



City of Fredericksburg, Virginia

City Council

AGENDA

Council Chambers

715 Princess Anne Street

Fredericksburg, Virginia 22401

Hon. Mary Katherine Greenlaw, Mayor
Hon. Charlie L. Frye, Jr., Vice-Mayor, Ward Four
Hon. Kerry P. Devine, At-Large
Hon. Matthew J. Kelly, At-Large
Hon. Jason N. Graham, Ward One
Hon. William C. Withers, Jr., Ward Two
Hon. Timothy P. Duffy, Ph.D., Ward Three

September 22, 2020

7:30 p.m.

Mary Katherine Greenlaw, Presiding

The City Council Meeting will hold an e-meeting pursuant to and in compliance with City Council Ord. 20-05. The public is encourage to access the meeting though the broadcast on Cox Channel 84 and Verizon Channel 42. The meetings can also be viewed on our www.regionalwebtv.com/fredcc or accessed through Facebook at www.facebook.com/FXBGgov

Agenda

1. Call To Order

"This Meeting is being held electronically by "Go to Meeting" application, pursuant to City Council Ordinance 20-05, An Ordinance to Address Continuity of City Government during the Pendency of a Pandemic Disaster.

The members participating are: [List members by name]

Members of the public have been invited to access this meeting by public access television Cox Channel 84, Verizon Channel 42, online at www.regionalwebtv.com/fredcc or accessed through Facebook at facebook.com/FXBGgov

2. Invocation

Vice-Mayor Charlie L. Frye, Jr.

3. Pledge Of Allegiance

Mayor Mary Katherine Greenlaw

4. Presentations

- A. COVID-19 (Coronavirus) – Fire Chief Jones

5. Consent Agenda

- A. Transmittal Of Boards And Commission Minutes

- A.i. Architectural Review Board – March 9, 2020

Documents:

[5A1 ARB 03-09- 20.PDF](#)

- A.ii. Architectural Review Board – May 11, 2020

Documents:

[5A2 ARB 05-11-20.PDF](#)

- A.iii. Architectural Review Board – June 8, 2020

Documents:

[ARB 06-08-20.PDF](#)
[5A3 ARB 06-08-20.PDF](#)

- A.iv. Architectural Review Board – June 22, 2020

Documents:

[5A4 ARB 06-22-20.PDF](#)

- A.v. Economic Development Authority – August 10, 2020

Documents:

[5A5 EDA 8-10-20.PDF](#)

- A.vi. Fredericksburg Clean & Green Commission – July 13, 2020

Documents:

[5A6 CLEAN GREEN 7-13-20.PDF](#)

- A.vii. Planning Commission – June 24, 2020

Documents:

[5A7 PLANNING 06-24-20.PDF](#)

A.viii. Planning Commission – July 8, 2020

Documents:

[5A8 PLANNING 07-08-20.PDF](#)

6. Public Hearing

Citizens who wish to participate in the public hearing will be able to send their comments in writing by (1) dropping them in the Deposit Box at City Hall, (2) U.S. Mail, (3) through a form on our website [HTTPS://WWW.FREDERICKSBURGVA.GOV/677/PUBLIC-COMMENT](https://www.fredericksburgva.gov/677/public-comment) or (4) email to the Clerk of Council. Comments must be received at least one hour in advance of the meeting – for example, comments will be accepted until 4:30 p.m. on nights with a 5:30 work session. The plan is to read these comments out loud during the public comment portion of the City Council meeting. The standard rules apply to public comments: the person must identify himself or herself by name and address, including zip code, limit his or her remarks to 3 minutes or less (read aloud), and address a topic of City business.

- A. Resolution 20-___, Granting A Special Exception For Residential Density For The “Hanover House” Development At The Corner Of Sophia Street And Hanover Street In Downtown Fredericksburg

Documents:

[6A HANOVER HOUSE.PDF](#)

- B. Resolution 20-___, Granting A Special Exception To Permit A Duplex Dwelling At 315/317 McKinney Street

Documents:

[6B MCKINNEY SE.PDF](#)

- C. Resolution 20-___, Granting A Special Use Permit For Crown Trophy, A Retail Sales Establishment At 1529 Olde William Street

Documents:

[6C CROWN TROPHY.PDF](#)

- D. Resolution 20-___, First Read, Amending The Fiscal Year 2021 Budget And The Fiscal Year 2021 Fredericksburg City Public School Budget To Appropriate CARES Act Funds

Documents:

[6D CARES ACT FUNDS.PDF](#)

7. Comments From The Public

Citizens who wish to participate in the public comment period will be able to send their comments in writing by (1) dropping them in the Deposit Box at City Hall, (2) U.S. Mail, (3) through a form on our website

<HTTPS://WWW.FREDERICKSBURGVA.GOV/677/PUBLIC-COMMENT>
or (4) email to the Clerk of Council. Comments must be received at least four hours in advance of the meeting – for example, comments will be accepted until 1:30 p.m., on nights with a 5:30 p.m. work session. The plan is to read these comments out loud during the public comment portion of the City Council meeting. The standard rules apply to public comments: the person must identify himself or herself by name and address, including zip code, limit his or her remarks to 3 minutes or less (read aloud), and address a topic of City business. Public comments are limited to a total of 40 minutes, with priority for comments from City residence or businesses.

8. Council Agenda

- A. Update On Racial Equity Plan – Mayor Greenlaw

9. Minutes

- A. Regular Session – September 8, 2020

Documents:

[9A 09-08-20 REGULAR SESSION MINUTES.PDF](#)

10. Boards And Commission Appointments

- A. Fredericksburg Arts Commission Appointment – Kenneth Lecky

Documents:

[10A.PDF](#)

11. City Manager Agenda

- A. Ordinance 20-___, First Read, Expanding The Arts & Cultural District, And Extending Tax Incentives, Up To \$250 Per Year, To Ten Years For All Qualifying Businesses In The District

Documents:

[11A ARTS-CULTURAL DISTRICT.PDF](#)

- B. Resolution 20-___, Implementing Changes To The Holiday Schedule, Contained In The City Human Resources Policies

Documents:

[11B HOLIDAYS.PDF](#)

- C. Resolution 20-___, First Read, Amending The Fiscal Year 2021 Fredericksburg City Public Schools Budget To Supplement Resources For The School Operating Fund And

The School Grants Fund

Documents:

[11C FCPS BUDGET SUPPLEMENT.PDF](#)

D. City Manager's Update

Documents:

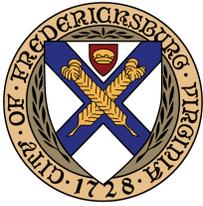
[11D CITY MANAGER UPDATE.PDF](#)

E. Calendar

Documents:

[11E CALENDAR.PDF](#)

12. **Adjournment**



Minutes
Architectural Review Board
March 9, 2020
Council Chambers, City Hall
Fredericksburg, Virginia

Members Present

Carthon Davis III, Chair
Karen Irvin, Vice Chair
Jonathan Gerlach
Adriana Moss
Susan Pates
Sabina Weitzman

Members Absent

James Whitman

Staff

Kate Schwartz
Tammy Guseman

Chairman Davis called the Architectural Review Board meeting to order at 7:00 p.m.

OPENING REMARKS

Chairman Davis determined that a quorum of 6 members was present, and asked if public notice requirements had been met. Ms. Schwartz confirmed that they had.

APPROVAL OF AGENDA

Mr. Gerlach motioned to approve the agenda as written. Ms. Weitzman seconded. The motion carried 6-0.

APPROVAL OF MINUTES

Chairman Davis asked if there were any changes or additions to the minutes of the regular meeting dated February 10, 2020. Ms. Weitzman motioned to approve the minutes as written. Ms. Irvin seconded. The motion carried 5-0-1 with Ms. Pates abstaining.

DISCLOSURE OF EX PARTE COMMUNICATIONS

Chairman Davis asked if any Board member had engaged in any *ex parte* communication on any item before the Board. No Board members had any *ex parte* communication to report.

DISCLOSURE OF CONFLICTS OF INTEREST

Chairman Davis asked if any Board member had a conflict of interest for any item before the Board. Ms. Weitzman reported a conflict of interest for 405 Hanover Street and would not participate in consideration of COA 2020-14.

CONSENT AGENDA

- i. **COA 2020-13** – 611 Caroline Street – Signs
- ii. **COA 2020-15** – 1017 Sophia Street – Signs
- iii. **COA 2020-16** – 1015 Caroline Street – Signs

Mr. Gerlach made a motion to approve the consent agenda as submitted. Ms. Irvin seconded. The motion carried 6-0.

PUBLIC HEARING

- i. COA 2020-08** – 1020 Princess Anne Street – Dennis Sacrey requests to construct a children’s play area for the Fredericksburg Baptist Church in one corner of this parking lot, surrounded by a six-foot painted aluminum fence.

David Hahn, a minister of Fredericksburg Baptist Church, was present and offered to answer any questions the Board may have.

There were no public comments.

Ms. Weitzman made a motion to approve the request as submitted. Mr. Gerlach seconded. The motion carried 6-0.

- ii. COA 2020-09** – 304 Hanover Street – Tom Frazier requests to make two wall penetrations for a ventilation system on the east side elevation of the three-story rear addition adjacent to Princess Anne Street for the Fredericksburg United Methodist Church.

The applicant was not present. There were no public comments.

Ms. Weitzman asked if there would be anything going through the window shown on the submitted diagram. Ms. Schwartz stated that her understanding was that the wall penetration would be made above the window, but they may move the sash into the down position, leave it there and run some equipment through the window opening. Ms. Weitzman noted that this may be the best option.

The Board discussed the options for screening the equipment. Ms. Irvin noted that the screen will be a substantial height of 15 feet. Ms. Schwartz noted that there is another similar example of screening behind the library which has a double-height fence to screen a cooling tower. Ms. Weitzman suggested asking the applicant to paint the installed system red to match the building brick color instead of using a screen to cover it as this option may be the least obtrusive. Ms. Schwartz suggested giving the applicant the potential option of painting the system or providing a screen for it.

Ms. Weitzman made a motion to approve the request for exterior alterations at 304 Hanover Street on the condition that the installation is either screened from Princess Anne Street or the equipment is painted with a flat, red-oxide paint. The final design must be approved by the Historic Resource Planner prior to starting the work. Ms. Pates seconded. The motion carried 6-0.

- iii. COA 2020-10** – 221 Princess Anne Street - 221 Princess Anne Street – Debra Joseph requests to make alterations to this residence including enclosing an inset porch on the north side elevation of a rear one-story addition.

The applicant, Debra Joseph, was present. Ms. Joseph stated she is looking forward to completing this project as the current open porch just collects a lot of leaves and debris. Ms. Joseph inquired of the Board whether they prefer a simple or more ornate hand railing as many of the salvaged railings she has seen online are more ornate.

Ed Sandtner, 132 Caroline Street, representing HFFI, stated concerns received from an architectural historian. He said this application would be taking away the last remaining side porch from this dwelling and that, once enclosed, the ARB would no longer have purview to preserve the existing walls, windows, and doors.

Mr. Gerlach suggested that the approval of the handrail design be at the discretion of the Historic Resources Planner. Board members discussed the style of the handrail and recommended referencing neighboring

properties. Ms. Schwartz stated that information on the chosen design could be shared with the Board once selected.

Ms. Joseph said that the existing walls and windows would remain in place once the porch was enclosed. The existing door would become the new exterior door and an open doorway would remain on the interior. Board members asked for clarification of several details of the windows.

Mr. Gerlach made a motion to approve the application as recommended by staff with the following conditions: final selections, including windows and the stair railing, must be verified by the Historic Resources Planner as being in accordance with the information presented prior to building permit approval and installation; the beadboard paneling and all trim must be constructed of wood with a smooth finish; trim details at the bottom of the new wall will match those on the south side of the house; and the applicant should consider incorporating the turned posts located at each end of the porch into the new wall in order to maintain the clear delineation of this space. Ms. Moss seconded. The motion carried 6-0.

- iv. COA 2020-11** - 401 Princess Anne Street – Melissa Colombo requests to make alterations to the former Janney Marshall Company warehouse in order to convert it to mixed use, including installation of new doors, replacement of missing windows, construction of an ADA-accessible ramp, and installation of railings and mechanical equipment.

The applicant, Melissa Colombo, was present. There were no public comments.

Ms. Irvin asked if insulated panels would be added on top of the existing roof. Ms. Colombo confirmed that foam panels will be used and this height is shown in the drawings and mock-up. Ms. Irvin inquired how the foam will be camouflaged on the exterior. Ms. Colombo stated that the drip-edge and gutters will mask the change in height.

Ms. Weitzman asked if there had been talk about linear screening for the rooftop mechanical units. Ms. Colombo stated that screening may be more noticeable than none at all and she hopes that from the street the units will not be seen. She also noted that there is no other place for the units other than the roof and that the units will be placed along the roof beam so there is at least some symmetry there. Ms. Irvin noted that this will be seen from the train platform. Board members discussed various options for screening. Ms. Colombo noted that there must be adequate air flow around the units and asked how high the screening would have to be to hide the units altogether. Ms. Weitzman suggested a fence-like screening with industrial feel that would help the roof not look like just mechanical units when seen from the train station. Chairman Davis stated that the units do not need to be fully screened, but a consistent horizontal element could reduce a jagged appearance. Mr. Gerlach asked if Ms. Colombo would be willing to come back to the Board with screening options. Ms. Colombo answered affirmatively.

Chairman Davis asked if the utility bank at the rear of the building will be visible from the public right-of-way. Ms. Colombo stated that they are right on the property line as it is so any screening provided by them would end up being on City property. Ms. Schwartz stated that there is quite a bit of landscaping near the utility bank so it will be well obscured with the possibility of more landscaping there in the future.

Ms. Irvin asked if the Board could approve this application as submitted with the condition that the applicant come back with screening designs for the rooftop units. Ms. Weitzman made a motion to approve the application as submitted with the condition that the applicant return to the Board with a proposal to screen the rooftop mechanical equipment. Mr. Gerlach seconded. The motion carried 6-0.

- v. COA 2020-12** – 309 William Street - Dex Sanders requests to make alterations to this commercial building, including reconfiguring the storefront, rebuilding the pent roof on the façade, installing signs, and extending the fencing and shed roof at the rear elevation for a new restaurant.

Architect Dex Sanders and business owner Joel Griffin were present to represent the application.

Ed Sandtner, 132 Caroline Street and representing HFFI, noted that the proposed storefront doesn't have a historic aspect and the arrangement of windows and doors on the elevation of the building seems too much to cram in between the two doors. He suggested an article for the Board members to read titled 'Keeping Up Appearances: Store Front Guidelines' which is available from Fredericksburg Main Street's website.

Chairman Davis asked if the proposed bi-fold doors would be at grade on the sidewalk. Mr. Sanders answered affirmatively. Ms. Pates questioned whether the canopy roof is flat. Mr. Sanders stated it comes out 5 ½ feet. Ms. Pates expressed concern that the building may look too modern compared to the original design. Mr. Sanders stated that the building was built in 1832 and they have tried to restore and maintain its original character. Mr. Sanders noted that this has been difficult due to a brutal 1960s renovation, but he is trying to work with what has been changed while still keeping to the original style. The door style was chosen to make them appear as close to the original 1832 doors as possible. Ms. Pates asked if cedar shakes must be used. Mr. Sanders said they were maintaining the existing material. Ms. Weitzman noted the difficulty of working with a heavily altered exterior and stated that on the two blocks of William Street all the building fronts had the same treatment. Although 309 is a more severe one, she is in support of the proposed design.

Mr. Gerlach asked if there would be a gutter on the new canopy. Mr. Griffin said it was not planned and noted that extending the canopy would help keep rainfall out of the storefront. Board members discussed the storefront glazing and recommended that it be clear and non-reflective. Mr. Sanders stated he is amiable to this request.

Chair Davis stated his support for the design and said it retains the important aspects of the earlier design, but provides interaction with the sidewalk. Ms. Irvin agreed that the applicant is improving this building. Mr. Gerlach made motion to approve the application as submitted on condition that clear, non-tinted glass is used and with the recommendation to paint or stain the wood fence. Ms. Irvin seconded. The motion carried 6-0.

- vi. COA 2020-14** – 405 Hanover Street - Jennifer and Kevin Riley request to construct a second story addition over the existing one-story section at the rear of this residential property.

The applicant, Jennifer Riley, was present. There were no public comments.

Ms. Irvin made a motion to approve the application as submitted. Ms. Pates seconded. The motion carried 5-0-1, with Ms. Weitzman abstaining.

GENERAL PUBLIC COMMENT

There was no public comment.

OTHER BUSINESS

A. Transmittal of Planning Commission Notice for March 11, 2020

Ms. Schwartz noted that this notice includes the first public hearing for the Creative Maker District re-zoning, but this will be continued at the next meeting. Ms. Weitzman asked if much discussion was expected. Ms. Schwartz noted that this re-zoning has received much support from the Canal Quarter District group.

B. Archaeology Ordinance

Ms. Schwartz stated that the Archaeology Ordinance was approved and will take effect on July 1, 2020. Ms. Schwartz also noted that she is working through an RFP for on-call Archaeological Services to help the City with the review of reports that come in.

C. Historic Handbook Update

Ms. Schwartz stated that the City is still working on the update of the Historic District Handbook. The first public meeting was Sunday, March 8, which went well and great feedback was received. There will be another public meeting on Thursday, March 12, at 5 p.m. in the Executive Plaza.

Ms. Schwartz noted that a request for a work session for Monday, March 23, has been submitted to review some potential alterations at the Mt. Zion Baptist Church and that Jason Gallant of Rappahannock Restoration has also requested a work session to discuss some alternative materials. Board discussion on various substitute material options followed. Meeting time of 7 p.m. was decided upon by all.

Ms. Moss asked how the Handbook survey is being distributed. Ms. Schwartz stated that it is on the City website, social media, and has been sent out by email to neighborhood groups, businesses, past applicants, and others.

ANNOUNCEMENTS AND REPORTS

Mr. Gerlach gave an update on the slave auction block and stated that Judge Deneke found in favor of the City that the City does have authority to issue their own Certificate of Appropriateness by virtue of the City Charter. The petitioner has appealed this decision to the Virginia Supreme Court and asked the Judge to issue a stay of fifteen days to prevent the City from moving the block during that time period. Ms. Schwartz noted that the Judge did not grant the temporary restraining order requested but did grant a stay instead. Mr. Gerlach stated that the stay will end on March 17. Mr. Gerlach stated he is unsure if the Virginia Supreme Court has agreed to take the case or not. Ms. Schwartz added that at this point the petition is requesting the Supreme Court of Virginia to grant a stay while the appeal is being considered. They will have a fifteen-day period to submit the petition and if they do so, the City has a 7-day period in which to respond. There would be no oral arguments. Ms. Schwartz noted that this is a separate appeal.

ADJOURNMENT

Chairman Davis adjourned the meeting at 8:24 p.m.



Carthon Davis III, Chair



Minutes
Architectural Review Board
May 11, 2020
Electronic Meeting

Members Present

Carthon Davis III, Chair
Karen Irvin, Vice Chair
Jonathan Gerlach
Adriana Moss
Susan Pates
Sabina Weitzman

Members Absent

James Whitman

Staff

Kate Schwartz

Chairman Davis called the Architectural Review Board meeting to order at 5:00 p.m.

OPENING REMARKS

Chairman Davis stated that the meeting was being held electronically through the “GoTo Meeting” application, pursuant to City Council Ordinance 20-05, An Ordinance to Address Continuity of City Government during the Pendency of a Pandemic Disaster. The members participating were Carthon Davis, Karen Irvin, Jon Gerlach, Adriana Moss, Susan Pates, and Sabina Weitzman. Members of the public have been invited to access this meeting by public access television Cox Channel 84, Verizon Channel 42, online at www.regionalwebtv.com, or on Facebook Live at www.facebook.com/FXBGgov.

Chairman Davis noted that a quorum was present, and asked if public notice requirements had been met. Ms. Schwartz confirmed that they had.

APPROVAL OF AGENDA

Mr. Gerlach motioned to approve the agenda as written. Ms. Irvin seconded. The motion carried 6-0.

Mr. Gerlach made a motion to approve Resolution 20-01 adopting procedures for electronic public meetings. Ms. Weitzman seconded. The motion carried 6-0.

APPROVAL OF MINUTES

Chairman Davis asked if there were any changes or additions to the minutes of the regular meeting dated March 9, 2020. Ms. Weitzman motioned to approve the minutes as written. Ms. Moss seconded. The motion carried 6-0.

DISCLOSURE OF EX PARTE COMMUNICATIONS

Chairman Davis asked if any Board member had engaged in any *ex parte* communication on any item before the Board. No Board members had any *ex parte* communication to report.

DISCLOSURE OF CONFLICTS OF INTEREST

Chairman Davis asked if any Board member had a conflict of interest for any item before the Board. No Board members had any conflicts of interest to report.

CONSENT AGENDA

- i. COA 2020-20 – 1305 Prince Edward Street – Handrail Installation
- ii. COA 2020-22 – 301 Charles Street – Fence
- iii. COA 2020-23 – 224 Princess Anne Street – Fence

Ms. Weitzman made a motion to approve the consent agenda as submitted. Ms. Moss seconded. The motion carried 6-0.

GENERAL PUBLIC COMMENT

Public comments for an electronic meeting may be submitted in one of the following ways: (1) dropping them in the Deposit Box at City Hall, (2) U.S. Mail, or (3) email to ksschwartz@fredericksburgva.gov. Comments received before 4:00 p.m. on June 8, 2020 will be read into the record at the meeting. Comments must include your name and address, including zip code, be limited to 5 minutes or less (read aloud), and address a topic of ARB business. Public comments will not be accepted on video feeds during the meeting.

No public comments were received.

OTHER BUSINESS

A. Pre-application Discussion: 202 Frederick Street

Melissa Colombo presented a design for construction of an addition at the rear of 202 Frederick Street and several alterations to the primary structure. Board members discussed the need to differentiate windows that are repurposed from those that are original and in their original locations. In general, Board members agreed that the contemporary design of the addition did not relate enough to the primary structure. An effort should be made to incorporate more details from the original into the new design.

B. Pre-application Discussion: 525 Caroline Street

Property owners Van Perroy and Steve DeFalco presented a design for construction of large-scale side and rear additions to the Fredericksburg Square building at 525 Caroline Street. Board members discussed the demolition of the existing rear addition, noting that additional information would need to be provided about its history to determine if removal was appropriate. Board members voiced concerns about the overall scale and massing of the proposed additions and their potential to impact the many small-scale neighboring properties. The Board asked the applicant to provide additional information prior to the public hearing, including a shadow study, views from the train station platform, and more detail in the rendered views from Wolfe and Sophia Streets.

STAFF UPDATE

Ms. Schwartz provided an update on the archaeology ordinance that was scheduled to go into effect on July 1, 2020. Due to revenue shortfalls as a result of the COVID-19 pandemic, the funding that was included in the budget for on-call consulting services and other program needs was eliminated. Implementation of the ordinance has been pushed back one year, to July 1, 2021.

ADJOURNMENT

Chairman Davis adjourned the meeting at 6:35 p.m.



Carthon Davis III, Chair



Minutes
Architectural Review Board
June 8, 2020
Electronic Meeting

Members Present

Carthon Davis III, Chair
Karen Irvin, Vice Chair
Jonathan Gerlach
Adriana Moss
Susan Pates
Sabina Weitzman

Members Absent

James Whitman

Staff

Kate Schwartz

Chairman Davis called the Architectural Review Board meeting to order at 5:00 p.m.

OPENING REMARKS

Chairman Davis stated that the meeting was being held electronically through the “GoTo Meeting” application, pursuant to City Council Ordinance 20-05, An Ordinance to Address Continuity of City Government during the Pendency of a Pandemic Disaster. The members participating were Carthon Davis, Karen Irvin, Jon Gerlach, Adriana Moss, Susan Pates, and Sabina Weitzman. Members of the public have been invited to access this meeting by public access television Cox Channel 84, Verizon Channel 42, online at www.regionalwebtv.com, or on Facebook Live at www.facebook.com/FXBGgov.

Chairman Davis noted that a quorum was present, and asked if public notice requirements had been met. Ms. Schwartz confirmed that they had.

APPROVAL OF AGENDA

Ms. Weitzman motioned to approve the agenda as written. Mr. Gerlach seconded. The motion carried 6-0.

DISCLOSURE OF EX PARTE COMMUNICATIONS

Chairman Davis asked if any Board member had engaged in any *ex parte* communication on any item before the Board. No Board members had any *ex parte* communication to report.

DISCLOSURE OF CONFLICTS OF INTEREST

Chairman Davis asked if any Board member had a conflict of interest for any item before the Board. No Board members had any conflicts of interest to report.

CONSENT AGENDA

- i. COA 2020-24 – 1010 Prince Edward Street – Signs
- ii. COA 2020-25 – 1403 Caroline Street – Fence
- iii. COA 2020-26 – 1312 Caroline Street – Fence

Ms. Moss made a motion to approve the consent agenda as submitted. Ms. Irvin seconded. The motion carried 6-0.

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No public comments were received.

OTHER BUSINESS

A. Review of Agenda for June 22 Public Hearing

Ms. Schwartz reviewed the agenda items for the upcoming public hearing as well as the process for submitting public comments. All public hearings will continue to the July 13 meeting to allow for public participation.

STAFF UPDATE

Ms. Schwartz noted the removal of the Slave Auction Block from the corner of William and Charles Streets on Friday, June 5, reviewing the process and the current community protests that led to the need for moving forward with a reduction in the planned archaeology.

ADJOURNMENT

Chairman Davis adjourned the meeting at 5:16 p.m.



Carthon Davis III, Chair



Minutes
Architectural Review Board
June 8, 2020
Electronic Meeting

Members Present

Carthon Davis III, Chair
Karen Irvin, Vice Chair
Jonathan Gerlach
Adriana Moss
Susan Pates
Sabina Weitzman

Members Absent

James Whitman

Staff

Kate Schwartz

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APPROVAL OF AGENDA

Ms. Weitzman motioned to approve the agenda as written. Mr. Gerlach seconded. The motion carried 6-0.

DISCLOSURE OF EX PARTE COMMUNICATIONS

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ADJOURNMENT

Chairman Davis adjourned the meeting at 5:16 p.m.



Carthon Davis III, Chair



Minutes
Architectural Review Board
June 22, 2020
Electronic Meeting

Members Present

Carthon Davis III, Chair
Jonathan Gerlach
Adriana Moss
Sabina Weitzman

Members Absent

James Whitman
Karen Irvin, Vice Chair
Susan Pates

Staff

Kate Schwartz

Chairman Davis called the Architectural Review Board meeting to order at 6:03 p.m.

OPENING REMARKS

Chairman Davis stated that the meeting was being held electronically through the “GoTo Meeting” application, pursuant to City Council Ordinance 20-05, An Ordinance to Address Continuity of City Government during the Pendency of a Pandemic Disaster. The members participating were Carthon Davis, Jon Gerlach, Adriana Moss, and Sabina Weitzman. Members of the public have been invited to access this meeting by public access television Cox Channel 84, Verizon Channel 42, online at www.regionalwebtv.com, or on Facebook Live at www.facebook.com/FXBGgov.

Chairman Davis noted that a quorum was present, and asked if public notice requirements had been met. Ms. Schwartz confirmed that they had.

APPROVAL OF AGENDA

Ms. Moss motioned to approve the agenda as written. Ms. Weitzman seconded. The motion carried 4-0.

APPROVAL OF MINUTES

Chairman Davis asked if there were any changes or additions to the minutes of the meeting dated June 8, 2020. Ms. Weitzman motioned to approve the minutes as written. Mr. Gerlach seconded. The motion carried 4-0.

DISCLOSURE OF EX PARTE COMMUNICATIONS

Chairman Davis asked if any Board member had engaged in any *ex parte* communication on any item before the Board. No Board members had any *ex parte* communication to report.

DISCLOSURE OF CONFLICTS OF INTEREST

Chairman Davis asked if any Board member had a conflict of interest for any item before the Board. No Board members had any conflicts of interest to report.

PUBLIC HEARING

- i. COA 2019-25 – 607-719 Sophia Street – The City of Fredericksburg requests to modify the certificate of appropriateness issued in June 2019 to allow an alternative style of light fixture within the Riverfront Park.

Doug Fawcett, Assistant City Manager, was present to represent the application. No public comments were received in advance of the meeting.

Ms. Weitzman said the appearance of the fixture and the proposed base is acceptable and asked if there were other color options and what the color temperature of the LED lights would be. Mr. Gerlach and Mr. Davis also questioned the brightness of the lights and the color temperature of existing street lights.

Mr. Fawcett said the black finish had been selected to match existing lights and utilities downtown. He also noted that the intensity of the lights would be easily adjustable using an app. He offered to follow up with information on the color temperature and noted that sample lights had been installed at Dixon Park and could be viewed there.

Board members noted their support for the use of solar technology. The application was continued to the July 13 meeting of the ARB to allow for additional public comment due to the electronic meeting format.

- ii. COA 2020-19 – 900 Charles Street – Frederic Howe, III requests to install 14 columbarium structures within the Masonic Cemetery property.

The applicant, Fred Howe, was present to represent the application, as well as engineer Tyler Gross. Mr. Howe provided an overview of the needs of the Masonic Lodge and the plan to use income from the new interment space to help maintain the historic cemetery. He said they agreed with the staff recommendation to reduce the heights of the units to four feet to remain below the perimeter wall, but requested to keep the taller units adjacent to the entry gates. He also noted that they were evaluating different stone colors that could be used.

No public comments were received in advance of the meeting.

Board members asked about the number of new spaces to be provided for interment and the impact on existing trees. Board members noted the contrast between older graves and the new structures and the impact on viewsheds across the cemetery. All agreed that the rectangular structures should be reduced in height. It was noted that the hexagonal structures could be taller, to avoid introducing too much regularity into a space that was traditionally irregular, but some reduction in height should be evaluated.

Mr. Howe did note that they had consulted with staff at the Virginia Department of Historic Resources and carefully designed the plan to avoid any existing burials. Board members recommended reducing the width of the paver pathway or altering the material, though this hardscaping was not a specific component of the ARB's review.

Mr. Davis recommended a phased approach to this project, noting that the cemetery had been created over a long period of time. He also asked about an alternate color for the niche covers to reduce the contrast. The rest of the Board agreed that a phasing plan for implementation would be helpful and asked the applicant to return with a modified design for the structure heights, stone colors, phasing, and pathway design.

The application was continued to the July 13 meeting of the ARB to allow for additional public comment due to the electronic meeting format.

- iii. COA 2020-05 – 203 Ford Street – Ed Whelan requests to make alterations to the former Washington Woolen Mills building to use a portion of the building for an event venue by installing rooftop railings, a rooftop mechanical house for an internal elevator, and an exterior stair at the west end of the building.

The applicant was present. No public comments were received in advance of the meeting.

Mr. Whelan reviewed the changes to the project since it was initially considered by the ARB in February. He noted the limited visibility of the proposed rooftop additions and that he had made an effort to differentiate the materials used. He also noted that he would like to modify the request for two sets of paired doors at the rear elevation rather than single doors with sidelights.

Ms. Weitzman recommended the use of metal cladding on the rooftop additions rather than horizontal board siding, given the industrial nature of the building. Mr. Whelan said he would be willing to use this and asked for direction on product or color.

Ms. Moss said she appreciated the incorporation of earlier recommendations from the Board. Mr. Davis asked about door specifications and asked several questions to clarify the design of the new egress stairs.

The application was continued to the July 13 meeting of the ARB to allow for additional public comment due to the electronic meeting format.

- iv. COA 2020-21 – 525 Caroline Street – Van Perroy requests approval of the site planning, scale, and massing of new three and four-story additions to be constructed at the sides and rear of the Fredericksburg Square building to accommodate mixed residential and commercial use.

Van Perroy, project partner Steve DeFalco, and architect Lee Shadbolt were present to represent the application. Mr. Perroy provided an overview of the project and noted the ways in which the project aligns with the goals of increased density, vitality, and mixed uses in the Comprehensive and Downtown Plans. Mr. Shadbolt provided a review of the drawings and details of the project.

No public comments were received in advance of the meeting.

Ms. Weitzman said she concurred with the staff recommendation that the rear addition is one story too tall. She complimented the design details of the additions, but said they overwhelmed the original building. Mr. Gerlach said he shared the same concerns about the overall height and agreed that it was one story too tall. Though outside of the ARB's review, Mr. Gerlach also recommended incorporating smaller units as more affordable housing and a benefit to downtown.

Mr. Gerlach was also concerned that the infill section on Caroline Street blocked the view of the gable end of the Fredericksburg Square building, which is a character-defining feature. He asked the applicant to consider an alternative roofline to avoid obscuring the gable end. He also said he was concerned about the proposal to inset balconies into the original roof. Ms. Moss agreed with the concerns already voiced by Ms. Weitzman and Mr. Gerlach about the overall height, gable end visibility, and modifications to the original roof.

Mr. Davis said he appreciated the response to previous ARB comments and noted his concern about the future use of Mia Street, stating that any gate should be avoided. He agreed that the overall addition height should be reduced, at least to be in line with or below the height of the original structure. He said he had no concerns with the Caroline Street infill section.

Mr. Perroy noted that the Fredericksburg Square building was substantially increased in size when the current façade was added in 1925 because the Elks wanted to make an impact. He said he did not believe that the height had an impact on the streetscape and did not believe that any reductions could be made.

The application was continued to the July 13 meeting of the ARB to allow for additional public comment due to the electronic meeting format.

GENERAL PUBLIC COMMENT

Public comments for an electronic meeting may be submitted in one of the following ways: (1) dropping them in the Deposit Box at City Hall, (2) U.S. Mail, or (3) email to ksschwartz@fredericksburgva.gov. Comments received before 4:00 p.m. on June 8, 2020 will be read into the record at the meeting. Comments must include your name and address, including zip code, be limited to 5 minutes or less (read aloud), and address a topic of ARB business. Public comments will not be accepted on video feeds during the meeting.

No public comments were received.

OTHER BUSINESS

A. Transmittal of Planning Commission Public Hearing Ad for June 24, 2020

Board members expressed their support for the creation of the Creative Maker District in Area 6.

B. Review of Agenda for July 13, 2020 Public Hearing

Ms. Schwartz noted that all public hearings opened during the current meeting were continued to July 13 and reviewed the options for public comment.

C. Pre-application Discussion: 1408 Sophia Street

Ms. Schwartz reviewed the proposal to construct a new residence on this vacant property. Board members expressed support for retaining the historic wall and for the overall site plan, scale, and massing proposed. Board members suggested that simplification of some of the architectural details and stylistic influences may be needed during the review of the detailed design elements to better fit with the neighborhood.

