Advantaged Bonds under this PICPP and the Tax Closing Documentation for each such issue. The PICO designates the Designated Officer to assist in complying with this topic.

B. Information Assembly, Collection and Procedures. If not already set forth in the Tax Closing Documentation for an issue, the PICO will determine and record the following information and establish the following procedures:

1. Basic Information.

The PICO will locate any information with respect to this compliance topic including any list of options stated in the Tax Closing Documentation that is available to remediate excess Bad Use (and Bad Payments).

2. Change in Use and Remediation Procedures.

- (a)** Should the information collected by the PICO with respect to Bad Use and/or Bad Payments indicate that the use or payments are in excess of the prescribed limits for the bond issue, the PICO will consult with Bond Counsel as to the remedial actions available under the Regulations to correct such excess use or payments.
- (b)** Should the information collected by the PICO with respect to Bad Use and/or Bad Payments indicate that the use or payments are in excess of the prescribed limits for the bond issue and the remedial actions set forth in the Regulations are not applicable, the PICO will consult with Bond Counsel as to the options that are available for voluntary correction of failures by entering into a closing agreement under the Tax-Exempt Bonds Voluntary Closing Agreement Program described in IRS Notice 2008-31.

13.08 Refundings

A. Assignment of Compliance Duty.

With respect to this compliance topic, the PICO will coordinate compliance for each issue of Tax-Advantaged Bonds under this PICPP and the Tax Closing Documentation for each such issue. The PICO designates the Designated Officer to assist in complying with this topic.

B. Information Assembly, Collection and Procedures. If not already set forth in the Tax Closing Documentation for an issue, the PICO will determine and record the following information and establish the following procedures:

1. Basic Information.

- (a) Determine the redemption dates for all refunded bonds.
- (b) Determine the list of projects being refinanced with proceeds of the bonds and any Bad Use or Bad Payments incurred with respect to such bond financed property.

2. Refunding Procedures.

(a) The PICO will establish such accounting reporting procedures as are necessary to assure that any refunded bonds are redeemed or retired within 90 days of the date of issue of the refunding bonds or, if the refunded bonds are not callable within 90 days, that such refunding is permitted under the Tax Closing Documentation or the Regulations and that such call date is the first call date for the refunded bonds required by the Tax Closing Documentation or the Regulations.

(b) The PICO will apply the same policies and procedures as set forth in Sections IV-V of this PICPP to any refunding bonds.

With respect to this procedure, the PICO will ensure that any final rebate calculations for the refunded bonds will be performed within 60 days of redemption of refunded bonds and timely filing of Forms 8038-T or Forms 8038-R with such payment as may be required, as appropriate, will be made.

(c) The PICO will apply the same policies and procedures as set forth in Sections VI-VII of this PICPP to the property being refinanced by the refunding bonds.

13.09 Modification of Bond Terms and Events of Default

A. Assignment of Compliance Duty.

With respect to this compliance topic, the PICO will coordinate compliance for each issue of Tax-Advantaged Bonds under this PICPP and the Tax Closing Documentation for each such issue. The PICO designates the Designated Officer to assist in complying with this topic.

B. Information Assembly, Collection and Procedures. If not already set forth in the Tax Closing Documentation for an issue, the PICO will determine and record the following information and establish the following procedures:

1. Basic Information.

The PICO will assemble, and make all gathered information and documentation regarding the modification of bond terms or events of default, part of the Issuer's books and records.

2. Modification of Bond Terms and Events of Default Procedures.

- (a) The PICO will establish such accounting and reporting procedures as are necessary to confirm that any tax levy, tax credits or other revenues securing the bonds have been received and that the debt service on the Tax-Advantaged Bonds has been paid and compliance with non-payment covenants with respect to the Tax-Advantaged Bonds has occurred.

In the event that any payment or other type of default occurs, the PICO will consult with Bond Counsel.

- (b) The PICO will establish such reporting requirements and information gathering procedures as are necessary to identify whether any events have occurred that would have or could have triggered a deemed discharge or reissuance of the bonds. Such reporting requirements will include assembling, prior to execution, if possible, information concerning (i) changes (modifications) of any of the contractual terms of the bonds (including modifications of the bond interest rates, maturity dates or payment schedule), (ii) changes to the credit enhancement of or liquidity facility for the bonds, (iii) changes in the nature of the security for the bonds, (iv) purchase of the Tax-Advantaged Bonds by the Issuer, or (v) any deferral or default of payment of principal and interest due on the Tax-Advantaged Bonds.

With respect to this procedure, PICO should consult with Bond Counsel as to the options that are available to the Issuer for dealing with such events, including acquiring any bond security from a federal agency or instrumentality.

13.10 General Recordkeeping Requirements and Records Retention

A. Assignment of Compliance Duty.

With respect to this compliance topic, the PICO will coordinate compliance for each issue of Tax-Advantaged Bonds under this PICPP and the Tax Closing Documentation for each such issue. The PICO designates the Designated Officer to assist in complying with this topic.

B. Information Assembly, Collection and Procedures. If not already set forth in the Tax Closing Documentation for an issue, the PICO will determine and record the following information and establish a General Recordkeeping Requirement and Records Retention Procedure. Pursuant to this procedure, the PICO will record in a retrievable paper or electronic form all of the information required by this PICPP. At a minimum for each issue of Tax-Advantaged Bonds, the PICO shall record and keep copies of:

- the bond transcript of proceedings;
- all resolutions (including reimbursement resolutions) and minutes pertaining to the projects financed, if not included in the bond transcript;
- all surveys, feasibility or demand studies and any publications, brochures and newspaper articles with respect to the bonds, if not included in the bond transcript;
- all bond yield computations including supporting certificates and investment records (including trustee records) pertaining to the issue price of the bonds, proceeds of the bonds, investment agreements and related bidding documents, credit enhancement and liquidity documents, swap documents, rebate reports and rebate payments;
- all documents pertaining to the expenditure or granting of bond proceeds for the acquisition, construction or renovation of bond financed property including any trustee records, requisitions, reimbursements, draw schedules, draw requests, construction contracts, invoices, bills, land/project related appraisals, payment records, requisition statements, reimbursement records, cancelled checks, a final schedule of property financed by the bonds and final allocations of bond proceeds;
- all formal elections made for the bond financing (e.g., an election to employ an accounting methodology other than specific tracing)
- all records of trade or business use, purchase, lease, sublease or sale of bond financed property including any leasehold improvement contracts and ownership documentations such as joint venture arrangements, limited liability corporation arrangements or partnership arrangements;

- all management contracts and other service agreements, research contracts, naming rights contracts and those contracts listed in Section VI.B.2.(b) of this PICPP;
- all accounting audits for bond financed property;
- all information reports filed for the bonds;
- all documentation pertaining to any prior IRS examination of Issuer and/or tax-exempt bonds; and
- all correspondence related to the above (faxes, emails and letters)

C. The PICO will develop such procedures as are necessary to document the payments made of all principal, interest and any redemption payments on the Tax-Advantaged Bonds.

D. All records accumulated for the Tax-Advantaged Bond issue shall be maintained for a period until at least four years following the later of final maturity of (i) the Tax-Advantaged Bond issue or (ii) any Tax-Advantaged Bonds issued to refund the bonds. So long as such bond records are maintained for such period, such records may be retained in accordance with generally applicable City record retention procedures.

13.11 IRS Correspondence and Audits

The PICO will consult with Bond Counsel immediately upon receipt of any correspondence from, or opening of an examination of any type, with respect to Tax-Advantaged Bonds by the IRS.

13.12 Periodic Review Requirements

The PICO will review the implementation of this PICPP at least annually during the term of any Tax-Advantaged Bonds.

13.13 Training Requirements

The PICO will develop a training program that is designed to inform any successor PICO of the requirements of this PICPP and periodically to train all Authorized Representatives of their duties under this PICPP. Such a training program may be developed with internal materials or those supplied by Bond Counsel and shall include a review of the Code and the IRS's web site established for the use of the tax-exempt bond community located at <http://www.irs.gov/taxexemptbond/index.html?navmenu=menu1>.

13.14 Revision of PICPP

The PICO will periodically seek the advice of Bond Counsel or other municipal finance advisors or professionals that he or she deems appropriate to revise the terms of this PICPP.

13.15 Appendix A: Post-Issuance Securities Law Requirements

A. In each year that the Issuer has Tax-Advantaged Bonds or taxable obligations outstanding subject to SEC Rule 15c2-12, no later than the date 270 days after the end of the Issuer's fiscal year (the "Annual Report Due Date"), the PICO shall file, or cause its dissemination agent, if applicable, to file, its annual report (the "Annual Report") with the Municipal Securities Rulemaking Board (the "MSRB") through its Electronic Municipal Market Access facility for municipal securities disclosure ("EMMA"). In preparing its Annual Report, the PICO shall review each of its outstanding continuing disclosure undertakings (collectively, the "Undertakings") to determine the quantitative financial information and operating data which, together with the audited financial statements, shall constitute the content of the Annual Report.

B. For its Undertakings with respect to bonds or other obligations issued before December 1, 2010, the PICO shall monitor the following events and provide notice of such events to the MSRB through EMMA as required by the applicable Undertaking:

1. Principal and interest payment delinquencies
2. Non-payment related defaults
3. Unscheduled draws on debt service reserves reflecting financial difficulties
4. Unscheduled draws on credit enhancements reflecting financial difficulties
5. Substitution of credit or liquidity providers, or their failure to perform
6. Adverse tax opinions or events affecting the tax-exempt status of the security
7. Modifications to the rights of security holders
8. Bond calls
9. Defeasances
10. Release, substitution or sale of property securing repayment of the securities
11. Rating changes.

C. For its Undertakings with respect to bonds or other obligations issued on or after December 1, 2010, the PICO shall monitor the following events and provide notice of such events to the MSRB through EMMA as required by the applicable Undertaking, but not later than 10 business days after occurrence:

1. Principal and interest payment delinquencies
2. Nonpayment-related defaults, if material

3. Unscheduled draws on debt service reserves reflecting financial difficulties
4. Unscheduled draws on credit enhancements reflecting financial difficulties
5. Substitution of credit or liquidity providers, or their failure to perform
6. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security
7. Modifications to rights of security holders, if material
8. Bond calls, if material, and tender offers
9. Defeasances
10. Release, substitution or sale of property securing repayment of the securities, if material
11. Rating changes
12. Bankruptcy, insolvency, receivership or similar event of the Issuer*
13. The consummation of a merger, consolidation or acquisition involving the Issuer or the sale of all or substantially all of the assets of the Issuer, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material
14. Appointment of a successor or additional trustee or the change of name of a trustee, if material.

* This event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the Issuer in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the Issuer, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the Issuer.

Policy XIV. Regional Detention Facility Contribution Stabilization Reserve

14.01. Purpose.

The City Council established the Regional Detention Facility Stabilization Reserve to alleviate large year to year increases in City contributions to the Rappahannock Regional Jail and the Rappahannock Juvenile Detention Center.

14.02 Use of Regional Detention Stabilization Reserve

14.02 (a) The City Council will not use the Regional Detention Stabilization Reserve (“the Reserve”) if the annual increase is less than 5% of the current year contribution.

14.02 (b) If the increase is greater than 5% but less than 10%, then the Reserve may be used for up to ½ the proposed increase.

14.02 (c) If the increase is greater than 10%, the Reserve may be used as follows:

- For ½ the proposed increase, up to 110% of the current year contribution.
- For all of the remaining increase above 110% of the current year contribution.

14.03 Target for Regional Detention Stabilization Reserve

The City’s minimum level for the Regional Detention Stabilization Reserve shall be \$750,000.

14.03 (a) If the amount of the Reserve falls under \$750,000, the City Council will adopt a plan to restore that level of funding to the Reserve within three fiscal years.

14.03 (b) If the amount of the Reserve falls under \$750,000, the City Council will not use more than \$100,000 of the remaining Reserve prior to the adoption of a plan to restore the Reserve within the next three years.

14.03 (c) Should the City’s contributions decrease in a given year, then the City will contribute at least one-half of the amount of the decrease to the Reserve unless the Stabilization Reserve is at least \$2,000,000.

14.04 Additional Funding

City Council may add funding to the Reserve at any time, regardless of the reserve level, and may evaluate and change the target levels and reserve levels in this policy at any time.

14.05 Mid-Year Appropriation Amendments

The City Council may use the Reserve for mid-year appropriation amendments at any time, regardless of the amount of the increase, provided the targeted minimum level of funding is in place.

14.06 Facilities Combined for Policy Purposes

For the purposes of this policy, contributions to the Rappahannock Regional Jail and the Rappahannock Juvenile Center will be considered combined, and a decrease in funding for one will offset increases in funding for the other facility. The Regional Detention Stabilization Reserve may be used for offsetting an increase in either facility in accordance with this policy.