ADJOURNMENT

Chairman Davis adjourned the meeting at 8:50 p.m.



Carthon Davis III, Chair

FREDERICKSBURG
ECONOMIC
DEVELOPMENT
AUTHORITY

706 Caroline Street
Fredericksburg, VA 22401

(540) 372-1216
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ECONOMIC DEVELOPMENT AUTHORITY MINUTES (EDA)

August 10, 2020

8:30 a.m. • EDA Regular E-Meeting
City Hall, City Council Chambers
715 Princess Anne St.
Fredericksburg, VA

The Economic Development Authority of the City of Fredericksburg, Virginia met in regular session on Monday, August 10, 2020 beginning at 8:30 a.m. in City Council Chambers at City Hall.

Chair Black read the following statement, this meeting is being held electronically by telephone, pursuant to City Council Ordinance 20-05, an Ordinance to Address Continuity of City Government during the pendency of a Pandemic Disaster.

EDA MEMBERS PRESENT. Beth Black Chair, presiding. Will Mackintosh, Suzy Stone, Mitzi Brown, Chris Waller, Lee Murray and Susan Richey.

ABSENT. None.

ALSO PRESENT. EDA Counsel: Blanton Massey; Department of Economic Development and Tourism: Bill Freehling, Director; Angela Freeman, Business Development Manager; Amy Peregoy, Economic Development Specialist.

DETERMINATION OF QUORUM. Mitzi Brown.

AGENDA.

MOTION by Mitzi Brown, seconded by Will Mackintosh, the agenda was approved: Ayes (7); Nays (0).

PUBLIC COMMENTS. Chair Black asked Ms. Peregoy if there were any public comments submitted prior to today's meeting via the instructions on the published agenda. Ms. Peregoy stated, no public comments were received.

APPROVAL OF MINUTES.

MOTION by Mitzi Brown, seconded by Will Mackintosh the minutes from the July 13, 2020 regular e-meeting were approved: Ayes (7); Nays (0).

TREASURER'S REPORT. Mr. Murray presented account activity. The budget and financial statement are filed with the minutes.

OLD BUSINESS. *Germanna Community College FredCAT Report* - Chair Black presented an update on the EDA's significant contribution to the Fredericksburg Center for Advanced Technology, or FredCat, as part of the commitment to workforce development and it appears, at least from the Annual Report for FY20 that the EDA's

commitment is warranted. FredCat offered 139 courses and served more than 21-hundred students, including 145 from the City of Fredericksburg. Of those 145, dozens now have jobs in the City with companies such as Robert B. Payne, Superior Paving, Atlantic Builders and H & H Electric.

FredCAT was able to reopen in July, and through the information provided in the annual report, it looks like administrators will focus on efforts at James Monroe High School for FY21. That includes setting up core classes, and a meeting scheduled for this month to discuss the city school's interest in increasing James Monroe student's utilization of FredCAT's services.

NEW BUSINESS. None.

COMMITTEE REPORTS

- a. **Parking Improvement Committee** – No update.
- b. **Strategic Investments Committee** – No update.
- c. **InvestFXBG Loan Committee** – Mr. Waller stated a term sheet/approval letter will be sent to Kickshaw's Gluten-Free Bakery this week. M-D Eats and Kickshaw's Gluten-Free Bakery loans should close on September 1.
- d. **Workforce Development Committee** – Ms. Brown noted there will be a meeting with Germanna Community College (GCC) staff and City school staff to discuss a potential partnership for a Fredericksburg Apprenticeship Program on Friday. Ms. Brown and Ms. Richey will report back to the board during the September meeting. Ms. Brown also informed the board the Tech Talent Pipeline is still evolving with partnerships with a workforce development program in schools. GCC is currently seeking funding to assist. There will be more information in the next few months.
- e. **Chatham Bridge Rehabilitation Marketing Committee** – No update.
- f. **Business Assistance Committee** – No update.

STAFF REPORT. Mr. Freehling updated the board on the City's \$500,000 CARES Act funding. Small business grants totaling \$250,000 were awarded to assist 45 small businesses in the City. A small business marketing plan is currently being worked on with Meridian and City staff. Fredericksburg Virginia Main Street, Inc. (FVMS) received \$42,000 for a Downtown Grant Program.

Mr. Freehling noted the StreetSense report for Area 1 - Central Park and Celebrate Virginia is being released today and he will forward to the board.

Mr. Freehling closed by thanking Mr. Murray, Mr. Waller, Ms. Stone, Ms. Peregoy, Mr. George Snead and all who made InvestFXBG possible. No report from Ms. Freeman or Ms. Peregoy.

CHAIR'S REPORT. Chair Black thanked the EDA board members for all the hard work and the time they have been putting in to help the city's small businesses during the coronavirus outbreak. She stated, now they need to plan for the winter months - what solid, creative ideas can they come up with to help businesses and our community survive COVID-19 during - what the nation's leaders fear - could be a second wave of the virus during the colder months? She requested the board members to think about it, discuss ideas with EDT over the next few weeks, and talk during the next meeting.

BOARD MEMBERS COMMENTS. Mr. Murray asked how the Chatham Bridge construction was progressing. Mr. Freehling answered the construction schedule is on track for October 2021 with incentives to be completed earlier before the holidays. Mr. Murray requested quarterly reports so the EDA is made aware of any assistance that may be needed.

ADJOURNMENT. There being no further business to come before the Economic Development Authority at this time, Chair Black declared the meeting officially adjourned at 8:43 a.m.



Mitzi Brown, Secretary



**Clean and Green Commission
Draft Monthly Meeting Minutes
Monday, July 13, 2020
6:30 p.m.**

Held via GoToMeeting in compliance with City Council Ord. 20-05

Commissioners in Attendance: Robert Courtnage (Chair), Christi Carver, Damian Cobey, Sarah Hurst, George Solley, Amanda Stebbins, Carolyn Helfrich, Michelle Crow-Dolby, Kerry Devine.

Ex-Officio Members: Mike Ward (Parks and Rec), Diane Jones (R-Board), Tyler Gelles (Planning) Holly Chichester (Green Committee Chair)

* **Call to order at 6:30 p.m.**

* **Approval of Minutes** of June meeting motioned by Sarah Hurst and seconded by Kerry Devine. All in favor.

* **FY21 Budget:** The budget for the Commission for FY21 will be at the same level as FY20. Last year most of the funds were used to pay interns. Discussion will be forth going with Parks and Recreation Dept. and this Commission. The discussion will focus on task assignments and how to best utilize these intern positions.

* **CLEAR:** The Commission has been working with the Climate, Environment and Resiliency (CLEAR) Group. Environmental priority areas were submitted to Council on July 6, 2020. These were identified through several environmental groups active in the City. Chairman Courtnage said he will forward the current documents regarding to the group. City Council representative Kerry Devine offered to bring the work to the Council's off site October gathering. Some of the priority areas include energy efficiency, solar energy projects, conservation of water, food security.

* **Sustainability Award:** Because of the COVID19 pandemic, this program has had to forego a kickoff. There was a discussion of potential modifications. Some restaurants were showing sustainability efforts. Examples were restaurants / businesses using reuse or recyclable containers, asking if one needs plastic silverware or condiments. New ideas to move forward will be brought to the next meeting.

Committee Updates

***Clean Committee**

Mr. Cobey reported the Commission's participation in the Love Scrub; a sponsored effort to help the City spruce up downtown. The City has had to furlough staff and other resources due to diminishing revenue in this COVID19 pandemic. The first event was held 3 weeks ago. This past weekend a second event occurred at Hurkamp Park in the City.

The R-Board is applying for a competitive \$4,000 grant with the State of Virginia Department of Environmental Quality. The money will be used for an event to recruit and sustain roadside community cleaning groups. The Commission would represent and participate in the City of Fredericksburg's segment should the grant be awarded. The R-Board also applied with the U.S. Department of Agriculture for a grant to enhance composting and food waste reduction and recovery in the area. The Clean and Green Commission and the Fredericksburg Area Food Co-Op have agreed to be in partnership with the 2-year project should the grant be awarded.

***Sustainability Committee**

Mr. Courtnage reported that the Commission is working with the Local Energy Alliance Program (**LEAP**) to go forward with another Solarize program. They desire to explore City & School system managed buildings. The components to train and promote work force development would remain a priority. It was noted that the installation of solar energy at the Thurman Brisben Center two months ago has netted 100% solar / zero-grid energy use! The installation of the Fredericksburg National's new ball park solar parking lot lights has also been completed. This Committee will be meeting next Monday. All are encouraged to attend.

***Green Committee**

Ms. Chichester reported that Tree Fredericksburg planted 37 trees at the new baseball stadium, 24 in Idlewild subdivision, (Idlewild provided funds,) and 74 trees around the area and campus of James Monroe high school. They partnered with Bartlett Tree Service and Friends of the Rappahannock, (FOR) for a giveaway of 1,000 trees to residents. Downtown flowerpots were also replanted.

Adjourn @ 7:28 p.m.



**CITY OF FREDERICKSBURG
PLANNING COMMISSION MINUTES**

June 24, 2020

7:30 p.m.

ELECTRONIC MEETING / COUNCIL CHAMBERS, CITY HALL

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

<https://amsva.wistia.com/medias/0rubqpyj78>

The Agenda, Staff Report, Applications and Supporting Documents are also available on the Planning Commission page.

MEMBERS

Rene Rodriguez, Chairman (live)
Steve Slominski, Vice-Chairman (electronic)
David Durham (electronic)
Kenneth Gantt (live)
Chris Hornung (live)
Tom O'Toole (electronic)
Jim Pates (absent)

CITY STAFF

Chuck Johnston, Director, Planning and Building Dept. (live)
Mike Craig, Senior Planner (live)
James Newman, Zoning Administrator (live)
Susanna Finn, Community Dev. Planner (live)
Cathy Eckles, Administrative Assistant (live)

ALSO PRESENT

Terry Coley, ADU Applicant (live)
Jeh Hicks, Cowan Station Applicant (live)

1. CALL TO ORDER

This meeting was held live and electronically by "Go to Meeting" application, pursuant to City Council Ord. 20-05, An Ordinance to Address Continuity of City Government during the Pendency of a Pandemic Disaster.

Members of the public were invited to attend in person with social distancing practices and masks required or access this meeting by public access television Cox Channel 84, Verizon Channel 42, online at www.regionalwebtv.com/fredcc, or Facebook live at www.facebook.com/FXBGgov.

Chairman Rodriguez called the meeting to order at 7:30 p.m. and explained electronic meeting procedures.

2. PLEDGE OF ALLEGIANCE

3. DETERMINATION OF A QUORUM

All members were present except Jim Pates.

4. APPROVAL OF AGENDA

Mr. Hornung moved for approval of the agenda as submitted. Mr. Gantt seconded.

Motion passed 6-0-1

5. APPROVAL OF MINUTES

- June 17, 2020

Mr. Durham motioned to approve the minutes as submitted. Mr. Hornung seconded.

Motion passed 6-0-1

6. DECLARATION OF CONFLICT OF INTEREST

Mr. Gantt stated he had a conflict with 8A, Special Exception request regarding an Accessory Dwelling Unit at 1306 Graham Drive, as he is a nearby property owner and president of the community’s homeowners’ association.

7. PUBLIC HEARING

A. Area 7 Small Area Downtown Plan – The City of Fredericksburg proposes to amend Chapter 10 Land Use Plan and Chapter 11 Planning Areas of the City’s Comprehensive Plan to adopt the Area 7 Small Area Plan.

Ms. Finn reviewed the staff report showing what has changed since the February 26, 2020 presentation to the Commissioners, with a power point presentation (Att. 1) and noted this would be held open until the Commissioner’s July 8, 2020 meeting.

Chairman Rodriguez opened the public hearing and Ms. Finn read in the public comment letters received from the following:

- Mo Deadman, 214 Princess Anne Street (Att. 2);
- Debra Joseph 331 Princess Anne Street (Att. 3);
- Joseph Caliri and 217 Princess Anne Street (Att. 4);
- Maureen & Frank Widic 119 Caroline Street
- Paula & Ed Sandtner, 132 Caroline Street
- Rebecca Hanmer and 138 Caroline Street
- Carl & Anne Little 726 William Street (Att. 5).

There being no public speakers, Chairman Rodriguez closed the public hearing.

Mr. Hornung asked for clarification on the conversion of one-way streets. Ms. Finn stated that the proposed text enables an engineering study to analyze the impact of converting some one-way streets to two-way. Any decision would not be settled until after such study. One of the main aspects to be evaluated would be parking on converted streets.

Mr. Gantt questioned the city-owned train station parking lot being shared. Mr. Craig noted that on page 11(7)-27 the vision is to build a structure that is used 24 hours a day. Based on funding sources, other entities like VRE may have some control over the availability of some of the parking spaces. This will be worked out further in the train station master plan.

Mr. Durham asked about street speeds and if the plan was for the converted 2-way streets to still have parking on both sides of the street. Ms. Finn stated that parking would, generally, remain on both sides and the experience is that 2-way streets actually slow down drivers.

Mr. Durham noted the Darbytown residents request to formally name Trestle Park and in the Comprehensive Plan where “parks” and “open spaces” are mentioned that there is not much differentiation. He asked if the difference is that “open spaces” are maintained by public works and parks

are maintained by parks and recreation. Ms. Finn is unclear on that but will get clarification to help the Commissioners make a determination if it should be formally designated.

Mr. Gantt asked if the studies regarding speed are available to the public. Mr. Craig said the Fredericksburg Police Department (FPD) has cataloged numerous speed study reports which he believes are available to the public. Mr. Craig discussed the format of the engineering study that would analyze a conversion of traffic patterns.

Mr. Durham asked about pg. 4-9 and 4-10, Tables 4-6 and 4-7, of the Comprehensive Plan, regarding parks and open spaces, and questioned what modifications would be made to Table 4-7 based on the proposed changes to the Trestle Park land use designation. Ms. Finn noted that it will be updated. Mr. Durham stressed that language is important as to whether it is designated as an open space or a park and will need to be updated throughout the Comprehensive Plan since it is essentially being evaluated for a future park which goes to the desire of the Darbytown residents.

There being no further discussion, Chairman Rodriguez held this matter open until the July 8, 2020 meeting.

B. UDOTA2020-02 Creative Maker District - The City of Fredericksburg proposes to amend the Unified Development Ordinance to establish a new zoning district entitled “the Creative Maker District”.

C. RZ2020-02 – The City of Fredericksburg proposes to amend the Zoning Map to change the existing zoning of about 78 acres of land to the Creative Maker Zoning District.

Mr. Craig reviewed the staff report for these two items with a power point presentation (Att. 6). Mr. Craig noted a public hearing was held on March 11, 2020, but the vote was postponed due to an advertising error and then Commission meetings were suspended due to the COVID-19 outbreak. Mr. Craig said that this public hearing will be held open until July 8, 2020 to allow opportunity for additional public comments. He said that the Commissioner’s should recommend approval to City Council of both matters.

Chairman Rodriguez opened the public hearing and Mr. Craig read in the public comment letters received from the following:

Simon Watts	824 Caroline St., #B	(Att. 7); and
Sabina Weitzman	913 Marye Street	(Att. 8).

There being no public speakers, Chairman Rodriguez closed the public hearing.

Mr. Durham asked whether the text amendment creating the Creative Maker District would apply only in Area 6, or whether it could apply in Area 7. Mr. Craig said yes, the amendment would create a district in City Code that can be applied through rezoning to specific parcels. RZ2020-02 applies specifically to the 78 acres of land shown in the presentation. The Area 7 plan contemplates two additional maker districts: a continuation of this district south along Princess Anne Street and the Wolfe Warehouse District. Approving the Comprehensive Plan amendments in Area 7 will not apply this zoning designation, it only sets the vision and foundation.

8. UNFINISHED BUSINESS

A. Terry Coley requests a Special Exception from City Code §72-42.5, Table of Common Accessory Uses, for an ‘Accessory Dwelling Unit’ at 1306 Graham Drive. SE2020-02

Mr. Newman noted he had a few updates and that the Applicant wished to speak. Mr. Newman stated that a question was raised at the previous meeting as to whether the addition of a kitchen would pose any further fire or safety hazard. Mr. Newman said the Building Official observed that the structure is already rated for

residential use. The addition of the ADU is not changing the use and all required permits have been pulled with the work being up to Code. Mr. Newman stated the Applicant has volunteered a set of proffers (Att. 9), which he read into the record.

Chairman Rodriguez asked what work has already been done. Mr. Newman deferred to the Applicant.

Applicant Terry Coley addressed some of the issues raised stating that in February 2020 she attempted to pull permits to add a range within her second kitchen but was advised by Building she would have to work through the Zoning office first. Ms. Coley stated she has followed all directives in order to create a separate independent living space for her mother. She upgraded the appliances, put in a washer/dryer, renovated the bathroom, and had the entire basement repainted. Ms. Coley stated that she volunteered the eight conditions in her Agreement to alleviate some of the concerns that have risen in public comments.

Chairman Rodriguez asked about the kitchenette and Applicant noted that was there when she bought the home.

Chairman Rodriguez opened the public hearing and Mr. Newman read in the public comment letters received from the following:

Angela Jones	1201 Ellis Avenue	(Att. 10);
Dan Guy Fowlkes	1003 Hoke Lane	(Att. 11);
Anne Timpano	1118 Innis Drive	(Att. 12);
Elizabeth LeDoux	1202 Wright Court	(Att. 13);
Jeff Ely	1412 Brigadier Drive	(Att. 14);
Wycessa Small	1200 Graham Drive	(Att. 15);
Thomas Mon	1210 Walker Drive	(Att. 16);
Tom O'Brien	1112 Taylor Street	(Att. 17);
Janet Marshall Watkins	1206 Walker Drive	(Att. 18);
Erin Palko	1018 Wright Court	(Att. 19);
Belinda Watkins	2148 Idlewild Boulevard	(Att. 20);
LaToya Gronhoff	1858 Idlewild Boulevard	(Att 21); and
Troy Widgren	1603 Gayle Terrace	(Att. 22).

In addition, the following members of the public spoke:

Bryan Stelmok, 1117 Wright Court, spoke in opposition of the request as he believes it is a larger issue regarding allowing ADUs in the City. Mr. Stelmok believes the current definition of family is wholly inadequate and it is too difficult to enforce. He noted he is still concerned about the fire/safety issue even though the Building Official states it is safe.

Graham Gronhoff, 1858 Idlewild Boulevard, spoke in support of Ms. Coley's request. He stated that the chief concern of many is that a precedent will be set by allowing this exception and that single family homes will become multi-family homes leading to a decline in the quality of the neighborhood. He believes those concerns are unwarranted as approval for any ADUs will still require HOA approval. The majority of the concerns voiced have stated that they believe Ms. Coley just wants to profit off the modifications but he believes these are baseless accusations and not a valid reason for denial.

Debra Jean Zbrzezni, 1403 Graham Drive, spoke in opposition of the request. She believes that Ms. Coley's mother moving in is not the reason to deny this request but that single-family homes should remain just that and she is concerned about the future of the Village of Idlewild and the City if ADUs are allowed. Ms. Zbrzezni further discussed her concerns with overcrowding, parking, and overuse of the HOA amenities all leading to a decrease in home values.

Chairman Rodriguez closed the public hearing.

Mr. Slominski questioned staff's ability to regulate and enforce the family definition and have they found any violators in Idlewild. Mr. Newman stated that to date he has received no complaints from Idlewild, but explained the procedures when a violation is brought to the City's attention. Mr. Craig noted that the most powerful tool the City uses is that when a violation of overcrowding is substantiated, the penalty is \$7,500.

Mr. Slominski questioned how often contractors will do work without pulling permits and how is that discovered by the City. Mr. Craig noted that often when work is done to create a full second unit in a property it often leads to conditions of overcrowding. If the City discovers work was done this way, the work would have to be removed.

Chairman Rodriguez questioned Ms. Coley's statement about meeting with City Council. Mr. Newman stated he assumed it meant she spoke at a general public comment portion of a City Council meeting. No scheduled meetings have been held between City Council and Ms. Coley. He asked if the current situation warrants Ms. Coley's mother moving in with no special exception granted. Mr. Newman said yes.

Mr. Durham commended Ms. Coley for going through the rigorous Special Exception process and that the addition of the stove provides Ms. Coley and her mother the way to maintain separate independent living together.

Mr. O'Toole moved to recommend to City Council that they deny the Special Exception due to the character of this neighborhood being single-family and the definition of family stating ".....living and cooking together". Chairman Rodriguez seconded. Mr. Hornung stated he would be voting against the motion as he feels this request will not impact density in the development. He feels the City should be encouraging this type of cohabitation and hopes that staff can look at the current ordinance and find that distinction that allows that to occur but also protects against some of the concerns raised by citizens. Mr. Slominski noted he will also vote against the motion. Chairman Rodriguez noted he will be voting for this motion as he believes this exception does not meet the burden.

Motion failed 3-2-1 (abstained)-1 (absent).

Mr. Durham moved to recommend to the City Council approval of the Special Exception of an Accessory Dwelling Unit at 1306 Graham Drive with staff's conditions. He also noted that staff should engage with Ms. Coley regarding her proffered conditions to see which ones should be forwarded to City Council. Mr. Slominski seconded. Mr. O'Toole noted he would be voting for denial of the motion based on his previous stated reasons. He stated that if a condition could be added that if the mother left the home, the stove could be removed, he would be in favor but the Special Exception runs with the property and that can't be done so he is against the motion.

Chairman Rodriguez questioned Mr. Durham about adding a condition to the motion to remove the boarder exemption but Mr. Durham disagreed. Mr. Slominski asked for clarification as to whether what Chairman Rodriguez is proposing is even doable. Mr. Johnston stated it is not legally supportable and the definition of the family cannot be split. Discussion ensued regarding the differentiation

Motion passed 3-2-1 (abstained)-1 (absent).

B. JFH - Fredericksburg II, LLC requests amendments to the Comprehensive Plan for sub-planning area 5B and the Future Land Use Map to permit a commercial office park on the eastern side of the intersection of U.S. Route 1 and Spotsylvania Avenue between Rappahannock Avenue to the east, U.S. Route 1 to the west, and the Brent Street right-of-way to the south. CPA2020-02

C. JFH – Fredericksburg II, LLC requests:

1. A rezoning from Residential Mobile Home, Residential 4, and Commercial / Transitional Office to Commercial Highway with proffered Conditions of 50 Geographic Parcel Identification Numbers (GPINs) generally located on the eastern side of the intersection of U.S. Route 1 and Spotsylvania Avenue between Rappahannock Avenue to the east, U.S. Route 1 to the west, and the Brent Street right-of-way to the south. RZ2020-03
2. A determination that the vacation of a portion of the Spotsylvania Avenue and Dandridge Street rights-of-way and the rededication of new public right-of-way for a realigned Spotsylvania Avenue is in conformance with the Comprehensive Plan. VAC2020-01

Mr. Craig reviewed the staff report and a power point presentation (Att. 23) and recommended that the Commissioner’s recommend approval to City Council.

Mr. Durham asked whether the two trails were previously located at Dandridge Street and Brent Street. Mr. Craig stated the trails were located at Brent Street and Payne Street since the formal submission of the application, but previous renditions may have shown alternate trail locations.

Chairman Rodriguez asked about the purpose of the trails and what connectivity they would provide. Mr. Craig stated that integrating new development into the transportation system should be done with multiple links in a network. Mr. Craig stated that the use of two trails enhances the walkability to this development. Discussion ensued regarding the connection and distance between the trails.

The Applicant, JFH Fredericksburg II, LLC, represented by its Director of Community Relations, Jeh Hicks, was present and spoke in promotion of the connection of the trails.

Chairman Rodriguez opened the public hearing and Mr. Craig read in the public comment letters received from the following:

Meghann Cotter	1222 Brent Street	(Att. 24);
Meredith Beckett	President, College Heights Civic Association	(Att. 25); and
Rea Mandarino	1105 Nolan Street	(Att. 26).

In addition, the following member of the public spoke:

Dennis Lister, 1108 Rappahannock Avenue, spoke in favor of the project but in requested that the Brent Street trail be relocated. Mr. Lister further discussed various options the College Heights Civic Association feel are better options for the trail.

Mr. Durham noted his reservations about the potential impact of the Brent Street trail reducing existing tree canopy. He recommended shifting the Brent Street Trail to Dandridge Street or reducing the plan to one trail on Payne Street and that Applicant be mindful and remove as little existing tree canopy as possible. Chairman Rodriguez agreed with Mr. Durham. Mr. Craig noted the City recommends keeping two connections to maximize the efficiency of the transportation network and stated that shifting the trail to Dandridge Street would maintain a sufficient level of connectivity while lessening the environmental impact of the trail.

Mr. Hornung motioned to recommend approval of CPA2020-02 to City Council. Mr. Gantt seconded.
Motion passed 6-0-1.

Mr. Hornung motioned to recommend approval of RZ2020-03 to City Council with the recommendation of the relocation of the Brent Street trail to Dandridge Street. Mr. Durham seconded.

Motion passed 6-0-1.

Mr. Hornung motioned to determine that VAC2020-01 vacating Spotsylvania Avenue and Dandridge Street right-of-ways is in accordance with the 2015 Comprehensive Plan. As part of that determination, he sought consensus for a recommendation that the valuation of the public improvements the Applicant would provide in re-aligning and substantially improving Spotsylvania Avenue offset the value of the net 0.85 acres of right-of-way to be deeded to the Applicant. Chairman Rodriguez stated this was previously discussed on June 17, 2020, and the Commissioners agreed to recommend to Council that Applicant not be charged for the abandonment of the right-of-way given the extent of the public street improvements the applicant is proposing to make. Mr. Durham seconded.

Motion passed 6-0-1.

9. GENERAL PUBLIC COMMENT

None.

10. OTHER BUSINESS

A. Planning Commissioner Comments

Mr. Durham reviewed the City Council's discussion on June 23, 2020 regarding eliminating the City's historic effects of systemic racism and other related items. Mr. Durham requested staff start thinking about ways the Commissioners can address this issue by evaluating whether there are other parts that can be addressed and make some positive impact change.

B. Planning Director Comments

Mr. Johnston stated on June 23, 2020, Council approved the GreenChip Special Exceptions and Special Use Permit; delayed the implementation of the Archeological Ordinance for one year; approved the Sign Ordinance amendments and the transportation Comprehensive Plan amendments. Mr. Johnston noted that Council has indicated that it wishes to address the affordable housing issue from a regional perspective in cooperation with neighboring jurisdictions. The Regional Commission has secured state funding for consultants to develop an affordable housing plan. Mr. Johnston discussed the renaming of streets and places and that the State is also looking into addressing this topic.

11. ADJOURNMENT

There being no further items to be discussed, the Planning Commission meeting adjourned at 10:08 p.m.

Next meeting is July 8, 2020.



Rene Rodriguez, Chairman

Area 7 – Small Area Plan



Mr. Hornung motioned to recommend approval of RZ2020-03 to City Council with the recommendation of the relocation of the Brent Street trail to Dandridge Street. Mr. Durham seconded.
Motion passed 6-0-1.

Mr. Hornung motioned to determine that VAC2020-01 vacating Spotsylvania Avenue and Dandridge Street right-of-ways is in accordance with the 2015 Comprehensive Plan. As part of that determination, he sought consensus for a recommendation that the valuation of the public improvements the Applicant would provide in re-aligning and substantially improving Spotsylvania Avenue offset the value of the net 0.85 acres of right-of-way to be deeded to the Applicant. Chairman Rodriguez stated this was previously discussed on June 17, 2020, and the Commissioners agreed to recommend to Council that Applicant not be charged for the abandonment of the right-of-way given the extent of the public street improvements the applicant is proposing to make. Mr. Durham seconded.
Motion passed 6-0-1.

9. GENERAL PUBLIC COMMENT

None.

10. OTHER BUSINESS

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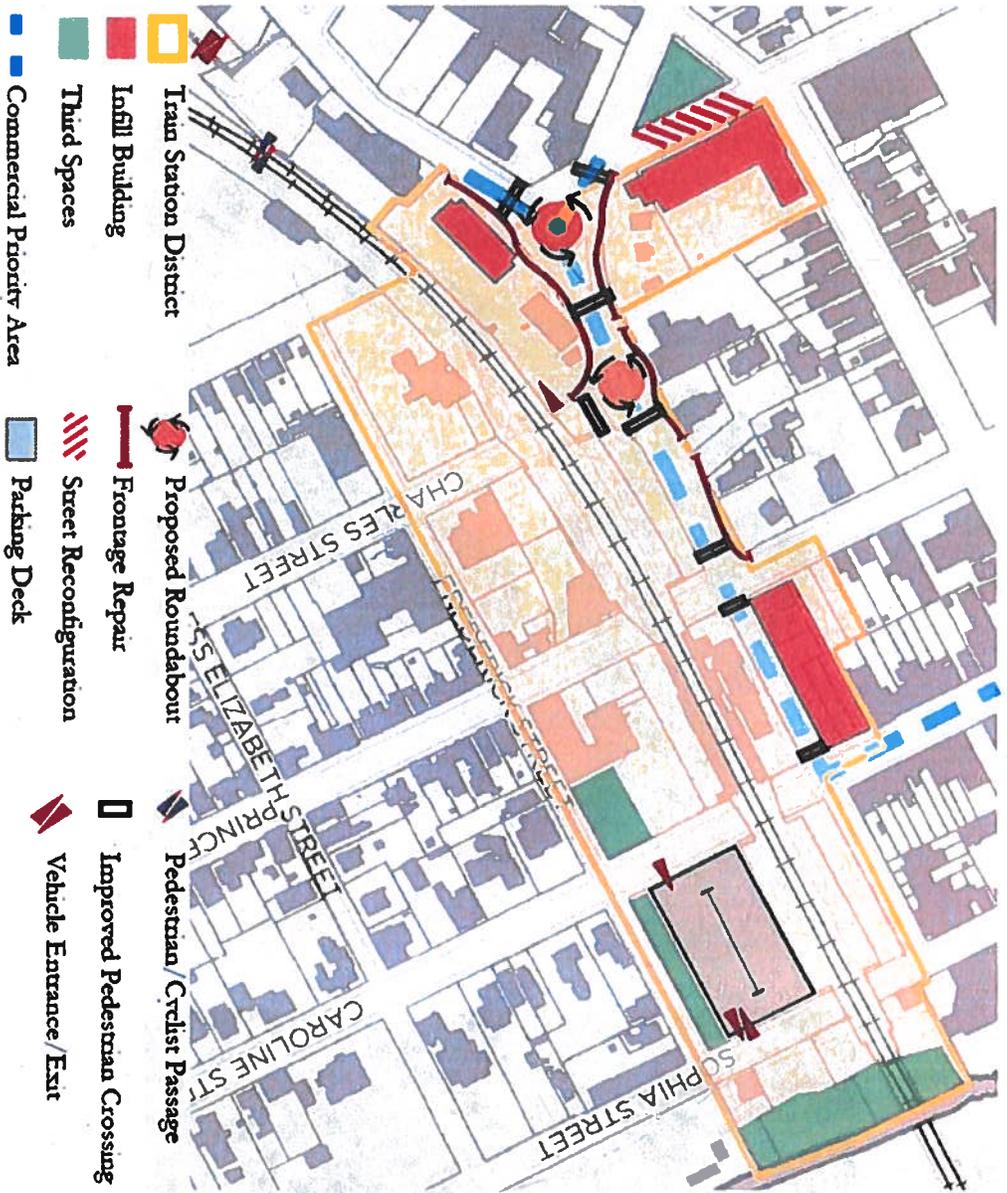
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Next meeting is July 8, 2020.

Rene Rodriguez, Chairman

TRAIN STATION DISTRICT



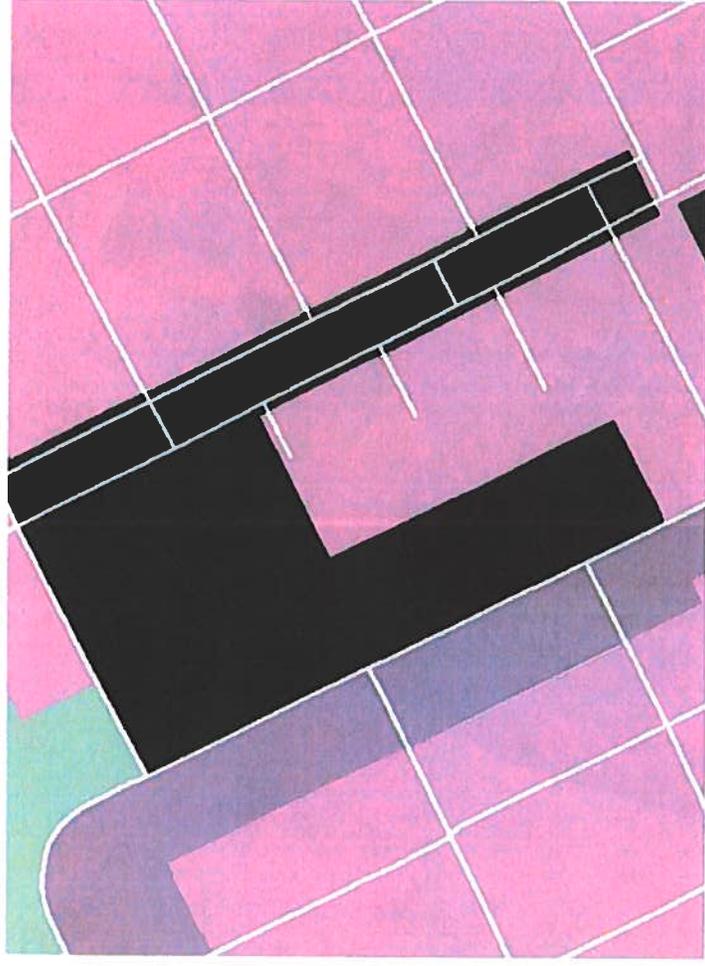
Work with the community to develop a focused Train Station Area infrastructure plan. Set a short-term and long-term implementation strategy.

Formalize the City-owned parcel adjacent to the Janney-Marshall Building (called Trestle Parke by nearby residents) as a City open space.

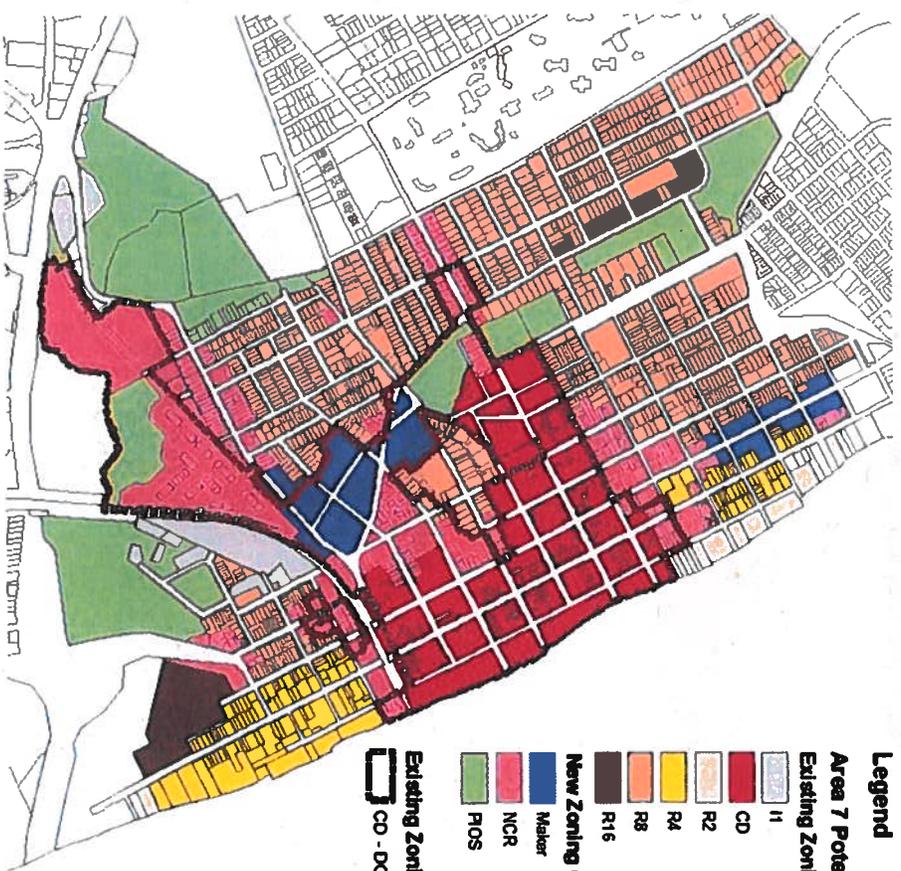
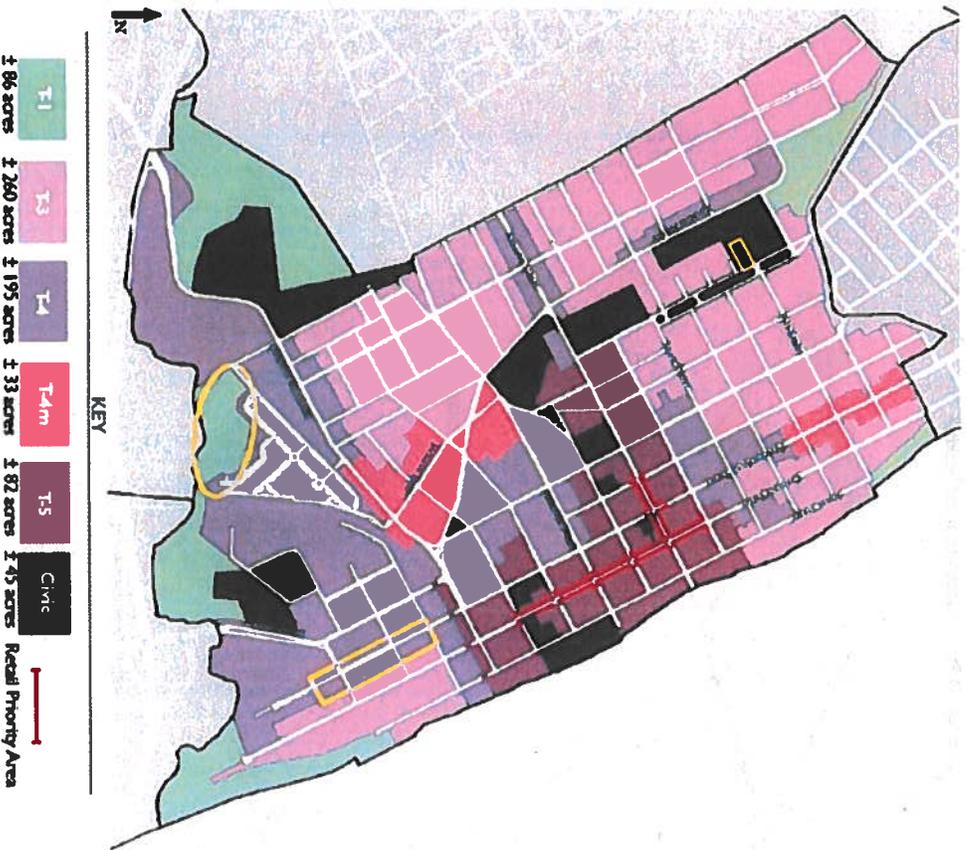
Conduct a feasibility study for acquisition and renovation of the 1911 Train Station for passenger use.

Prioritize a new parking deck between Caroline, Sophia, and Frederick Streets to support local residents daily needs, office development within the Area, and commuter parking. The deck should be sensitive in design to the neighborhood.

Mary Washington Lodge

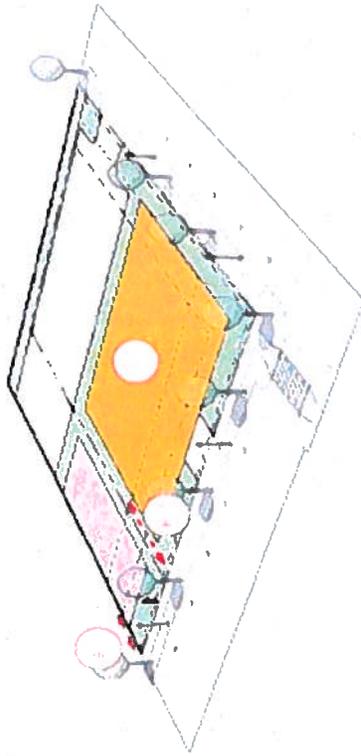


Land Use and Zoning

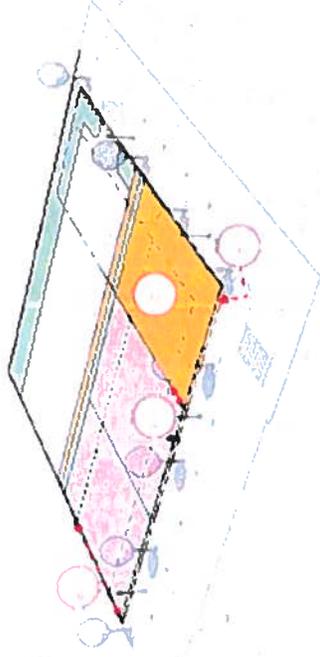


- Legend**
- Area 7 Potential Zoning**
- Existing Zoning Classifications
 - I1
 - CD
 - R2
 - R4
 - R8
 - R16
 - New Zoning Classifications**
 - Maker
 - NCR
 - FOS
 - Existing Zoning Boundaries**
 - CD - DOWNTOWN BUSINESS

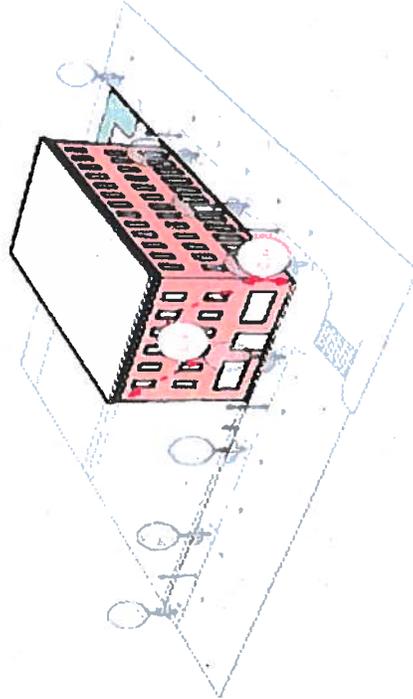
Figure E Private Component and Building Type Permitted.



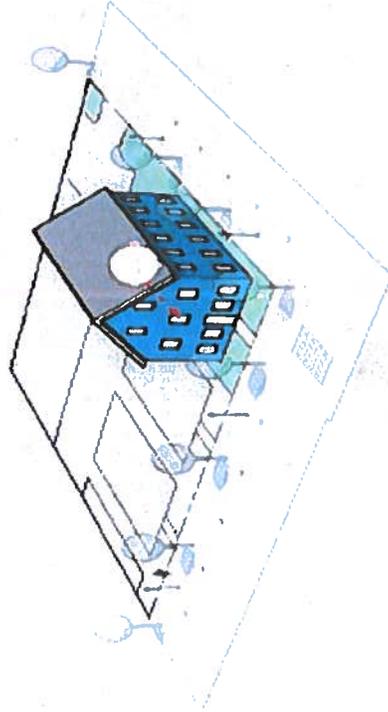
Protrage D Private Component and Building Type Permitted.



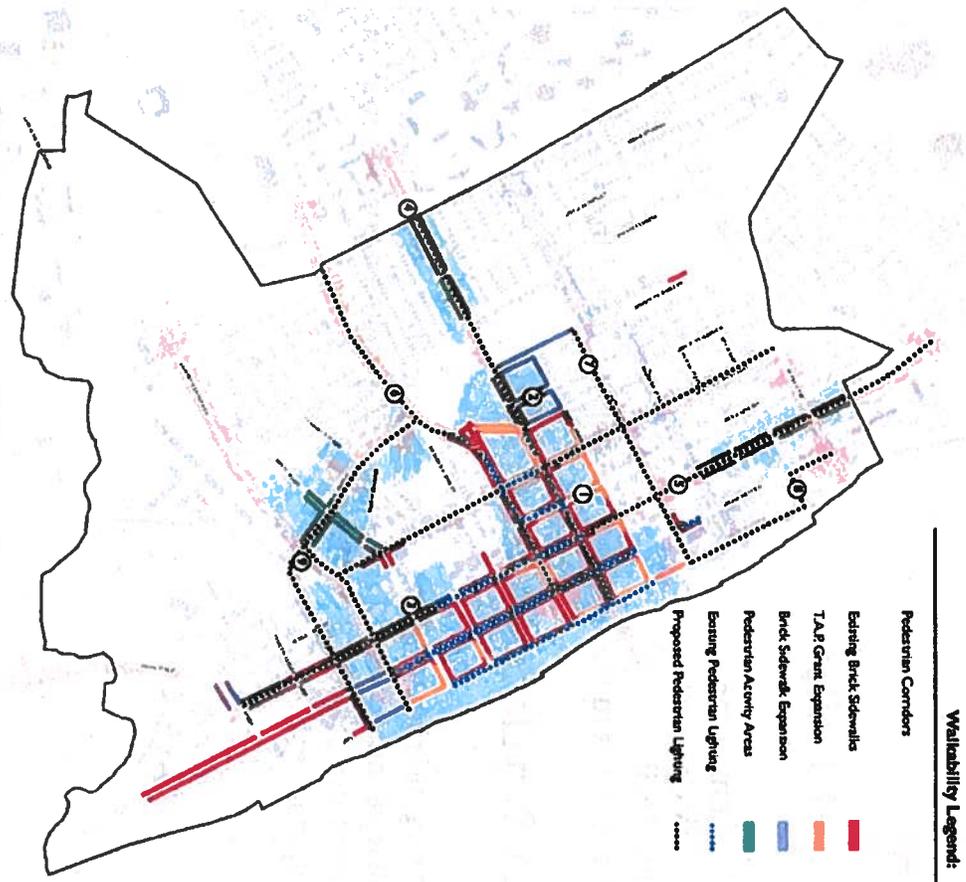
Building Type 3 Facade Activation.



Building Type 4 Facade Activation.

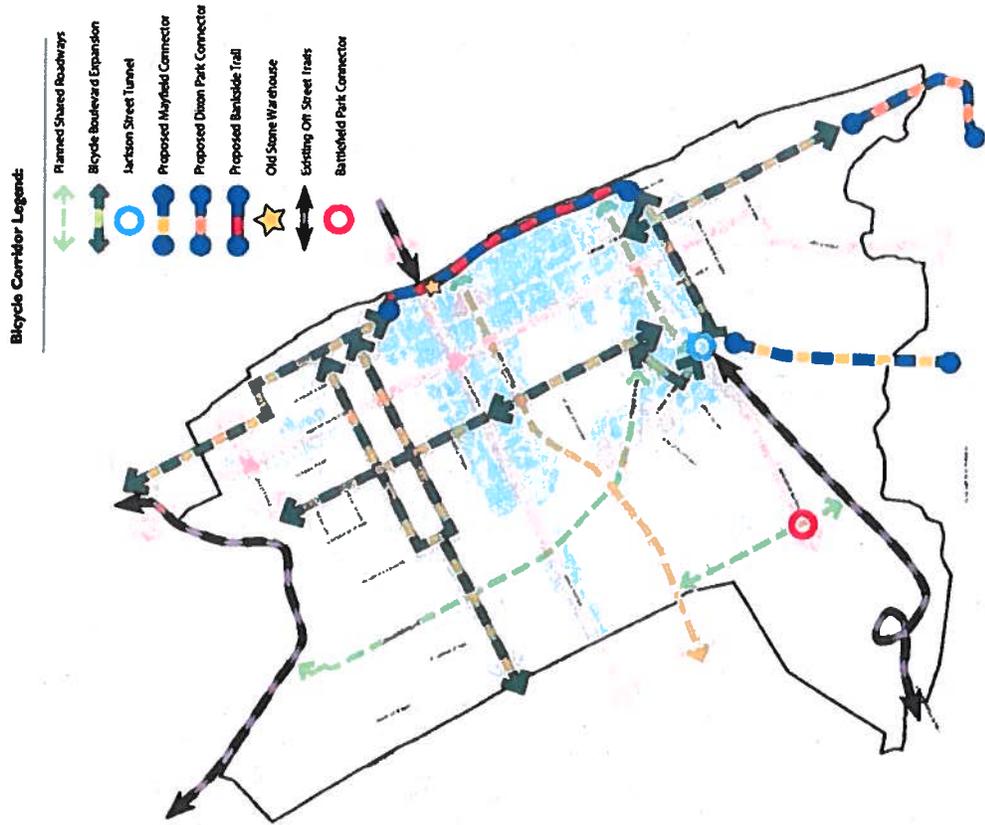


Access and Mobility - Pedestrian



- **Streetscape Expansion:**
 - T.A.P. Grant expansion
 - Princess Anne Street / Train Station Area connection for brick sidewalks and pedestrian lighting
 - Funding sources include grants as well as general fund
- **Pedestrian Corridor Lighting Expansion:**
 - William Street west
 - Princess Anne Street north
 - Hanover Street west
 - Lewis Street bicycle
 - North Caroline Street and Sophia Street
 - Jackson Street, Lafayette Boulevard, and Frederick Streets
 - Funding sources include grants as well as general fund

Access and Mobility – Bicycle and Trail



- **Off-Street Trails:**

- Mayfield Connector
- Dixon Park Connector
- Bankside Trail

Funding sources include grants as well as general fund

- **Expand Bicycle Boulevards**

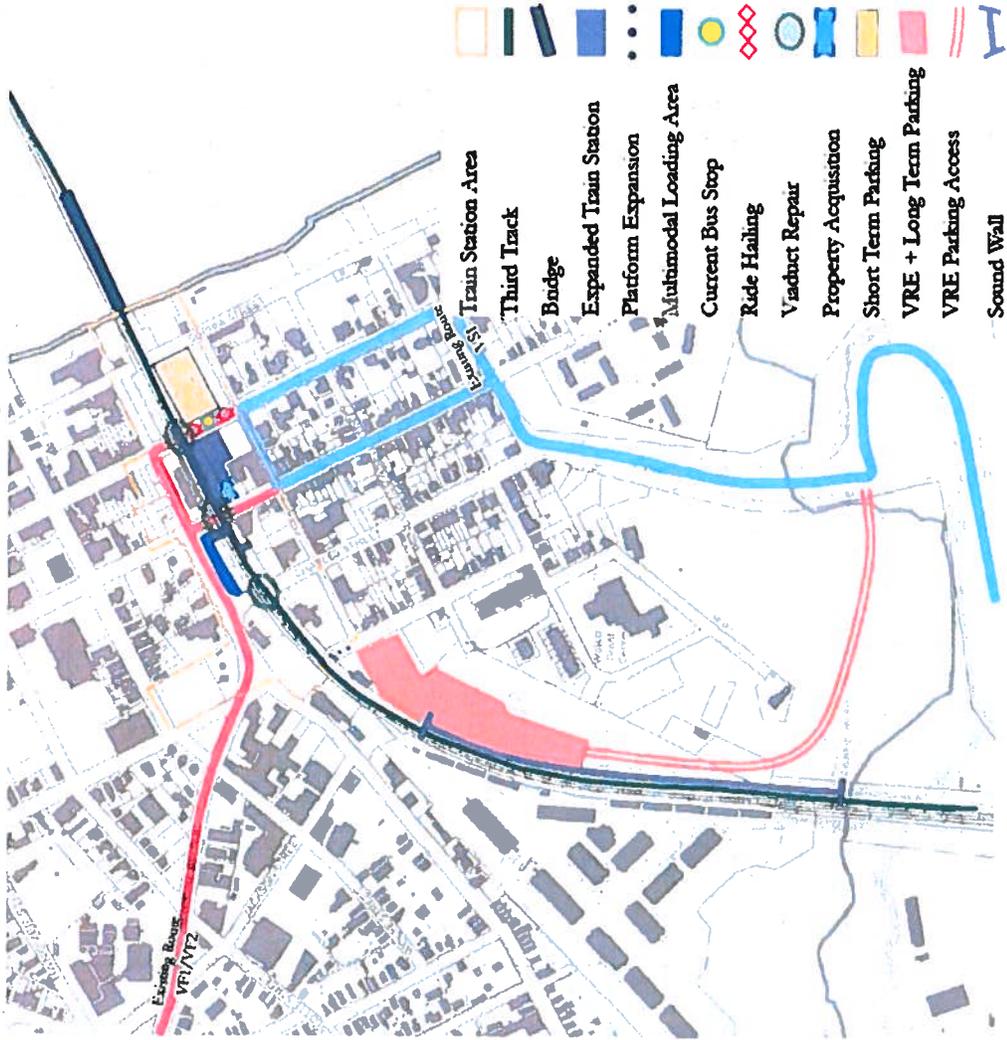
Pursue engineering study to plan appropriate improvements, develop a pavement markings plan, and provide a cost estimate to implement the proposed boulevards
Funding from general fund

Access and Mobility - Vehicle



- **One-Way Traffic Conversion:**
Pursue engineering study to plan appropriate improvements, develop a pavement markings plan, and provide a cost estimate to implement traffic conversion
Funding from the general fund
- **Trolley Line Service Expansion:**
Regularize trolley service as a permanent circulator to connect Downtown visitors to parking facilities and attractions. Increase frequency of operations to weekends in the spring and fall, provide service during major events, and advertise availability to visitors.
Funding from the general fund
- **Expand the Downtown Parking District:**
Expand the Downtown Parking District to include emerging walkable urban places. Permit fee-in-lieu purchase of parking spaces for the second 50% of spaces required within the District, but increase the required rate for that second 50%. Expand the use of funds to transit as well as structured parking.

Access and Mobility - Mass Transit



- **Train Station Expansion:**

- Maintain current location for circulation.
- Refurbish viaducts
- Construct sound walls for neighborhood protection
- Grade separated pedestrian access to parking areas
- Ensuring architectural compatibility
- Enhanced ADA access, lighting, and sound equipment.

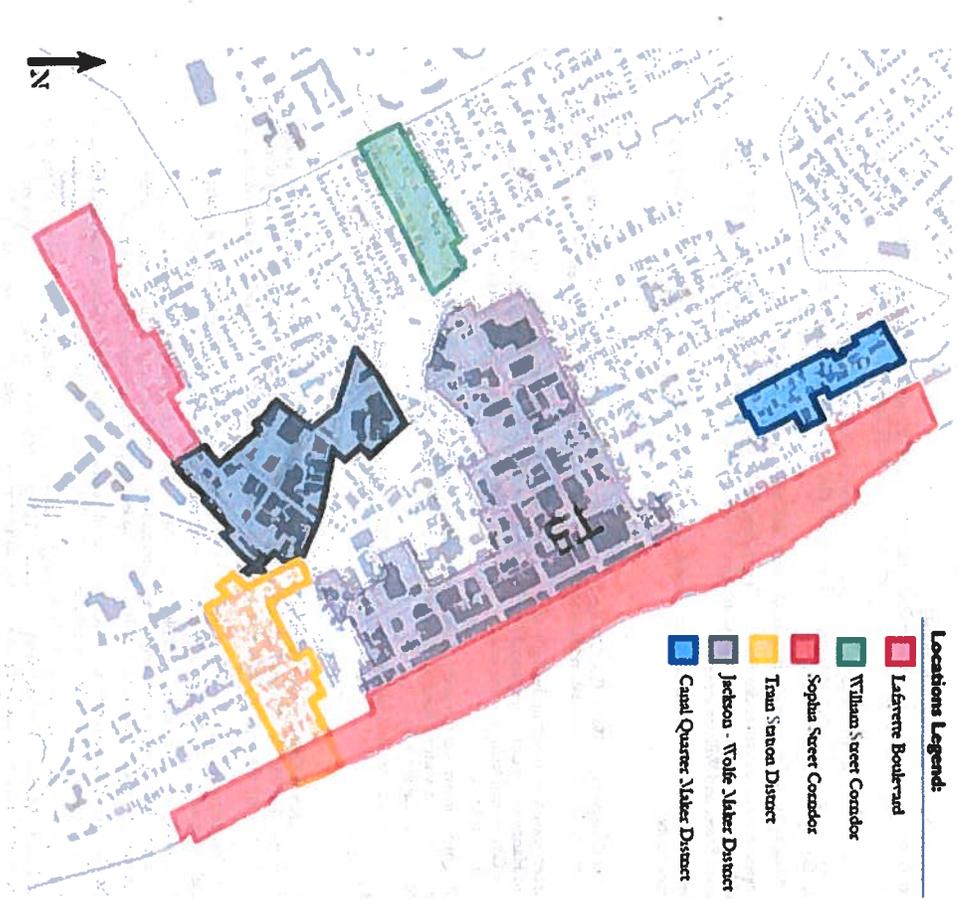
- **Multi-Modal Station Access:**

- Multi-Modal station access point with pedestrian link
- Transit system improvement and coordination
- Ride hailing areas
- Bike storage and pedestrian/bicycle tunnel to link to VCR trail

- **Train Station Parking:**

- Short-term structured parking
- Long-term structured parking
- Long-term parking access

Walkable Urban Places



Locations Legend:

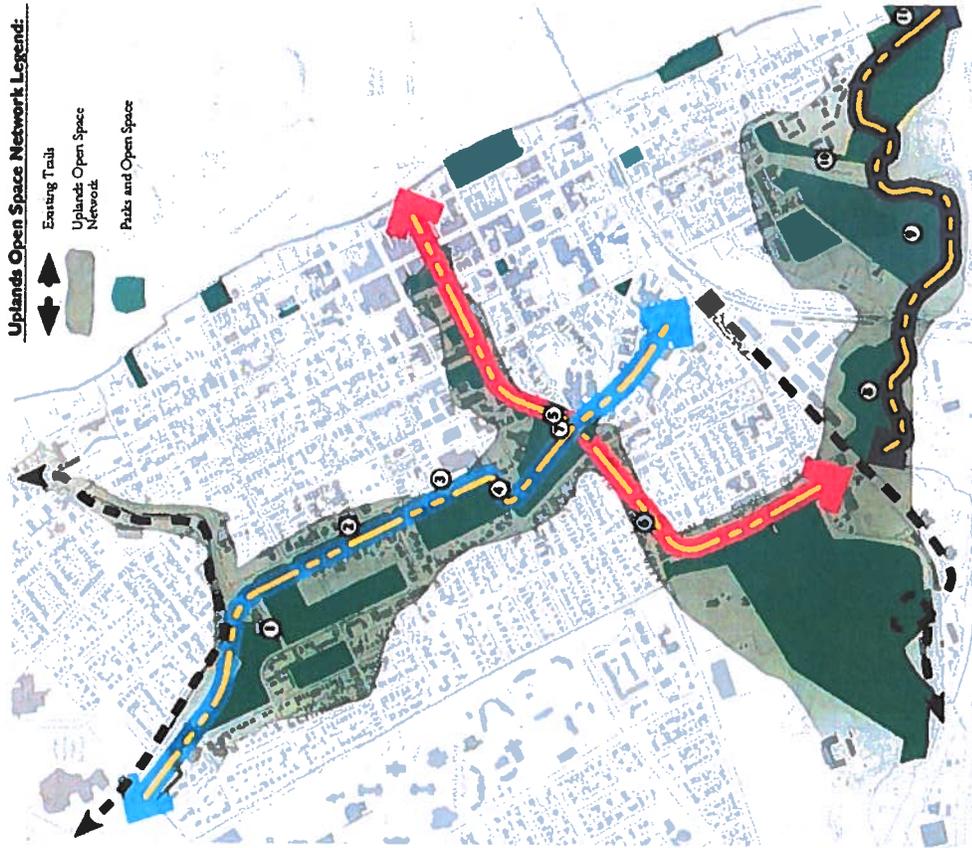
- Lafayette Boulevard
- William Street Corridor
- Sophia Street Corridor
- Tram Station District
- Jackson - Wolfe Market District
- Canal Quarter Market District

<p>General Policies</p> <p>✚ Character Structures</p>
<p>Infill</p> <p>■ Infill Building</p>
<p>Access and Mobility</p> <p>Parking Calibration</p> <ul style="list-style-type: none"> ◆ Third Spaces ○ Alley Repair Improved Pedestrian Crossing ● ● ● Traffic Calming and Alignment ▬ Frontage Repair ▱ Vehicle Entrance / Exit

Open Space - Uplands

Uplands Open Space Network Legend:

- Existing Trails
- Uplands Open Space Network
- Parks and Open Space



Linking the Uplands Open Space Network

Washington Avenue, Memorial Park, Maury Park and third spaces through the Jackson + Wolfe Warehouse Maker District are create a green link from the Canal Path to the VCR Trail. This link should be enhanced by:

- 1 Evaluate opportunities for formalized gathering spaces, accommodations (like electrical services) for future events, upgraded seating, and more complex play / climbing structures in Memorial Park and the Cossey Botanical Park area.
- 2 Adding lighting along the Washington Avenue Mall will make it a safer lit corridor.
- 3 Implementing the Fredericksburg Cemetery Sidewalks, listed on page 134 of the Pathways Plan, to add back sidewalks, enhanced tree planting, and wooden barriers along the cemetery wall between Lewis Street and William Street.
- 4 Improve the northern William Street sidewalk between Kenmore and Washington Avenue for pedestrian safety.



Expanding the George Street Walk: The George Street Walk connects the waterfront to Hurlcamp Park and the Farmer's Market to the War Memorial and should be extended to the Fredericksburg Battlefield.

- 5 Excess paved areas within the right-of-way (i.e. the triangular intersections of George and Hanover and Hanover and Littlepage) should be converted to public plazas with handscape and landscaping. The City owned triangle at the intersection of Hanover and Kenmore should also be utilized for public purposes.



- 6 Historically interpretation and public art should be strategically incorporated into the route. These aspects inform visitors along their journey, and provide residents with places for respite and meet-up locations along the walk.

- 7 The entrance to Maury Stadium along George Street should be upgraded and incorporated into the Walk.

Expanding the Uplands Open Space Network: A new Hazel Run Trail should connect the southern end of Caroline Street into the Virginia Central Railway Trail and into the Fredericksburg National Cemetery through Willis Street. Environmental constraints and water quality standards may require this trail to remain natural.

- 8 The Cobblestone Park should be upgraded to be more visible from the Virginia Central Railroad Trail. Upgrades to the park should make it a safer more open environment where feasible.

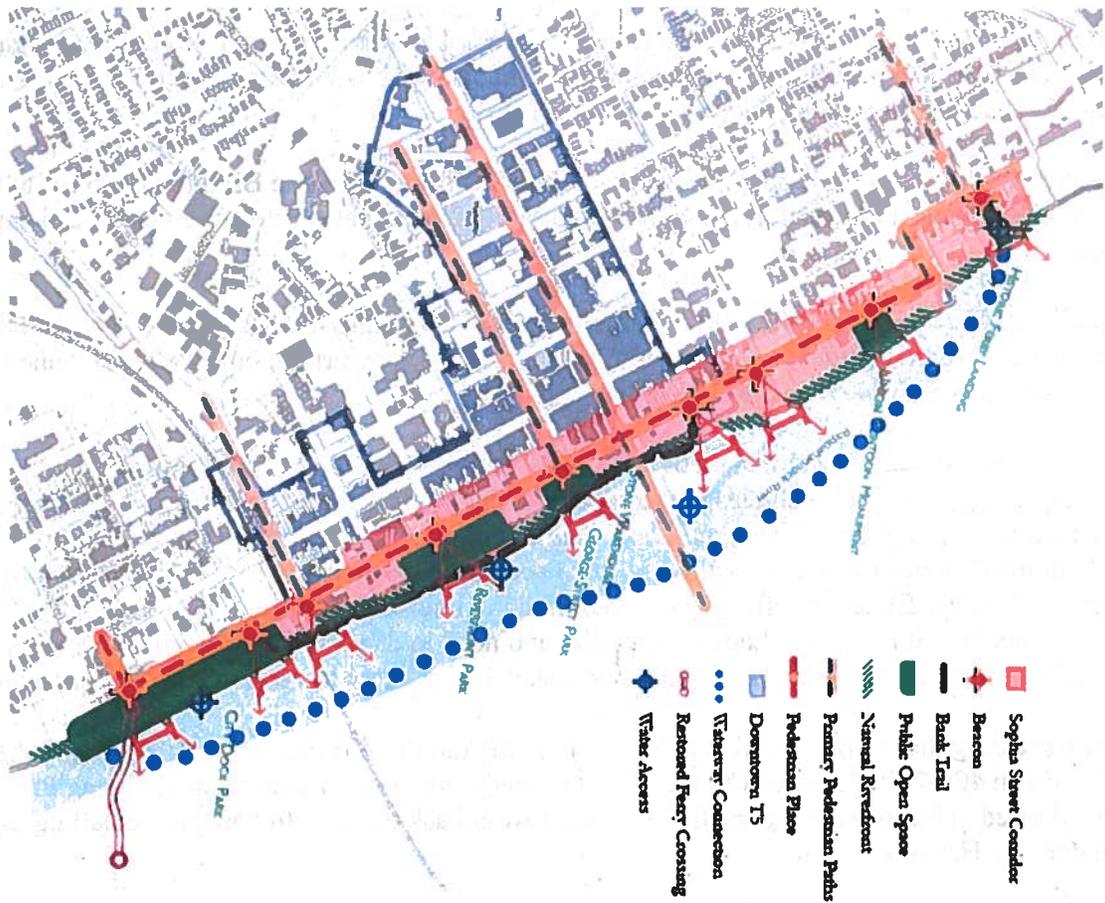
- 9 The open spaces adjacent to the Walker Grant Center should be upgraded for better utilization. Space exists for to expand existing recreational and community programs at the Center in addition to upgraded play areas, community gardens, event spaces, or formal amenities like a dog park.

- 10 The Downtown Greens community garden should be linked to the Walker Grant Center and Hazel Run Trail as a "gateway" to the Hazel Run Trail and Park (discussed below).

- 11 A Hazel Run Park should be established along the City owned acreage at the southern end of Caroline Street adjacent to the Rappahannock River. The park should emphasize its natural, waterfront setting and include naturalized play elements combined with passive-entertainment options.



Open Space - Riverfront



Susanna R. Finn

From: Michael J. Craig
Sent: Tuesday, June 23, 2020 3:04 PM
Cc: Cathryn A. Eckles; Charles R. Johnston; Susanna R. Finn
Subject: FW: June 24 Public Hearing re: Princess Anne St

Planning Commissioners,

See attached comments for the Area 7 Small Area Plan for tomorrow night's public hearing.

Mike Craig

From: Mary Deadman [<mailto:mdeadman@verizon.net>]
Sent: Tuesday, June 23, 2020 10:37 AM
To: Planning
Subject: [EXTERNAL] June 24 Public Hearing re: Princess Anne St

Planning Commission members,

My name is Mo Deadman. I live at 214 Princess Anne Street. I wish to make public comment regarding making a portion of Princess Anne St. two way but am not comfortable attending a public meeting at this time. This is the statement I would make at the Public Hearing.

I am opposed to the proposal to turn lower Princess Anne St. (from Lafayette Blvd to Dixon St) to two way. My concerns include: the additional traffic burden and safety issues that would arise were the change implemented.

Additional traffic: I envision no change in the amount of traffic coming from downtown toward Dixon Street. Additional traffic on Princess Anne would be the result of cars turning onto Princess Anne from Dixon or continuing up Princess Anne from the 100 block.

Safety: There is limited visibility and maneuvering room on the 400-200 blocks of Princess Anne Street. Parking is very tight with vehicles parking close to curb cuts and intersections. In addition, many vehicles are tall (SUVs, trucks and vans) reducing visibility to oncoming traffic. Cars pulling out of driveways often need both traffic lanes to clear the cars parked adjacent to their driveways. Cars trying to cross the street at Frederick and Princess Elizabeth often need to pull into the intersection to see oncoming traffic. Crossing the street on foot raises the same issues. Lack of visibility and need to drive/step into traffic lanes to see what is coming is dangerous. Having to look only one way makes it less likely to hit (or be hit by) oncoming traffic.

It is my understanding that traffic speed is at least part of the rationale for proposing this change. After observing traffic on 400-200 blocks of Charles Street (already two way), I doubt that changing Princess Anne will have the desired effect of slowing traffic. Instead, I would ask the City to consider installing "speed tables" as has been done on Hanson Avenue.

Lower Princess Anne Street is a primarily residential area. I believe the quality of life for the residents would be eroded if two-way traffic were to be approved.

Thank you.

Mo Deadman
 214 Princess Anne Street

June 23, 2020

Chairman Rene Rodriguez and members of the Planning Commission:

My name is Debra Joseph and I live at 221 Princess Anne St. I am writing to oppose the proposed plan to turn Princess Anne St into a two-way street. I have lived at my address for 28 years. We have always had a speeding problem but I don't believe this proposal is the solution. I believe we are trading one problem for another.