FITCH AFFIRMS FREDERICKSBURG, VA'S IDR AT 'AA+'; OUTLOOK STABLE

Fitch Ratings-New York-13 September 2016: Fitch Ratings has affirmed the following ratings for the city of Fredericksburg, VA (the city) at 'AA+':

--Issuer Default Rating (IDR);

--\$31.3 million general obligation (GO) bonds, series 2011A.

The Rating Outlook is Stable.

SECURITY

The bonds are general obligations of the city backed by its full faith and credit and unlimited taxing power.

KEY RATING DRIVERS

The 'AA+' IDR reflects the city's strong revenue growth prospects that, combined with superior budgetary flexibility highlighted by an unlimited revenue raising capacity, are expected to continue to produce strong financial results. Healthy reserve levels are several multiples of the city's low revenue volatility and add to the financial flexibility. The long-term liability burden is moderate compared to somewhat below-average personal incomes and Fitch expects it will remain so based on borrowing plans and the city's debt amortization schedule.

Economic Resource Base

Fredericksburg, population 28,118 (2015), is an independent city in the Northern Virginia region located on Interstate-95 approximately 50 miles south of Washington, D.C. and 50 miles north of Richmond, VA. Amtrak and the Virginia Railway Express provide service to Washington D.C. from downtown Fredericksburg. The city is steadily increasing in population with residents up 11% since the 2010 Census as estimated by the Weldon Cooper Center, University of Virginia.

Revenue Framework: 'aaa' factor assessment

Economic expansion and population growth in the city has brought in an increasing level of revenues primarily from property taxes, but also a mix of local sales, meals, and business license taxes. The city's general fund revenues are expected to continue to increase in line with or above the level of national GDP growth.

Expenditure Framework: 'aa' factor assessment

Education spending drives the city's budgets and the city funds its schools well in excess of the state's mandate providing solid expenditure flexibility in a potential downturn. In addition, fixed carrying costs are a moderate 12.3% of governmental spending. City employees are prohibited from organized labor negotiations.

Long-Term Liability Burden: 'aa' factor assessment

The city's liability burden is moderate at 11.4% measured against personal income and driven by direct debt of the city largely for school capital projects. The city's pension plan maintains assets that are 82% of the total liability leaving a small net pension liability.

Operating Performance: 'aaa' factor assessment

General fund reserves are consistently maintained above the conservative fund balance policy that provides exceptional gap closing capacity based on the city's superior budget flexibility and very low revenue volatility.

RATING SENSITIVITIES

STRONG FINANCIAL PROFILE: Fitch expects the city's strong financial profile to remain stable, including strong revenue growth and budget controls.

CREDIT PROFILE

The area economy is somewhat narrow, underpinned by higher education, health services, and government. Additionally, the city serves as a regional retail center for Spotsylvania (GOs rated 'AAA'/Outlook Stable), Stafford (GOs rated 'AA+ '/Outlook Positive), and Caroline counties (combined population of 298,958). The city's economy has rebounded from the recession as evidenced by growth in local sales, meals, hotel, and business license taxes in fiscals 2010-2015 and increases in the housing market. The Zillow Home Value Index forecasts an additional 1.8% growth through June of 2016, adding to similar gains of the previous several years.

The city's economy continues to be anchored by Mary Washington Hospital and the University of Mary Washington (the university), which are the first and second largest employers in the city at 4,465 and 865 employees, respectively. The university continues to invest in expansion projects both on campus and in the Eagle Village mixed use retail and residential development.

Wealth and income metrics fall below regional, state and federal averages, partially driven by the approximately 4,000 undergraduate students at the university. Continued growth in the much larger surrounding counties will continue to benefit the city, which serves as the commercial center of the region.

Revenue Framework

The primary source of general fund revenue is property tax at a little under half of revenues. Sales tax contributes 14% of revenues with meals and lodging taxes combining for an additional 14%. The diverse tax framework has proved a stable source of revenues for the city. Meals and lodging taxes have added to growth in recent years.

Total general fund revenues have increased at approximately the rate of national economic expansion even with property tax rates slightly lower than they were a decade ago. The city's taxable assessed value (TAV) has increased significantly, primarily from several years of large increases leading up to the Great Recession. Since, the TAV has remained mostly level with some additions from new construction in the growing downtown district.

- The city has very broad revenue raising capacity, as there is no legal limit to the property tax rate or levy in Virginia.

Expenditure Framework

The city's primary general fund expenditures are education and public safety at 37% and 28% of the total, respectively. Virginia public schools are largely funded by a mix of state and local aid contributions. The amount of local contributions is determined by the city council, and based on the state-determined performance standards for the school system. Fredericksburg City Public Schools, a component unit of the city, is primarily funded by the city with less than half of revenues coming from the state and federal sources. The city's funding for the schools is 190% above the state's required local expenditure as of fiscal 2015. Fitch considers the budgeted amount over the required contribution as discretionary spending that adds cost-cutting flexibility if needed.

As with most local governments, Fitch expects spending growth will likely be near to slightly ahead of revenue growth, partially due to strong projected school enrollment growth and related school capital needs.

Fixed carrying costs associated with debt service, required pension payments and actual other post-employment benefit (OPEB) payments consumed a moderate 12.3% of total governmental spending in fiscal 2015. Debt service was the primary driver of fixed costs at 7.7% of spending and will likely remain level or slightly increase due to the additional debt expected in the capital improvement plan (CIP). The city has broad discretion over headcount and the terms of employee benefits and wages given the absence of collective bargaining.

Long-Term Liability Burden

The combined burden of overall debt and the city's net pension liability is moderate at 11.4% of personal income. Direct debt is a majority of the metric at 9.6% of personal income and expected to remain level given the city's satisfactory debt policy, existing capital needs, and debt amortization rate at 56% of principal in 10 years. The city's general fund capital improvement program for fiscals 2017-2021 totals \$97.6 million and includes near-term debt issuance plans of \$22.5 million. Discussions of a new elementary school are underway and future capital plans may increase as a result.

The city's employees participate in a defined benefit cost sharing multiple employer plan administered by the Virginia Retirement System (VRS). As of June 30, 2015, plan assets to liabilities were 82% at VRS' 7% investment rate of return assumption. The net pension liability is minimal at about 2% of personal income.

Operating Performance

The city maintains a general fund balance well in excess of the conservative reserve policy. Reserve levels translate to a 'aaa' reserve safety margin considering the city's very low revenue volatility and superior budget flexibility. The city maintains an unlimited ability to adjust property tax rates, which management adjusted as necessary throughout the recession. The real estate rate is below where it was a decade ago, low for the region and provides important gap closing capacity that Fitch believes management could leverage in a potential downturn scenario. Fiscal 2015 ended ahead of budget adding about 1% to fund balance which totaled \$28.1 million or 33.3% of spending and in excess of the city's 12% fund balance policy.

While the city postponed a minor amount of paygo capital during the recession, in recent years, paygo has increased back to \$1 million to \$2.5 million annually or about 1%-2.5% of the budget. Other discretionary cuts were minimal. Fiscal 2016 ended with an estimated use of reserves of \$2.7 million that included \$1.7 million in paygo capital and \$1 million to establish an OPEB trust. Results were less than the planned \$6.9 million drawdown in the original budget based on the city's policy to conservatively budget revenues that came in almost 3% over budget. The fiscal 2017 adopted budget for the general fund is \$90.4 million, or a 2.1% increase over fiscal 2016. The budget includes a decrease in the real estate tax rate for equalization, a 2% cost of living adjustment and a \$3.7 million general fund balance draw which will be primarily used for paygo capital.

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In addition to the sources of information identified in the applicable criteria specified below, this action was informed by information from Lumesis and InvestorTools.

Applicable Criteria

U.S. Tax-Supported Rating Criteria (pub. 18 Apr 2016)

<https://www.fitchratings.com/site/re/879478>

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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. BRADFORD C. ELLIS, WARD ONE
HON. DR. TIMOTHY P. DUFFY, WARD THREE
HON. CHARLIE L. FRYE, JR., WARD FOUR

November 22, 2016

The Council of the City of Fredericksburg, Virginia, held a regular session on Tuesday, November 22, 2016, 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. and Council members Kerry P. Devine, Dr. Timothy P. Duffy, Bradford C. Ellis, Charlie L. Frye, Jr. and Matthew J. Kelly.

Also Present. City Manager Timothy J. Baroody, Assistant City Manager Mark Whitley, City Attorney Kathleen Dooley, Assistant City Attorney Robert Eckstrom, Police Chief David Nye, Captain Brian Layton, Sergeant Crystal Hill, Community Planning and Building Development Director Charles Johnston, Zoning Administrator Michael Craig, Community Development Planner Suzanna Finn and Clerk of Council Tonya B. Lacey.

Opening Prayer and Pledge of Allegiance. Council was led in prayer by Councilor Bradford C. Ellis followed by the Pledge of Allegiance led by Mayor Mary Katherine Greenlaw.

Officer Recognized. Mayor Greenlaw recognized the presence of Auxiliary Officer Stuart Butterfield at this evening's meeting.

Proclamation for Small Business Saturday (D16-__). Mayor Greenlaw presented DeeDee Lecky and April Peterson with a proclamation proclaiming November 26, 2016 as Fredericksburg Small Business Saturday, and she urged residents of the community to support the businesses and merchants on Small Business Saturday and throughout the year.

Ms. Lecky thanked the community for their support and she said the small businesses could not be successful without their support.

University of Mary Washington Update – Dr. Troy Paino. Mr. Paino said he was looking forward to a cooperative relationship with the City. He said he had been at the University for five months and he was excited to be here. He noted that the University had received a record number of applications last year but he said his focus was not on the growth of the school. Mr. Paino said he would like to slightly downsize and increase diversity. He wants to also focus on the retention of the graduation rates, continuing education and partnering with Germanna. Mr. Paino said he would like to get out into the community to see what the needs were and help to attract more employers to the area. Mr. Paino also stated that he would like to get more students to live on campus and they were currently working to renovate some of the residential halls and building new halls. He noted that the college was working with the City on the City's Parking Master Plan.

Vice-Mayor Wither thanked Mr. Paino for working with the City on issues brought up at the Town and Gown meetings. Mr. Paino said he has enjoyed working and getting to know Mr. Barody.

Mayor Greenlaw said the University was an enormous asset to the City and the City enjoys working with the College.

Mr. Paino noted that their athletic department has received some success this year and he invited the City Council to attend some of the sporting events.

Councilor Devine welcomed Mr. Paino and she noted that the City had discussed tourism and she asked that Mr. Paino and the City Manager discuss trying to interrelate tourism to the families that come to the City. Mr. Paino said that he plans to make that a major focus in the future because he does not think they do a good job with that currently.

Public Hearings Conducted (D16-__ thru D16-__). There was no public hearings at this meeting.

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

Jason Towery, 1410 Preserve Lane, came to let the Council know that something needed to be done at the intersection of Amelia and Princess Anne Streets. He said his son was hit when he and his nanny were crossing the street. He requested that the Council look into ways to improve that intersection.

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

7A. 3rd Annual Gun Giveback Program – Councilor Frye

7B. Crosswalks – Councilor Ellis

7C. Hazel Hill Update – Councilor Frye

7D. CSX – Councilor Frye

3rd Annual Gun Giveback Program – Councilor Frye announced that on December 10, the Police Department would be holding the 3rd Annual Gun Giveback Program. In, the last two years a total of 105 guns had been turned in through this program. Councilor Frye explained that this would be strictly on a volunteer basis and there would be no questions asked. He thanked both the Police and Sheriff’s offices and Ms. Doris Buffet for her contribution Ms. Buffett will donate \$100 for each gun that’s turned in to four separate charities.

Crosswalks – Councilor Ellis said he would like to have the crosswalks at Amelia and Princess Anne and George and Princess Anne Streets looked at for safety reasons. He suggested possibly removing the parking space on the ends to help with the sight lines or put in a hand crossing signal or a flashing light. He said the corner of William and Charles was also a dangerous intersection for pedestrians.

Mr. Baroody said staff would look into it and bring it back to Council.

Hazel Hill Update – Councilor Frye reported that as of the end of last week everyone had heat and hot water at Hazel Hill Apartments. He thanked Micah Ministries for offering to help with blankets if they were needed when the temperature dropped. He said thankfully they were not needed because everyone had heat by the time the temperature dropped.

CSX – Councilor Frye stated that he had requested at the last meeting that CSX come to give an update. He said he hoped the track project was still on track.

Councilor Kelly noted that CSX did provide a representative to serve on the Local Emergency Planning Committee. He said he hoped to have conversation with CSX and Virginia Railway Express about the train station.

City Manager's Consent Agenda Accepted for Transmittal as Recommended (D16-__ thru D16-__). Following review and as recommended 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, Ellis, Frye and Kelly. Nays (0).