My block comes with few driveways and even fewer owners who use them on a consistent basis. Our street has a total of 44 cars. That doesn't include those who live on each end and park around corners, others who already park in the 100 block, or those at the 207 Princess Anne complex who have their own spaces. Add to that a number of service vehicles (lawn service, construction, etc.) who can't find space and need to put blinkers on and "park" for up to 4 hours while they complete work, it becomes close to impossible to find parking.

The cars are parked end to end leaving no space for those making turns or trying to go across via a side street. Because of the parking it is already dangerous to try to "see" over the cars when pulling on to Princess Anne from side streets like Princess Elizabeth or Frederick St. Having to try to "see" traffic coming both ways will result in more accidents.

It is already too hard to back out of driveways with cars going one way, nearly impossible with two way. Owners must come out over the center line to straighten the car. Those people who currently do use their driveway will resort to parking on the street.

Ambulances, fire trucks and police use our street often. Currently you can slow down to let these vehicles go around you but with two way there is nowhere to pull over. I don't think it is in anyone's best interest that these vehicles be delayed.

It doesn't make sense that in order to solve a speeding problem that we make it more dangerous to drive on our streets. I believe the speeding problem can be solved. The solar speed detector on William Street works great. I know they cost but so do these changes, not to mention an increase in accidents caused by the changes. It would also be nice to see police out writing tickets, something I have never seen in my 28 years.

Thank you for considering my concerns,

Debra Joseph

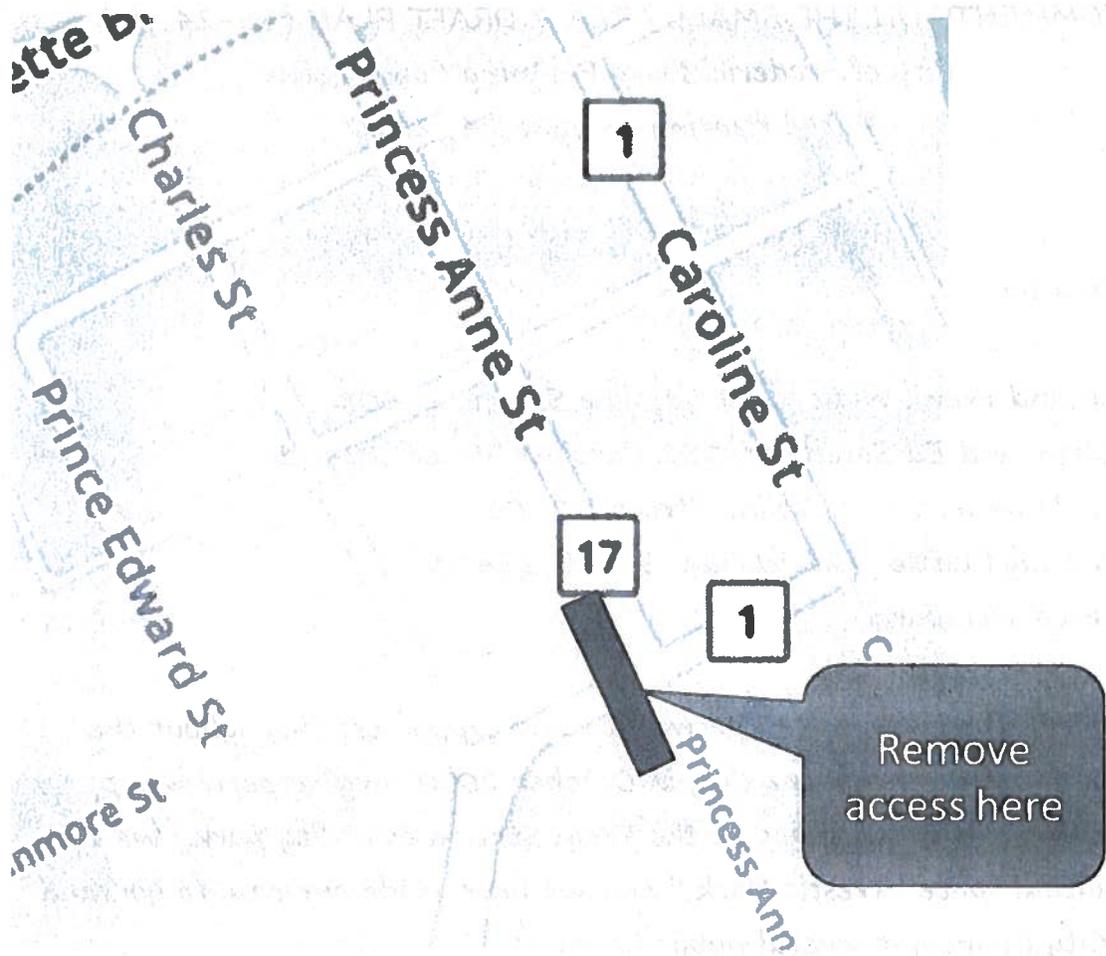
June 23, 2020

Written Comment

Subject: Suggestion for Princess Anne and Caroline St Traffic Improvement

1. Purpose. As the community planning team investigates alternatives for traffic flow for sections of Princess Anne and Caroline Streets, I'd like to suggest you consider removing access to/from Dixon Street for Princess Anne and Caroline Streets as an alternative to reduce traffic and increase safety.
2. Major Points.
 - a. The stated intentions of the ongoing traffic study include increasing safety in the neighborhood, improving traffic flow for the city, and removing one-way roads as they are not consistent with other neighborhoods in the city.
 - b. Most of the offending traffic I've seen (unsafe speed and heavy volume) travel south on Princess Anne and take a right onto Dixon St. I also hear several cars race across Dixon and back on to Caroline St. It's never those that live in this area that cause these issues.
 - c. Closing that part of the road (at least, not allowing right hand turns onto Dixon) would reduce the amount of traffic in the subject area (south of the train station). It would also channel traffic along roads that are already two way and provide current entrance and egress to the city.
 - d. Required local traffic (residents, delivery trucks, waste management, emergency vehicles, etc.) will be greatly impacted if Princess Anne and Caroline Streets are made two-way roads, without a severe reduction of "through traffic".
3. Discussion.
 - a. I propose the current study, include this option.
 - b. By removing access to Dixon St, Princess Anne and Caroline can safely be turned into two-way traffic if desired.

c. The following example is provided, to help understand this request.



4. Recommendation. Remove access to/from Dixon St for Princess Anne and Caroline Streets and continue bi-directional traffic on Charles St to better accommodate through traffic.

Joseph Caliri
217 Princess Anne St
Fredericksburg, VA 22401
Joepatr8@gmail.com
540-498-6828

COMMENTS ON THE SMALL AREA 7 DRAFT PLAN (06-24-20)
City of Fredericksburg Planning Commission
Public Hearing on June 24, 2020

Submitted by:

Maureen and Frank Widic, 119 Caroline Street, 22401

Paula Chow and Ed Sandtner, 132 Caroline Street, 22401

Rebecca Hanmer, 138 Caroline Street. 22401

Anne and Carl Little, 726 William Street, 22401

- Tree Fredericksburg

Neighbors in the Darbytown community and supporters throughout the City filed a petition with the City in October 2018, urging permanent protection of the green space at the Train Station as a City park. We call this beautiful space "Trestle Park," and we have made our case to you and to the City Council at several public hearings.

Trestle Park: We, members of the Trestle Park Committee, are very happy to see that the current Draft Plan for Small Area 7 includes, on page 11(7)14, a provision to "Formalize the City owned parcel adjacent to the Janney-Marshall Building...as a City owned open space." We thank the Planning Commission, and understand that this means that the proper steps will be taken right away for designating the open space as a park. We would be even more reassured if the words "to become a park" were added to the above sentence in the Comprehensive Plan.

We understand that this open space protection applies only to the portion of the green space south of the concrete wall. The north section of the green space also has healthy, maturing trees that are an asset and will only become more valuable as train passengers increase and urban temperatures rise. We urge that the north section of the green space not be sacrificed unless this is truly unavoidable for Train Station expansion or access in the far-term. We ask the Commission please to consider adding the following sentence after the Trestle Park sentence on page 11(7)14: "Regarding the section of green space north of the concrete wall, adjacent to the access lanes and parking, flexibility may be needed for a future new and expanded Train Station and access lanes. However, the green space and its healthy tree canopy are an asset that should be maintained for now, and as much as possible in future Train Station expansion."

Train Depot: We noted and welcome the emphasis given to protection and reuse of historic structures generally in the Area 7 draft plan, and the provision that a new and expanded Train Station must be compatible with Fredericksburg's historic downtown setting. We urge serious consideration be given to incorporating the functions of the new train station and welcome center in Fredericksburg's historic Train Depot. In addition to being a perfect facility for a train station, the Depot is located on the downtown side of the train tracks, offering the best opportunity to link the future Train Station to downtown functions. That is, it is a short walk to downtown, could be used as the City's Visitor Center, is handicapped-accessible, and could accommodate facilities and food service for walk-ins as well as train users. The Train Depot has great character, and shouts "Welcome to Fredericksburg"!

Caroline-Sophia Street Parking Deck: We note that the draft Plan urges that priority be given to constructing a parking deck between Caroline and

Sophia Streets at Frederick Street. This priority recognizes the increasing need for local resident parking, as new residences are built, for anticipated office development in the Train Station area, and for VRE commuters. It is our understanding that the City intends to seek VRE financing for this facility. However, we have heard that if the City receives federal or state financing for the parking deck, it could not reserve the lot for City resident parking use. The parking needs of residents (or nearby office workers) would not be met if they must vacate the lot for commuters' use during weekdays.

It is urgent to start working with VRE, and to clarify whether the multiple use of the parking deck stated on page 11(7)14 can be accomplished, or whether expanding VRE parking at another location is more feasible.



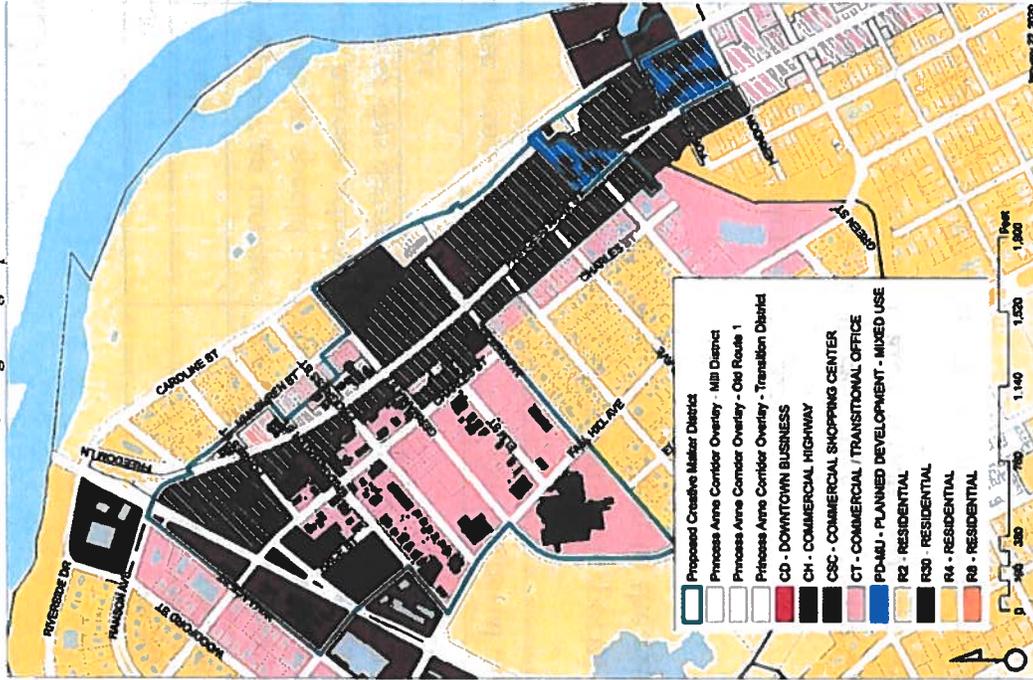
PROPOSED CREATIVE MAKER DISTRICT UNIFIED DEVELOPMENT ORDINANCE AMENDMENTS

ATT. 6

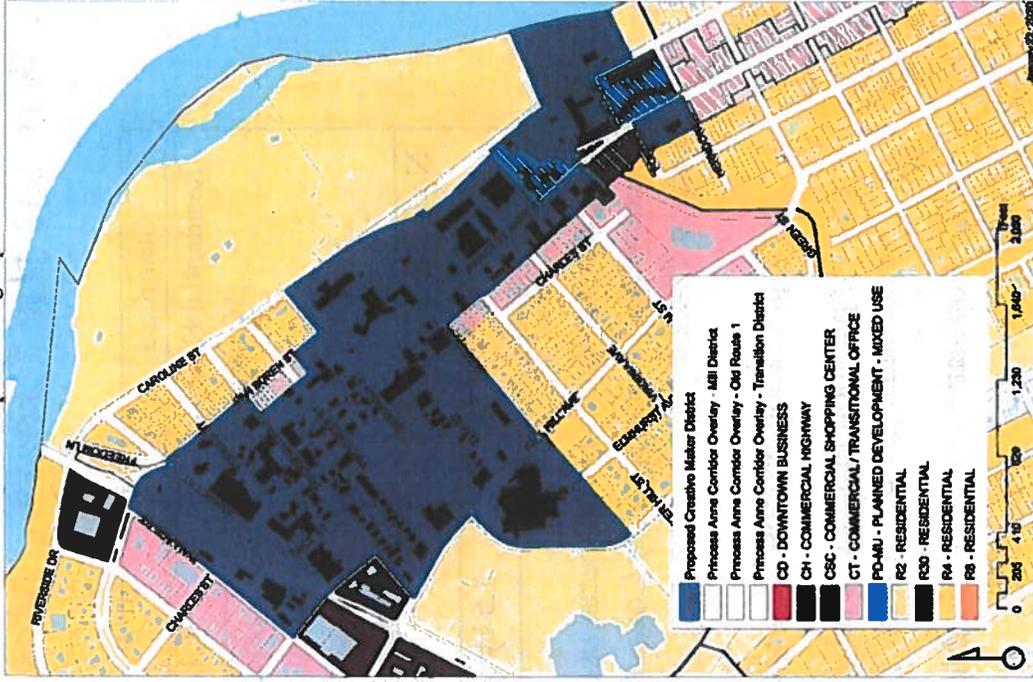
1. Re-cap on the proposed Creative Maker District
2. The five main discussion points from the March 11 public hearing:
 - a) Smart Growth and Residential Density;
 - b) Citizen Voice in the Development Process;
 - c) Form Based Code and Use / Transitional Zones;
 - d) Open Space;
 - e) Encouraging Adaptive Reuse
3. Next Steps / Recommendation

1. What is the Creative Maker District?

Existing Zoning Map



Proposed Zoning Map



1. What is the Creative Maker District?

Standard	T4-M	T5-M
Residential Density, Maximum	8 du/acr. by right The City Council may approve an increase in residential density levels by special use permit upon finding such increase achieves the purpose and intent of this district.	12 du/acr. by right The City Council may approve an increase in residential density levels by special use permit upon finding such increase achieves the purpose and intent of this district.
Nonresidential FAR, Maximum	0.7 by right 1.5 by special use permit	0.7 by right 3.0 by special use permit

Special considerations for special use permits. In reviewing an application for a special use permit in the Creative Maker District, City Council may consider the following, in addition to the criteria set out in section 72-22.6:

- Application proposes the restoration of a character structure;
- Application proposes a mixed use development, with at least 20% of the total gross floor area in residential use and at least 20% of the total gross floor area in nonresidential use.
- Application proposes double the amount of general or formal open space required.

1. What is the Creative Maker District?

The Creative Maker District permits a mix of residential and commercial uses, including low impact maker uses traditionally classified as light manufacturing or contractor's office in order to create an environment where people can live, work, and create all within a pedestrian-scaled environment that transitions appropriately to surrounding residential neighborhoods.

Residential Use	
Dwelling, Duplex	P
Dwelling, Live/Work	P
Dwelling, Multifamily	P
Dwelling, Single-Family Attached	P
Dwelling, Single-Family Detached	P
Dwelling, Upper Story (over nonresidential)	P

Industrial Uses	
Contractor Office	P
General Industrial Service/Repair	P
Research and Development	P
Manufacturing, Light	P
Warehouse	P
Wholesale Sales	P

Institutional Uses
Community Services
Day Care
Educational Facilities
Governmental Facilities
Healthcare Facilities
Institutions
Parks and Open Spaces
Transportation
Utilities

Commercial Uses
Alcoholic Beverage Production
Animal Care
Eating Establishments
Offices
Parking
Recreation, Indoor
Retail Sales and Services
Visitor Accommodations

1. What is the Creative Maker District?

The Creative Maker District permits a mix of residential and commercial uses, including low impact maker uses traditionally classified as light manufacturing or contractor's office in order to create an environment where people can live, work, and create all within a pedestrian-scaled environment that transitions appropriately to surrounding residential neighborhoods.

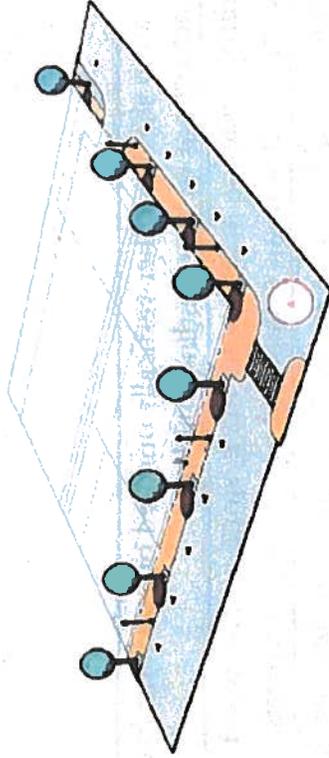
Table 72-42.5: Table of Common Accession Uses

P = Allowed by right S = Special use permit required Blank cell = prohibited

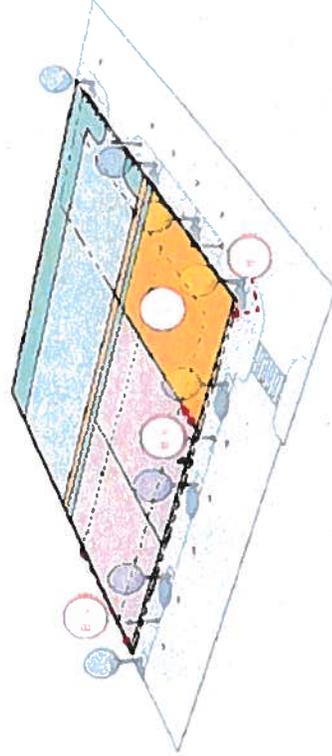
Accession Use	Zoning District	
	Creative Maker T-4M Transect	Creative Maker T-5M Transect
Amateur Radio Antennas	P	P
Cemetery	.	.
Drive-Through	S	P
Home Occupation	P	P
Homestay	P	P
Outdoor display and sales	P	P
Outdoor storage (as an accessory use)	S	P
Parking of heavy trucks, trailers, major recreational equipment, etc.	.	.
Satellite dishes	P	P
Solar energy equipment	P	P
Temporary family health care structure	P	P

1. What is the Creative Maker District?

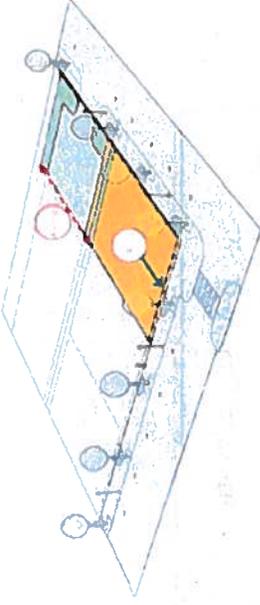
Frontage D Public Component



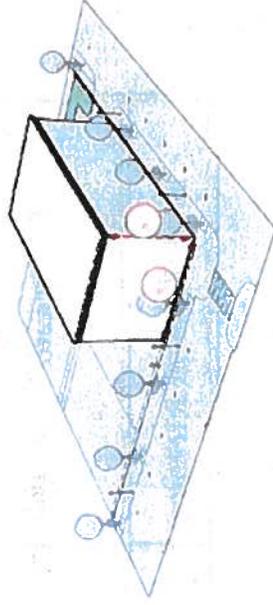
Frontage D Private Component and Building Type Placement



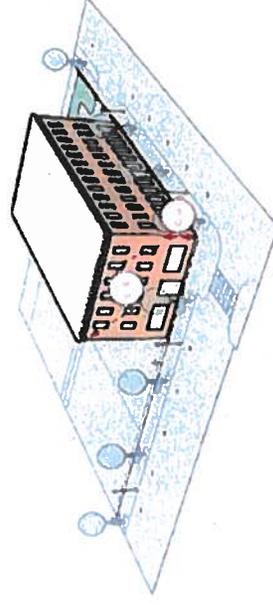
Building Type 3 Building Placement and Orientation



Building Type 3 Mass and Scale



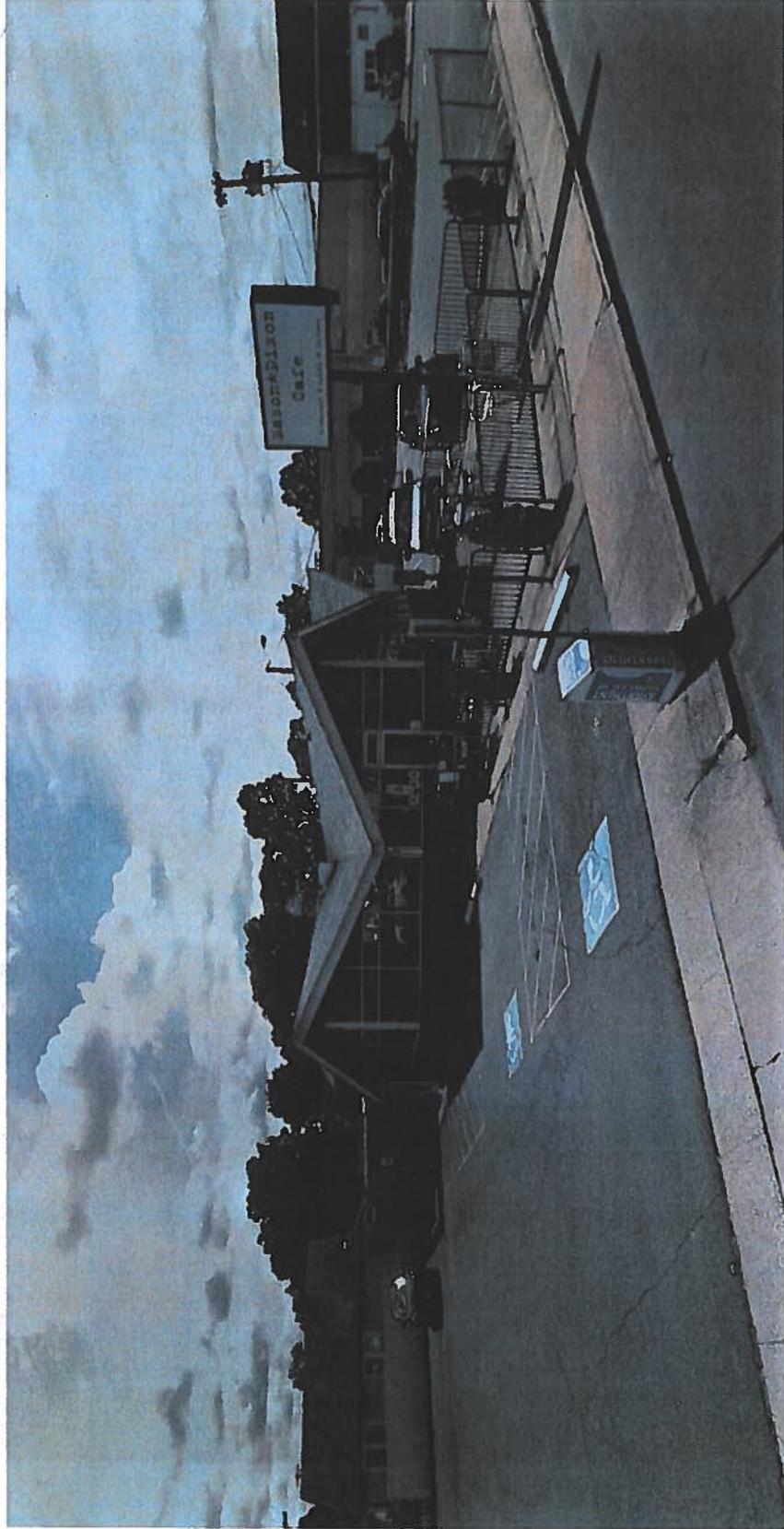
Building Type 3 Facade Articulation



1. What is the Creative Maker District?

i. Building Elevation:	The building elevation shall be either vertically oriented or horizontally oriented based on the patterns of surrounding buildings.
ii. Permitted Materials:	a. Permitted primary building materials are brick, stone, stucco, wood / wood composite / cementitious siding, and non-corrugated metal.
	b. Accent and trim materials may be any of the primary building materials or vinyl.
iii. Equipment screening:	Utility and service functions shall be designed so that they are screened from adjacent streets.

1. What is the Creative Maker District?



1. What is the Creative Maker District?

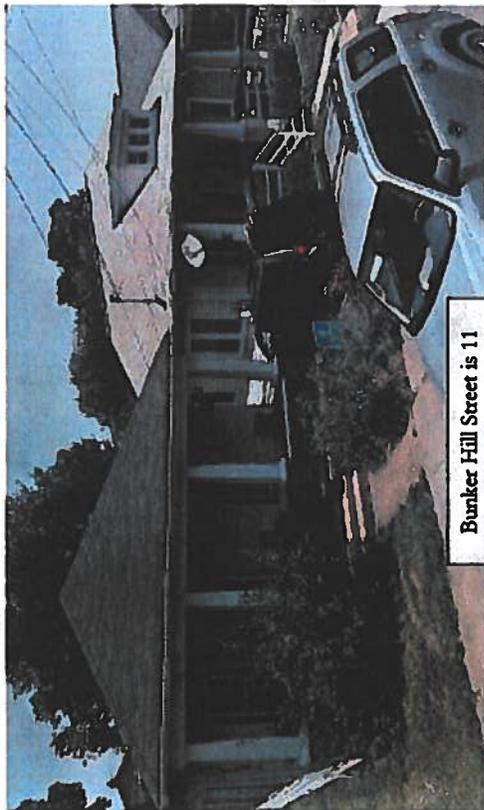


2.2 Smart Growth and Residential Density.

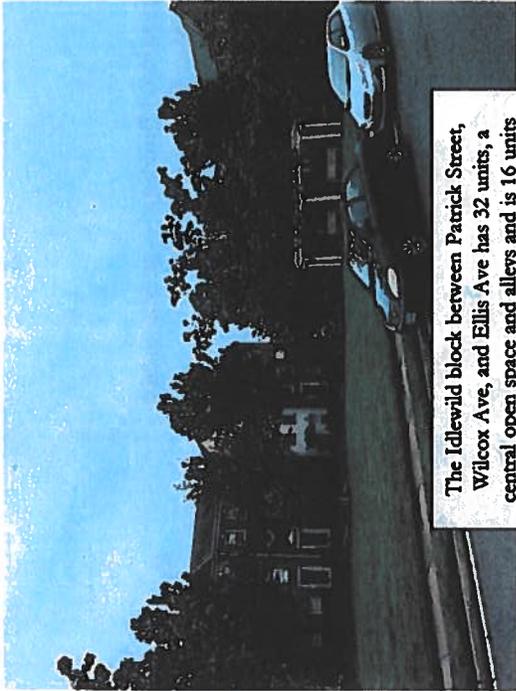


By-right General Residential Density Permitted	
Commercial Highway	12 units per acre
Commercial Transitional - Mixed Use	12 units per acre
Planned Development – Mixed Use	30 units per acre
Residential 30	30 units per acre
Creative Maker District - T-4M*	8 units per acre
Creative Maker District - T-5M*	12 units per acre

2.b Citizen Voice in the Development Process.



Bunker Hill Street is 11 units per acre.

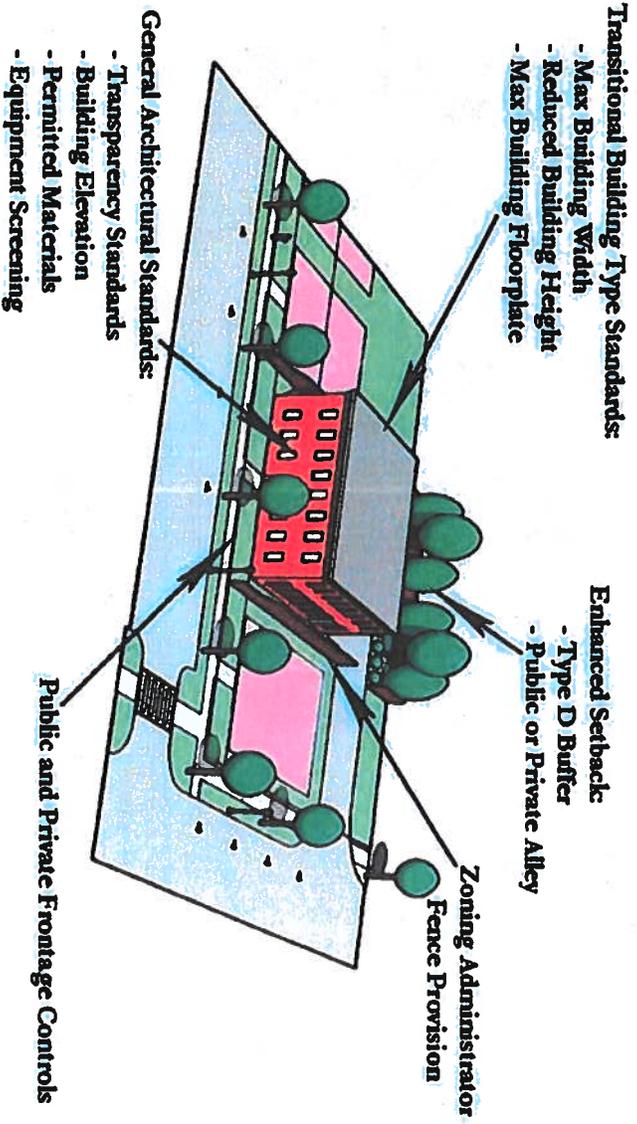


The Idlewild block between Patrick Street, Wilcox Ave, and Ellis Ave has 32 units, a central open space and alleys and is 16 units per acre.



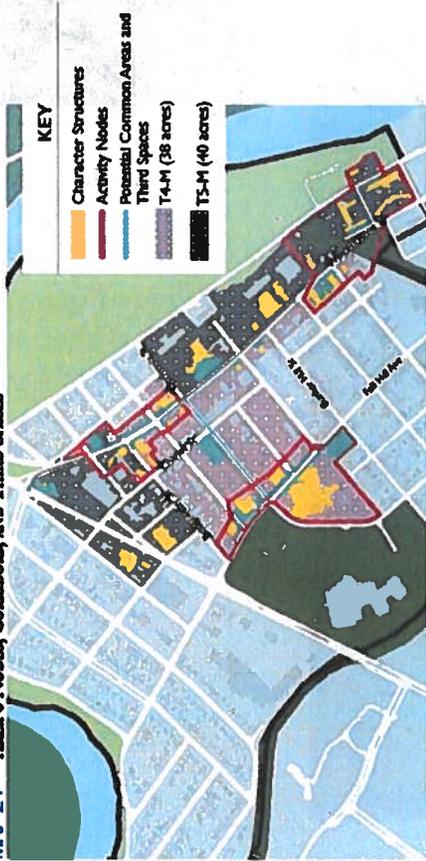
Germania Mills at 1901 Princess Anne Street was approved at 70 units per acre after being refined by the public participation process.

2.c Form Based Code and Transitional Zones.



2.d Open Space.

MAP 24 Area 6 Nodes, Corridors, and Third Spaces

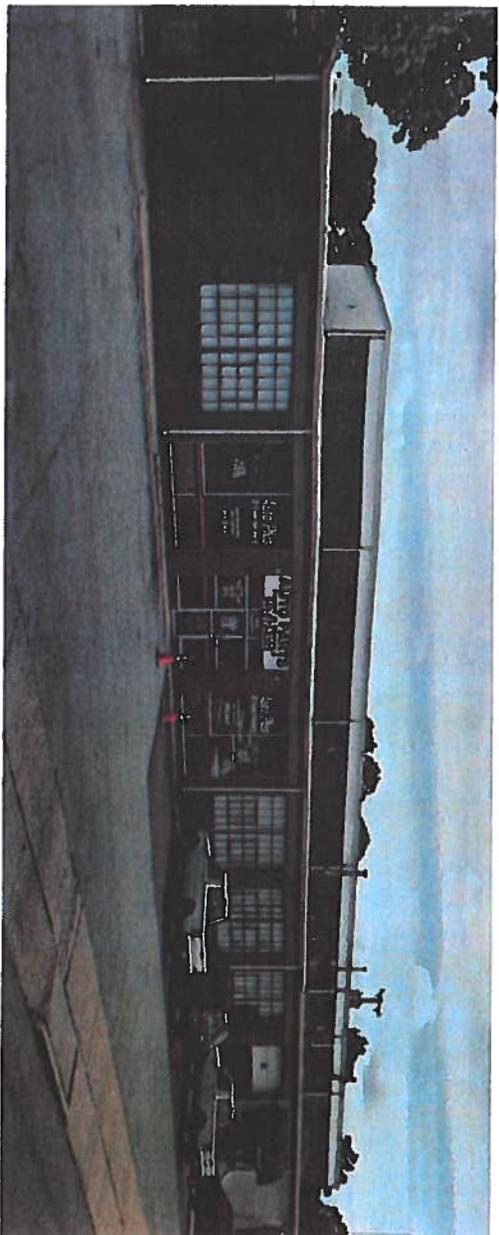


General Open Space Required	
Commercial Highway - Residential	25%
Commercial Highway - Non-Residential	15%
Commercial Transitional - Residential	25%
Commercial Transitional - Non-Residential	20%
Commercial Downtown	0%
Creative Maker District	25%

B. In the T-4M or T-5M Transect, Formal Open Space may be provided in place of general open space at a reduced requirement.

i. General Open Space: 25% of the lot shall be general open space meeting the standards of § 72-84.										
ii. Formal Open Space Option: Formal Open Space shall meet the following standards: <table border="1"> <tbody> <tr> <td>a. Type</td> <td>The Formal Open Space shall be a Plaza, Playground, Square, or Courtyard as defined in § 72-84.</td> </tr> <tr> <td>b. Min. Adjacency</td> <td>25% of the perimeter of formal open space shall adjoin a Frontage.</td> </tr> <tr> <td>c. Min. width / length</td> <td>The minimum length and width is 15 feet.</td> </tr> <tr> <td>d. Max. width / length ratio</td> <td>The maximum width to length ratio is 1:2.</td> </tr> <tr> <td>e. Min. landscaping</td> <td>In the T-5M and T-4M Transect, the Formal Open Space shall be landscaped to the maximum extent possible given its proposed function.</td> </tr> </tbody> </table>	a. Type	The Formal Open Space shall be a Plaza, Playground, Square, or Courtyard as defined in § 72-84.	b. Min. Adjacency	25% of the perimeter of formal open space shall adjoin a Frontage.	c. Min. width / length	The minimum length and width is 15 feet.	d. Max. width / length ratio	The maximum width to length ratio is 1:2.	e. Min. landscaping	In the T-5M and T-4M Transect, the Formal Open Space shall be landscaped to the maximum extent possible given its proposed function.
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c. Min. width / length	The minimum length and width is 15 feet.									
d. Max. width / length ratio	The maximum width to length ratio is 1:2.									
e. Min. landscaping	In the T-5M and T-4M Transect, the Formal Open Space shall be landscaped to the maximum extent possible given its proposed function.									

2.e Adaptive Reuse.



3. Next Steps / Recommendation

In accordance with the established e-meeting policies, the Planning Commission should hold the public hearing open until the July 8th meeting. At that meeting, the Planning Commission should:

- **Recommend approval** to the City Council of the Unified Development Ordinance that creates the Creative Maker District and consolidates form-based regulations in a new Appendix 72-A.
- **Recommend approval** to the City Council of the rezoning of approximately 78 acres of land located in Planning Area 6, designated as transect T-4M or T-5M, to the Creative Maker District (CM) as recommended in the Small Area Plan for Area 6; and adopting transect maps and frontage maps for the district.

From: [Simon Watts](#)
To: [Planning; Michael J. Craig](#)
Subject: [EXTERNAL] Creative Maker District, UDOTA And Rezoning Public Comment
Date: Wednesday, June 24, 2020 11:32:53 AM

The following is a public comment for the June 24th Planning Commission meeting.

Simon Watts
824 Caroilne St, APT B
Fredericksburg VA, 22401
Creative Maker District, UDOTA And Rezoning

I'd like to voice my support for the Creative Maker District, UDOTA And Rezoning plan. I believe the plan does an excellent job laying the foundation for a balance of green space, and mixed density residential. Allowing existing buildings to be used for light manufacturing would attract businesses and entrepreneurs that are currently not represented Downtown.

Already, the Canal Quarter is beginning to take shape, with Canal Quarter Arts, The ComeUp VA, and the Library's IdeaSpace moving into the Quarter. IdeaSpace is a maker/digital media lab, which I proposed at the monthly Maker District meetings, and was later approved by the EDA. I've lived my entire life here, and it's been a joy to finally see these buildings revitalized in new and vibrant ways. Approving the Creative Maker District, UDOTA would only spur this growth. As a young person who has built a life in Fredericksburg, I would like to see Fredericksburg offer affordable lofts or condos, similar to those in Richmond, in the future. The Canal Quarter seems like the perfect place for such a development.

More importantly, the Canal Quarter Maker District represents a bold cultural step forward for Fredericksburg. For 300 years, our identity has centered around the Caroline/William Street Downtown core of our city. The Canal Quarter Maker District shows that Fredericksburg can grow in exciting new directions, and isn't just stuck in the past.

Thank you for your time.

--
Simon Watts
Youth Services, MakerLab Specialist
Fredericksburg Branch
1201 Caroline Street, Fredericksburg VA 22401

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Serving Fredericksburg, Stafford, Spotsylvania, and Westmoreland

sabina weitzman
architect

June 23, 2020

Comments for Planning Commission, Item 2 (Creative Maker District) of June 24, 2020 Meeting

Chairman Rodriguez and Members of the Planning Commission:

I appreciate the opportunity to share my thoughts about the Creative Maker District proposed for area 6, all of which are positive: I encourage you to adopt the changes to the UDO and establish the district as proposed.

I served on a committee City Staff convened to get input from local architects, developers and other stakeholders on the Maker District guidelines. I was relatively new to form-based codes, but as I learned I came away impressed with the approach, which is an artful combination of more and less: more calibrated rules regarding density and the relationship of new to existing structures, but a baked-in flexibility via incentives to resolve multiple and possibly competing goals.

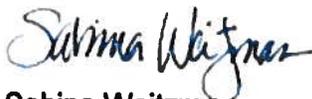
The proposed rules and incentives should:

- 1) encourage re-use over demolition, particularly structures we'd like to keep around – without the use of a design review board;
- 2) clarify the relationship between people and cars, taking advantage of the fact that this part of the City, unlike the more historic downtown, developed with the automobile in mind and is uniquely suited to accommodating the small business “makers” we’re hoping to attract;
- 3) keep the scale of new construction in check; and,
- 4) give designers / developers flexibility to make the case for their project.

These meetings were also an opportunity to watch planning staff members discussing ideas and attempting to integrate each person's area of expertise (land use, historic preservation, parking, etc.). I've said this before but we have managed to assemble an impressive staff, and it is my strong impression that we are in good hands.

The Creative Maker District promises to be a tool to help us stimulate economic development without losing a rich built environment, even in an area some may consider to be underdeveloped or even blighted. I hope you agree with City Staff that this is a tool we want to add to our tool-chest.

Thank you,



Sabina Weitzman

**ACKNOWLEDGEMENT AND AGREEMENT TO COMPLY WITH THE CONDITIONS OF AN
ACCESSORY DWELLING CONDITIONS**

1. Together the occupancy of the principal dwelling unit and the accessory dwelling unit shall not exceed the definition of family.

2. The property owner must occupy either the main dwelling or the accessory dwelling as her primary residence; provided, however, if the property owner does not occupy one of the dwelling units as his/her primary residence, the entire property may be occupied by no more than one family.

3. The property owner shall file an affidavit of compliance with the zoning department attesting to compliance with the conditions of this section, and shall re-file the affidavit of compliance whenever the following occurs:

(a) When any structural alterations are made to the accessory dwelling; and

(b) Upon change in ownership of the principal dwelling.

4. The property owner shall permit annual inspections of the accessory dwelling by the zoning department upon reasonable notice to ensure compliance with the conditions of this section.

5. The property owner shall cooperate with the zoning department in ensuring compliance with conditions of this section and in the investigation of complaints of violations of this section.

6. The property owner shall advise all tenants of the accessory dwelling of the annual inspection requirement and obligation to cooperate with the zoning department in ensuring compliance with the conditions of this section.

7. Accessory uses shall not be allowed in the accessory dwelling except home occupations.

8. Failure to comply with these conditions will result in revocation of the use as an Accessory Dwelling by the zoning department. Revocation of use as an Accessory Dwelling shall be effective after:

(a) A finding by the zoning department of violation;

(b) Notice with 45-day opportunity to correct the violation; and

(c) A finding by the zoning department after 60 days that the violation has not been corrected.

(d) If more than three violations of the provisions are found to exist by the City of Fredericksburg within a one-year period, the use of the Accessory Dwelling as rental unit may be revoked.

CERTIFICATION

By signing below, I acknowledge that I am entering into an agreement with the City of Fredericksburg certifying that I will comply with the definition of Family, per §72-84. I certify that I am the bona fide resident of the premises identified above; I have read and understand the above conditions; and I can and will comply with each condition without exception. I consent to the use of e-mail for communication with the Zoning Administrator and/or their designee concerning the Accessory Dwelling Unit at my residence. I further certify all the information is complete and correct to the best of my knowledge and belief.

Terry Coley / Terry Coley

Applicant Name/Signature

06/24/2020

Date

From: [Angie Jones](#)
To: [Planning](#)
Subject: [EXTERNAL] 1306 Graham Drive, Fredericksburg, Va 22401, VOI
Date: Monday, June 22, 2020 10:05:36 PM

i vote NO to the planning committee allowing this Village of Idlewild member to commute their basement into separate dwelling for rent. We already suffer from those whose chosen to rent to Section 8 members who for the most part know nothing about rules and regulations of an HOA. Violations from parking,, littering, loud and obscene behaviors and now this request will be the gateway to more rentals. I purchase my home here because it was a community with a look, appearance and feeling of safe. Now I'm afraid to walk between kids walking large dogs they can't control and low income either renters or the guests that end up being permanent fixture in the neighborhood. The basement approval could lead to more rentals and then we might as well be apartments/condos.

R/s

Angela Jones
Home Owner in VOI

[Sent from Yahoo Mail on Android](#)

From: [Dan Guy Fowlkes](#)
To: [Planning](#)
Subject: [EXTERNAL] Terry Coley SE2020-02 / special exception for accessory dwelling unit at 1306 Graham Drive/GPIN 7768-97-1948
Date: Monday, June 22, 2020 10:40:17 PM

Planning Committee,

I am writing in support of Ms. Coley's special exception request. I don't understand why some of my neighbors have objected to this and thank them for bringing it to my attention.

Whereas Ms. Coley is going through the proper channels (whereas some others are renting out their basements under the table), and

Whereas this is a special use exemption that is not automatically applied to other similar situations, and

Whereas it limits the exception to the defining an accessory dwelling unit within the existing, primary dwelling AND maintains the limitation of the occupancy of the combined units to remain single family dwelling, and

Whereas the requested change would not increase the fire risk,
I see no reason to oppose it.

That stated objection that allowing this request would increase the resale value of the home is laughable. Increasing the resale value of home in the neighborhood benefits all parties.

Thank you.

Dan Fowlkes, Idlewild resident
1003 Hoke Ln, Fredericksburg, VA 22401

From: [Anne Timpano](#)
To: [Planning](#)
Subject: [EXTERNAL] RE: Terry Coley SE2020-02
Date: Monday, June 22, 2020 10:58:26 PM

I understand you are taking comments regarding this topic:

Terry Coley SE2020-02 requests a special exception to have an accessory dwelling unit at 1306 Graham Drive/GPIN 7768-97-1948. This property is located approximately 220 feet south-east of the intersection of Graham Road and Patrick Street, within the Idlewild neighborhood. The property is zoned Planned Development – Residential (PDR).

I am a homeowner in Idlewild. I live at 1118 Innis Drive.

I support the approval of this application. It seems like a reasonable request to me and I think that people opposing it are over-reacting and dreaming up wild assumptions, as if everyone in Idlewild will want to do the same thing and cause a run on stoves at Home Depot or something. I just don't see that or anything close to it happening. This applicant wants to have a nice home for her mother. Why anyone would want to stand in her way is beyond me. Adding a stove doesn't change the number of people who could live in the home. So fears of overcrowding in Idlewild being caused by adding a stove in a basement are just ridiculous. Please let this lady have her stove.

Thank you,

Margaret Anne Timpano

From: [Jeff Ely](#)
To: [Planning](#)
Subject: [EXTERNAL] Request on 1306 Graham Drive.
Date: Tuesday, June 23, 2020 12:44:46 PM

Regarding the memorandum found here:

<https://www.fredericksburgva.gov/AgendaCenter/ViewFile/Item/11563?fileID=9455>

I live in Idlewild too.

I do NOT agree with preventing anyone from improving their property, in any way. The fitness of the basement for independent rental, and the *legality* of it, are two entirely different things. I'd vote the stove should be allowed.

I DO agree that splitting single family units into multi-family rentals is a substantial change to the character of the neighborhood, and should be subject to review, and disallowed if that's the prevailing consensus.

If it is not possible to separate those two things, I'd rather allow both the property improvements AND the subletting than disallow both of them.

In the case of the CITY's involvement, I would be pleased if they allowed the stove to be developed, but either through CITY law or HOA regulations, disallowed single family dwellings from being split into multi-family and subleased.

From: [Wycessa Small](#)
To: [James D. Newman](#)
Subject: [EXTERNAL] Letter of Support of T. Coley : ADU 1306 Graham Dr
Date: Tuesday, June 23, 2020 3:41:41 PM

Dear Mr. Newman and Committee members,
I submit this letter of support of the request of Ms. Coley to add the addition of a stove unit to her basement. She has taken the proper steps to request such and there appears to be no adverse impact on the neighborhood now or in the future. Because the proper protocols are being followed I am quite confident that all construction safety issues will be met as well. One should be entitled to the full use of their private property without the interference of intrusive neighbors as long as safety and enjoyment of the community is upheld.

Thank you,
Neighbor Wycessa Small
1200 Graham Drive

[Sent from Yahoo Mail on Android](#)

From: [Thomas Mon](#)
To: [Planning](#)
Subject: [EXTERNAL] 1306 Graham Drive/GPIN 7768-97-1948
Date: Tuesday, June 23, 2020 4:58:59 PM

With regards to this application:

<https://www.fredericksburgva.gov/AgendaCenter/ViewFile/Item/11563?fileID=9455>

I would ask that if this is approved that some sort of check be put in place to prevent the rental of this basement to someone else other than the mother.

To me this sounds like a loop-hole that could be exploited by other home owners and cause over-crowding in idelwild.

Basically make the terms of the approval contingent upon the mother living there and revoking it if she is found to not be living in that designated space. Meaning, if the mother moves upstairs, and they rent out the basement.... then what?

Tom

From: [T.O'Brien](#)
To: [Planning](#)
Subject: [EXTERNAL] SE2020-02 Terry Coley ADU
Date: Tuesday, June 23, 2020 9:14:16 PM

As a property owner in Villages of Idlewild I oppose the approval of the action in the subject line above. While I understand this may be an isolated case based upon family circumstances, this would open the door for granting of other similar use permits, creating a multitude of issues for the development. This precedent could lead to additional parking, traffic and HOA service related problems which would impact all residents. As the largest residential tax revenue generating development in the city, the council should seriously consider the impact to this body before voting to approve this request.

Tom O'Brien
1112 Taylor St

From: [Janet MarshallWatkins](#)
To: [Planning](#)
Subject: [EXTERNAL] Village of Idlewild 1306 Graham Special Exception Permit for Accessory Dwelling Unit
Date: Wednesday, June 24, 2020 8:06:04 AM

Dear Planning Commission members,

I'm writing as a resident of the Village of Idlewild to support the request for a special exception by the homeowners at 1306 Graham Drive. I understand VOI's Board of Directors has submitted a letter saying "the homeowners of the Village of Idlewild" oppose this request. However, the Board does not speak for me. I'm fine with what's being requested. I support the ability of Fredericksburg homeowners to modify their homes to create living comfortable living spaces for family members, especially those who are elderly.

Thanks,

Janet Watkins
1206 Walker Drive
Fredericksburg, VA 22401

From: [Erin Palko](#)
To: [Planning](#)
Subject: [EXTERNAL] SE2020-02 Terry Coley ADU
Date: Wednesday, June 24, 2020 8:32:05 AM

To whom it may concern,

I am writing to address my concerns with the City granting an exemption to the resident of the Village of Idlewild, Terry Coley of 1306 Graham Drive. I am concerned that by granting an exemption, the precedent will then be set for others in the neighborhood to also apply, and potentially be granted, an exemption as well. Our neighborhood has roughly 785 single family homes, town homes, and condominiums and would not be able to handle the added residents. I am concerned that other homeowners in the neighborhood would apply for an exemption and then would be able to rent out their basement for additional income. If a couple or a small family with children now share the single family home with the existing homeowner, we now have added cars to city streets, more traffic, students attending our already overcrowded schools, etc. I am asking that the City Planning Commission please take a stance against granting this exemption due to the precedent it will set for others.

Thank you,
Erin Palko
1018 Wright Ct.

From: [Belinda Watkins](#)
To: [Planning](#)
Subject: [EXTERNAL] Letter of support 1306 Graham exception
Date: Wednesday, June 24, 2020 12:11:50 AM

I am a homeowner in Idlewild. I support this exception application filed by Terry Coley. Ms. Coley is honest, selfless and the most considerate person that I know. I think it is admirable that she desires to provide a place in her home that makes her mother feels comfortable.

Ms. Coley's younger sister passed away near the Thanksgiving holiday last year. Her sister was providing transportation, running errands, taking care of all things pertaining to their mother. Ms. Coley's mother is now living in the hometown alone. Ms. Coley is attempting to create a suitable place for her mother to remain independent. There isn't a full bath or a bedroom on the first floor. The stairs leading to the second floor are steep for a woman of her age. The basement is spacious and allows her mother to sleep, eat and have access to a bathroom without climbing stairs. My floor plan is very similar to Ms. Coley's home. My 86 year old mother is unable to climb my stairs.

I think this exception should be granted because her mother needs to have the peace of mind in knowing she would not be a burden and could maintain some level of privacy and independence.

We have seen the horrendous effect that COVID-19 has on extended care facilities. I believe it is very admirable that Ms. Coley has invested her monetary resources to insure her mother will have a safe and suitable place to live and be with her. Please allow this daughter to do what she believes is best for her mother.

Belinda Watkins
[2148 Idlewild Blvd.](#)

Sent from my iPad

From: LaToya Gronhoff
To: Planning
Subject: [EXTERNAL] Fwd: Rent
Date: Wednesday, June 24, 2020 12:15:46 PM
Attachments: [IMG_3876.PNG](#)
[IMG_3877.PNG](#)
[IMG_3878.PNG](#)
[IMG_3879.PNG](#)
[IMG_3880.PNG](#)

June 24, 2020

RE: Agenda Item 8.1 SE2020-02 Terry Coley ADU, 1306 Graham Drive/GPIN 7768-97-1948

To the Members of the Fredericksburg City Council Planning Committee:

My comments below are regarding the concerns brought by the HOA and others on Ms. Coley's application:

- A family should not be required to search for another type of dwelling during a recession or a pandemic when they have a life-changing event, as is the case in this situation. The addition of one family member (elderly parent, sibling or a new child) should not necessitate what the HOA refers to as an "outgrowing" of one's home.
- This proposal is for a special exception to permit an accessory dwelling unit within an existing single-family detached home. Why is this "exception", not considered by the HOA as a viable way to address her needs? It has been made abundantly clear that other homeowners in the Idlewild development already have stoves in their basements and did not go through this legal process. That is an entirely separate issue, but it does provide us with what I believe is a little insight into Ms. Coley's intent to follow a law-abiding process.
- Many of the residents in our neighborhood may have non-relative individuals (significant others, roommates, friends) living with them that would qualify under the current definition of "family" in the City Code. The HOA contends that "the Village of Idlewild (VOI) [was] set for a projected number of families and family members." In this situation, it is specifically recorded in the application that this would be a relative/family member. Why should the approval of Ms. Coley's application be unjustly considered based on what other future residents may or may not do with this property?
- It would also be prudent to inform the Council that the renting of basements has been posted on the Idlewild Facebook site in clear visibility of the HOA, who is

the administrator for the page. So, if the idea is to eliminate the possibility of "renters" or extra families in a single-family home, denying Ms. Coley her modification for her mother will surely not achieve that goal (please see attached for multiple examples).

- Ms. Coley has already showed a reasonable duty to her neighbors by requesting the modification to her home and by going through the proper approvals and City process(es). If she continues following the current process and required approvals, the modification will undoubtedly meet building code standards, which would eliminate the general concern presented about fire/building safety.

I stand in full support of her request for modification to her basement. Please let your decision be based only on the facts set forth in this case and not by individual biases concerning the character of our neighbor. Please not allow the probability of unknown future fears already submitted about changes in the VOI that may never even come to pass, obscure your judgment.

Thank you to the members of the Planning Committee for your time.

Respectfully,

Village of Idlewild Homeowner, since 2005
LaToya Marshall-Gronhoff, CPCU
1858 Idlewild Blvd
Fredericksburg VA 22401

Sent from my iPhone

From: [Salty Troye](#)
To: [Planning](#)
Subject: [EXTERNAL] Idlewild re-zoning permit
Date: Wednesday, June 24, 2020 12:36:18 PM

To the planning board,

I am a current resident of Idlewild and it has come to my attention that there is currently a petition to change the zoning of a house here in the community to allow a homeowner to create a separate living compartment in their home. When I first moved here, I was told that renting out rooms or your basement was not permitted which was later downgraded to not encouraged being almost impossible to enforce as it taxed the community resources. In my opinion, permitting this home to create a 2nd dwelling will set a nasty precedent to which it will be difficult to recover. While this person has also made claims to house an elderly family member, there has been for a long time an issue with this home renting out all available rooms to whomever is around - with those renters bringing their extended network as well, creating a rather messy situation around their home and in the community. I vividly remember there being a huge issue 2 years ago because the 1 renter wanted to go to the pool and bring their entire family of ~ 10 ppl and raising a ruckus at the guard shack. While I do not know the owner personally, or anything about them, I have seen many complaints as well have walked past the house taking notice of the numbers of cars and items in the driveway and in the yard around and later putting the 2 together to realize I found "that house". I am also a pragmatist and while this story of the owner wanting this for their aging parent, there is not a single doubt that they would turn this into a benefiting situation of being able to rent out this second unit of their home as a complete living situation for a whole family. The basements of these homes are quite large and some friends have joked they could fit their house inside of my basement; therefore, it is not beyond reason that a complete family could live below with the owner and 3-4 renters living above. This home constantly pushes the boundaries in their own favor and it is because of this fact and the establishing of a precedent allowing this nice community to become a series of dual-dwelling homes- perhaps eventually petitioning for their own mailing address too.... Please vote this down as there are traditionally, established ways to bring in your parents without having a legal document giving this owner a separate dwelling. Thank you for your time.

Troy Widgren

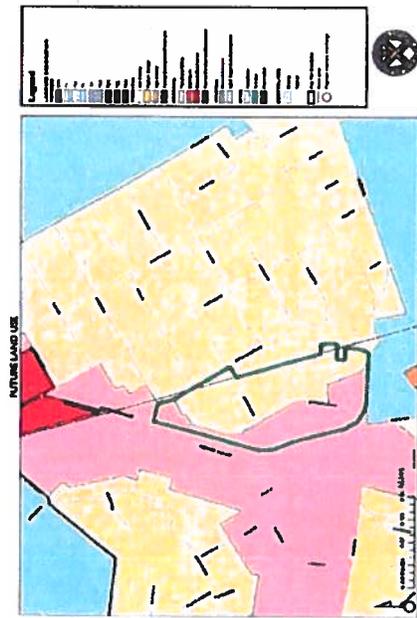


**Cowan Station – Commercial / Office Park
CPA2020-02, RZ2020-03, VAC2020-01**

Introduction:

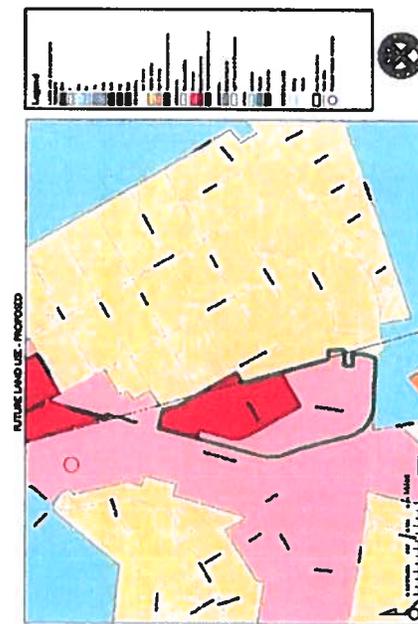
- 1. Comprehensive Plan Amendment**
- 2. Proposed Zoning Map Amendment**
- 3. Vacation of Right-of-Way**
- 4. Brent Street Trail**
- 5. Next Steps / Recommendation**

1. Comprehensive Plan Amendment –

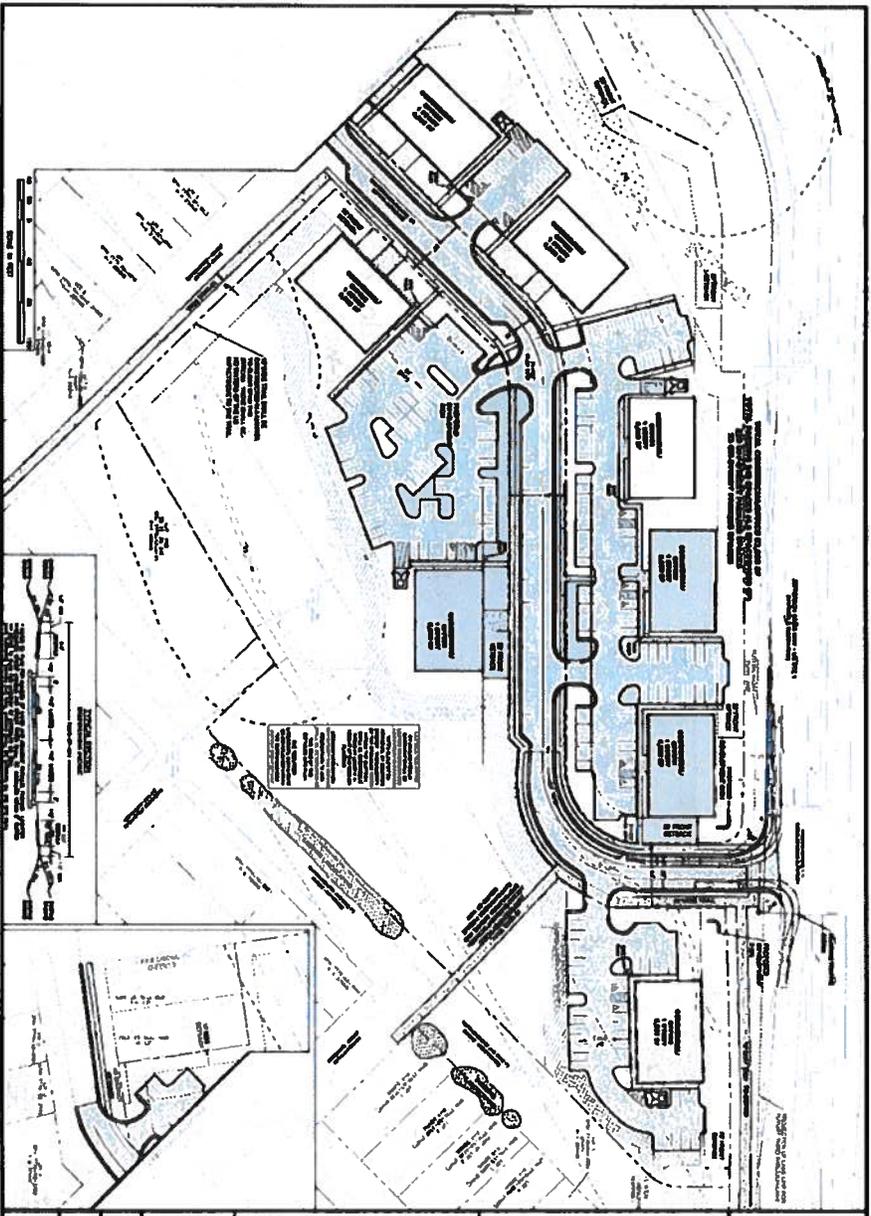


SUB PLANNING AREA 5B

The northeast quadrant of the intersection of State Route 3 and U.S. Route 1 exists currently as a remnant of the original Fredencksburg Development Company's platting with an assemblage of uses. Natural features and the Dominion Transmission Line functionally separate this area from the College Heights Neighborhood. The original configuration of streets and small lots is no longer practical particularly given the proximity to U.S. Route 1 and disconnection from College Heights. The existing layout, including vestiges of undeveloped rights-of-way, could be reassembled to support future evolution of the site. This area is uniquely positioned near major roadways, regional transit, and two major institutional anchors and could provide space for commercial and office activity. Serving as a walkable center, future development should link neighborhoods and local goods and services. A cohesive redevelopment could provide new uses where appropriate buffering ensures minimal effect to the adjoining neighborhood. To ensure this sensitivity, automobile centered uses and activities should only be considered under special review.

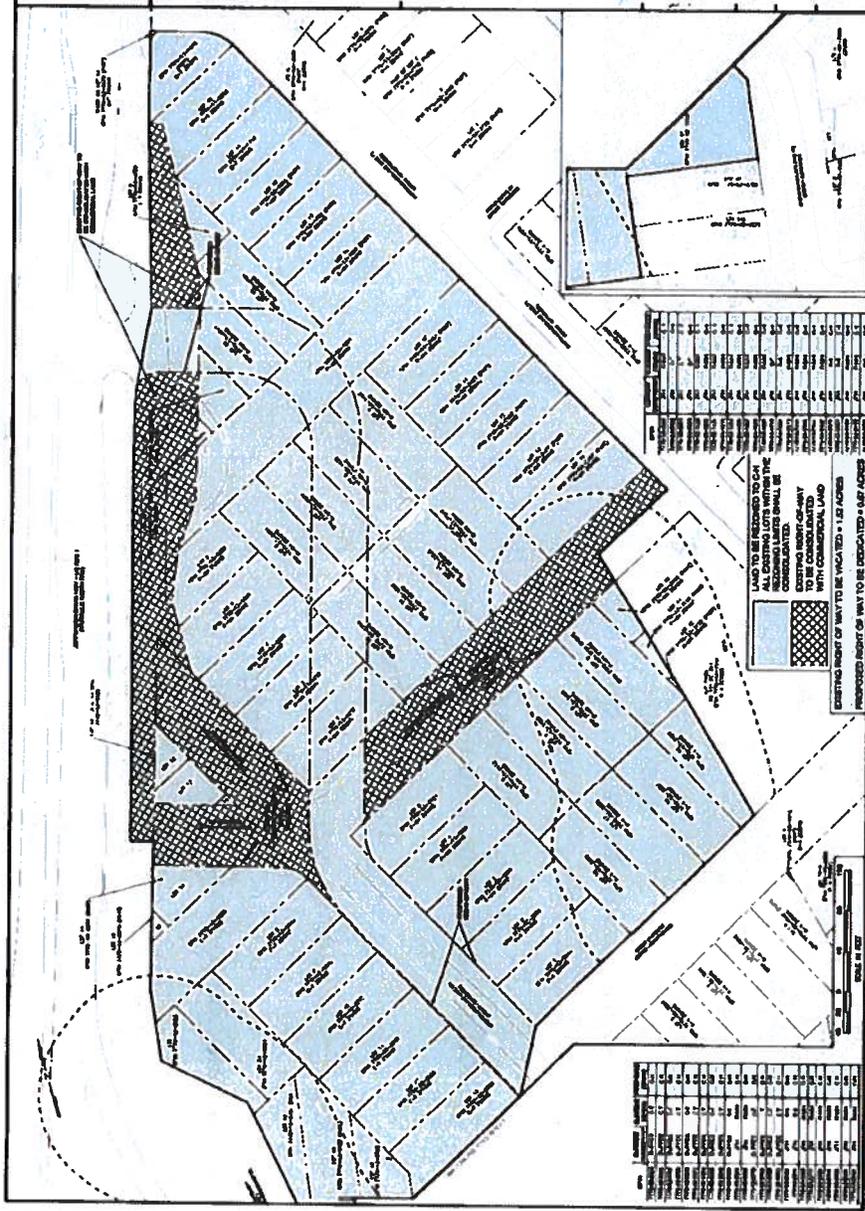


3. Proposed Zoning Map Amendment – General Development Plan



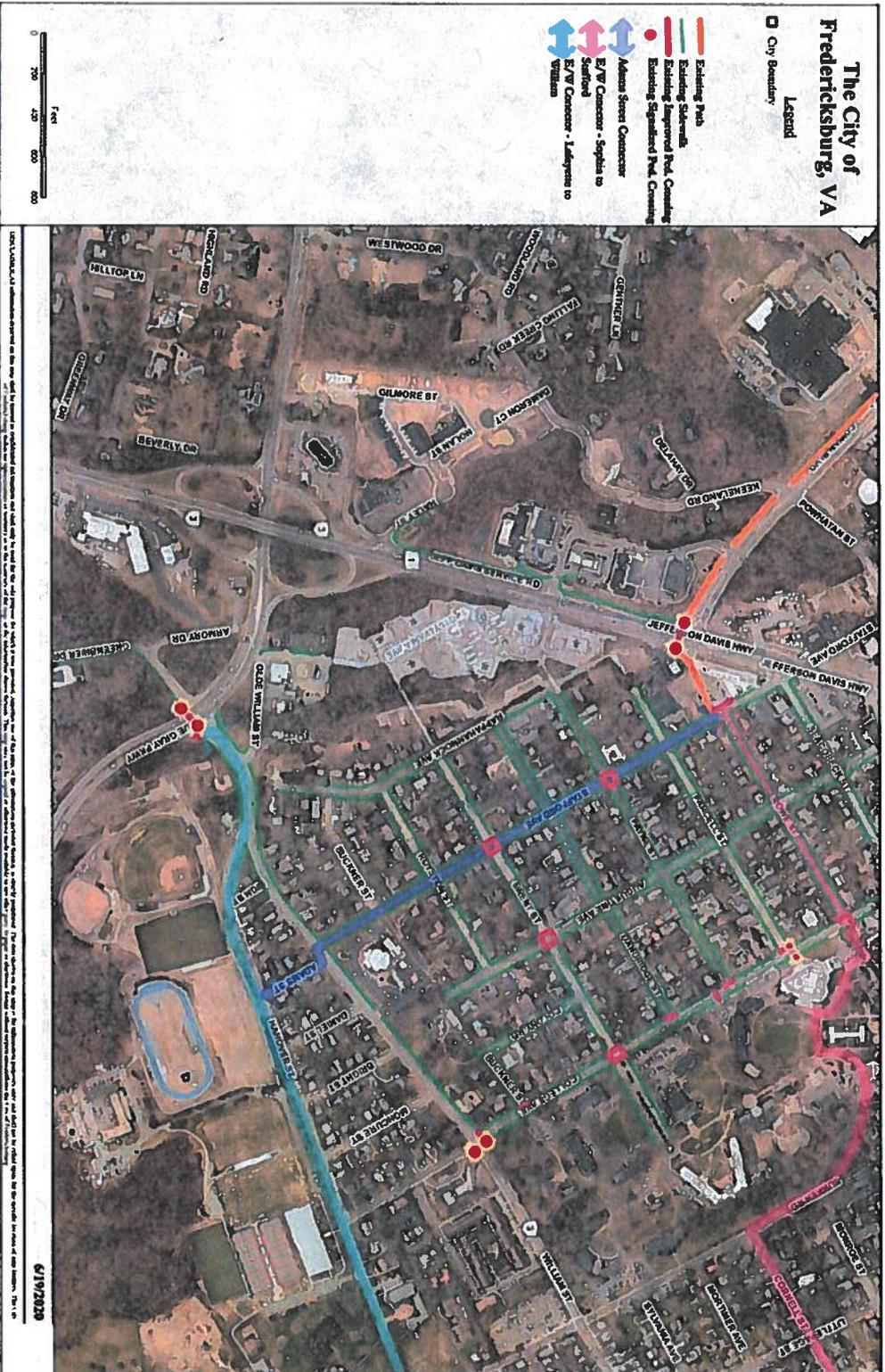
- **52,000 square feet of commercial / office space.**
- **8 – 1 story 6,500 square foot buildings.**
- **No residential.**
- **Re-alignment and reconstruction of Spotsylvania Avenue.**
- **Construction of sidewalk network and off-site trails to connect project into the remainder of the network.**

3. Proposed Zoning Map Amendment – Vacation of Right-of-Way

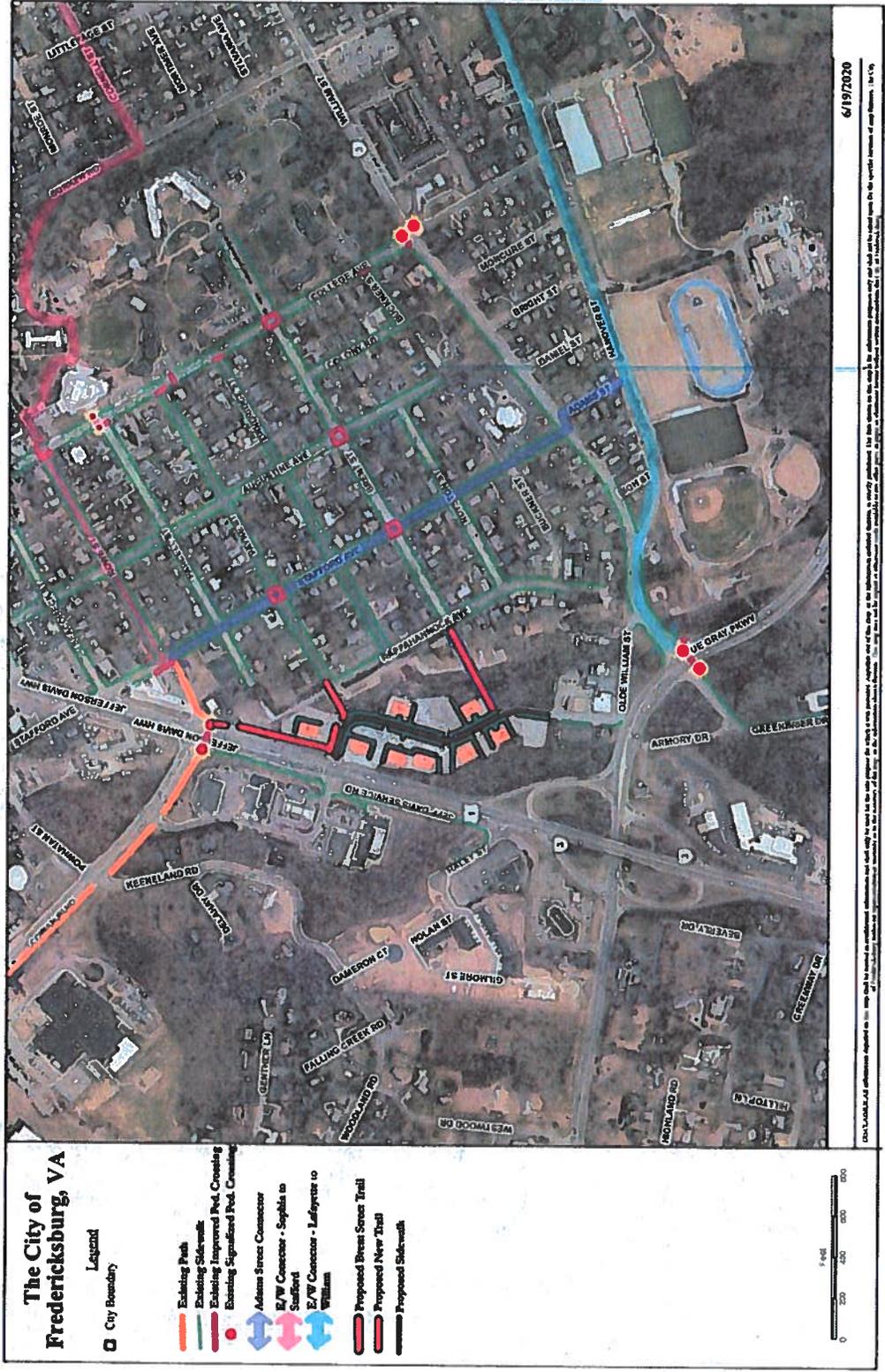


- 0.85 acre net vacation of right-of-way.
- 1.52 acre vacation.
- 0.65 acre rededication of Spotsylvania Avenue right-of-way.