- Resolution 16-103, Second Read, Amending the Fiscal Year 2016 Budget by Appropriating \$273,381 in General Fund Balance Reserved for Regional Detention Facility Contribution Stabilization for the City's Reconciled Share of Costs at the Rappahannock Juvenile Detention Center (D16-__).
- Transmittal of Boards and Commission Minutes (D16-__).
 - Architectural Review Board Supplemental – September 12, 2016 (D16-__).
 - Architectural Review Board – September 12, 2016 (D16-__).
 - Architectural Review Board Supplemental – September 26, 2016 (D16-__).
 - Architectural Review Board – October 17, 2016 (D16-__).
 - Clean & Green Commission – October 3, 2016 (D16-__).
 - Planning Commission – October 12, 2016 (D16-__).
 - Potomac, Rappahannock Transportation Commission – October 6, 2016 (D16-__).

- Potomac, Rappahannock Transportation Commission – October 24, 2016 (D16-__).

Adoption of Minutes (D16-__). Councilor Ellis moved approval of the March 4, March 5, March 20 and April 2 Work Session and the November 8, 2016 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, Ellis, Frye and Kelly. Nays (0).

Resolution 16-105, Appointing Members to the City Towing and Recovery Board (D16-__). Councilor Devine made a motion to approve Resolution 16-105 appointing members to the City Towing and Recovery Board (Sgt. Crystal Hill, Meghan Kerlavage, Michael Powell); motion was seconded by Councilor Duffy and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Ordinance 16-26, First Read Approved, Rezoning 20.84 Acres of Land Located on the Southside of Fall Hill Avenue, Between Briscoe Lane and I-95, from Residential R-2 to Commercial Highway and R-12, with Conditions (D16-__). – Zoning Administrator Mike Craig briefly discussed the final proffer on affordability. In regards to the cash proffer offered for affordable housing the City Attorney determined that until the City adopts an affordable housing ordinance in accordance with the Code of Virginia, the City could not accept cash proffers for affordable housing. The second proffer for affordable housing was also adjusted instead

of the \$200 reduction on the 12 units they would use the fifty percent (50%) area median income criteria which will be more than the originally proposed \$200 reduction.

Vice-Mayor Withers expressed his concerns for using property that was proposed in the Comprehensive Plan (Comp Plan) for Commercial and changing the use to apartments. He asked how much of the housing in the City was considered affordable housing and Mr. Craig said that would be difficult to answer because a study would need to be completed to figure it out. Mr. Craig did however state that fifty percent of the renters in the City were housing burdened which means they are spending thirty percent (30%) or more of their income on housing. Vice-Mayor Withers said he could not support any decision that goes against the Comp Plan. He said every time the City did away with commercial it did away with money for services.

Councilor Kelly stated that times were changing and people were not looking to buy homes like they used to. He said the Council must look at the workforce in the community and see what they can afford. Councilor Kelly said many of the people who work for the City cannot afford to live in the community in which they work. He said he also wanted those people to be able to use their disposable incomes in their community. Councilor Kelly noted that the City needed to discuss future housing in the City. He also said that this project was not significant enough to require proffers for schools but the developer was offering proffers for schools. Councilor Kelly said this project fits the location and meets the needs of the community.

Councilor Frye stated that he was happy to support this project because of the car dealership and the townhomes that were included. He said this package was more realistic and it was not just apartments and because of that he could support it.

Councilor Ellis highlighted some of the items in an article that he had received from the applicant which stated that the national trend in homeownership was declining, millennials are less likely to buy homes, millennials do not want to be tied down and they want convenience.

Councilor Devine agreed with Vice-Mayor Withers and said the City has not seen what the approved housing stock will do to services and schools. She thought approving these apartments was premature and that the Council needed to follow the Comp Plan.

Councilor Duffy also agreed with Councilors Withers and Devine and said the focus needed to be on increasing the income of those in Central Park. He said this project was not in the interest of the overall community.

Councilor Ellis made a motion to approve Ordinance 16-26, on first read, rezoning 20.84 acres of land located on the southside of Fall Hill Avenue, between Briscoe Lane and I-95, from Residential R-2 to Commercial Highway and R-12, with conditions; motion was seconded by Councilor Kelly and passed by the following recorded votes. Ayes (4). Councilors Greenlaw, Ellis, Frye and Kelly. Nays (3) Councilors Withers, Devine and Duffy.

Motion to Suspend the Rule. In order to place Ordinance 16-26 on for second read Councilor Ellis 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, Ellis, Frye and Kelly. Nays (0).

Ordinance 16-26, Second Read Approved, Rezoning 20.84 Acres of Land Located on the Southside of Fall Hill Avenue, Between Briscoe Lane and I-95, from Residential R-2 to Commercial Highway and R-12,

with Conditions. – Councilor Ellis made a motion to approve Ordinance 16-26, on second read, rezoning 20.84 acres of land located on the south side of Fall Hill Avenue, between Briscoe Lane and I-95, from Residential R-2 to Commercial Highway and R-12, with conditions; motion was seconded by Councilor Kelly and passed by the following recorded votes. Ayes (4). Councilors Greenlaw, Ellis, Frye and Kelly. Nays (3) Councilors Withers, Devine and Duffy.

Ordinance 16-27, First Read, Repealing the Aggressive Solicitation Ordinance: Adopting Ordinances on Impeding or interfering with Pedestrian or Vehicle Traffic and Pedestrians in Roadway (D16-__). –

Councilor Kelly asked how much was collected in fines and how many have had to go to the judge for action. He said he would rather see the violators receive community service. Councilor Kelly thought community service made more sense than trying to collect fines.

Councilor Kelly made a motion to approve Ordinance 16-27, on first read, repealing the aggressive solicitation ordinance: adopting ordinances on impeding or interfering with pedestrian or vehicle traffic and pedestrians in roadway and he added that he would like to see community service in the ordinance; motion was seconded by Vice-Mayor Withers and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Revising Taxicab Regulations Relating to Certificates of Public Convenience and Necessity, Motor Vehicle Safety, Driver Safety, and Fares and Charges, and Dissolving the Taxicab Board (D16-__). – Staff

presented a PowerPoint presentation which reviewed the Initiatives, the initiatives they

wanted to keep and those to be changed, Transportation Network Companies (TNC) Requirements and Disqualifications, the requirements suggested to keep and change for Taxi Vehicles, Taxi Fare Regulations, Taxi Fare Comparison, Current Fare Schedule from City Code and Taxi Operation to keep and change.

Councilor Kelly had several questions that he wanted to ask the Taxi Co. He asked Mayor Greenlaw if Mr. Matthew Haney could answer a few of his questions. Mayor Greenlaw called Mr. Haney to the podium. Councilor Kelly asked Mr. Haney what his thoughts were on the proposed changes.

Matthew Haney, 1309 Powhatan Street, Owner of Dispatch Company for 25 years. He said UBER was not a big force in the City right now but he stated that if the set rates went away and Taxi Companies would have the choice of how they wanted to charge he felt the rates would go way up because of the competition. He said that would help the drivers but not the citizens. He said many of the complaints they receive are because of the inconsistency of rates which are posted in the vehicles. Mr. Haney stated that many of the Companies were in favor of some sort of meter when they met with the Chief in April.

Councilor Kelly said he would like to keep the fares the same because he felt the proposed changes would give up all control to regulate the fares. Chief Nye said they rarely receive complaints on the fares. He said they received 2 in the past year.

Mr. Haney explained that allowing cab companies to choose the way they are going to charge would make it difficult for citizens. He did not think they would like being charged different every time they caught a cab.

Councilor Duffy said under the proposed changes the charges may be different depending on the cab company. He said he had concerns with the city determining the cost of goods and services.

Vice-Mayor Withers asked Mr. Haney if he was suggesting the prices stay the same or go higher and Mr. Haney said the fee structure should be increased but they should stay organized and set so that customers would know what the cost would be. Mr. Haney said it would not better serve those who need the service if it was not regulated.

Councilor Ellis said he thought the government needed to get out of the way and step in when there were safety issues. He said businesses should control their own pricing.

Councilor Frye was concerned that the changes would cause high rates and that would not be fair and he was concerned that the companies with a lot of vehicles would wipe out the companies with only a few cars. He does not want the rates to be too high for those on a fixed income. Councilor Frye would like to see a cap placed on the rates.

Councilor Kelly said he wanted to have more discussion on the rates. He said it may be easier to have a single rate and tweak it some. Vice-Mayor agreed to take another look.

Councilor Duffy said this was complicated but he would be willing to look at what the industry thought would be best.

Mayor Greenlaw said it was time to take a good look at this and she suggested having more dialog with the taxi community. City Manager Baroody said they would take this back up with the taxi community and bring it back to City Council at the appropriate time.

City Manager's Report and Council Calendar (D16-__ thru D16-__). City Manager Barody reviewed the Manager's report and Council Calendar. Activities highlighted on the report were as follows: Holiday Events, Downtown 31, WWII Veterans Appreciation Event, Forum on Regional Tourism Partnership, EDT Staff Attend Tourism Summit, EDT Staff Attend Civilian- Military Council, Police Department Employees Partake in Treats on the Streets, The Police Department Participates in Community Cleanup Day and Building Statistics Reports.

Closed Meeting Approved. Upon the motion of Councilor Kelly, seconded by Councilor Devine and passed by the following recorded votes, Council approved a closed session under Virginia Freedom of Information Act section 2.2-3711(A)(3) to discuss the potential acquisition of real property, consisting of approximately 34 acres of land adjacent to the Sunshine Lady Ballpark, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City Council; under Virginia Code §2.2-3711(A)(7) for consultation with the City Attorney for legal advice regarding Bragg Hill Corporation's claim of vested rights to develop the property. Ayes (7) Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye, and Kelly. Nays (0).

Return to Open Meeting Approved. Upon the motion of Vice-Mayor Withers, seconded by Councilor Devine and passed by the following recorded votes, Council approved a return to an open meeting. Ayes (7) Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye, and Kelly. Nays (0).

Resolution 16-106, Approved, Certifying Closed Meeting. Upon the motion Vice-Mayor Withers approved Resolution 16-106 certifying the closed meeting;

seconded by Councilor Devine and passed by the following recorded votes. Ayes (7)
Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye, and Kelly. Nays (0).

Adjournment. There being no further business to come before the Council at
this time, Mayor Greenlaw declared the meeting officially adjourned at 10:21 p.m.

Mary Katherine Greenlaw, Mayor

Tonya B. Lacey, Clerk of Council, CMC



MEMORANDUM

TO: Mayor Greenlaw and City Council
FROM: Tonya B. Lacey, Clerk of Council
DATE: December 7, 2016
SUBJECT: Fredericksburg Arts Commission Appointment

BACKGROUND

As of November 18, Ms. Kimberly Leone an at-large member, resigned from the Arts Commission. (An at-large member does not need to be a resident but must maintain an art studio or place of business related to the arts in the City) Due to her resignation the Arts Commission has one vacancy that needs to be filled. This appointment will fulfill the remainder of Ms. Leone's term.

I have received applications from Sophia Constantine, John Cunningham, Jon McMillian, John Snead and Elizabeth Woodford. After reviewing the applications only two applicants are eligible, Sophia Constantine and Elizabeth Woodford.

RECOMMENDATION

At the December 13, regular session, Council is requested to make one appointment to the Arts Commission. The appointment applications are attached for your review and consideration.

Attachments: Applications



MEMORANDUM

TO: Kathleen Dooley, City Attorney
FROM: Rob Eckstrom, Assistant City Attorney
DATE: December 6, 2016
RE: Aggressive solicitation ordinance

A handwritten signature in blue ink, appearing to read "Rob Eckstrom", is positioned to the right of the "FROM:" line.

Issue

On the advice of the City Attorney's Office, the Police Department has suspended enforcement of the City's aggressive solicitation ordinance. That advice was based on several recent court cases in which similar ordinances were successfully invalidated on Constitutional grounds. The Police and the City Attorney have been working diligently on a replacement ordinance that advances the City's interest in maintaining public safety while respecting the First Amendment.

Update:

On Council's recommendation at the November 8 work session, Sergeant Crystal Hill and I met with representatives of Fredericksburg Main Street and Micah Ecumenical Ministries to consider any comments they might have on the ordinance. The one suggestion from the meeting was that Council consider penalties such as community service as alternatives to fines/imprisonment for violation of the ordinance.

Council approved the ordinance on first read at its November 22 meeting, on the condition that the penalty be changed from a fine to community service. The ordinance has been updated to make the first two violations punishable as unclassified misdemeanors punishable by ten hours of community service. This is the same amount prescribed as an alternate penalty for violation of the littering ordinance. Third and subsequent violations remain a Class 1 misdemeanor, which gives the judge the discretion to impose fines, jail time, or community service for repeat offenders.

Recommendation:

The proposed ordinance focuses on behaviors that endanger the safety of drivers and pedestrians. Its three main prohibitions are on:

- 1) Approaching, speaking to, or following a person in a way that would cause a reasonable person to fear physical harm or property damage;
- 2) Intentionally interfering with the safe and free passage of a pedestrian or vehicle; or

- 3) Being in the roadway, roadway media, or roadway shoulder in areas where doing so is most likely to be dangerous—on or near 35MPH+ roads, on 4-lane roads, and near intersections controlled by traffic lights.