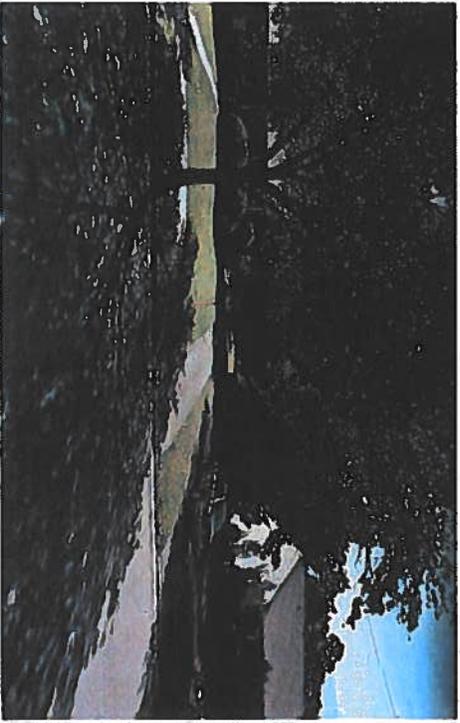
4. Brent Street Trail



4. Brent Street Trail



4. Brent Street Trail



5. Recommendation

- Recommend to the City Council that the Comprehensive Plan be amended to reflect this change in land use vision.
- Determine that the vacation of portions of Spotsylvania Avenue and Dandridge Street right-of-ways are in conformance with the Comprehensive Plan in accordance with Virginia Code § 15.2-2232.
- Recommend approval of the proposed zoning map amendment of 50 GPINs from Residential Mobile Home, Residential 4, and Commercial / Transitional Office to Commercial Highway in accordance with the General Development Plan and Proffer Statement.

From: [MEGHANN COTTER](#)
To: [Planning; Michael J. Craig](#)
Subject: [EXTERNAL] Comments on Cowan Station
Date: Thursday, June 18, 2020 10:28:10 AM

I'd like to offer some comments to the planning commission on the proposed Cowan Station Development. My family and I live at 1222 Brent St. Often, my boys like to ride their bikes over to Freddy's or the Elementary School playground. This means we have to either go up to the bus station or down William St. and up past where the old trailer park was. It makes for a much longer trek than necessary and more than once I've had to call my husband to come get us because the kids couldn't make it back home. I hope that the new development will consider some connectivity to the neighborhood either by sidewalk or cut through street in order to offer greater connectivity and symmetry with the neighborhood.

I will also add that it seems a shame that tract is being gentrified rather than revitalized as an safe, affordable housing opportunity in the city. Although the living conditions of the trailer park were unacceptable, the people who lived there had the closest thing to affordable housing that they will ever have in this region and had important community bonds that are irreplaceable. At the back of a residential neighborhood and on a quiet street, my desire would be that development be a continuation of housing, perhaps even mixed residential/commercial and that those housing opportunities reimagine what housing could be for some of the poorest members of our community who also depend on relationships and community to obtain a higher standard of living.

Thanks for your consideration.

Meghann Cotter
1222 Brent St.
Fredericksburg, VA 22401

From: [Michael J. Craig](#)
To: [Cathryn A. Eckles](#)
Subject: FW: Cowan Station follow up
Date: Thursday, July 09, 2020 2:16:12 PM

From: Meredith Beckett [mailto:mbeckett492@gmail.com]
Sent: Thursday, June 18, 2020 10:48 AM
To: Michael J. Craig; James D. Newman
Subject: Cowan Station follow up

Good morning Mike and James,

I think the public hearing last night went well and our hope is that among the city, Jarrell Properties and CHCA, we can come to a compromise to make all concerned parties happy. I believe the only issue we have is the placement of the trails and, as was stated last night, if the Brent St trail can be eliminated, thus preserving a tree canopy and green space and not directly impacting the adjacent residences, the Payne St. trail would be acceptable.

Please keep CHCA in the loop as you further the discussions with Mr. Hicks. After the meeting last night, he spoke to our group outside and seemed amenable to this approach.

Thanks for your work on the project and have a nice day.

Best,

Meredith

From: [Rea Manderino](#)
To: [Planning](#)
Subject: [EXTERNAL] Cowan Station and Cowan Station Rezoning
Date: Wednesday, June 24, 2020 12:41:18 PM

My name is Rea Manderino ("ray man-der-reno"), resident of 1105 Nolan (Cowan Crossing), 22401. My family has lived in the City of Fredericksburg since 2010. I am also an ecologist, currently finishing my doctorate from the State University of New York College of Environmental Sciences and Forestry.

I laud the new street right-of-way for Spotsylvania Ave as planned and the building of pedestrian infrastructure. I frequently walk from my address to downtown, and I have concerns regarding the currently standing woodlot at the site of the proposed Cowan Station. Having witnessed the current degradation of Smith Run's buffer through development of the Cowan Crossing complex and adjacent commercial areas, there are several issues of environmental concern that detract from pedestrian use of the area. A limitation of the Cowan/Rt 1 area sidewalks is lack of shade from tree cover, poor grading of the drainage basins following development, and poor environmental stewardship of those basins. Standing water adjacent to sidewalks, unshaded drainage runs, and exclusive slash-management leaves these attempts at water-management unsightly and prone to further degradation. These areas become uninhabitable for the wildlife interactions we value in cities, such as treefrogs, songbirds, and pollinators. Preservation of the mature native trees in an intact green space is a vital component of pedestrian traffic, the health of the perennial streams, and the enjoyment of our city. These are features that cannot be captured by the 100-ft buffer zone around the streams alone. I wish to advocate for preservation of as much of the current standing woodlot as possible around Spotsylvania Ave.

I also encourage an examination of the Spotsylvania Ave/Rt. 1/JDH Service Rd intersection. As it currently exists, the west-facing stop sign adjacent to the service road is frequently ignored by drivers when the west-facing traffic light turns green. North-bound drivers at the service road stop sign, most often the residents of Cowan Crossing, are at risk for injury and vehicular damage by this behavior. This issue will only increase in severity should Cowan Station develop.

Thank you for your time and service to the city.

~~~~~  
Rea Manderino  
PhD Candidate  
Department of Environmental and Forest Biology  
SUNY - College of Environmental Science and Forestry  
[rmanderi@esf.edu](mailto:rmanderi@esf.edu) ~ [Relax, I'm an Entomologist](#)  
~~~~~




**CITY OF FREDERICKSBURG
PLANNING COMMISSION MINUTES**

July 8, 2020

7:30 p.m.

ELECTRONIC MEETING / COUNCIL CHAMBERS, CITY HALL

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

<https://amsva.wistia.com/medias/pp4zrozwpz>

The Agenda, Staff Report, Applications and Supporting Documents are also available on the Planning Commission page.

MEMBERS

Rene Rodriguez, Chairman (live)
Steve Slominski, Vice-Chairman (electronic)
David Durham (electronic)
Kenneth Gantt (live)
Chris Hornung (electronic)
Tom O'Toole (absent)
Jim Pates (electronic)

CITY STAFF

Chuck Johnston, Director, Planning and Building Dept. (live)
Mike Craig, Senior Planner (live)
Susanna Finn, Community Dev. Planner (live)
Cathy Eckles, Administrative Assistant (live)

1. CALL TO ORDER

This meeting was held live and electronically by "Go to Meeting" application, pursuant to City Council Ord. 20-05, An Ordinance to Address Continuity of City Government during the Pendency of a Pandemic Disaster.

Members of the public were invited to attend in person with social distancing practices and masks required or access this meeting by public access television Cox Channel 84, Verizon Channel 42, online at www.regionalwebtv.com/fredcc, or Facebook live at www.facebook.com/FXBGgov.

Chairman Rodriguez called the meeting to order at 7:30 p.m. and explained electronic meeting procedures.

2. PLEDGE OF ALLEGIANCE

3. DETERMINATION OF A QUORUM

All members were present except Tom O'Toole.

4. APPROVAL OF AGENDA

Mr. Gantt moved for approval of the agenda as submitted. Mr. Durham seconded.

Motion passed 6-0-1

5. DECLARATION OF CONFLICT OF INTEREST

None.

6. UNFINISHED BUSINESS (continuation of Public Hearing from June 24, 2020)

- A. Area 7 Small Area Downtown Plan** – The City of Fredericksburg proposes to amend Chapter 10 Land Use Plan and Chapter 11 Planning Areas of the City’s Comprehensive Plan to adopt the Area 7 Downtown Small Area Plan.

Ms. Finn reviewed a power point presentation (Att. 1) showing what was changed in the proposed Downtown Plan since the June 24, 2020 presentation to the Commission.

Mr. Durham noted the addition of proposed Trestle Park at the corner of Caroline and Frederick Streets to Table 4-7 City-Owned property for Future Parks and asked how to add future parks, specifically in Area 2. He was specifically focused on the land donated to the City for open space approximately 4 years ago and possibilities in Area 1, wherein there may be some open space that needs to be designated. He said that he wants to be sure the City will be using Table 4-7, Future Parks, to designate any potential future park or open space areas. Ms. Finn said that the City modified this table for Trestle Park based on his recommendation from the last Commission meeting and will check into any other possibilities.

Chairman Rodriguez opened the public hearing and Ms. Finn read in the public comment letter received from:

Rebecca Hanmer 138 Caroline Street (Att. 2)

There being no public speakers, Chairman Rodriguez closed the public hearing.

Mr. Gantt motioned to recommend approval of the Comprehensive Plan Amendments for the Downtown Small Area Plan. Chairman Rodriguez seconded. Mr. Durham commended staff for the tireless work done in the last two years. Mr. Pates said, although he is supporting the motion, he does not agree with Trestle Park as open space and believes this area is intrinsically tied to the development of the new train station.

Motion passed 6-0-1.

- B. UDOTA2020-02 Creative Maker District - The City of Fredericksburg** proposes to amend the Unified Development Ordinance to establish a new zoning district entitled “the Creative Maker District”.

- C. RZ2020-02 – The City of Fredericksburg** proposes to amend the Zoning Map to change the existing zoning of about 78 acres of land to the Creative Maker Zoning District.

Mr. Craig reviewed the staff report for Items 6B and 6C jointly. Mr. Craig stated the commercial Floor Area Ratio (FAR) maximum was modified from 0.70 to 0.75 for a more logical incremental scale relative to other commercial zoning districts.

Mr. Hornung said in light of the critical public comments about reduced residential density, would staff refresh the Commissioners about the proposed changes. Mr. Craig summarized that density would change as follows:

CT – currently 12 units per acre by right, changed to 8 and 12 units per acre by right, depending on location;

CH – currently 12 units per acre by right with no change; and

R30 – currently 30 units per acre by right, changing to 12 units per acre by right;

Mr. Craig said that these changes reduce on paper the net number of units permitted by right by 114. This is balanced by providing for no automatic limit to residential units allowed through the Special Use Permit process. Structuring residential density in this way sets a by-right limit at or below neighborhood residential levels yet permits creative housing proposals that would be dense enough to meet

environmental and economic development goals as they could create a walkable vibrant core. Mr. Craig noted there are other performance standards in place to keep the density in check. Mr. Durham clarified that the types of developments that will come through are likely to be a variety of types, densities, and sizes, no inundation of only really large developments.

Chairman Rodriguez opened the public hearing and Mr. Craig read in the public comment letters received from the following:

Will Macintosh	905 Mortimer Avenue	(Att. 4);
Alexanna Hengy	2412 Lafayette Boulevard	(Att. 5);
Sean Imanian	no address given	(Att. 6); and
Rupert Farley	1305 Caroline Street	(Att. 7).

Adam Lynch, 1108 Sophia Street, spoke against the residential density limits in the Creative Maker District stating that even if this district is built out to its full capacity, the proposed residential downsizing will ensure less units per acre than in Bunker Hill and that environmentally friendly missing middle housing cannot be constructed under these density limits. He feels that this proposal will take a growing area in a growing city and saddle it with limits, which will underutilize a promising urban area. Mr. Lynch further noted that this proposed text amendment will not only apply to Area 6 but is a blueprint for future maker districts as it creates two new zoning classes, with primary input from homeowners in a single area of the City. Mr. Lynch believes the special use permit process built into the proposal places disproportionate power in the hands of an organization that has a vested interest in suppressing housing supplies and that creating a precedent setting zoning code under the influence of a small cross section of one neighborhood discourages new growth. Mr. Lynch believes there is also another dynamic at play in that this proposal was developed with only input from a neighborhood comprised mostly of older, financially stable homeowners and that to develop a maker district vision that truly reflects the will of the people, the City needs to seek out Fredericksburg residents of all backgrounds and all neighborhoods to be sure the City includes affordable housing opportunities.

There being no further public speakers, Chairman Rodriguez closed the public hearing.

Chairman Rodriguez noted that he actively worked with the Canal Quarter group and disputed Mr. Lynch's notion that the group was not diverse.

Mr. Durham believes that the goals he has heard staff talk about seeking to create and the goals in the citizen comments mirror each other and asked Mr. Craig to comment on that dynamic. Mr. Craig said the core issue with any zoning district is how to handle residential growth and the City developed a strategy for urban infill. The urban infill strategy, permitting residential density to be set on a project basis by special use permit, can be followed with potential changes to the Commercial Downtown zoning district where there is such a disparity between units per acre on the ground. The elimination of the suburban artificial maximum "caps" will legalize creative housing proposals on a variety of lot sizes in place of the current suburban dynamic superimposed on urban settings where artificial "caps" create market and legal pressure that results in a limited residential marketplace comprised of either large lot single family homes or acres of land being consolidated by heavily capitalized firms for garden apartment complexes.

The balanced approach in the Creative Maker District permits residents to have a voice in the development process. The process permits the City to be ambitious, to meet climate goals, and to be environmentally sustainable, permitting infill residential development at a scale that can absorb the growth in places where it does the most good. Mr. Craig said that the City has kept Area 6 as a mixed use district, kept the by-right residential levels relatively stable, structured the area as a creative and inclusive marketplace, and provided the form-based code to limit building heights, widths, and footprints, which is the critical way to control the intensity.

Mr. Durham said that the primary goal of this zoning district process is not to establish residential developments, but to encourage mixed use, adaptive reuse, and to allow different sorts of uses than what

is currently used in order to have more creative approaches to attract entrepreneurial types into this area. Mr. Craig agreed.

Mr. Gantt motioned to recommend approval to City Council of UDOTA2020-02 creating the Creative Maker District and consolidating form-based regulations. Mr. Durham seconded. Mr. Pates said that he disagrees with the public comment about the characterization of his neighborhood. He also said that he plans to vote against the recommendation. He disagrees with the opposition to the residential limits from people who are claiming the City is promoting suburban sprawl. Mr. Pates stated his opposition to this is because there are no caps on residential density through the special use permit process.

Chairman Rodriguez said he would be supporting this proposal as he has been working with the very diverse Canal Quarter group throughout the process.

Motion passed 5-1-1.

Mr. Durham motioned to recommend approval to City Council of RZ2020-02 to amend the Zoning Map to change the existing zoning of about 78 acres of land to the Creative Maker Zoning District. Mr. Slominski seconded.

Motion passed 5-1-1.

7. GENERAL PUBLIC COMMENT

None.

8. OTHER BUSINESS

A. Area 1 and 2 Small Area Plan Concept Preview

Mr. Craig and Ms. Finn did a general review of Area 1 Celebrate Virginia / Central Park and Area 2 Fall Hill Small Area Plans with a power point presentation (Att. 8) noting that these items will be discussed at the Commissioner's August 12, 2020 meeting with reports from Streetsense (on Area 1) and City staff (on Area 2).

B. Next Phase UDO Text Amendments

1. Transfer of Development Rights
2. Industrial Use / Performance Standard Review
3. Planned Development – Mixed Use Ordinance Revisions
4. Conservation District Overlay / Neighborhood Infill
5. Area 7 Text and Zoning Map Amendment

Mr. Craig did a general review of the upcoming Planning Commission work seasons.

C. Planning Commissioner Comments

Mr. Pates noted his displeasure of the Commissioner's motion to recommend approval of SE2020-02 to City Council as he still feels there is nothing special about it. Mr. Pates believes an Accessory Dwelling Unit should have a more distinctive definition and should only apply to separate buildings, not changing the interior of a single family home.

Mr. Durham said the George Washington Regional Commission has created a survey regarding housing affordability and would like to have it more broadly advertised. Ms. Finn said she had forwarded the survey to the City Manager's Office and the Public Information Officer for posting.

D. Planning Director Comments

Mr. Johnston noted that Council will discuss the ADU Special Exception and Cowan Station Comprehensive Plan amendments, rezoning, and street vacations at its upcoming July 14, 2020 meeting. The August 12 Commissioner's meeting will primarily be a working session with a transmittal of the Area 1 (Central Park/Celebrate) and 2 (Fall Hill) Plans as a joint work session with City Council. The timing and format of the meeting is yet to be determined.

Mr. Johnston discussed that Streetsense's Area 1 ideas may differ from staff. Staff will transmit Streetsense's report, following up at a subsequent meeting with alternatives and options. He noted Streetsense's base premises were that commercial and retail development is shrinking, while the potential for residential is growing.

The Downtown Plan and the Creative Maker District and rezoning will be discussed with Council at a work session on August 11 and then a public hearing on August 25, along with the Parking Ordinance amendments.

Mr. Gantt asked about the comparison between Streetsense's views and the City's alternate plans and why the need for two meetings. Mr. Johnston said that it is appropriate to present all of Streetsense's information, but after the Commission has had a chance to absorb this, to then present the alternate concepts.

Mr. Pates asked if the Commissioners will have any chance to talk and question Streetsense about their report. Mr. Johnston said their staff should be available electronically.

9. ADJOURNMENT

There being no further items to be discussed, the Planning Commission meeting adjourned at 8:49 p.m.

Next meeting is August 12, 2020.



Rene Rodriguez, Chairman

Area 7 – Small Area Plan



Open Space

11(7)14 - Formalize the City owned parcel adjacent to the Janney-Marshall Building (called Trestle Park by nearby residents) as a City park. Regarding the section of green space north of the concrete wall, adjacent to the access lanes and parking, flexibility may be needed for a future new and expanded Train Station and access lanes. However, the green space and its healthy tree canopy are an asset that should be maintained for now, and as much as possible in the future Train Station expansion.

11(7)9 - Recognize the historic John DeBaptiste Ferry Landing on Canal Street with water access and interpretation, formalizing this as a City park.

TABLE 4-7 CITY-OWNED PROPERTY FOR FUTURE PARKS

RESOURCE	ACREAGE	PLANNED USE
Natural area on Fall Hill	56.9	Open space, picnicking, pathways along river bluffs
Zig-Zag Trenches (Civil War)	4.758	Historic site
Smith Run Battle Site	11.0	Historic site
Trestle Park	.25	Open space
DeBaptiste Ferry Landing	.50	Historic site, open space and water access

Access and Mobility - Vehicle

11(7)24 - Particular attention should be paid to the effects traffic pattern changes may have on parking, visibility, and speed. This study should evaluate the potential to remove access to Princess Anne Street from Dixon Street.



From: [Michael J. Craig](#)
To: [C. Hornung \(chornung@ymail.com\)](#); [David Durham](#); [James Pates](#); [Kenneth Gantt \(kdganttfredpc@gmail.com\)](#); [Rene Rodriguez](#); [Steve Slominski](#); [Tom O'Toole \(tjotoole@verizon.net\)](#)
Cc: [Charles R. Johnston](#); [Cathryn A. Eckles](#); [Susanna R. Finn](#)
Subject: FW: [EXTERNAL] Area 7 Plan - Trestle Park
Date: Wednesday, July 08, 2020 4:29:56 PM

Planning Commissioners,

See below comment regarding the Area 7 Downtown Plan.

Mike Craig

From: Rebecca Hanmer [
Sent: Wednesday, July 08, 2020 3:56 PM
To: Michael J. Craig; Susanna R. Finn
Cc: Maureen Widic; Ed Sandtner; Linda Coker; Anne Little; Andre Pineda
Subject: [EXTERNAL] Area 7 Plan - Trestle Park

Dear Susanna, we have read the memorandum that you wrote to the Planning Commission for tonight's meeting (July 8). This concerns the Comprehensive Plan amendments for the Area Plan for Small Area 7.

As you can imagine, the Trestle Park Committee is thrilled to see the proposed additions to the Area Plan's discussion of Trestle Park on page 11(7)14, responding to our comments for the June 24 public hearing. I am referring to: (1) the specific reference to "park" for protecting the green space adjacent to the Janney-Marshall Building, which we call "Trestle Park;" and (2) the addition of our requested language regarding the value and maintenance of the green space north of the concrete wall.

We thank you, Susanna and Mike, and all in the Planning Department who have had a role in this action and have been so responsive to our neighborhood concerns. You may be sure that we will follow the Commission's action on this closely, and support final approval by the City Council.

We also thank you wholeheartedly for reaching out to the Parks and Recreation department to further the process. I will be writing Ms. Shelhorse as well to offer our help and support.

Best wishes in these challenging times, Rebecca Hanmer for the Trestle Park Committee.

Sent from my iPad

From: [Michael J. Craig](#)
To: [C. Hornung \(chornung@ymail.com\)](#); [David Durham](#); [James Pates](#); [Kenneth Gantt \(kdgantt.fredpc@gmail.com\)](#); [Rene Rodriguez](#); [Steve Slominski](#); [Tom O'Toole \(totoole@verizon.net\)](#)
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Best wishes in these challenging times, Rebecca Hanmer for the Trestle Park Committee.

Sent from my iPad

From: [Will Mackintosh](#)
To: [Planning](#)
Subject: [EXTERNAL] Comment for July 8 Planning Commission Meeting
Date: Tuesday, July 07, 2020 10:46:02 AM

This public comment is intended for the July 8th Planning Commission Meeting.

From Will Mackintosh, citizen of the City of Fredericksburg.

Dear Members of the Planning Commission,

I am writing to voice my concern about the rezoning of the Canal Quarter Creative Maker district. I am supportive of the move to a form-based code, but I am concerned that the T-4M and T-5M designations will not allow enough by-right density to allow this crucial corridor to thrive and develop the way we all hope it will.

I am a member of the Fredericksburg Economic Development Authority, and although I do not speak for them in an official capacity (I am writing a private citizen), I believe that the T-4M and T-5M designations will inhibit our ability to pursue the Economic Development Strategic Plan that we have jointly adopted with City Council.

Goal #10 of our Strategic Plan is “enhance gateways into the city.” Thus it is critically important that we support the redevelopment of critical entrance corridors to our City, including Route 1 and Princess Anne Street. Thriving commercial corridors like those we hope to see in the Canal Quarter need a critical mass of nearby residents to support their businesses. That’s why our downtown is so thriving; it is surrounded by a dense concentration of residents who patronize the businesses. The Canal Quarter has struggled in relative terms because the surrounding blocks are less densely populated or are in many cases depopulated, because they are filled with parking lots and other nonproductive uses. Allowing greater residential density in those unoccupied blocks will provide the customer base needed to make the businesses along the revitalizing Route 1 and Princess Anne corridors thrive.

Another goal of our strategic plan (#2) is “develop the workforce of tomorrow.” In order to do so, we must support workforce housing in the City, meaning housing that is affordable for all segments of our workforce. I am concerned that the low densities allowed by the T-4M and T-5M designations will only allow relatively large and therefore relatively expensive housing to be built. The Canal Quarter is ideally located to host some of the right-sized, right-priced housing that is so desperately needed by our young families and our growing population of retirees. Adopting such restrictive zoning would necessarily price them out of our market.

I hope that the Planning Commission will consider allowing a considerably higher by-right residential density in the Canal Quarter in order to support the City Council and the EDA’s jointly shared economic development goals.

Sincerely,
Will Mackintosh

From: [Alexanna Hengy](#)
To: [Planning](#)
Subject: [EXTERNAL] Re: RCM comment on proposal
Date: Wednesday, July 08, 2020 4:33:30 PM

Hello Members of City Planning,

My apologies that my comment was sent without a greeting at the top or a signature at the bottom. I realized how little time was remaining and hit send before before able to add those components out of concern for the deadline.

Thank you for taking the time to read the Rappahannock Climate Mobilization's thoughts on this matter.

Sincerely,
Alexanna Hengy
RCM Board Member
(540)760-1215

On Jul 8, 2020, at 4:29 PM, Alexanna Hengy <> wrote:

My name is Alexanna Hengy and I live at 2412 Lafayette Blvd Fredericksburg VA 22401. I am a Board Member of the Rappahannock Climate Mobilization (RCM), a coalition-based organization dedicated to intersectional climate justice. I speak on behalf of RCM when I say I oppose the proposal to create a new special zoning district called the "Canal Quarter Maker District" in the area around Carl's. The reason for this opposition is that it would "down-zone" 78 acres of land, lowering the allowable density of residential units in this area which could otherwise be a highly walkable community with denser development like apartments. Sprawl is one of the biggest threats to the environment, requiring increased use of cars, and larger residences without shared walls require more energy use. This is also a matter of housing justice, economic justice, and racial justice. Often older, upper-middle-class white property owners will resist apartments and other denser, more affordable housing falsely claiming that these forms of housing bring in "bad elements".

What this denser, more affordable housing actually brings is quite positive. It brings increased walkability to our city, allowing Fredericksburg to be a car-optional city, which is highly appealing to many people. It brings us closer to achieving the environmental goals the city has committed to, and closer to the scientific imperative of achieving essentially zero emissions city-wide by 2030. It brings greater health and protection to our Rappahannock River, with sprawl being one of the highest water-quality challenges it faces. It brings greater

equality and opportunity for low-income families and renters, which often due to generations of systemic racism, is disproportionately composed of the black community and other minority communities. It also brings more customers to our small businesses; having more people living in walking distance of these businesses will offer much needed help.

If aesthetics are of concern to our residents, we can put requirements in place that the apartment adhere to the similar style and look of the downtown buildings. We can also include a requirement for flowers and trees to be sustainably maintained in a green space around the apartment which would both be environmentally beneficial and likely make our residents feel favorably about the apartments. We should but a requirement that any apartments or other dense housing built in this area stay below a certain rent level, ensuring that this is affordable housing.

From: [Charles R. Johnston](#)
To:
Cc: [Michael J. Craig](#); [Cathryn A. Eckles](#); [C. Hornung \(chornung@ymail.com\)](#); [David Durham \(daviddurham.fxgpc@gmail.com\)](#); [James Pates](#); [Kenneth Gantt \(kdgantt.fredpc@gmail.com\)](#); [Rene Rodriguez](#); [Steve Slominski](#); [Tom O'Toole \(totoole@verizon.net\)](#)
Subject: RE: [EXTERNAL] Online Form Submittal: Contact Us - Charles R. Johnston, Community Planning and Building Director
Date: Wednesday, July 08, 2020 4:50:52 PM

Mr. Imanian
Thank you for your comments.
They will be read into the record at tonight's Planning Commission meeting.
Chuck Johnston

Charles Johnston AICP CNU-A
Director
Community Planning & Building Department

City of Fredericksburg
715 Princess Anne Street
Fredericksburg, VA 22401
540-372-1180

From: noreply@fredericksburgva.gov [mailto:noreply@fredericksburgva.gov]
Sent: Wednesday, July 08, 2020 4:30 PM
To: Charles R. Johnston
Subject: [EXTERNAL] Online Form Submittal: Contact Us - Charles R. Johnston, Community Planning and Building Director

Contact Us - Charles R. Johnston, Community Planning and Building Director

Name	Sean Imanian
Email	
Phone	
Preferred Method of Contact	Email
Are You a Fredericksburg Resident?	Yes
Question or Comment	Hello,

This is from Rappahannock Climate Mobilization a local environmental group.

When we were informed that the Fredericksburg Planning Commission is deliberating on a proposal to create a new special

zoning district called the "Canal Quarter Market District" in the area around Carl's.

This was brought to our attention and we have a few concerns about it. The proposal would downsize 78 acres of land in a very walkable area, meaning that it would lower the allowable density of residential units in an area that we believe is well-suited for denser development like apartments. We take issue with this because urban sprawl is the most pressing water quality challenge facing the Rappahannock River and we are trying to turn toward a more sustainable form of development. We want more small apartments and other denser developments in walkable areas.

Here are a few brief reasons why I think you should consider

- Walkability - Downtown Fredericksburg is a walkable space that has the potential to be a car-optional city, reducing carbon usage. But the proposal puts arbitrary units/acre limits that make it unfriendly to environmentally friendly compact development.
- Sustainability - Infill is more environmentally friendly than building on our urban fringe, but the proposal does not allow adequate density of infill. The end result is, development instead occurs on the suburban fringe and the result is more car-dependent sprawl and more carbon emissions
- Affordability and Equity. Putting strict density limits hurts housing affordability, which hurts low-income people and renters most.
- Helping local business. The neighborhood is near several local businesses and the new FXBG Food Coop. Having customers within walking distance can help businesses stay afloat.

Kind Regards,
Rappahannock Climate Mobilization

Email not displaying correctly? [View it in your browser.](#)

From: Farley
To: Planning
Subject: [EXTERNAL] Maker District proposal
Date: Wednesday, July 08, 2020 4:16:33 PM

Dear Commissioners,

My last presentation at City Hall was to voice concerns about legislation that would restrict higher density development; the type of density necessary to efficiently provide city services and extract ourselves from automobile dependency.

I have similar concerns with the proposed Maker District, and hope you will direct your attention to the density issue. Many denser communities - such as the Fan in Richmond and Georgetown in DC - are very attractive and pedestrian-friendly. It's my hope that we don't discourage that from happening here.

Rupert Farley
1305 Caroline Street
785-7900

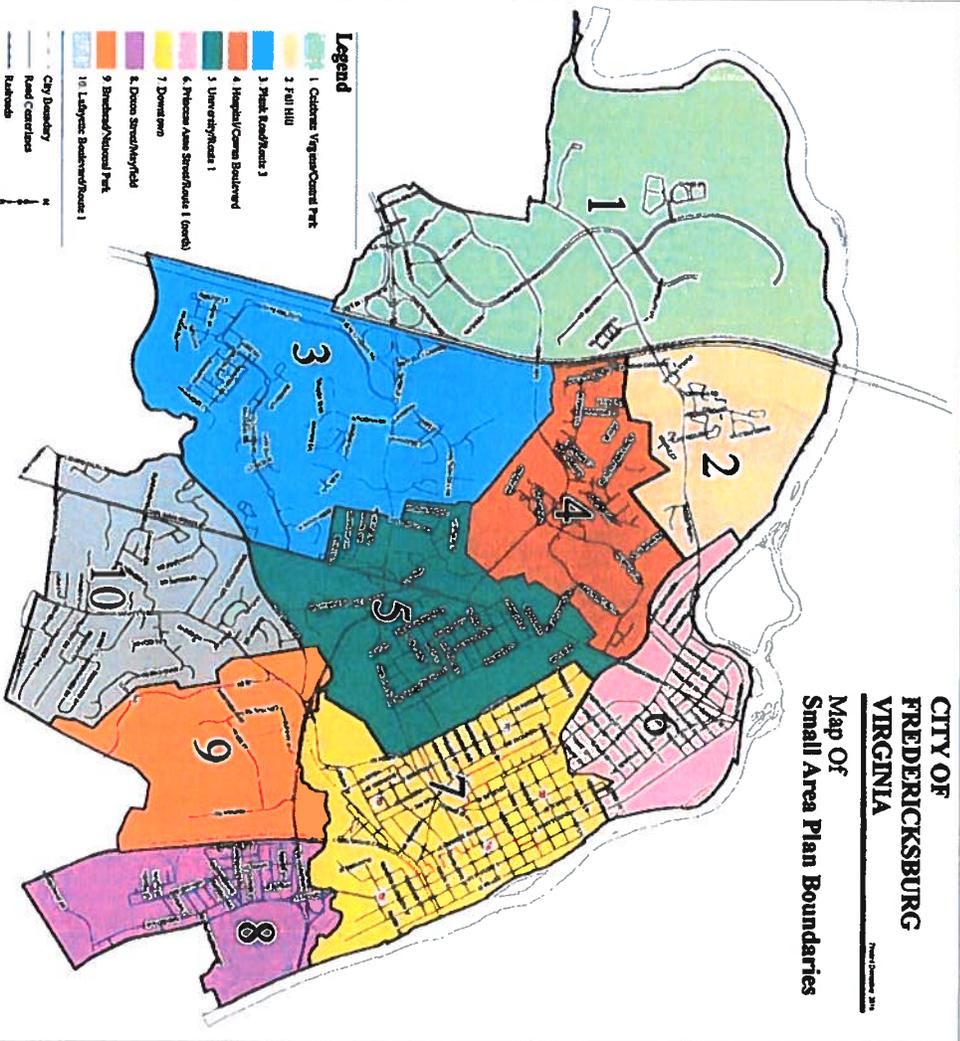


Small Area Plans:

Area 1 Celebrate Virginia / Central Park
Area 2 Fall Hill

**CITY OF
FREDERICKSBURG
VIRGINIA**

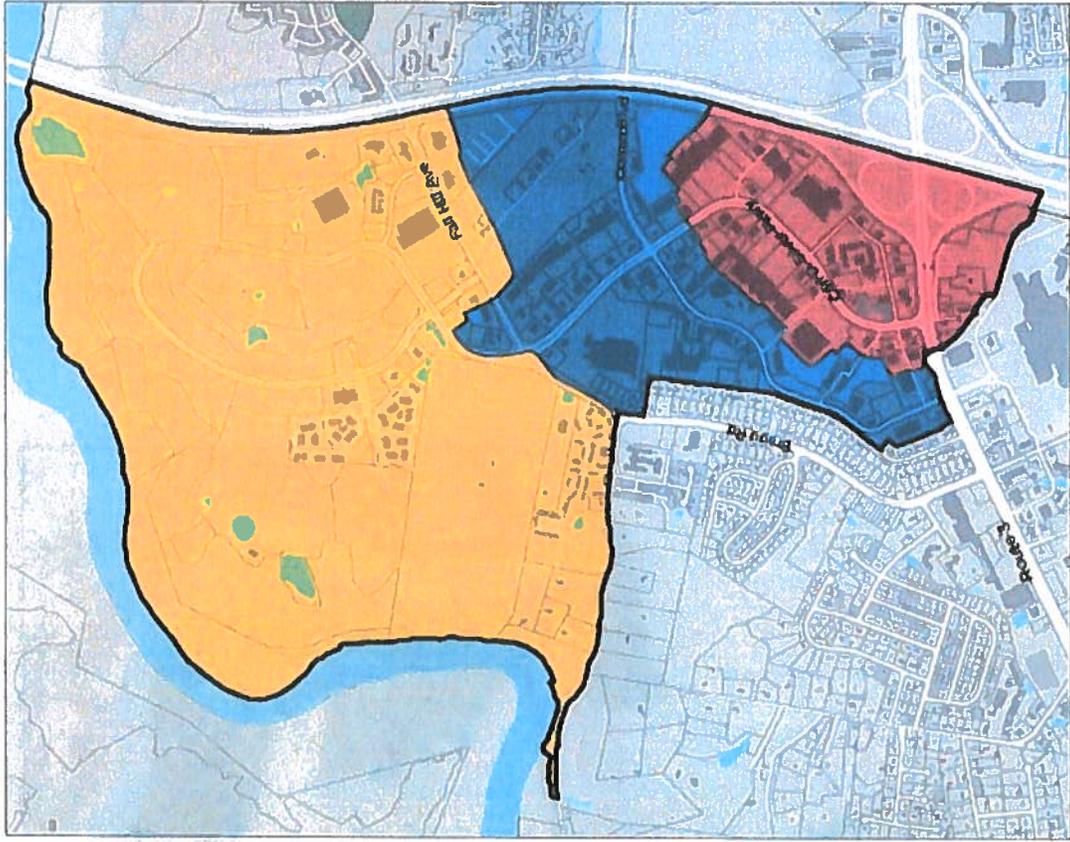
Map Of
Small Area Plan Boundaries



- Legend**
- 1 Oldman Vineyard/Conant Park
 - 2 Fall Hill
 - 3 Pink Road/Roads 3
 - 4 Hospital/Conant Boulevard
 - 5 University/Market 1
 - 6 Thomas/Alam Street/Roads 1 (over)
 - 7 Downtown
 - 8 Down Street/Maryfield
 - 9 Braddock/National Park
 - 10 Lafayette Boulevard/Roads 1
- City Boundary
 Road Centerline
 Railroads



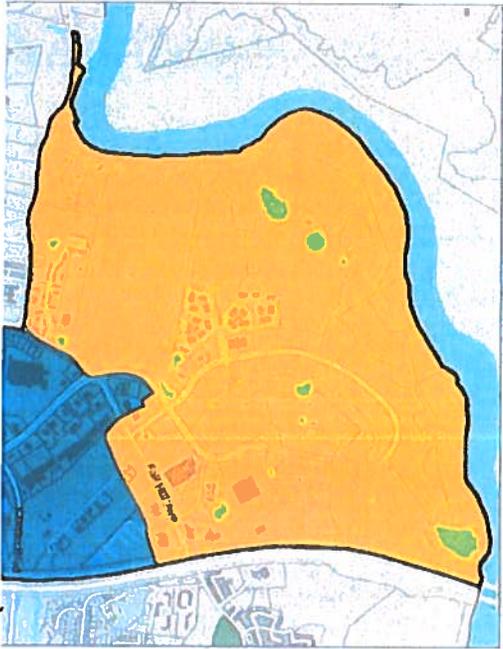
1. Area 1



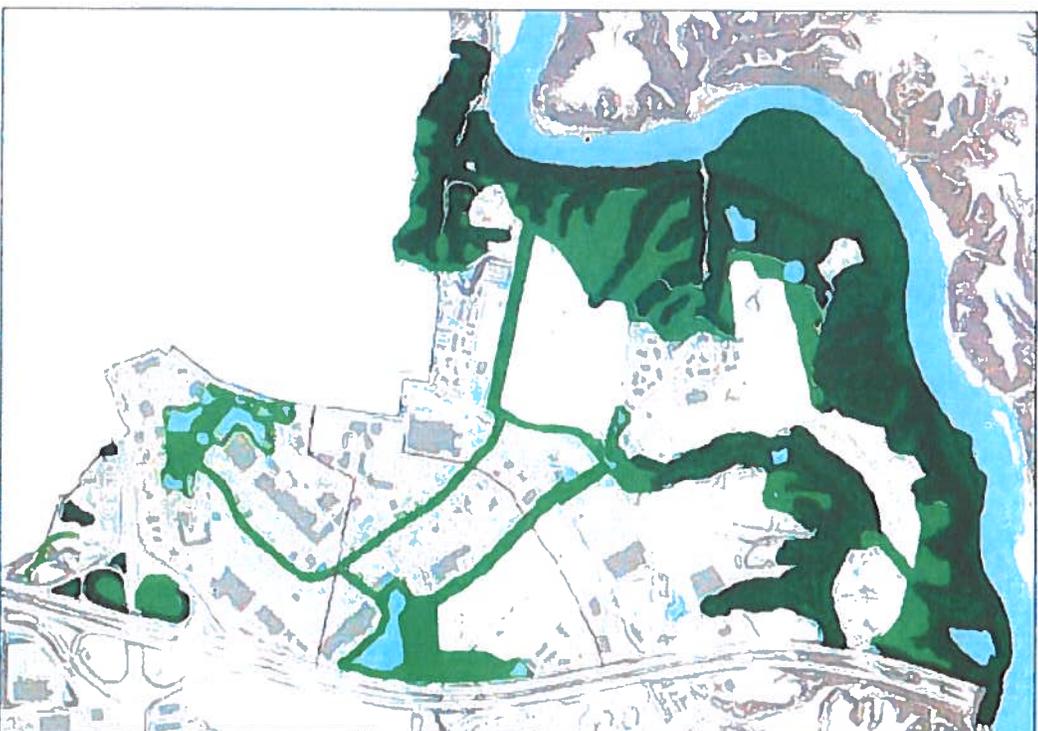
KEY



1. Area 1 – North

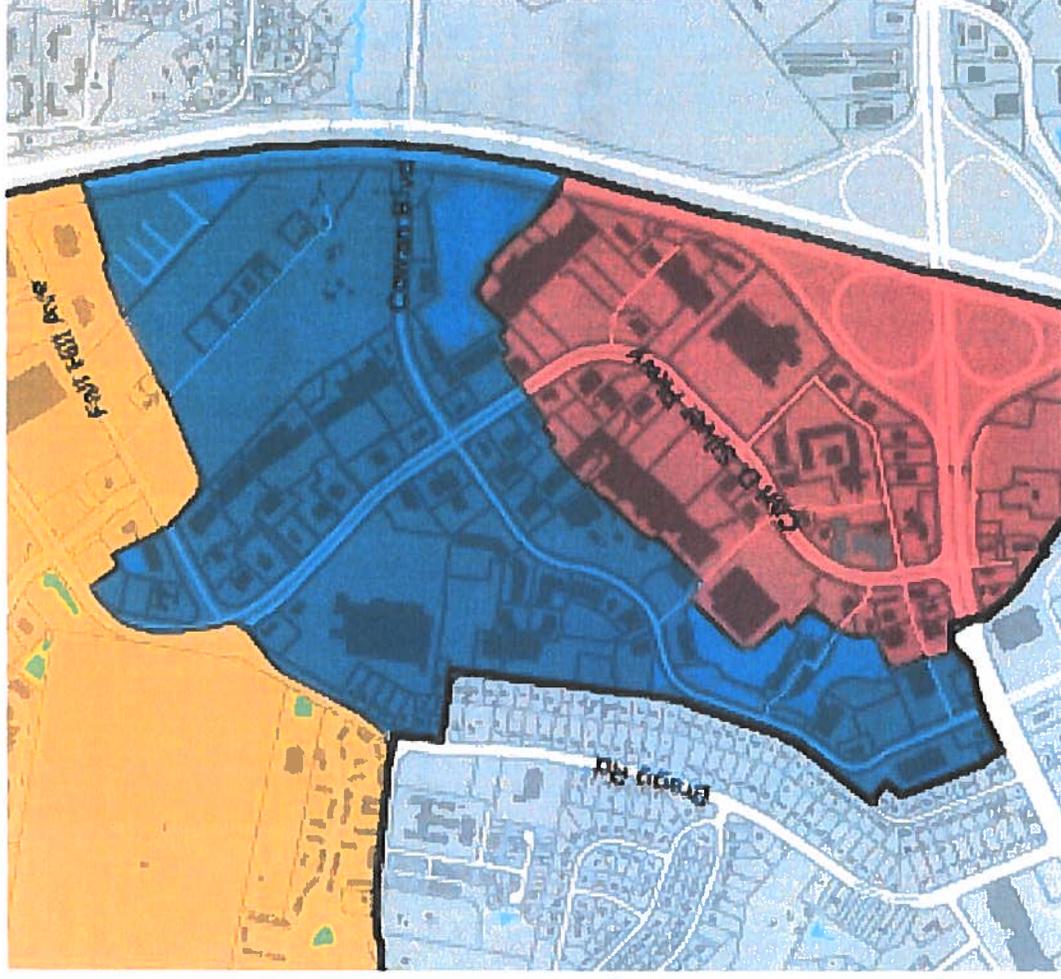


- Green Print.
- Connectivity:
 - To Transportation Networks.
 - To Open Spaces.
- Utility Availability.



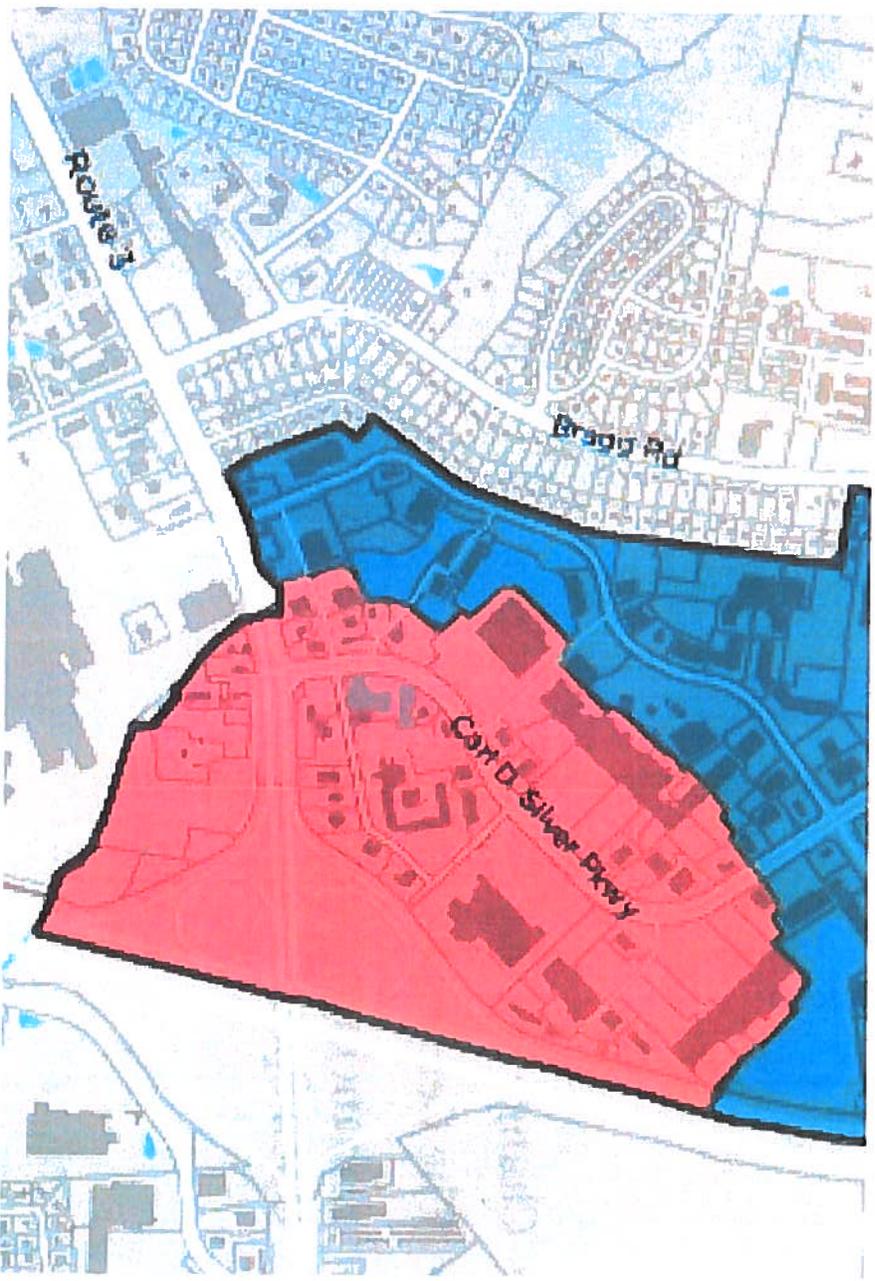
1. Area 1 – Central

- Change in Land Use.
- The Central Section Grid.
- Enhancing / Connecting Existing Open Spaces.



1. Area 1 – South

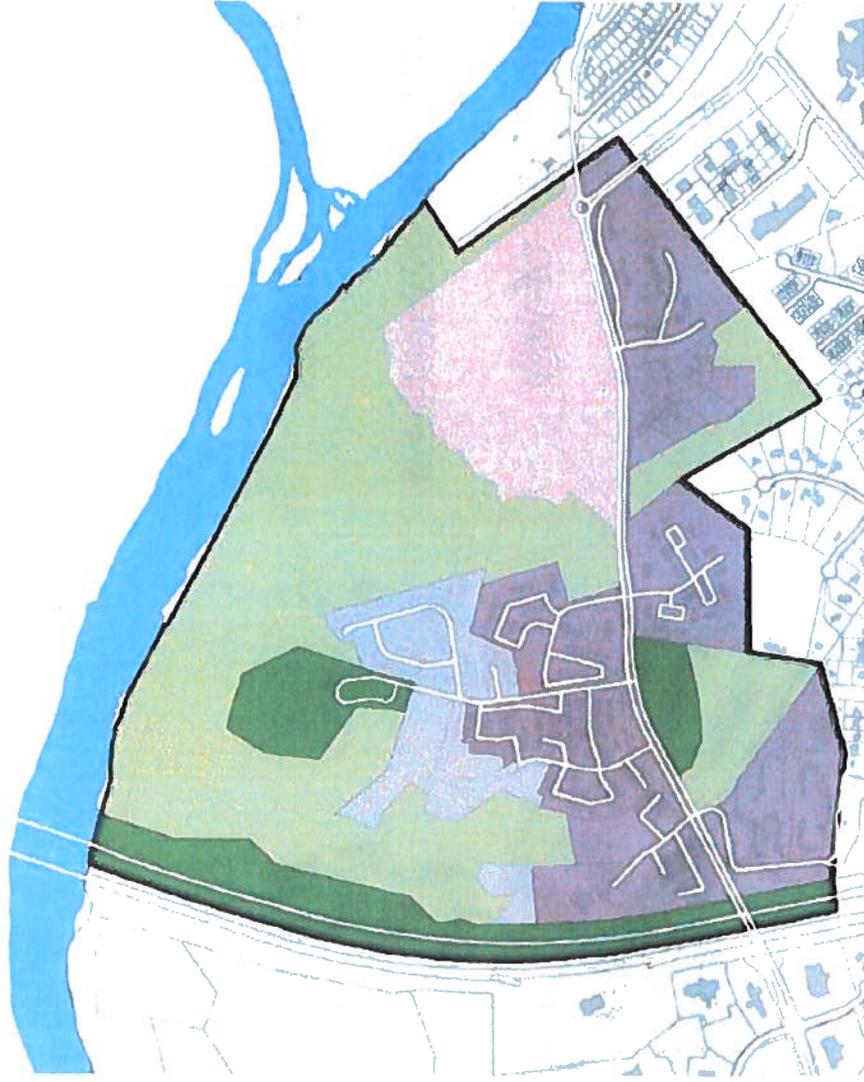
- The Future of the Road Network:
 - Drive aisle retrofit?
 - Evaluating major roadways.
- The Nature of the Place.



2. Area 2

Land Use:

- Environmental Protection.
- Recreational Opportunities.
- Potential infill.



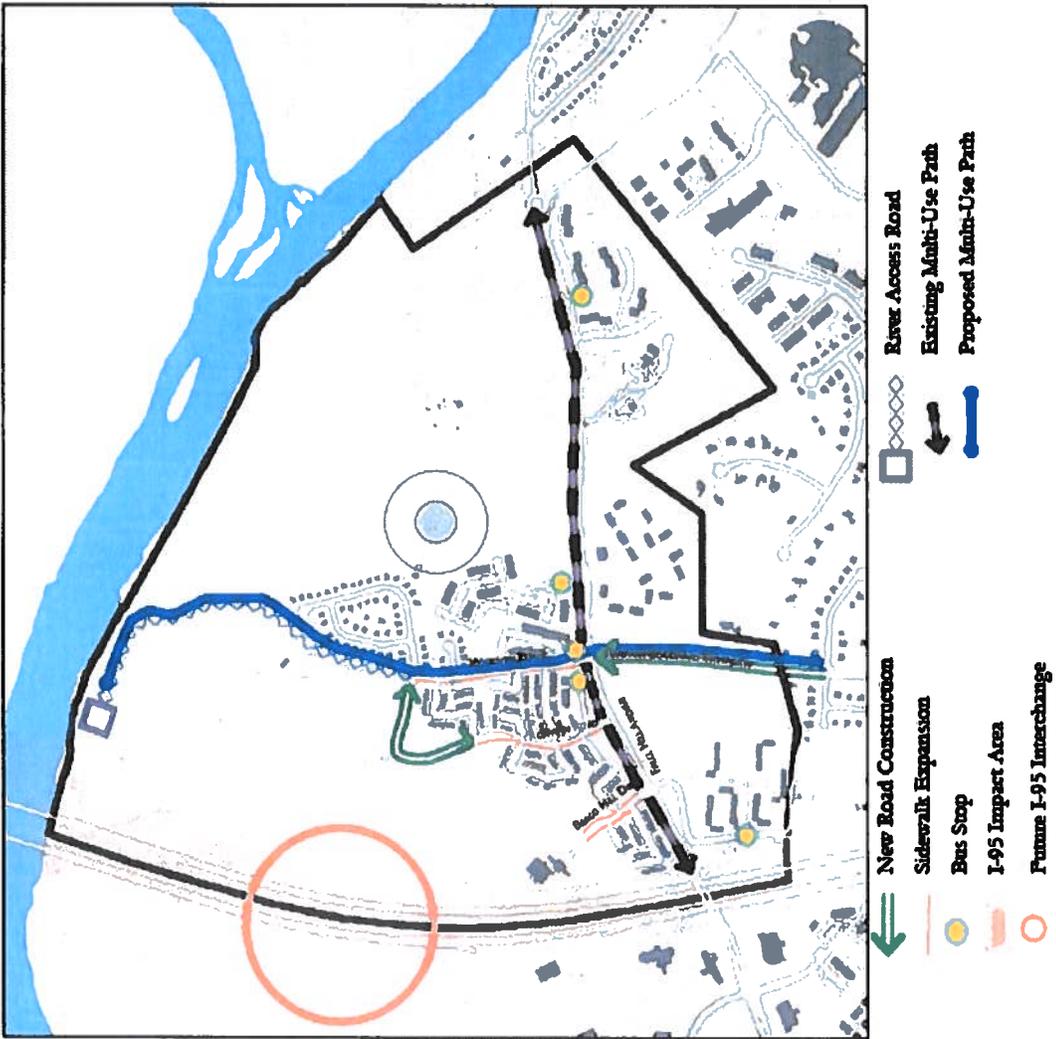
KEY



2. Area 2

Access and Mobility:

- Network Completion.
- Gateway Blvd. Extended.
- Formalize River Access.



2. Area 2

Open Space:

- Tremendous Potential:
 - Wild Riverfront Park!
 - Bulter / Brayne and associated acreage.
- Enhancing Existing Space:
 - Snowden Park.
 - Sunshine Ballpark.



3. Next Steps

Finalize reports:

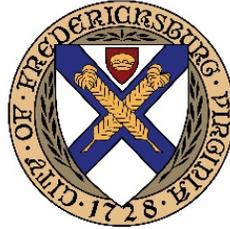
- **Area 1 – Streetsense.**
- **Area 2 – City Staff**

Transmit reports to Planning Commission and City Council (August 12).

Convert reports into Comprehensive Plan Amendments (Fall / Winter).

Upcoming UDO Text Amendments:

- 1. Transfer of Development Rights**
- 2. Industrial Use / Performance Standard Review**
- 3. Planned Development – Mixed Use Ordinance Revisions**
- 4. Conservation District Overlay / Neighborhood Infill**
- 5. Area 7 Text and Zoning Map Amendments**



MEMORANDUM

TO: Timothy j. Baroody, City Manager
FROM: James Newman, Zoning Administrator
DATE: September 17th, 2020 for the September 22nd City Council Meeting
SUBJECT: *SE2020-05*, **Thomas Mitchell** requests a Special Exception to revise the approved General Development Plan for a mixed-use structure to be located at the corner of Sophia and Hanover Streets, at 100, 106, and 108 Hanover, and 718 Sophia Street.

ISSUE

Should the Planning Commission recommend approval for a modified General Development Plan (GDP) from a 45,000 sq ft. mixed-use structure to a 28,566 sq. ft. predominantly residential structure?



RECOMMENDATION AND CONDITIONS

Approve the Special Exception subject to the following conditions:

- 1) The project shall be developed in substantial accordance with the application for special exception dated August 27, 2020, subject to review and approval by the Architectural Review Board (“ARB”). Changes in the mass, scale, and final architectural details of the project required by the ARB do not require an amendment of this special exception if there is no substantial revision to the project as proposed. The Owner shall obtain all ARB approvals necessary for the project.

- 2) Thomas H. Mitchell or successor in interest (“Owner”) shall record an approved plat of resubdivision and dedicate an easement to the City widening the Hanover Street alley its entire length, from Hanover Street to its terminus point, so that it will have a minimum width of 20 feet.
- 3) Based on the identification-level archaeology survey completed by Dovetail Cultural Resource Group in 2019, an archaeological site has been determined to exist and is likely to be significant. The Owner shall conduct additional archaeological investigation and mitigation of impacts, as appropriate.
 - a) The major site plan shall incorporate mitigation measures to preserve or accommodate archaeological resources, such as avoidance or recovery, reduction in the size or scope of land-disturbing activities, or the implementation of other mitigation measures, such as Phase II evaluation testing, Phase III data recovery, and interpretation of the site, as recommended by the archaeologist, to the degree possible.
 - b) Should avoidance not be achievable, a memorandum of agreement shall be crafted to outline the steps required to meet this ordinance. The memorandum of agreement shall be prepared in accordance with Virginia Department of Historic Resources procedures, and the Development Administrator and the landowner shall be signatories on the ensuing document.
 - c) The Development Administrator may approve the major site plan application before the completion of the required Phase II or Phase III investigations, only if feasible and consistent with the purposes of the district and upon ratification of the memorandum of agreement.
 - d) If unexpected archaeological resources are discovered on the development site after approval of the major site plan without the imposition of appropriate mitigation measures, then the Development Administrator shall issue an order to cease and desist all development activity in the affected area for up to seven days in order to develop and implement mitigation measures that meet the criteria in section (b).
- 4) The development of the project shall include the following pedestrian improvements:
 - a) The Owner shall install a streetscape along the Sophia and Hanover Street frontages consisting of at a minimum a full width brick sidewalk, street trees as required under § 72-55.6, and pedestrian scaled site lights (standard downtown lighting), subject to review and approval by the City and Public Utility Review Committee under City Code Chapter 66, Article V.
 - b) The Owner shall install mirrors at the entrance to the parking garage to ensure adequate visibility of cars and pedestrians.
- 5) Four units, comprised of one studio, one one-bedroom, and two two-bedrooms, shall be reserved as affordable to those earning 50% of Area Median Income as defined by the HUD HOME program, low rent limit. The owner shall submit annually to the Zoning Administrator a report outlining the rents being charged and confirmation that all households in those units are verified to be under 50% of AMI, as defined by HUD based on household size. The affordability standard will apply as long as the development remains a rental property. Annual reports shall be sent starting one year after approval of the site plan.
- 6) The site plan for the project shall include the grading, paving, and improvement of the Hanover Street alley to conform to the development standards in Article V of the Unified Development Ordinance.

GENERAL BACKGROUND AND EXISTING SPECIAL EXCEPTIONS

The One Hanover project is proposed on four lots at the south west intersection of Hanover and Sophia Streets. The lots are identified as GPIN 7789-24-0627, 7789-24-0658, 7789-24-0697, and 7789-24-1509 and are a total of 0.45 acres. The parcels are zoned Commercial Downtown, are within the Old and Historic Fredericksburg Overlay District (subject to Architectural Review Board oversight), and are within the Floodplain Overlay District.

The parcels are all within the 100 year floodplain and as such are subject to the Floodplain Overlay District. The Floodplain Overlay District requires that all residential development be elevated 1 ½ feet above the established Base Flood Elevation on a property. It also requires that all commercial development that is not elevated out of the floodplain be flood-proofed to the level of the one-hundred-year flood in accordance with the Virginia Uniform Statewide Building Code.

On August 27, 2013, the City Council approved four special exceptions and a special use permit related to a previous version of the One Hanover project. The special exceptions were for building height (increased from 50 to 56 feet), floor area ratio (increased from 3.0 to 3.225), required ground floor non-residential percentage (decreased from 100% to 15%), and residential density (increased from 36 units an acre to 40 units per acre to permit a total of 18 units). The special use permit was for construction of a building within the flood plain.

The adoption of the Unified Development Ordinance in October 2013 rendered three out of the five required approvals obsolete. The required ground floor non-residential percentage in the CD zoning district is now required to be 15%, the floor area ratio calculation no longer includes parking garage or residential square footage, and building within the floodplain no longer requires a special use permit.

A revised version of the project again went before public hearings in 2018 and 2019. The mass and scale of this of the One Hanover proposal was approved by the Architectural Review Board on December 10, 2018. Council approved a Special Exception for 24 units (53 units/acre) in a four-story, 45,000 sq. ft. building at this site with 13,068 sq. ft. of commercial space, in February 2019.

This application is intended to modify the GDP. This proposal would decrease the building to 28,566 sq. ft. with 24 residential units and 2,755 sq. ft. of commercial space. The ARB reviewed the revised scale and mass at its September 7th meeting and members made generally favorable comments. The ARB will vote on the revised scale and mass at its September 21st.

PLANNING COMMISSION

The Planning Commission held a public hearing for this application on September 9th, 2020. There was no public comment. The Commissioners asked about having additional pedestrian crossings marked along Sophia Street and Hanover. Additional crossings will be made as part of the development of the adjacent Riverfront Park project.

The Commission also asked about the possibility of turning one of the four proposed parking spaces on Hanover Street into a handicap accessible parking space. Public Works is reviewing the issue and it will be dealt with during site plan review.

The Planning Commission voted to recommend **approval** subject to conditions 6-0 (1 absent).

PROPOSED SPECIAL EXCEPTION REQUEST

The applicant seeks to decrease the width of the structure, minimize the space devoted to non-residential uses, and therefore decrease parking. The number of residential units does not change from previous approvals. 24 parking spaces will be provided on-site with four parking spaces adjacent to the site on Hanover Street.

There was no public comment. The Planning Commission had two main inquiries. The first was whether additional pedestrian crossings would be installed across Sophia Street and Hanover Street. Additional crossings will be installed as part of the Riverfront Park project.

The second question was whether one of the proposed parking spaces along Hanover Street could be made handicap accessible.

SPECIAL EXCEPTION ANALYSIS

Unified Development Ordinance (UDO) § 72-22.7 contains review criteria that the Planning Commission and City Council shall use when evaluating an application for a Special Exception. These criteria are:

1. Consistency with the UDO:

The proposed One Hanover project is zoned Commercial Downtown (CD) and is within the Old and Historic Fredericksburg Overlay District and the Floodplain Overlay District. The purpose of the CD Zoning District is:

“to promote harmonious development, redevelopment, and rehabilitation of uses in the commercial areas of the Old and Historic Fredericksburg (HFD) Overlay District. The regulations of this district are intended to implement the goals of the Comprehensive Plan for historic district development while encouraging mixed uses in the downtown area. The emphasis in site planning is to be placed upon enhancing pedestrian circulation, minimizing vehicular and pedestrian access conflicts among uses, respecting the geometry of the downtown streetscape, and maintaining continuity with the architectural precedents of the historic area.”

The proposed project would provide for redevelopment of a vacant site. It would provide additional housing, some commercial space, and would bring about pedestrian-scale improvements to lighting, street trees, and sidewalks, while preserving the historic character of Downtown. The applicant must obtain Architectural Review Board approval of one or more certificates of appropriateness for the proposed construction, including approvals of site planning, mass and scale, and detailed design.

2. Consistency with the Comprehensive Plan (CP)

Transportation Goals (page 8)

Goal 8: Urban Development Areas. *Recognize that the entire City of Fredericksburg is a strategic growth area within the region and continue to ensure that land use decisions recognize that compact, integrated development is the best use of finite urban space.*

This project is an integrated, compact, multi-story development that makes efficient use of finite urban space. Increasing density is in keeping with the desire for compact walkable development.

Business Opportunity Goals (page 10)

Goal 1: Downtown as a Center for Commerce, Culture, and Community. *Ensure that downtown Fredericksburg continues to serve as a center of commerce, art, culture, recreation, historic amenities, and*

government, in order to provide economic stability and a sense of community. Actively pursue the preservation and adaptive reuse of downtown buildings and ensure that infill projects are designed with sensitivity to the City's historic character.

This infill mixed-use project serves as a reuse of vacant space in the Historic Core of the City, and provides for economic development and living space, contributing to a vibrant downtown.

Goal 2: A well-balanced mix of uses Downtown. *Achieve a sustainable mix of commercial and residential development downtown that fits the historic character of the urban core and helps people to live, shop, and work in the city center.*

This mixed-use project provides places to live and shop. The building design is meant to evoke the historic building style associated with the City center, and the previous iteration was approved by the ARB.

Goal 4: Community Character. *Preserve and enhance the City's visual appeal by pursuing patterns of development that respect the City's historic growth pattern (mixed-use development) and by installing landscaping and street trees (complete streets).*

The applicant has designed the project to be consistent with its historic context, responding to the architectural character of downtown Fredericksburg, without copying architectural details. The project will also enhance downtown's economic strength.

Residential Neighborhood Goals (page 11)

Goal 1: Neighborhood Character. *Preserve the character of the City's neighborhoods, by respecting and maintaining their functional design (sidewalks, alleys, street trees, etc.).*

Conditions for approval require the alley to be widened to permit service and emergency vehicles, street trees and wide sidewalks be provided for pedestrians, and colonial lighting provided as a tie to the history of the downtown core.