This is in contrast to the current ordinance, which prohibits only the particular act of “solicitation” in certain situations.

Background:

Under Chief Justice John Roberts, the U.S. Supreme Court has made several major changes to First Amendment law, including decisions on legislative prayer, corporate speech, and local sign ordinances. One effect of this has been federal appellate and trial court decisions invalidating state and local ordinances prohibiting soliciting or “panhandling.”

Parks, streets, and sidewalks have long been considered traditional forums for public speech, entitled to the highest degree of First Amendment protection. The level of regulation permissible in one of these traditional public forums depends on what speech is being regulated and how it is regulated.

The government can impose reasonable time, place, and manner restrictions if they are narrowly tailored to serve a significant government interest, leave open ample alternative channels of communication, and if the regulations are content-neutral (meaning they don’t target a particular viewpoint or target a particular form of speech). Content-based regulations on speech are presumptively unconstitutional.

The Fourth Circuit in 2013 expressly stated that panhandling in a form of speech protected by the First Amendment. It also ruled that a regulation that only applies to solicitation of money or another thing of value is a content-based regulation.

The court stated that a plausible and legitimate, content-neutral, and significant governmental interest is to facilitate the normal flow of traffic on public streets and to promote the safety and convenience of citizens on the public streets. The proposed ordinance does not single out any particular type of speech, or even speech in general. It is based on behaviors that would impede traffic and endanger the safety of motorists and pedestrians.

The Fourth Circuit has also held that an ordinance prohibiting solicitation on *all* of a locality’s roadways is not narrowly tailored. In other words, what’s dangerous on Route 3 might not be dangerous on Littlepage Street. The proposed ordinance identifies the areas where being in the roadway would be most dangerous (high-speed traffic, busy intersections, and roads with many lanes), and limits the prohibition to those areas.

The Police Department believes that this ordinance will be adequate to address unsafe behavior formerly regulated by the aggressive solicitation ordinance. The Commonwealth’s Attorney has reviewed the proposed ordinance, and her comments have been incorporated into the proposed draft.

Fiscal Impact:

None.



November 22, 2016
Regular Meeting
Ordinance No. 16-__
AMENDED

MOTION:

SECOND:

**RE: REPEALING THE AGGRESSIVE SOLICITATION ORDINANCE;
ADOPTING ORDINANCES ON IMPEDING OR INTERFERING WITH
PEDESTRIAN OR VEHICLE TRAFFIC AND PEDESTRIANS IN THE
ROADWAY**

ACTION: APPROVED: Ayes: 0; Nays: 0

IT IS HEREBY ORDAINED by the Fredericksburg City Council that Chapters 54 and 66 of the City Code are amended as follows:

SEC. I. City Code Amendment.

1. Sec. 54-16 Aggressive or dangerous solicitation.

This section is hereby repealed.

2. Chapter 66 of the City Code is hereby amended by adding the following sections:

Sec. 66-17 Impeding or Interfering with Pedestrian or Vehicle Traffic.

A. *Purpose. The purpose of this section is to facilitate the normal flow of traffic on public roadways and to promote the safety and convenience of persons on the public streets and in other public places.*

B. *Definitions. For the purposes of this section, the following terms shall have the meanings indicated:*

MOTOR VEHICLE shall have the same meaning as in Code of Virginia § 46.2-100.

ROADWAY means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

ROADWAY MEDIAN means a physical barrier or barriers or unpaved area that divides two or more roadways.

ROADWAY SHOULDER means that part of a roadway between the portion regularly traveled by vehicular traffic and the lateral curblineline or ditch.

C. *Prohibition. No person on public roadways, roadway medians, roadway shoulders,*

sidewalks, trails, or in public parks, parking lots, or buildings shall do any of the following:

- (1) Approach, speak to, or follow a person in a manner that is intended to cause a reasonable person to fear bodily harm to oneself or to another, or damage to or loss of property;*
- (2) Intentionally block or interfere with the safe and free passage of a pedestrian or motor vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;*
- (3) Solicit donations of money from a person within 5 feet of an automated teller machine.*

D. Penalties. Violation of this section shall constitute a Class 4 misdemeanor. A third or subsequent violation of this section shall constitute a Class 1 misdemeanor.

Sec. 66-56 Pedestrians in the Roadway.

A. Purpose. The purpose of this section is to facilitate the normal flow of traffic on public roadways and to promote the safety and convenience of persons on the public streets and in other public places.

B. Definitions. For the purposes of this section, the following terms shall have the meanings indicated:

INTERSECTION shall have the same meaning as in Code of Virginia § 46.2-100.

MOTOR VEHICLE shall have the same meaning as in Code of Virginia § 46.2-100.

ROADWAY means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

ROADWAY MEDIAN means a physical barrier or barriers or unpaved area that divides two or more roadways.

ROADWAY SHOULDER means that part of a roadway between the portion regularly traveled by vehicular traffic and the lateral curblineline or ditch.

TRAFFIC LIGHT means a traffic control signal, intersection control beacon, or beacon as defined by the Federal Highway Administration's Manual on Uniform Traffic Control Devices.

C. No person shall stand, sit, or lay in the public roadway, public roadway median, public roadway shoulder, or within 3 feet of the public roadway shoulder:

- a. *where the roadway has four or more travel lanes, including when those lanes are divided by a median;*
 - b. *where the roadway has a posted speed limit of 35 miles per hour or greater;*
 - c. *within 75 feet of any intersection that has a posted speed limit of 35 miles per hour or greater on one of the intersecting roadways; or*
 - d. *within 75 feet of any intersection that is controlled by a traffic light.*
- D. *The prohibition in § 66-56(C) does not apply to:*
- A. *Pedestrians legally crossing the street;*
 - B. *Emergency personnel and City, state, and federal employees and contractors when performing within the course of their duties;*
 - C. *Activities within the scope of a special event permit approved under Chapter 66, Article II of the City Code.*
 - D. *Emergency situations.*
- E. *Penalties. Violation of this section shall constitute a misdemeanor punishable by 10 hours of community service. Any person convicted of a third or subsequent violation of this article is guilty of a misdemeanor punishable by confinement in jail for not more than 12 months and a fine of not less than \$250 or more than \$2,500, either or both. In lieu of the imposition of a fine and confinement in jail for a third or subsequent offense, the court may order the defendant to perform a mandatory minimum of 20 hours of community service.*

SEC. II. Effective Date.

This ordinance is effective immediately.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

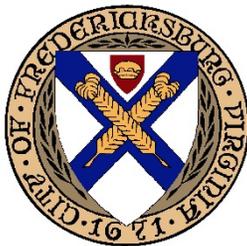
Approved as to form:

Kathleen Dooley, City Attorney

Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Ordinance No. 16- duly adopted at a meeting of the City Council meeting held Date, 2016 at which a quorum was present and voted.

Tonya B. Lacey, CMC
Clerk of Council



A handwritten signature in black ink, appearing to read 'Mark Whitley', is positioned to the right of the seal.

MEMORANDUM

TO: Timothy J. Baroody, City Manager
FROM: Mark Whitley, Assistant City Manager
RE: 1210 Sophia Street – Request for Certificate of Appropriateness
DATE: December 6, 2016

ISSUE

The City Council is asked to approve a resolution that requests a Certificate of Appropriateness for the relocate of the structure at 1210 Sophia Street. If there are no interested parties in the relocation of 1210 Sophia Street, then the ARB would be requested to grant a Certificate of Appropriateness for the demolition of the structure.

RECOMMENDATION

Staff recommends approval of the attached resolution, which requires one reading.

BACKGROUND

The City Council, in October of 2006, passed Resolution 06-91 which amended the FY 2007 budget to allow for the purchase of property at 1210 Sophia Street “for the use of the Central Rappahannock Regional Library.” The Central Rappahannock Regional Library at that time contributed \$50,000 towards the purchase of the property. The GPIN attached to the property at 1210 Sophia Street is 7789-16-2304.

The Library has notified the City that they wish to use this property, and the property next door at 1208 Sophia Street, for additional parking in the short term and in the long term for an addition to the rear of the existing library headquarters building.

The Library has identified the removal of 1208 and 1210 Sophia Streets as the highest priorities for physical plant work at their Headquarters Library. The existing parking lot at the rear of the Headquarters Branch is usually full from the demand of patrons and employees, necessitating the use of on-street parking on Caroline and in front of residential homes throughout the surrounding neighborhood.

The physical condition of 1210 Sophia is not such that it has deteriorated beyond repair. However, it did not seem prudent to invest City funds into the maintenance of this building, given the Council’s intent to purchase the property for the eventual removal of the building and the use of the property for the Library. The appearance of the building is blighted. The vacant status of the building has created an attractive nuisance situation, which impacts the use and

enjoyment of neighboring residential properties. The building is now nearing a tipping point where either substantial resources need to be invested into a renovation, or the City needs to move ahead with the original plan to remove the building.

Staff did approach the ARB earlier this year informally at a meeting to brief them on the issue and gather any feedback they wished to provide. It was not a formal application, but generally the members of the ARB were skeptical at that time that the property would be granted a Certificate for demolition or relocation if an application was received.

Staff has prepared the attached application for a Certificate of Appropriateness to the Architectural Review Board for additional information. If the Resolution is approved, then the ARB would hold a public hearing on this item at their meeting on January 9th. The staff notes, however, that the Library will need to make a similar application for the property at 1208 Sophia, which is owned by the Library. If the Council wishes to apply, then the ARB would likely wish to consider the two properties together, as they are part of the same short-range and long-range plan.

FISCAL IMPACT

The attached resolution contains a provision to assist with the potential moving process. The City currently has a “Blight Abatement Fund” that helps fund activities that relate to Blight Abatement and Historic Preservation. The attached resolution authorizes an amount of \$20,000 be paid as an incentive at the completion of work to a private party that is 1) qualified to move the house and 2) has an identified and approved site within the City limits for the house to be moved, and 3) agrees to renovate the the house in a manner approved by the ARB within one year of the date of the move.

The cash incentive represents the fiscal impact of the request.

cc: Resolution
Draft Application
GIS Details – 1210 Sophia Street



MOTION:

SECOND:

Date
Regular Meeting
Resolution No. 16-__

RE: AUTHORIZING APPLICATION TO THE ARCHITECTURAL REVIEW BOARD FOR A CERTIFICATE OF APPROPRIATENESS TO RELOCATE AND IF UNSUCCESSFUL, DEMOLISH THE STRUCTURE AT 1210 SOPHIA STREET FOR THE CENTRAL RAPPAHANNOCK REGIONAL LIBRARY

ACTION: APPROVED: Ayes: 0; Nays: 0

WHEREAS, in 2006 the City of Fredericksburg purchased the property at 1210 Sophia Street (GPIN 7789-16-2304) for the use of the Central Rappahannock Regional Library; and

WHEREAS, the Central Rappahannock Regional Library, which owns the adjacent property at 1208 Sophia Street, wishes to remove both structures so as to construct additional parking in the short run and in the long run possibly construct an addition to the Headquarters Building; and

WHEREAS, the residential structure located at 1210 Sophia Street is currently vacant and the City Council wishes to transfer this structure to private ownership if possible, while retaining the land for the use of the Library; and

WHEREAS, the property is located in the Historic District, and the City must make an application to the Architectural Review Board for a Certificate of Appropriateness if the City wishes to remove or demolish the structure; and

WHEREAS, the Council wishes to remove this structure from this land in order to support the plans of the Central Rappahannock Regional Library;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fredericksburg authorizes the City Manager to prepare an application to the Architectural Review Board for a Certificate of Appropriateness relocate the structure at 1210 Sophia Street in support of the Central Rappahannock Regional Library. If no parties come forward with a viable plan to remove the structure in a manner that preserves the structure, then the City Council requests that the ARB's Certificate of Appropriateness include permission for demolition of the structure.

BE IT FURTHER RESOLVED, that the City Council of the City of Fredericksburg authorizes the City Manager to provide an incentive for the relocation of the

structure of no more than \$20,000 at the completion of work provided the structure is moved and preserved in a manner that is approved by the Architectural Review Board.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Resolution No. 16- duly adopted at a meeting of the City Council meeting held December 13, 2016 at which a quorum was present and voted.

Tonya B. Lacey, CMC
Clerk of Council

APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

December 13, 2016

Property Address: 1210 Sophia Street

GPIN: 7789-16-2304

Applicant: City of Fredericksburg, Owner

Contact Information: Mark Whitley, Assistant City Manager
mwhitley@fredericksburgva.gov
(540) 372-1010
Post Office Box 7447
Fredericksburg, VA 22404-7447

Request: Permission to Move the Building to Another Location
Demolition, if Building Relocation is Unsuccessful

Background

The City Council, in October of 2006, passed Resolution 06-91 which amended the FY 2007 budget to allow for the purchase of property “for the use of the Central Rappahannock Regional Library.” The Central Rappahannock Regional Library at that time contributed \$50,000 towards the purchase of the property.

The Library has notified the City that they wish to use this property, and the property next door at 1208 Sophia Street, for additional parking in the short term and in the long term for an addition to the rear of the existing library headquarters building.

The Library has identified the removal of 1208 and 1210 Sophia Streets as the highest priorities for physical plant work at their Headquarters Library. The existing parking lot at the rear of the Headquarters Branch is usually full from the demand of patrons and employees, necessitating the use of on-street parking on Caroline and in front of residential homes throughout the surrounding neighborhood.

The physical condition of 1210 Sophia is not such that it has deteriorated beyond repair. However, it did not seem prudent to invest City funds into the maintenance of this building, given the Council’s intent to purchase the property for the eventual removal of the building and the use of the property for the Library. The appearance of the building is blighted. The vacant status of the building has created an attractive nuisance situation, which impacts the use and

enjoyment of neighboring residential properties. The building is now nearing a tipping point where either substantial resources need to be invested into a renovation, or the City needs to move ahead with the original plan to remove the building.

On December 13, 2016, City Council requested staff to make an application on its behalf to the Architectural Review Board for a Certificate of Appropriateness to solicit proposals for the removal of the structure by June 30, 2016. If no viable proposals are received, the Council requests a Certificate of Appropriateness for the demolition of the building. Resolution 16-XX is attached to this application for reference.

Standards for Demolition, Removal, or Relocation

1) Architectural Significance of the house

“This two-story, wood-framed dwelling is clad in weatherboard siding and displays elements of the Colonial Revival and Craftsman styles in its simple form, open eaves, and full-width front porch. Previous survey reports estimated a construction date c.1910; however, land tax records and Sanborn Fire Insurance maps indicate that the structure was likely built c.1894. Gilbert C. Walker first appears as owner of the property in the 1894 land tax records with the note “house added.” Members of the Walker family are included in census records and city directories at this address for nearly 100 years, with Gilbert’s daughter Nancy Walker Carneal listed as the property owner on a 1984 survey.

The 1896 and 1902 Sanborn maps show only one dwelling on the west side of the 1200 block of Sophia Street. The location of the structure shifts over one lot from the 1896 to 1902 maps; however, the structure is the same general size and configuration on each map. It is most likely that the same structure is depicted on both maps with the variation occurring as a result of changing street names and house numbers. The front porch was added between 1927 and 1947, and a building permit indicates that an addition of “four frame rooms” was added to the rear of the house in 1953. The change in siding materials, from wood to asbestos shingle, appears to delineate the added section. The wood windows were replaced by vinyl in 1992 without permission of the Architectural Review Board. A Certificate of Appropriateness for the replacement was granted after the fact.” {Kate Schwartz memo to the City Manager – November 8, 2016}.

2) Historical Significance of the house

This house was constructed during the period labeled by the Virginia Department of Historic Resources “Reconstruction and Growth (1865-1917)” following the Civil War. According to the Virginia Department of Historic Resources *Comprehensive Survey Report*, the turn of the 20th Century was a time of economic recovery and expansion of middle-class residential housing in areas away from the downtown core. The house at 1210 Sophia was isolated on the block, but the surrounding blocks had quite a bit of residential construction activity during this time period.

3) Whether the house is linked, historically or architecturally, to other buildings or structures, so that their concentration or continuity possesses greater significance than the particular building or structure individually

The building at 1210 Sophia is not, in the opinion of staff, in a position where it is surrounded by other structures of similar vintage or style. Its significance is singular rather than as part of series of structures.

4) The significance of the building or structure or its proposed replacement in furthering the Comprehensive Plans' goals

The plan proposed by the City is specifically cited in the Comprehensive Plan as follows...

“To better serve the region, the library staff has developed a long-range plan to expand the well-used headquarters building. The library owns a building at 1208 Sophia Street and the City owns the adjacent 1210 Sophia Street. These structures as well as the existing library annex will be removed and converted to parking, to be accessible from both Caroline and Sophia Streets. The existing parking behind the library will be vacated, to allow construction of an addition to the main library building, to provide an improved and larger auditorium and other public spaces.¹”

The City may or may not be able to fund the long-range capital improvement in the near future, but the City also has a short-term need to provide for additional parking in the library area. The library is located in an area of the City that is zoned C-T, Commercial Transition. The Library is often thought of as “downtown” but in terms of parking needs the applicant submits that parking by patrons and employees at the Library is more accurately described as a “Neighborhood Parking” issue, in that the lack of spaces in the library parking lot creates heavy demand for on-street parking on surrounding streets that include a mix of small businesses and houses. Removal of the buildings and construction of additional parking for the library will both support the short- and long-term goals of the library and provide relief to the neighborhood from parking demand, which is a goal of the Comprehensive Plan.

The Comprehensive Plan does maintain Historic Preservation of City-owned property as an important general goal. However, the specific citation in the Plan to remove the buildings at 1208 and 1210 Sophia Street conveys the intent of the Comprehensive Plan with respect to these properties.

5) The condition and structural integrity of the building or structure, as indicated by documentation prepared by a qualified professional or licensed contractor, or other information, provided to the board for examination.

¹ *Fredericksburg Comprehensive Plan*, page 48.

“In general, the exterior is in fair condition, and the interior is in good condition. A formal assessment has not been performed, but no significant structural issues were readily visible and it appears that the building could be reasonably rehabilitated. The dwelling retains most of its character-defining features, and does contribute to the architectural and historic integrity of the Historic District.” {Kate Schwartz memo to the City Manager – November 8, 2016}.

6) Effect on surrounding properties.

Immediate Surrounding Area

The removal of the structures located at 1208 and 1210 Sophia Street will have a positive impact on the continued adaptive re-use of the Headquarters Branch of the Central Rappahannock Regional Library located at 1201 Caroline Street, which is a major contributing structure in the City’s historic district. The history of this landmark building, begins with the Fredericksburg High School constructed in 1908. The Library received the building from the City in 1969, and it has been actively used and maintained by the Library since that time. The Headquarters Branch of the Library is the largest structure on the block bounded by Caroline Street, Sophia Street, Lewis Street, and Fauquier Street.

Also in the block, to the north of the Library Headquarters, is the original 1927 Mary Washington Hospital that has been re-developed into Mary Washington Square. Mary Washington Square is currently being negatively impacted by the two vacant properties – particularly the property at 1210 Sophia Street, as it is blighted in appearance and represents an attractive nuisance for trespassing and littering. Removal of the structures at 1210 and 1208 Sophia Streets would be beneficial to the Mary Washington Square property, and the Central Rappahannock Regional Library.

The residence across the street at 1203 Sophia Street dates from 2003 and is not considered a contributing structure in the historic district. The City owns a vacant lot approximately ½ acre in size on the river side of Sophia Street across from the structures at 1208 and 1210 Sophia Street.

Broader Neighborhood Context

There are a variety of historic residences in the surrounding blocks, as well as other structures. The City’s commercial downtown begins approximately one block south, at Amelia Street. The blocks to the north and west are a mix of residential and small commercial enterprises. The Rappahannock River is located to the east of Sophia Street in this area.

7) Inordinate hardship.

“An inordinate hardship is an instance when preservation will deprive the owner of reasonable economic use of the property...To establish inordinate hardship under this section the applicant must submit evidence that rehabilitation of the building or structure is impractical, that the building or structure is inappropriate for the proposed use desired by the owner, and that the applicant cannot make reasonable economic use of the property...”²

² The paragraph quotes sections of City Code §72-23.1 (3) (7) – the entire complete paragraph is available on-line, but the application is focusing on these criteria as being the most applicable in the case of 1210 Sophia Street.

The City purchased this property on behalf of the Central Rappahannock Regional Library, and the underlying rationale for the purchase was the use of the land. The possible renovation and re-use of this structure would be limited to residential, and this use is inappropriate for the Central Rappahannock Regional Library. The Central Rappahannock Regional Library cannot make reasonable economic use of the property for a residential house, because the Library's needs are for additional parking and for eventual expansion of the Library building to serve the public.

The City requests a Certificate of Appropriateness to first attempt to move the building. The City Council is willing to work with an appropriate contractor to advance the moving of this structure to an appropriate location, and the subsequent renovation of the building. If this effort proves unsuccessful, the City Council requests that the Certificate of Appropriateness be granted for the demolition of the structure.

Sources:

Virginia Department of Historic Resources, *Comprehensive Survey Report: Reconnaissance Survey of 1,000 Resources Within the Fredericksburg Historic District and Potential Expansion Area, Fredericksburg Virginia*. 2008.

City of Fredericksburg, *Comprehensive Plan*, 2016

Schwartz, Kate, "Process for Removal or Demolition of 1208 and 1210 Sophia Street," Memorandum to City Manager Timothy J. Baroody, November 8, 2016.

Fredericksburg, Virginia

GPIN
7789-16-2304

Property Address
1210 SOPHIA ST

Record #
206

General

<p>Owner's Name: CITY OF FREDERICKSBURG</p> <p>Mailing Address: PO BOX 7447 FREDERICKSBURG, VA 22404</p> <p>Description: LT 73 BL 33-1210 1210 SOPHIA ST .085</p>	<p>Site Information</p> <p>Acres: 0.08500000</p> <p>Zoning : CT</p> <p>Terrain Type: On</p> <p>Terrain Character: Open</p> <p>Right of Way: Public</p> <p>Easements: Paved</p> <p>Other Description: LOT: 28 X 133</p>	 
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Details

Size in Sq. Ft.:	1,640		
Value:	\$258,900.00		
Exterior Information	Interior Information	Total SqFt:	Utilities
Year Built: 1900	# of Rooms: 7	Basement Type: None	Water: Public
Occupancy: Dwelling	# of Bedrooms: 3	Basement SqFT: 0	Sewer: Public
Foundation: Concrete	Full Bathrooms: 1	Finished Basement SqFt: 0	Electric: Yes
# of Stories: 2.0	Half Bathrooms: 0	Interior Walls: Plaster	Gas: No
Ext. Walls: Frame/Masonite	Floors: Wood	Heating: Hot Water	Fuel Type: Oil
Roofing: Comp Shg	Fireplaces: 0	A/C: No	
Roof Type: Hip	Stacked Fireplaces: 0		
Garage: None	Flues: 0		
Garage - # Of Cars: 0	Metal Flues: 0		
Built-In Garage - # Of Cars: 0	Stacked Flues: 0		
Carport: None	Inoperable Flues/Fireplaces: 0		
Carport - # Of Cars: 0	Gas Log Fireplaces: 0		

Assessments

Improvements Details

Assessment Year: 2012
Building Value: \$72,731
Total Other Improvements: \$0
Total Land Value: \$186,200
Rounded Taxable Value: \$258,900
Percent Complete:
Assessment Neighbourhood: 39 - PUBLIC FACILITIES

Sale Date	Sale Amount	Document No	Deed Bk / Pg
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Total Other Improvements Value:
 \$

Description	Size in Acres	Lump Sum/Per Acres	Unit Value	Adj	Utility Value	Acreage Value
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Total Value:
 \$258,931

2016 Reassessments

Improvements Details

Assessment Year: 2016
Building Value: \$44,631
Total Other Improvements: \$0
Total Land Value: \$186,200
Rounded Taxable Value: \$230,800
Percent Complete:
Assessment Neighbourhood: 39 - PUBLIC FACILITIES

Sale Date	Sale Amount	Document No	Deed Bk / Pg
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Total Other Improvements Value:
 \$

Description	Size in Acres	Lump Sum/Per Acres	Unit Value	Adj	Utility Value	Acreage Value
-------------	---------------	--------------------	------------	-----	---------------	---------------

Total Value:
 \$230,831

Ownership

Current Ownership Details

Name	Sale Date	Sale Price	Instrument	Plat Book/Page	Deed Book/Page	Will Book/Page	Grantor
CITY OF FREDERICKSBURG	10/18/2006	\$330,000.00	2006 - 3529				SULLIVAN EUGENE H

Previous Ownership Details

Name	Sale Date	Sale Price	Instrument	Deed Book/Page	Will Book/Page	Grantor
SULLIVAN EUGENE H				206 / 334		

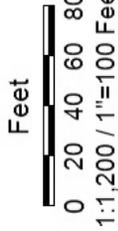
Legend

- City Boundary
- WVS_Centerlines Back (12,000)
- Interstate
- US Highway
- VA Primary
- Others
- WVS_Centerlines Back (12,000)
- Interstate
- US Highway
- VA Primary
- Others
- Parcels



Title: Parcels

Date: 6/27/2016



DISCLAIMER: All information depicted on this map shall be treated as confidential information and shall only be used for the sole purpose for which it was provided. Any other use of this map or the information included thereon, is strictly prohibited. The data shown on this map is for information purposes only and shall not be relied upon for the specific location of map features. The City of Frederickburg makes no representation or warranty as to the accuracy of the map, or the information shown thereon. This map may not be copied or otherwise made available to any other party, in paper or electronic format without written consent from the City of Frederickburg.



MEMORANDUM

TO: Timothy Baroody, City Manager
FROM: Mark Whitley, Assistant City Manager
RE: 2017 Legislative Agenda
DATE: December 7, 2016

ISSUE

The City Council is asked to consider the City's Legislative Agenda for the 2017 session of the Virginia General Assembly.

RECOMMENDATION

The Legislative Agenda is presented for adoption by City Council.

BACKGROUND

The Virginia General Assembly will begin their 2017 Session on January 11, 2017. The 2017 Session is the "short" session scheduled for thirty days. The staff has prepared a draft Legislative Agenda for the 2017 session for initial consideration and discussion by City Council.

The attached Legislative Agenda states the City's broad support of the Legislative platform of the Virginia Municipal League.

The City has four other requests of the General Assembly.

- 1) Support increased state funding for K-12 Education
- 2) Support for continuing to allow local authority over temporary lodging purchased over the Internet through platforms such as "Air B-n-B."
- 3) Support for an exemption for cities from the proffer reform legislation adopted by the General Assembly during the 2016 session and
- 4) Opposition to a bill sponsored by the telecommunications industry that gives the industry broad powers to install telecommunications facilities without regard for zoning regulations, historic district regulations, or other local regulations.

There may be other legislation that arises during the upcoming session of the General Assembly where the City should advise our delegation concerning the effects of various proposals. The City Attorney's Office will continue to coordinate with the VML, City staff, appointed commissions, and City Council throughout the Assembly session to protect the interests of the community.

FISCAL IMPACT

There is no direct fiscal impact to the adoption of the legislative agenda.

Attachment: Resolution



December 13, 2016
Regular Meeting
Resolution No. 16-__

MOTION:

SECOND:

RE: CITY COUNCIL LEGISLATIVE AGENDA FOR THE 2017 GENERAL ASSEMBLY

ACTION:

WHEREAS, the General Assembly of the Commonwealth of Virginia is set to convene for the 2017 Session on January 11, 2017; and

WHEREAS, the City Council wishes to convey to the members of the Assembly the City's positions on various state-wide and local matters for the benefit of the City and its citizens and businesses;

NOW, THEREFORE, BE IT RESOLVED that the following Legislative Program is adopted.

1) Support for the Positions of the Virginia Municipal League

The City of Fredericksburg has been a long-standing member of the Virginia Municipal League. The City is in support of the 2017 Virginia Municipal League Legislative Program.

2) Support for Increased State Funding for K-12 Education

The City of Fredericksburg, like most other local school divisions, has long funded our local schools in excess of Standard of Quality requirements. The City supports any efforts by the Commonwealth to increase the state share of funding for K-12 Education.

3) "Air BnB" Regulations

The City opposes legislation that would exempt short-term rental of rooms or entire residences through booking and payment platforms such as "Air BnB" from local zoning regulations. The City, along with many other localities, has existing zoning provisions that allow for such land uses to be considered and approved, but with consideration and notice provided to the surrounding neighborhoods in which they wish to operate. The City also supports measures to ensure that such arrangements operate within the same taxation rules and regulations as other providers of transient occupancy accommodations.

4) Proffer Reform

Fredericksburg asks the General Assembly to amend the 2016 proffer reform legislation

to provide a “safe harbor” for towns and cities with a population density of 2000 persons per square mile or more. These towns and cities, like Fredericksburg, experience primarily infill development, where the application of the proffer reform legislation is inappropriate. Fredericksburg, for example, has a small school system, with each grade in the City attending school at one place. New residential development should pay in to the capital costs of existing school facilities because they were designed to accommodate the demands for school capacity that would be generated by new residential uses.

- 5) Opposition to HB 1347 as submitted, which grants wireless telecommunications providers special provisions limiting local authority over permits, rights-of-way and public property

The telecommunications industry has sponsored a bill that would require localities to allow wireless facilities in public rights-of-way and on other public property, including public buildings, without adequate compensation and without the opportunity for any meaningful input from the citizens and local governments that are stewards of that public property. The City of Fredericksburg invites and encourages investment in technology, including wireless communication infrastructure. However, the City opposes legislation giving any industry special privileges to use public property without the input or consent of the community. Of particular concern to Fredericksburg is that the bill contains no protections for historic districts, areas in which considerable time and expense has been invested in undergrounding all other utilities, or residential districts.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Clerk’s Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Resolution No. 16- duly adopted at a meeting of the City Council meeting held December 13, 2016 at which a quorum was present and voted.

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



2017 VML Legislative Program

Education Funding

A strong public school system is essential to economic development and prosperity. The state must be a reliable funding partner in accordance with the Virginia Constitution and state statutes. The Standards of Quality should recognize the resources, including positions, required for a high-quality public education system. VML opposes changes in methodology and changes in the division of financial responsibility that result in a shift of funding responsibility from the state to localities.

Further, VML opposes policies that lower state contributions but do nothing to address the cost of meeting the requirements of the Standards of Accreditation and Standards of Learning.

Any approach to improving low-performing schools must include adequate state financial support. VML supports increased state funding for the Virginia Preschool Initiative, the K-3 reduced class size program and Early Reading Intervention program. VML also supports increased state stipends for highly effective teachers in high-poverty schools, and other innovative programs for teachers and students.

State and Local Government Fiscal Relationship

Governance at the local level becomes ever more challenging as the Commonwealth and the Federal government add new programs, or modify existing program guidelines, and promulgate complex regulations and higher standards for local governments to implement. It is not uncommon for the state and federal governments to either underfund their share of the costs or to ignore them altogether.

To that end, the Virginia Municipal League holds as essential these principles on local taxing and budget authority.

- Specific local revenue authority and sources cannot be further restricted without first granting and providing alternative revenue authority with reliable, sustainable revenue sources. This includes, without limitation, the BPOL and M&T taxes.
- Local governments should be involved in any discussions relating to local taxing authority including legislation that exempts specific industries from local taxes and fees.
- Local general fund revenue and special funds cannot be confiscated or re-directed to the state treasury.
- Placing additional administrative burdens on local governments without sufficient resources or administrative flexibility jeopardizes the quality of services delivered at the local level. Local governments cannot be expected to bear the expenses related to the imposition of new funding requirements or the expansion of existing ones on services delivered at the local level without a commensurate increase of state financial assistance or new local taxing authority.
- Shifting traditional state funding responsibilities onto local governments for services including public education, law enforcement, and public safety activities and any core services affecting local government, is bad fiscal policy, resulting in stress on local finances without reductions in overall program costs.

- Imposing state fees, taxes or surcharges on local government services impedes transparency at both the state and local level.
- Any efforts at tax reform must begin with a thorough examination of state tax reform and the financing of state services. The State should reform its own tax structure before taking on the topic of local taxes. State and/or local tax changes should not negatively affect local revenues.
- State budget cuts to state mandated and other high priority programs should specify the programs to be affected by the cuts.

The Commonwealth should:

- Enter into a dialogue with local governments to examine state requirements and service expansions that can be suspended or modified to alleviate to the degree possible the financial burden on state and local taxpayers.
- Examine models in other states that allow for modernizing state and local taxing authority.
- Develop spending and revenue priorities that support economic development, public safety, education and other public goals. State tax credits, tax deductions and tax relief policies must receive the same scrutiny as spending programs as part of the prioritization process.
- In times of revenue crises, review ways to increase revenues to meet constitutional and statutory obligations to Virginia citizens after all other actions have been taken.
- Include local government representatives on any “blue ribbon” commission or other body established by the state that has as its purpose changes to local revenue authority or governance.

State Assistance to Local Police Departments (HB 599)

Almost 70 percent of Virginians live in communities served by police departments. The state created a program of financial assistance to local police departments, but has increasingly de-emphasized this funding obligation as a priority. VML calls for the state to honor its commitment to public safety by funding the program as stipulated in the Code of Virginia.

Taxing, Licensing, and Regulating Internet-based Businesses and Services

If the Commonwealth should take action to regulate private enterprises employing a business model that emphasizes the use of the Internet to either provide retail or facilitate lodging or ride-sharing services, then local government interests should be acknowledged and localities should be included in the decision-making. As general principles, VML believes state and local policies should (1) encourage a level playing field for competing services in the market place; (2) seek to preserve and/or replace local and state tax revenues; (3) ensure safety, reliability, and access for consumers, providers, and the public; and (4) protect local government’s ability to regulate businesses whether they are traditional, electronic, Internet-based, virtual or otherwise.

Transportation and Transit Funding

VML recognizes the importance and critical support provided by the Commonwealth for local and regional transportation and transit capital needs. To that end, VML believes the projected decline in state funding over the upcoming biennia will negatively affect the movement

of people and goods, thereby hindering economic development, jeopardizing public safety and degrading the quality of life in our localities.

The state should continue to financially support transportation and transit capital needs, exploring all options including the issuance of Commonwealth bonds. VML supports adequate funding of the Smart Scale (HB 2) program in addressing transportation and transit needs.

Access to Healthy Food

VML supports approaches (including but not limited to the Virginia Grocery Investment Fund) to provide financial and technical support for businesses to expand and ensure greater access to healthy food for residents of the Commonwealth.

Roadway Maintenance Payments; Bicycle Lanes

VML supports the ability of cities and towns that receive roadway maintenance payments from the Commonwealth based on moving-lane miles of roadway to not see their payments reduced if moving-lane miles of roadway are converted to bicycle-only lanes. Municipalities will not reduce their funding after a conversion.

Landscape Materials

VML supports the ability of localities to regulate the use of specific landscape cover materials or the retrofit of existing landscape cover materials for the health, safety, and welfare of their citizens.

Local Authority to Regulate Plastic Bags

VML requests that the General Assembly grant localities the authority to regulate and curtail the use of retail plastic bags. This authority would provide local governments an additional tool to reduce litter and improve local water quality.

Lottery for Localities

VML requests that the General Assembly authorize the Joint Legislative Audit and Review Commission to study the feasibility of dedicating additional lottery dollars to local governments. As part of the study, JLARC should identify and evaluate the potential impacts of the "Lottery for Localities" proposal on other state financial aid programs, including school funding, and the proposal's possible financial impact on lottery sales.

Municipal Net Metering

VML requests that the General Assembly grant local governments the right to aggregate the electric load of their buildings, facilities, and any other governmental operations for the purpose of net energy metering. Additionally, VML requests that the General Assembly raise the net-metering limit from 1,000 kilowatts to 2,000 kilowatts for non-residential customers.

Price Floor for Regional Gas Taxes

VML supports an amendment to Virginia Code § 58.1-2295 that would establish a protective floor price for the 2.1 percent regional gas tax, such as was done for the statewide fuels tax in §58.1-2217. Such a floor concept is essential to provide a more stable, dedicated revenue source needed for long-term financing of regional projects.

Regional Greenhouse Gas Initiative & Commonwealth Resilience Fund

VML urges the General Assembly to address greenhouse gas emissions targets through a Regional Greenhouse Gas Inventory (RGGI) carbon credit auction, and/or a carbon emissions tax. All proceeds derived from the auction of credits should be used to establish the “Commonwealth Resilience Fund,” a special state-dedicated fund to assist localities in addressing flooding, energy efficiency improvements, and economic development.

State Corporation Commission Jurisdiction over Local Utilities

Because the State Corporation Commission lacks jurisdiction over local government utilities under the Virginia Constitution, the General Assembly should not enact any legislation that purports to grant the SCC any regulatory powers over local utilities.

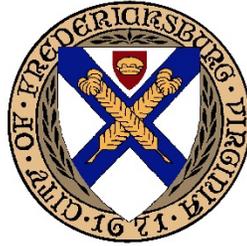
Stormwater Utility Charges

VML opposes further amendments to the regulation of stormwater that would require a locality to waive stormwater charges.

Water Quality Funding / Wastewater Discharge and Pollutant Allocation Limits

VML requests that the General Assembly provide sufficient appropriations to the Water Quality Improvement Fund (WQIF) to fulfill point source upgrade contracts with local governments as well as cost-share payments to farm operators for the implementation of agricultural best management practices. Additionally, VML requests that the General Assembly provide sufficient appropriations, including dedicated revenues to the Stormwater Local Assistance Fund (SLAF) to address costs associated with permit requirements tied to federal Municipal Separate Storm Sewer Systems (MS4) and new EPA regulations.

VML opposes any legislation that would reduce or limit local government’s sewage discharge capacity, including nutrient allocations, as such capacity and allocations are critical to our members’ economic development efforts.



A handwritten signature in black ink, appearing to read 'Mark Whitley', is written in a cursive style.

MEMORANDUM

TO: Timothy J. Baroody, City Manager
FROM: Mark Whitley, Assistant City Manager
RE: Vision Process Update
DATE: December 6, 2016

ISSUE

This memorandum serves to update the City Council as to the progress of their work on the City's Vision, desired future states, priorities and the strategic work plan.

RECOMMENDATION

Staff recommends that the Vision (worked on at the October offsite, and to be endorsed at the Work Session) be sent to the City Manager for his continued work with staff on strategic work plans that live Council priorities. This can be done by motion. A more formal resolution of adoption on Vision will occur later in this process.

BACKGROUND

The City Council and staff are working together to develop a strategic vision and a work plan for the City. City Council held a planning retreat on October 14 and 15 to work on the City's long-term policy direction and to begin the process of crafting short-term priorities to form the start of a three-year work plan for City staff.

It is the hope that the DRAFT vision will be reviewed and finalized at the December 13th Work Session. DRAFT Vision, future desired states, priorities, process flow chart attached.

Senior staff is scheduled to work at an off-site December 14-15 to begin the process of drafting the three-year work plans based upon the City Council's draft vision and the short-term priorities.

Again the attached Vision is in DRAFT format, and may be amended as Council sees fit. The goal of this work is to have Council adopt a Vision, and have staff create a work plan to implement priorities that live this Vision. The completion of this work enables City residents to more clearly understand where we headed, and enables the City Manager to more clearly define for his workforce their purpose and priorities.

FISCAL IMPACT

There is no specific fiscal impact to this activity.

FREDERICKSBURG CITY COUNCIL DRAFT 2036 VISION

Note: This is a working draft of the Council Vision which will be revised by receiving comments from all Council Members and draft creation from Councilors Duffy and Devine.

In 2036, Fredericksburg is a vibrant urban center of economic and cultural activity, connected to the unique and authentic foundations of the past and committed to maintaining our new, 21st Century, inclusive, and sustainable future.

We assure our future by focusing on the following desired future states . . .

Employment Epicenter

Fredericksburg has a research and development, high-tech focused economy delivering solutions in healthcare, national security, and innovative technology. We are an authentic historic experience and a tourist destination with diverse opportunities in eco-tourism, sports, cultural, and entertainment venues of statewide significance. We facilitate the entrepreneurial spirit.

Building Community through Cultural Vibrancy

The City's arts and parks are the pulse of the community and make Fredericksburg a desirable place to live and a destination for business and visitors. Cultural and recreational opportunities, along with parks and trails create vitality and promote healthy living, community connectivity, and creative experiences.

Learning is a Way of Life

Our public schools are a great source of pride, bringing together all students and families, linking learning to the needs of the 21st Century. The Council and School Board work closely with each other, regional partners, and higher educational institutions to provide lifelong learning for our residents. The City's unified school structure provides connection throughout the community. We have an educated workforce prepared to meet the needs of modern society.

Distinct and Linked Neighborhoods

Fredericksburg's neighborhoods have their own identities and they are also linked to the whole community by a network of sidewalks and trails. We are a cohesive community of caring, involved, and dedicated residents. Residents value the safe neighborhoods in which they live. They know their neighbors. They encounter neighbors of all ages and backgrounds in the common social areas provided by public pathways and parks.

Cutting Edge Transportation Solutions

We have pedestrian access throughout the City and work to guarantee connectivity. We are a leader in advancing multimodal transportation opportunities within the City and between Washington and Richmond. By identifying new resources, the City seizes emerging advancements in transportation.

A Proven Leader in Historic Preservation

Recognizing the importance of our historic character, from early Indian settlement through the Industrial Revolution, we are stewards of our nation's treasures. Working with our National Park Service, other preservation partners, and the development community, we continue to tell the story of our nation's history by preserving our historic properties and promoting compatible reuse and redevelopment. With our enhanced focus on archaeology, the City continues to be a leader in historic preservation.

Green, Clean Environment

We are a responsible, modern city with a quality of life that is guaranteed by thoughtful environmental stewardship. Our location on the Rappahannock River compels us to consider the environmental impact of every decision that we make. Our air and water quality is ensured through careful management. Conservation of our natural resources is encouraged through education and incentives. New homes and commercial buildings are built to LEED standards and we encourage the use of alternative energy options. Whether we are discussing street sweeping, new development, education, tree-planting, or tax abatements, we promote a clean environment and well planned, sustainable growth.

Public Services - The Backbone of our Community

Delivery of core services is of the utmost importance. Fredericksburg maintains and improves its infrastructure to accommodate future growth in the City. Capital improvements are carefully planned and include investments so that our infrastructure is capable of delivering clean water and sanitary services. We provide highly responsive public safety, health, and social services. We apply advances in technology to monitor and improve these services. We collaborate with our regional partners to explore shared service solutions.

FREDERICKSBURG CITY COUNCIL 3 YEAR PRIORITIES

Employment Epicenter

1	Make business attraction the focus of economic development and bring family-sustaining careers to the City, utilizing a revamped incentive approach and other appropriate tools
2	Complete the small area plans over the next two fiscal years (2017-2019), including the acquisition of outside expertise as required <ul style="list-style-type: none">• Corridor development• Work we need to do to make properties more attractive
3	Complete the parking action plan and provide recommendations to Council for investment in a parking solution
4	Create a top tier regional tourism bureau

Building Community through Cultural Vibrancy

1	Identify a venue and funding sources for a performing arts center <ul style="list-style-type: none">• Bridge cultures together with the expansion of events
2	Attract a regional multipurpose outdoor and recreational venue that would be financially advantageous to the City
3	Build the Riverfront Park, incorporating the recommendations from the parking action plan as appropriate

Learning is a Way of Life

1	Establish a Council/School Board communication process
2	Establish a memorandum of understanding (MOU) that results in a plan for future growth and alignment of schools for the next 10 years
3	Facilitate collaborative work that will provide input about existing and future workforce needs and work with partners on curriculum to meet those needs <ul style="list-style-type: none">• Clarify the role of the public schools• Explore Workforce Credentials Grant
4	Explore plan to collaborate regionally on high tech opportunities, including education

Distinct and Linked Neighborhoods

1	Working with neighborhoods, review the existing Pathways Plan and create a plan to enhance connectivity for isolated neighborhoods where possible, including a method of prioritization
2	Establish a Neighborhood Enhancement Program to enhance infrastructure in neighborhoods that will include: <ul style="list-style-type: none"> • Dedicated funding • A method of prioritizing expenditures • Communication with neighborhoods as appropriate and avoidance of competition
3	Review and update the zoning ordinance, including examination of those ordinances that adversely affect the livability of neighborhoods
4	Continue to support neighborhood safety initiatives and proactive crime prevention, including expansion of community policing efforts (i.e. work with HOAs, citizen associations, and direct work with residents)

Cutting Edge Transportation Solutions

1	Work with VRE and CSX on long term redevelopment of the train station
2	Work with VDOT and Stafford County to complete design for pedestrian improvements for Chatham Bridge
3	Identify a series of small projects that will qualify for funding as it becomes available (i.e. FAMPO)
4	Establish a regional transportation authority
5	Establish a loop ridership bus/street car style that addresses commuter and resident needs
6	Complete gateway improvement study

A Proven Leader in Historic Preservation

1	Streamline the development and ARB process with stakeholders to improve clarity on what is required when bringing a new project to the City (i.e. UDO)
2	Facilitate communication between boards and commissions and development community and planning staff to make it clear about the Council's vision and priorities
3	Determine what to do with historic Renwick Courthouse

4	Complete the archaeology ordinance
5	Make existing property owners aware of historic tax credit programs to incentivize owners, with a goal of restoring at least one historic building a year

Green, Clean Environment

1	Upgrade all existing facilities to reduce polluted loads in accordance with our municipal separate storm sewer plan
2	Explore solutions to monitor, maintain, and improve our canal to ensure that it is healthy
3	Expand recycling and composting in the City, including requirements for recycling in City offices, schools, and at events

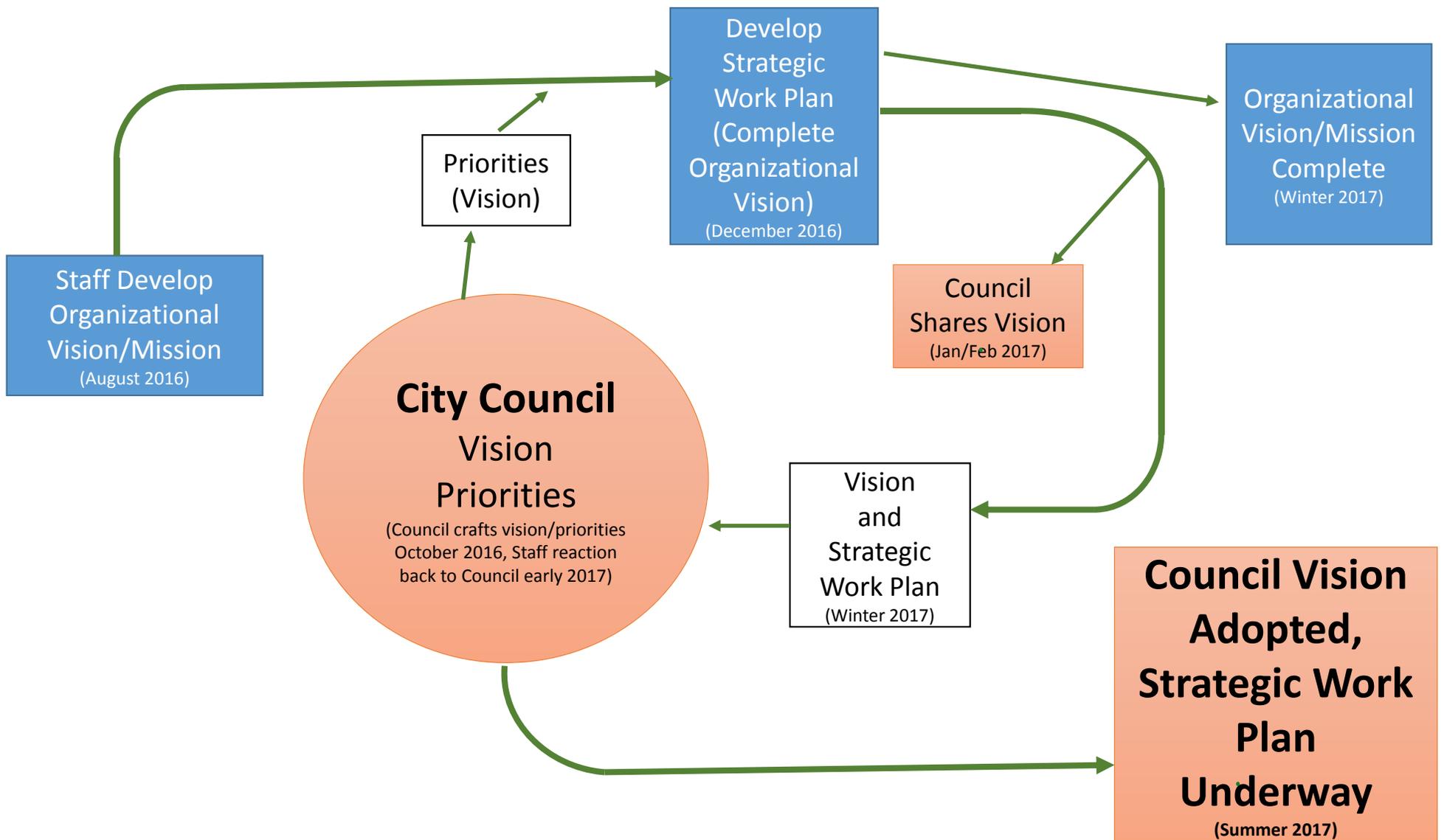
Public Services - The Backbone of our Community

1	Create more focus on broadband to be the fastest City in Virginia for broadband (assess current and desired levels of service and find solutions)
2	Complete the assessment of our City's water/sewer system and determine the capital improvements necessary to improve the system
3	Explore and implement a strategy to invest in community programs that reduce incarceration <ul style="list-style-type: none"> • Involve staff with these connections (social services, police, recreation, Commonwealth's Attorney, etc.) • Actively explore existing programs aimed at youth offenders/recidivism • Evaluate and determine feasibility
4	Implement the "One-Dig" program
5	Work with stakeholders and GWRC on establishing regional housing and homeless plan
6	Implement new ERP software
7	Explore potential police and fire service expansion



NEXT STEPS

1. Facilitator will send a Session Report, including annotations that the vision is a draft
2. City Manager will distribute Session Report to Council
3. Council Committee consisting of Councilors Duffy and Devine will ask for feedback about the draft Council Vision Draft from other members and refine it to create a new Vision Draft for Council review. Council asks that the committee:
 - Honor the high level of consensus that emerged from Council's initial review
 - Focus on the preamble
 - Make only minor edits to desired future states if needed for flow (keep the desired future states inspired but concise)
 - Look at the transition sentence and tag titles to assure flow (note that the preamble and tag titles may be used to create a shorter version of the vision)
4. Council will schedule and hold a brief work session to review the new Vision Draft and to arrive at a consensus that will get the Council Vision ready for final adoption
5. Staff will prepare a communication strategy for the Vision to present to the Council (potentially at the same work session) to achieve agreement about how the Council will communicate its vision and champion it as a joint document. Consider strategies to:
 - Publish the vision (i.e. brochure, web, etc.)
 - Identify a stakeholder list and determine how to communicate with each (i.e. meet?)
 - Create presentation and determine venues to share
6. Council will adopt the Council Vision and consider/finalize the communication strategy
7. City Manager will hold a staff work planning session and create a strategic work plan
8. City Manager will bring the Strategic Work Plan back to the Council for review, to include an implementation strategy that incorporates regular progress updates
9. Finalize Strategic Work Plan and implement with regular progress reports to Council
10. Consider a retreat with Council every two years following the election cycle to update the Vision and 3 Year Priorities (to incorporate any new members and changes)





Timothy J. Baroody

MEMORANDUM

TO: Mayor Greenlaw and Members of City Council
FROM: Timothy J. Baroody, City Manager
DATE: December 7, 2016
SUBJECT: City Manager's Update

Highlights of major activities and other notable developments:

Gun Give Back Event – The 3rd Annual event will be held at the Police Department from 10 a.m. – 2 p.m. Citizens may voluntarily turn in their unwanted firearms and for everyone turned in, the event's generous sponsor Ms. Doris Buffett, will donate \$100 to be equally distributed between local charities. See attached news release.

Downtown 31 – The Mayor and City Manager joined Parks and Recreation Staff, Bill Freehling, April Peterson from the Main Street promotions committee, and representatives from various media outlets, at Riverfront Park on December 1st for the kickoff of the month long celebration. The group took photos in the giant holiday greeting cards, took part in a short "snowball" fight, and saw a mini ping pong ball drop to familiarize everyone with some of the events the City is hosting as part of the month long event promotion. The website www.Downtown31.com is now updated with more than 50 events happening in Fredericksburg during December, and is being updated daily. There is also a Facebook page [Downtown31Fredericksburg VA](https://www.facebook.com/Downtown31FredericksburgVA) that is also used for promotions.

The grand finale event will be held from 5:00-9:00 p.m. on December 31st. The alcohol free, family friendly event is open to the public at no charge. Riverfront Park will host an adult area with music by the Koru a Rock a Orchestra followed by Steve Jarrell and the Sons of the Beach, and line dancing demos. There will also be a children's activity area a Riverfront Park with crafts, a moon bounce, "snow maze" and special guest performance by the Pied Piper of Percussion and other entertainment. There will be a special teen area at Market Square with a DJ and special gyroscope ride. Much more information on the finale event and other activities included in Downtown 31 can be found at www.Downtown31.com

Updated Layout for Parks and Recreation Catalog – The newest Parks and Recreation program catalog is now available in print and [online](#). Our new Special Events and Marketing Coordinator Sonja Wise has given the catalog a new look. The catalog will be distributed through the schools and at a large number of locations throughout the City, and will be mailed directly to anyone who requests a copy or joins our mailing list.

Annual Christmas Parade – The weather was chilly but clear for the over 8,000 people who attended the Annual Christmas parade on December 3rd. The parade, sponsored by Huber Motors had more than 85 units registered in 6 different categories. A portion of the proceeds go to support the City's "Shop with a Cop" program.



Public Art Sculpture Program – A ribbon cutting ceremony for the project has been set for December 12 at 2 p.m. at the Frederick and Caroline Street site. The public is invited to attend.

Police Patrol for Good Deeds – This holiday season, the Police Department is patrolling for people on the “nice list.” During the month of December, designated officers will provide Fredericksburg Downtown Gift Cards (at total of 40) to citizens who are engaging in good deeds and/or obeying the law. Citizens in downtown Fredericksburg may be rewarded for acts such as walking in a designated crosswalk or holding the door for a stranger. See attached news release.

Fredericksburg Police Department Raises Over \$800 for the Movember Foundation –

The Police Department raised \$815 for the Movember Foundation, a global charity whose goal is to raise funds and awareness for men’s health. 17 patrol officers each donated \$30 dollars and in exchange, were allowed to grow a goatee during November. Contributions were also made by City employees and citizens. Thank you who participated in No-Shave November and made contributions!



Fredericksburg Police Department Welcomes Two New Officers –

On Friday, December 2nd, the Police Department welcomed its two newest officers. After 20 weeks of intense schooling, Bernard Strother (left) and Sam Moaddab (right) graduated from the Rappahannock Regional Criminal Justice Academy. They will spend the next 14 weeks in field training.



Regional Tourism Partnership Forum – On Monday, December 12 at the Riverside Center for the Performing Arts, in Stafford County a forum will be held to discuss regional tourism efforts. Panelists will include the presidents of regional tourism organizations in Richmond and Roanoke.

Visitors Center Forum – A community meeting to discuss the future of the Fredericksburg Visitor Center will be held starting at 8:30 a.m. January 4 on the third floor of the Executive Plaza in downtown Fredericksburg. The community is invited to attend.



News Release

For Immediate Release:

December 8, 2016

For more information, contact:

Sarah Kirkpatrick

Public Information Officer

540-848-4097

SKirkpatrick@PD.FredericksburgVA.gov

City of Fredericksburg Holds Gun Give-Back Event this Saturday

The City of Fredericksburg is hosting the third annual Gun Give-Back event from 10:00 a.m. to 2:00 p.m. at Police Headquarters. The Gun Give-Back event allows for gun owners to voluntarily turn in any unwanted firearms for proper and safe disposal. Gun owners can be assured their unwanted firearms never end up in the hands of criminals or children. Firearms collected at the event will be offered to the Virginia Department of Forensic Science to assist with research. Any firearms they do not want will be properly disposed. For every firearm turned in, philanthropist Doris Buffet will make a \$100 donation to be equally distributed between four local charities that help women facing domestic violence, underprivileged children, and the homeless.

Over 100 unwanted firearms have been voluntarily surrendered during the past two years. Firearms collected in previous years include hand guns, long guns, homemade shot guns, and other types. "Our goal as law enforcement officers is to serve and protect the public. The City of Fredericksburg's Gun Give-Back event helps keep unwanted firearms out of the wrong hands. It's a win for the gun owner, a win for police, and a win for the community," said Police Chief David Nye.

To encourage gun-safety, the Fredericksburg Police Department and Sheriff's Office will be giving away gun-locks during the event to anyone who would like a lock for their firearms.

The Gun Give-Back event is not limited to City residents; anyone who would like their unwanted firearms to be safely disposed can bring them to the event. Ammunition will not be accepted at the event. The four local charities benefiting from the Gun Give-Back event are Cops and Kids (Shop with a Cop), Empower House, Micah Ministries, and the Thurman Brisben Homeless Shelter.

[Fredericksburg Police Headquarters](#) is located at 2200 Cowan Blvd, Fredericksburg, VA 22401.

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News Release

For Immediate Release:
December 5, 2016

For more information, contact:
Sarah Kirkpatrick
Public Information Officer
SKirkpatrick@PD.FredericksburgVA.gov
(540) 848-4097

Fredericksburg Police Department Patrols for Good Deeds

This holiday season, the Fredericksburg Police Department is patrolling for people on the “nice list.” During the month of December, designated officers will provide Fredericksburg Downtown Gift Cards to citizens who are engaging in good deeds and/or obeying the law. Citizens in downtown Fredericksburg may be rewarded for acts such as walking in a designated crosswalk or holding the door for a stranger.

Officers will hand out 40 gift cards, each valued at five-dollars and are redeemable at more than 65 merchants located in downtown Fredericksburg. The gift cards were donated to the Fredericksburg Police Department by [Fredericksburg Main Street Inc.](#) as part of their efforts to encourage people to eat and shop local.

“Building and maintaining strong relationships with the citizens we serve is paramount. We have continued to increase our community outreach efforts this year and encourage our officers to have non-enforcement contacts with citizens each shift they work. We appreciate Fredericksburg Main Street Inc.’s generous donation of gift cards so we can foster positive relationships with citizens,” said Fredericksburg Police Chief David Nye.

Two gift cards have already been given away. [Watch](#) the recipients’ reactions when Officer Christine Ferguson rewarded them with gift cards for walking in a designated cross walk and donating to the Salvation Army. The footage was captured on Officer Ferguson’s body camera. Follow the Fredericksburg Police Department’s [Facebook page](#) and [Twitter feed](#) to watch the festivities and join us in the holiday spirit.



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CITY COUNCIL MEETINGS & EVENTS CALENDAR

City Hall Council Chambers, 715 Princess Anne Street, Fredericksburg, VA 22401

12/12/16	10 a.m. - noon	Regional Tourism Partnership Forum	Riverside Center for the Performing Arts 95 Riverside Pkwy, Fredericksburg 22406
12/13/16	5:30 p.m.	Work Session <ul style="list-style-type: none"> • Council Vision and Strategic Work Plan Follow-up • Sign Regulations Text Amendments • Bed & Breakfast Regulations Text Amendments • Council Chambers Proposed Renovations 	Suite, Room 218
	7:30 p.m.	Regular Session	Chambers
1/4/17	8:30 a.m.	Visitor's Center Location Forum	Executive Plaza Third Floor 601 Caroline Street
1/10/17	5:30 p.m.	Work Session <ul style="list-style-type: none"> • ARB Interviews (3) • TBD 	Suite, Room 218
	7:30 p.m.	Regular Session	Chambers
1/24/17	5:30 p.m.	Joint Work Session with Planning Commission on Streetsense Update	Suite, Room 218
	7:30 p.m.	Regular Session	Chambers
2/14/17	5:30 p.m.	Work Session	Suite, Room 218
	7:30 p.m.	Regular Session	Chambers

Boards & Commission	Meeting Dates/Time	Actual Date of Meeting	Members Appointed	Contact Person
Board of Social Services	bi-monthly 2nd Thursday/8:30 a.m.	February 9 at 8:30 a.m.	Duffy	Christen Gallik
Central Rappahannock Regional Library	Quarterly 2nd Monday/5:00 p.m.	February 13 at 5 p.m.	Devine	Martha Hutzler
Chamber Military Affairs Council	Every other 3rd Thursday/3:30 p.m.	January 19 at 3:30 p.m.	Ellis	Susan Spears
Community Policy Management Team	Thursday after 3rd Tuesday/2:00 p.m.	December 22 at 2 p.m.	Greenlaw	Rosemary Grant
Fredericksburg Arts Commission	3rd Wednesday/6:30 p.m.	December 21 at 6:30 p.m.	Greenlaw, Devine	Julie Perry
Fredericksburg Area Museum C.C.	4th Wednesday/4:00 p.m.	TBD	Kelly	Tom Wack
Fredericksburg Clean & Green Comm.	1st Monday/6:30 p.m.	January 9 at 6:30 p.m.	Devine	Robert Courtnage
Fredericksburg Regional Alliance	Quarterly 3rd Monday/5:00 p.m.	February 13 at 5 p.m.	Greenlaw, Duffy	Curry Roberts
GWRC/FAMPO	3rd Monday/6:00 p.m.	January 23 at 6 p.m.	Kelly, Withers, Ellis - Alt.	Tim Ware
Main Street	3rd Thursday/8:30 a.m.	January 19 at 8:30 a.m.	Ellis	Ann Glave
Housing Advisory Committee	As needed	TBD	Ellis, Frye	TBD
PRTC	1st Thursday/7:00 p.m.	January 5 at 7 p.m.	Kelly, Withers - Alt.	Gina Altis
Rappahannock Area Agency on Aging	1st Wednesday/4:00 p.m.	January 4 at 4 p.m.	Vacancy	Leigh Wade
Rappahannock Council Against Sexual Assault	2nd Thursday/5:30 p.m.	January 12 at 5:30 p.m.	Ellis	Bobby Anderson
Rappahannock Juvenile Detention	bi-monthly last Monday/12 noon	January 30 at 12 noon	Frye - Alt.	Carla White
Rappahannock Regional Solid Waste	bi-monthly 3rd Wednesday/8:30 a.m.	December TBD	Kelly, Withers	Keith Dayton
Rappahannock River Basin	Quarterly/1:00 p.m.	March 22 in Stafford County	Withers	Eldon James
Recreation Commission	3rd Thursday/7:00 p.m.	January 19 at 7 p.m.	Duffy	Jane Shelhorse
Taxi Board	TBD	TBD	Frye	TBD
Regional Group Home Commission	2nd Thursday/2:30 p.m.	January 12 at 2:30 p.m.	Duffy, Whitley	Ben Nagle
Town & Gown	Quarterly/3:30 p.m.	March (Day TBD) 2017	Withers, Duffy	Pam Verbeck
Virginia Railway Express Operations Board	3rd Friday/9:30 a.m.	January 20 at 9:30 a.m.	Kelly, Withers -Alt.	Richard Dalton