Goal 2: Neighborhood Quality. *Enhance the quality of the City's residential areas, to promote livability and a sense of community. Livability is defined as safe and walkable, with a variety of housing choices and ready access (walking, biking, transit, automobile) to work, shopping, and services.*

The project included walkability upgrades (sidewalk, pedestrian lighting, widened alleys), a mixture of commercial and residential uses, and on-site parking.

Goal 3: Distinct and Attractive Neighborhoods. *Ensure the residential areas of the City continue to comprise a collection of distinct and attractive neighborhoods, each possessing a sense of place, history, and shared identity.*

Previous iterations of this structure have been approved by the Architectural Review Board, though this current application is undergoing ARB review.

Goal 4: Adequate Public Services and Facilities. *Ensure that residential neighborhoods are adequately served with efficient and multi-modal transportation, available parking, street trees, and public services such as trash pickup, leaf removal, and snow plowing.*

Parking is provided on-site, the applicant will be planting new street trees, and will be placing pedestrian level lighting along a widened sidewalk. The alley will be widened, with improved paving and drainage.

Historic Resources Goals (page 12)

GOAL 1: City Character. *Protect and enhance the character of Fredericksburg’s historic area and city center as a means to preserve the community’s sense of place, to promote economic strength, and to ensure the City’s continued appeal to residents, businesses, and visitors.*

The revised design of the structure is in keeping with historically appropriate designs, but has not yet been approved by the ARB. Goal 2 of the City’s Historic preservation Plan calls for: “*Establish controls to assure that archaeological sites and subsurface materials are properly identified, evaluated and mitigated prior to excavation projects throughout the city.*” An archaeology study is required as a condition of the Special Exception.

GOAL 2: Redevelopment. *Promote redevelopment of downtown properties in a manner that reflects the character of the City as a vibrant and growing community.*

This project promotes redevelopment of vacant space with a vibrant mixed use property.

3. Other Goals and Initiatives – Affordable Housing

Goal 7 of **Residential Neighborhood Goals** calls for “*Affordable Housing: All persons who live and work in Fredericksburg should have the opportunity to rent or purchase safe, decent, and accessible housing within their means*”, while Goal 8 calls for “*Variety of Housing: Provide a variety of housing opportunities throughout the City that respect the character of the community.*”

As a condition of approval, the applicant will be providing 4 units of affordable housing, for the duration of time that they are rental properties.

Fredericksburg is located within the Washington D.C. Metropolitan Statistical Area. 50% of the Average Median Income (AMI) for 1 person is \$41,050; for a family of 2 it’s \$46,900; and for a family of 3 it’s \$52,750.

Rent based on a 30% affordability for those making 50% of AMI would be: An Efficiency unit at \$1,100 a month; A One-Bedroom Unit at \$1,120 a month; a Two-Bedroom at \$1,280 a month. These figures come from the Housing Opportunities Made Equal organization in conjunction with Department of Housing and Urban Development, and are subject to change on a yearly basis.

SPECIAL EXCEPTION ANALYSIS

4. Whether there has been a sufficient period of time for investigation and community planning with respect to the application.

The Technical Review Committee has completed its review and the Applicant has responded to comments made. The application is a modification of a proposal that was vetted by the Architectural Review Board in 2018 and the Planning Commission and City Council in 2019.

5. Whether the special exception is consistent with the principles of good zoning practice, including the purposes of the district in which the special exception would be located, existing and planned uses of surrounding land, and the characteristics of the property involved.

The Downtown is comprised of a mix of commercial and residential use types and is a focal point for City investment in infrastructure and services. The applicant will making improvements to the streetscape. Its location across from Riverfront Park will help extend pedestrian amenities and the streetscape, better linking the commercial street frontage with Riverfront Park.

6. Whether the proposed use or aspect of the development requiring the special exception is special, extraordinary or unusual.

The request is special. It fulfills the vision of the Comprehensive Plan for the revitalization of neighborhoods and businesses within the historic district. It can allow for an increase in the supply of affordable housing stock within the City, while filling in vacant space with a structure that harkens back to the historic design of buildings in the downtown core. A Phase I archaeological dig has already been carried out at the site, and further artefacts may be found in development.

7. Whether the proposed exception potentially results in any adverse impacts on the surrounding neighborhood, or the community in general; and if so, whether there are any reasonable conditions of approval that would satisfactorily mitigate such impacts.

Parking:

The applicant is required to have 28 spaces. There are 24 parking spaces in the on-site garage, plus four spaces on Hanover Street.

Transportation:

The properties are zoned Commercial-Downtown (CD). The use of commercial retail space, and multi-family housing are allowed by-right in CD zoning. This application asks for 24 residential uses with a commercial space. The Institute of Transportation Engineers (ITE) Trip Generation Manual estimates that apartment units generate 10 trips (5 leaving and 5 arriving) every day. The City's version of the ITE notes that these numbers are geared toward garden apartment complexes in single use automobile environments. The trip generation in a Downtown environments is likely to be substantially less.

Pedestrian environment: The transportation focus of the application is on ensuring that the pedestrian environment is cohesive, safe, and accessible. To ensure the appropriate improvements are constructed, several conditions were added to the staff recommendation for approval. The applicant shall construct the full pedestrian streetscape (including wide brick sidewalks, street lights, and street trees) along Hanover and Sophia Street frontages. The geometry of the entrances to the buildings should be designed so that any required ramps into the building or the paths of opening doors do not restrict the sidewalk area. The exterior entrance to the garage along Sophia Street shall contain mirrors to enhance pedestrian and vehicular visibility at the point the garage discharges over the sidewalk.

CONCLUSION

The proposal is to turn a mixed-use project into a predominantly residential structure with one 2,755 sq. ft. commercial space. Density of 53 units an acre was previously approved by Council. It meets the goals of the Comprehensive Plan. The Planning Commission voted to recommend **approval** to City Council.

ATTACHMENTS

1. Resolution
2. Application



September 22, 2020
Regular Meeting
Resolution No. 20-__

MOTION:

SECOND:

RE: Granting a Special Exception for Residential Density for the “Hanover House” Development at the Corner of Sophia Street and Hanover Street in Downtown Fredericksburg

ACTION: APPROVED: Ayes: 0; Nays: 0

City Council approved Resolution 19-20, granting a special exception for residential density for the “One Hanover” mixed use development, at its regular meeting on February 26, 2019. The development as approved was a 3 ½ story building with structured parking and commercial space on the ground floor, restaurant space on the second floor, and a proposed 24 residential units on the upper floors. A condition of approval was that the project shall be developed in substantial accordance with the application dated November 9, 2018, subject to review and approval by the Architectural Review Board.

City Council had previously adopted Ordinance 07-45, vacating the “Sophia Street Alley,” which bisects the development site, on November 13, 2007. As a condition to the vacation of the Sophia Street Alley, City Council required Mr. Mitchell to dedicate an easement widening the Hanover Street Alley to 20 feet along its entire length. This condition was also included in Resolution 19-20.

The landowner, Thomas H. Mitchell, has revised the proposed development in light of a reduced market demand for new restaurant space. The new development plan removes 10,313 square feet of restaurant lease space from the second floor; reduces the gross square footage of the mixed use building from 41,432 square feet to 28,566 square feet; and reduces the amount of parking on the site. The new development plan for “Hanover House,” like the approved 2019 development plan for “One Hanover,” proposes 24 multi-family dwelling units, with four units being designed as affordable housing units.

City Council, after notice and public hearing thereon, has considered the special exception amendment application in light of its conformity with the City’s criteria for the review of special exception applications.

It is hereby resolved:

1. The City Council makes the following findings with respect to the application:
 - a. The proposed use is unique and unlikely of recurrence;
 - b. The grant of a special exception is consistent with the City’s Comprehensive Plan;
 - c. The special exception is consistent with the goals, purposes and objectives of the City’s zoning ordinance;

- d. There has been a sufficient period of time for investigation and community planning with respect to the application;
 - e. The special exception is consistent with the principles of good zoning and good zoning practice, including the purposes of the district in which the special exception would be located, existing and planned uses of surrounding land, the characteristics of the property involved, and the adverse impacts of the proposed use;
 - f. The proposed use or aspect of development requiring the special exception is special, extraordinary or unusual;
 - g. The application has demonstrated that its application meets all these criteria.
2. The City Council further finds that the owner completed an identification-level archaeology survey of the project site, conducted by Dovetail Cultural Resource Group, in 2019. Based on this survey, an archaeological site has been determined to exist and is likely to be significant.
 3. Council grants a special exception to the maximum residential density regulations of the Commercial-Downtown zoning district for the “Hanover House” development on property identified as GPIN 7789-24-1509 in the City’s Geographic Information System, to permit 53 residential units per acre, with the following conditions:
 - a. The project shall be developed in substantial accordance with the application for special exception dated August 27, 2020, and the Generalized Development Plan August 27, 2020, subject to review and approval by the Architectural Review Board (“ARB”). Changes in the mass, scale, and final architectural details of the project required by the ARB do not require an amendment of this special exception if there is no substantial revision to the project as proposed.
 - b. As a condition to site plan approval, the owner shall record an approved plat of resubdivision and dedicate an easement to the City widening the Hanover Street alley its entire length, from Hanover to its terminus point, so that it will have a minimum width of 20 feet.
 - c. The owner shall conduct additional archaeological investigation and mitigation of impacts of the project development, as follows:
 - i. The major site plan shall incorporate mitigation measures to preserve or accommodate archaeological resources, such as avoidance or recovery, reduction in the size or scope of land-disturbing activities, or the implementation of other mitigation measures, such as Phase II evaluation testing, Phase III data recovery, and

- interpretation of the site, as recommended by the archaeologist, to the degree possible.
- ii. Should avoidance not be achievable, a memorandum of agreement shall be crafted to outline the steps required to accommodate archaeological resources through other means. The memorandum of agreement shall be prepared in accordance with Virginia Department of Historic Resources procedures, and the Development Administrator and the landowner shall be signatories.
 - iii. The Development Administrator may approve the major site plan application before the completion of the required Phase II or Phase III investigations, only if feasible and consistent with the accommodation of the archaeological site identified in the Phase I study.
 - iv. If unexpected archaeological resources are discovered on the development site after approval of the major site plan without the imposition of appropriate mitigation measures, then the Development Administrator shall issue an order to cease and desist all development activity in the affected area for up to seven days in order to develop and implement mitigation measures that meet the criteria in section (ii).
- b. The development of the project shall include the following pedestrian improvements:
- i. The owner shall install a streetscape along the Sophia and Hanover Street frontages consisting of at a minimum a full width brick sidewalk, street trees as required under §72-55.6, and pedestrian scaled site lights (standard downtown street lighting), subject to review and approval by the City and Public Utility Review Committee under City Code Chapter 66, Article V.
 - ii. The owner shall install mirrors at the entrance to the parking garage to ensure safe and adequate visibility of cars and pedestrians.
- c. Four units, comprised of one studio, one one-bedroom, and two two-bedrooms, shall be reserved as affordable to those earning 50% of Area Median Income as defined by the HUD HOME program, low rent limit. The owner shall submit annually to the Zoning Administrator a report outlining the rents being charged and confirmation that all households in those units are verified to be under 50% of AMI, as defined by HUD based on household size. The affordability standard will apply as long as the development remains a rental property. Annual reports shall be sent starting one year after approval of the site plan.
- d. The site plan for the project shall include the grading, paving, and improvement of the Hanover Street alley to conform to the development standards in Article V of the Unified Development Ordinance.

Votes:

Ayes:

Nays:

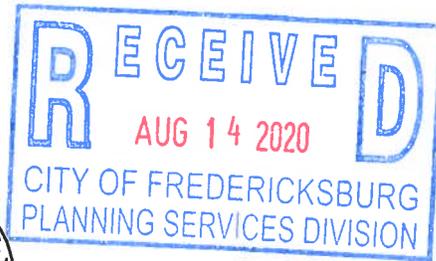
Absent from Vote:

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. 20- duly adopted at a meeting of the City Council meeting held Date, 2020 at which a quorum was present and voted.

Tonya B. Lacey, MMC
Clerk of Council



Application #SE: 2020-05
Date: 8-14-20
Fee/Check#: 3642, \$900
\$750.00 + \$150.00 Per Acre

APPLICATION SPECIAL EXCEPTION

APPLICANT
NAME:

Thomas Mitchell

MAILING ADDRESS:

1414B Caroline St Fredbg Va 22401

TELEPHONE:

5408471066

E-MAIL:

Tommy Mitchell 2217@gmail.com

THE UNDERSIGNED HEREBY APPLIES FOR AN EXCEPTION FOR:

Approval

of 24 unit alternative density mixed use project
located at 100/106/108 Hanover St and 718 Sophia St.

THE SUBJECT PROPERTY IS DESCRIBED AS FOLLOWS:

Property

Location 100/106 + 108 Hanover St 718 Sophia St.

Property Owned By

Thomas Mitchell

Owner's Mailing Address

same as above

Proposed Use of Property (*be specific*)

28,500 square foot 4 story
mixed use building with 24 residential units
and 2755 square foot commercial space.

HOURS OF OPERATION

NUMBER OF EMPLOYEES not sure

Anticipated Number of Patrons or Clients

Description of the development's impact on neighboring and adjacent properties, please be specific (attach additional sheet if necessary):

(Application Continued)

Criteria for a Special Exception: Use Separate Sheets for Explanations and be Specific and Thorough.

Whether the grant of the special exception is consistent with the City's Comprehensive Plan;

1. Whether the special exception is consistent with the goals, purposes and objectives of the City's zoning ordinance;
2. Whether there has been a sufficient period of time for investigation and community planning with respect to the application;
3. Whether the special exception is consistent with the principles of zoning and good zoning practice, including the purposes of the district in which the special exception would be located, existing and planned uses of surrounding land, the characteristics of the property involved, and the adverse impacts of the proposed use;
4. Whether the proposed use or aspect of the development requiring the special exception is special, extraordinary or unusual;
5. Whether the applicant has demonstrated that its application meets all these criteria;

I do hereby make oath or affirmation that to the best of my knowledge, the foregoing information contained in this application is true.

Thomas Mitchell
Signature of Applicant

August 14, 2020
Date

PRINT NAME OF APPLICANT Thomas Mitchell

The above oath or affirmation was signed before me and witnessed by me this 14th day of August, 2020 in the County / City of Fredericksburg in the state of Virginia.

Notary Signature Charity E. Orrell
Notary Registration # 330758 Commission Expires Nov 30, 2023

Thomas Mitchell
Signature of Owner

August 14, 2020
Date

PRINT NAME OF OWNER Thomas Mitchell

The above oath or affirmation was signed before me and witnessed by me this 14th day of August, 2020 in the County / City of Fredericksburg in the state of Virginia.

Notary Signature Charity E. Orrell
Notary Registration # 330758 Commission expires Nov 30, 2023

OWNERSHIP

Applicant is (Circle One):

Property Owner Agent of Owner Lessee Property Purchaser Other

If 'Other', describe:

Source of Property Title / Instrument #:

If Property is owned by a Limited Liability Corporation (LLC):

1. Attach a "Certificate of Fact of Existence" from the State Corporation Commission; and
2. List the names and titles with authority to sign on behalf of the LLC (add additional sheets if needed):

N/A

OR

If Property is owned by a Corporation (Inc.):

1. Attach a "Certificate of Good Standing" from the State Corporation Commission; and
2. List the names and titles with authority to sign on behalf of the corporation (add additional sheets if needed):

N/A

SIGN POSTING PROCEDURES

Instructions

It is the applicant's responsibility to ensure that the sign(s) remain on the project site for the required time and are maintained in good/legible condition until after the public hearing date.

Site Posting Procedure

Sign(s) shall be posted at least five (5) business days before the public hearing/meeting. The applicant shall complete a notarized affidavit stating the sign(s) shall be posted in accordance with these procedures. Within three (3) days of posting the sign the applicant shall provide a photograph of the posted sign to the Community Planning and Building Department. **Failure to submit a notarized affidavit and/or photograph of the posted sign may result in the removal of the application from the scheduled meeting agenda.**

Information required on the sign(s) shall be completed by a member of the planning staff and provided to the applicant for posting. Signs shall be removed within three (3) days of the public hearing/meeting. Sign(s) should **not** be returned to the Community Planning & Building Department.

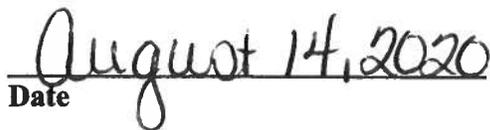
A minimum of one sign shall be placed along any adjacent arterial street. Signs should be posted every 600 feet when a street frontage adjacent to a project exceeds that distance. Sign(s) shall be placed parallel to the roadway.

Sign(s) shall be placed on the property in the most visible location available in such a manner that landscaping or other obstructions do not impair the visibility of the sign(s) from the street. The sign(s) shall not be placed on the public street right-of-way. The sign(s) should not be placed more than 10 feet behind the property line adjacent to the street.

The Community Planning and Building Department may vary any of the above guidelines where there are special circumstances in order to ensure that the sign(s) will be visible to the general public.

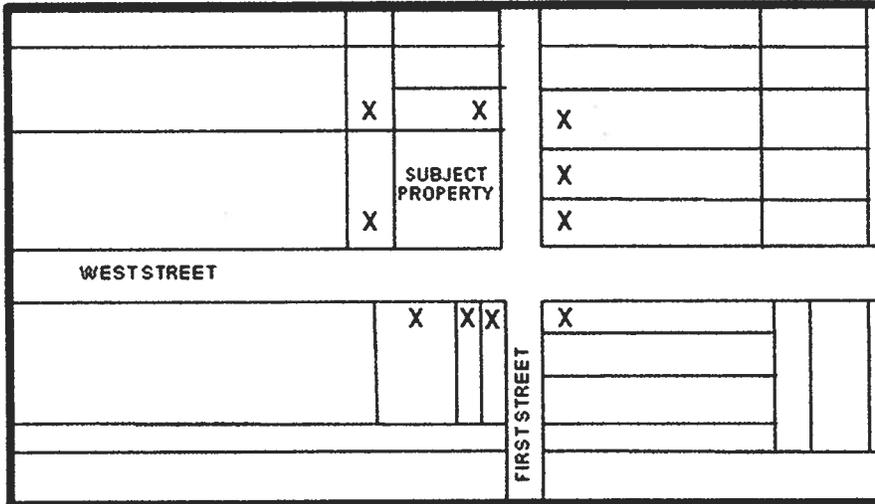
The undersigned acknowledges that he/she has read this procedure and understands how and where to post the required sign(s).


Applicant Signature


Date

EXAMPLE DIAGRAM OF ADJACENT PROPERTY OWNERS

X = Property owners to be notified



PROPERTY OWNERS LIST

106/108/100 Hanover Street 0 Sophia St (alley) 718 Sophia Street
 PROPERTY ADDRESS Fredericksburg Va 22401

Adjacent property owner names and addresses can be obtained by visiting the City website at www.fredericksburgva.gov and following the link to GIS, or by visiting the Office of Real Estate at City Hall, 715 Princess Anne Street, Room 107.

Adjacent Property Owner's Name and Mailing Address

Property Address	801 SOPHIA ST	Notes:
Owner Name	SHILOH BAPTIST CHURCH OLD SITE	
Mailing Address	801 SOPHIA ST FREDERICKSBURG, VA 22401	
City, State, Zip	FREDERICKSBURG, VA 22401	

Property Address	800 SOPHIA ST & 101 HANOVER ST	Notes:
Owner Name	KO SANG GIL & SOOK KUN	
Mailing Address	5070 GALLAGER DR FREDERICKSBURG, VA 22407	
City, State, Zip	FREDERICKSBURG, VA 22401	

Property Address	717 CAROLINE ST	Notes:
Owner Name	WILKENING FORREST B & JEANETTE A	
Mailing Address	5059 MACNAMARA DR FREDERICKSBURG, VA 22407	
City, State, Zip	FREDERICKSBURG, VA 22401	

Property Address	723 CAROLINE ST	Notes:
Owner Name	SMITH THOMAS S & ANN R	
Mailing Address	1310 KENMORE AVE FREDERICKSBURG, VA 22401	
City, State, Zip	FREDERICKSBURG, VA 22401	

Property Address	717 & 719 SOPHIA ST	Notes:
Owner Name	CITY OF FREDERICKSBURG	
Mailing Address	PO BOX 7447 FREDERICKSBURG, VA 22404	
City, State, Zip	FREDERICKSBURG, VA 22401	

Property Address	713 SOPHIA ST	Notes:
Owner Name	CITY OF FREDERICKSBURG	
Mailing Address	PO BOX 7447 FREDERICKSBURG, VA 22404	
City, State, Zip	FREDERICKSBURG, VA 22401	

Property Address	801 CAROLINE ST & 115 HANOVER ST	Notes:
Owner Name	FALLKOS LLC	
Mailing Address	1206 WASHINGTON AVE FREDERICKSBURG, VA 22401	
City, State, Zip	FREDERICKSBURG, VA 22401	

Property Address	707 SOPHIA ST	Notes:
Owner Name	CITY OF FREDERICKSBURG	
Mailing Address	PO BOX 7447 FREDERICKSBURG, VA 22404	
City, State, Zip	FREDERICKSBURG, VA 22401	

Property Address	711 CAROLINE ST	Notes:
Owner Name	711 CAROLINE ST LLC	
Mailing Address	4300 PR WILLIAM PKWY WOODBRIDGE, VA 22192	
City, State, Zip	FREDERICKSBURG, VA 22401	

Property Address	715 CAROLINE ST	Notes:
Owner Name	715 CAROLINE ST LLC	
Mailing Address	614-B CAROLINE ST FREDERICKSBURG, VA 22401	
City, State, Zip	FREDERICKSBURG, VA 22401	

Property Address	719 & 721 CAROLINE ST	Notes:
Owner Name	MITCHELL THOMAS H	
Mailing Address	614-B CAROLINE ST FREDERICKSBURG, VA 22401	
City, State, Zip	FREDERICKSBURG, VA 22401	

Property Address	110 HANOVER ST	Notes:
Owner Name	MITCHELL THOMAS H	
Mailing Address	614-B CAROLINE ST FREDERICKSBURG, VA 22401	
City, State, Zip	FREDERICKSBURG, VA 22401	

ATTACH ADDITIONAL SHEETS IF NECESSARY



TO:

James Newman, AICP, CZO
Zoning Administrator
Planning Services Division
715 Princess Anne Street, Room 209
P.O. Box 7447
Fredericksburg, VA 22404

MEMORANDUM – SPECIAL EXCEPTION REVISION

Project: 100,106 ,108 Hanover Street
Memo Date: 8/17/20

Project No.: 2.200064.0

1. Please provide a write up of the differences between this application and previously approved plans, including the reasons why the changes are necessary.
 - a. The revisions are driven by changes in national and global economic conditions and impact on demand for new restaurant space. The primary change removes 10,313 SF of restaurant lease space from the second floor.
 - b.

	Previously Approved	Rev. Dwgs. Dated 6/18/20
Site Area	19,539 SF	No change
Parking Spaces	40 (on site)	28 (on site)
Gross SF	41,432 SF	28,566 SF
Commercial SF	13,068 SF (1 st and 2 nd Floor)	2,755 SF (1 st Floor only)
Apartments	24 (eighteen 1 br, six 2br) including four units designated affordable (50% AMI)	24 (fourteen 1 br, seven 2br, 3 studio) including four units designated affordable (50% AMI)
Building Height	48'-4" (avg. grade plane to avg. roof slope)	44'-0" (avg. grade plane to avg. roof slope)

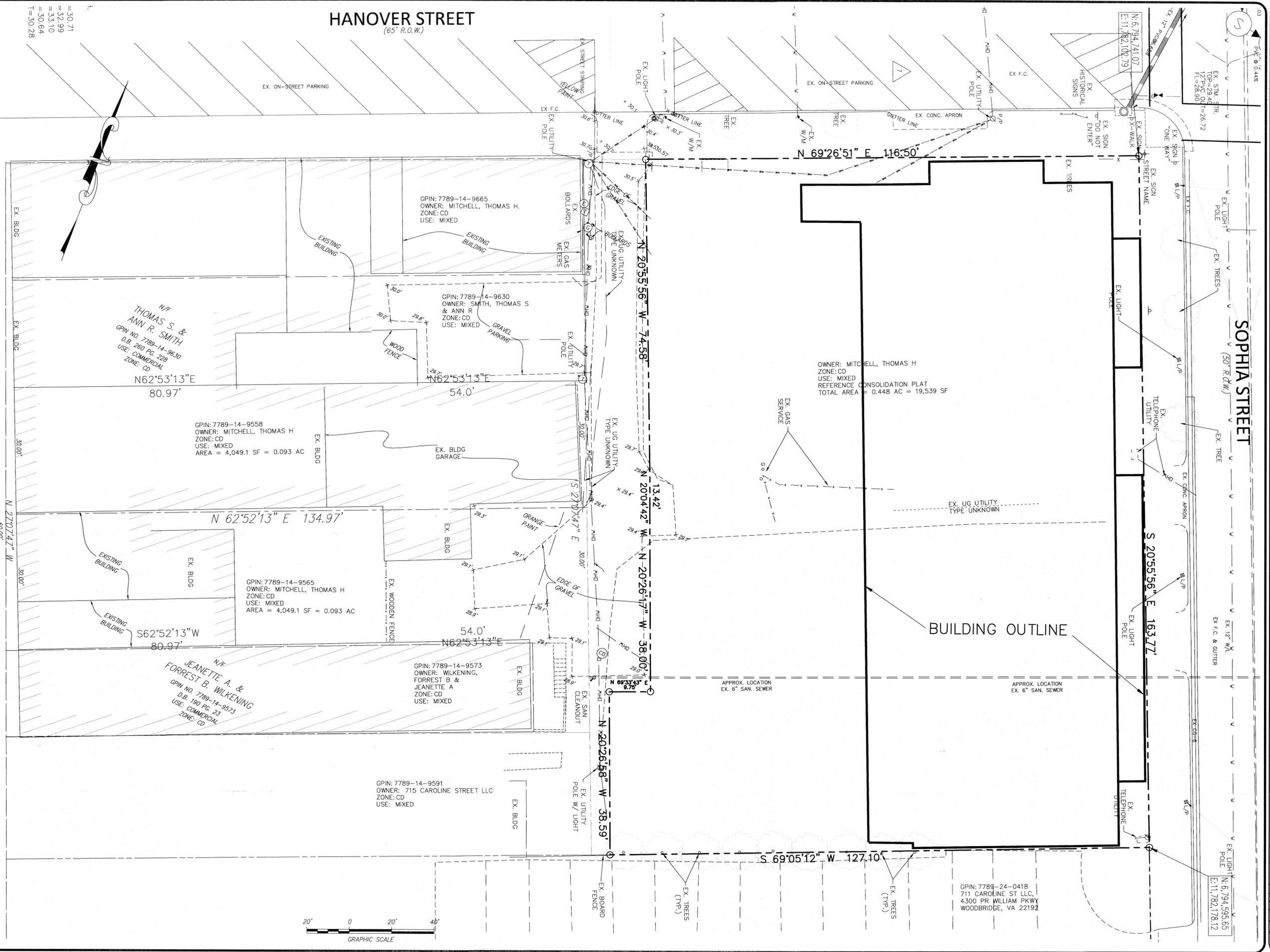
2. Please include information on the total number of residential tenants you anticipate having, as well as the potential number of employees for the commercial space.
 - a. Residential tenants (based on # of bedrooms) = 31

- b. Potential no. of employees for commercial space = 3
3. Please provide information on how this modification is consistent with the City's Comprehensive Plan, meets the goals, purposes, and standards of the City's Ordinance, and the potential impact the revised plan will have on surrounding properties.
 - a. The revised design maintains the same approach to the 2015 comp plan goals and standards of the City Ordinance and will remain in substantial compliance with the special exception dated Feb. 26, 2019. The new project excludes the restaurant space on the second floor.

Distribution: City of Fredericksburg Planning Division, Thomas Mitchell, file

HANOVER STREET
(65' R.O.W.)

SOPHIA STREET
(50' R.O.W.)

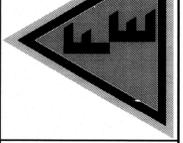


1.
= 30.71
= 32.99
= 33.10
= 30.64
T = 30.28



REVISION	DATE	REVISED PER CITY COMMENTS
	07/29/2019	

Freeland Engineering, PC
www.freelandengineering.com
10814 Courthouse Road
Fredericksburg, Virginia 22408
Phone: 540.898.3092
Fax: 877.658.7735

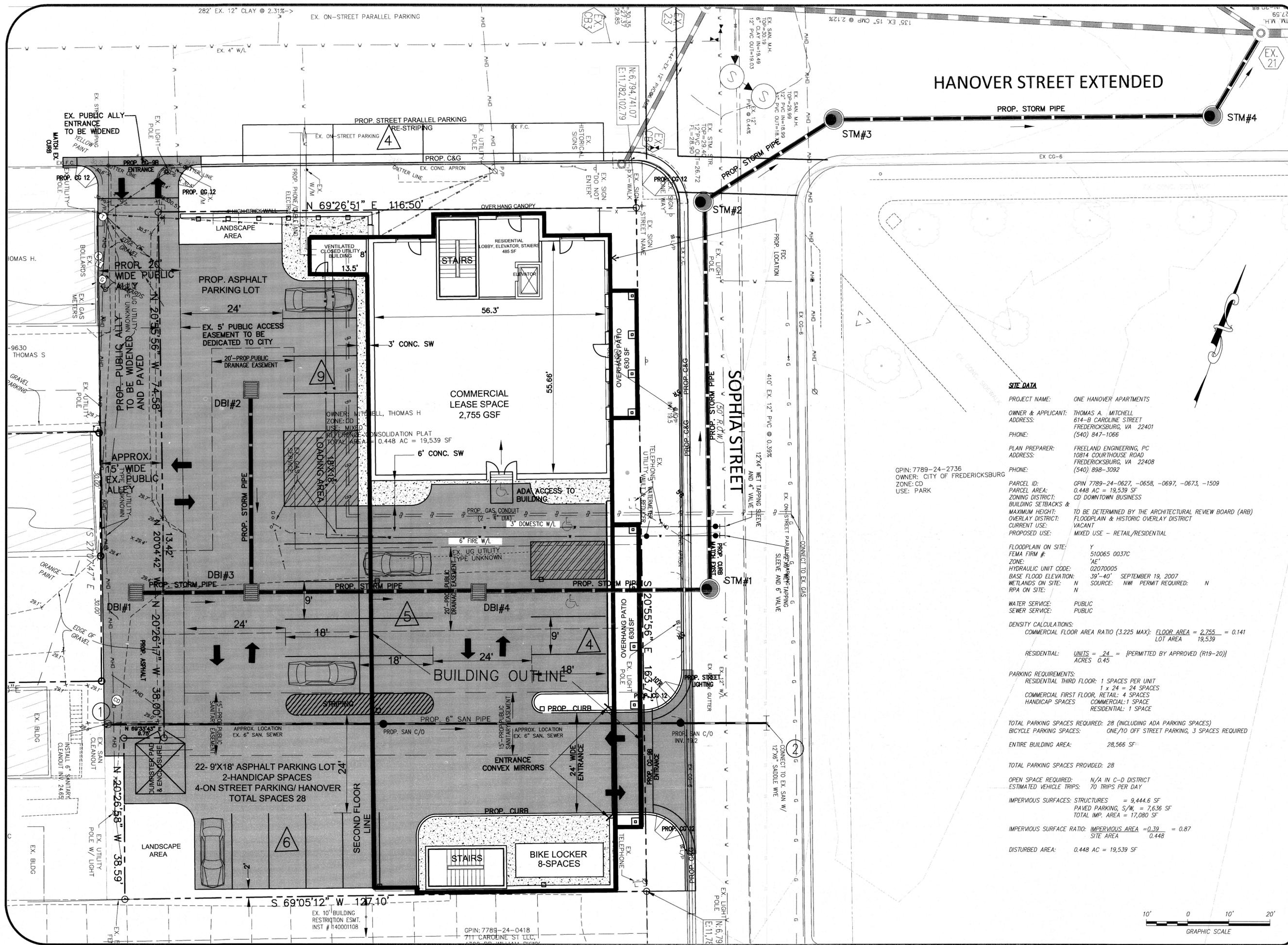


BOUNDARY SURVEY
ONE HANOVER APARTMENTS
CITY OF FREDERICKSBURG
VIRGINIA

RECEIVED
SEP 03 2020
CITY OF FREDERICKSBURG
PLANNING SERVICES DIVISION

COMMONWEALTH OF VIRGINIA
RAYMOND P. FREELAND
Lic. No. 040752
08/27/2020
PROFESSIONAL ENGINEER
SEAL

County Plan Number:
SPMAJ2019-09
Drawn By: SAR
Designed By: SAR
Checked By: RPF
Date: 08/27/2020
Scale: 1"=20'
Sheet: 1 of 3
PROJECT # 4464



SITE DATA

PROJECT NAME: ONE HANOVER APARTMENTS
 OWNER & APPLICANT: THOMAS A. MITCHELL
 ADDRESS: 614-B CAROLINE STREET, FREDERICKSBURG, VA 22401
 PHONE: (540) 847-1066

PLAN PREPARER: FREELAND ENGINEERING, PC
 ADDRESS: 10814 COURTHOUSE ROAD, FREDERICKSBURG, VA 22408
 PHONE: (540) 898-3092

PARCEL ID: 7789-24-0627, -0658, -0697, -0673, -1509
 PARCEL AREA: 0.448 AC = 19,539 SF
 ZONING DISTRICT: CD DOWNTOWN BUSINESS
 BUILDING SETBACKS & MAXIMUM HEIGHT: TO BE DETERMINED BY THE ARCHITECTURAL REVIEW BOARD (ARB)
 OVERLAY DISTRICT: FLOODPLAIN & HISTORIC OVERLAY DISTRICT
 CURRENT USE: VACANT
 PROPOSED USE: MIXED USE - RETAIL/RESIDENTIAL

FLOODPLAIN ON SITE: Y
 FEMA FIRM #: 510065 0037C
 ZONE: 'AE'
 HYDRAULIC UNIT CODE: 02070005
 BASE FLOOD ELEVATION: 39'-40" SEPTEMBER 19, 2007
 WETLANDS ON SITE: N SOURCE: NW PERMIT REQUIRED: N
 RPA ON SITE: N

WATER SERVICE: PUBLIC
 SEWER SERVICE: PUBLIC

DENSITY CALCULATIONS:
 COMMERCIAL FLOOR AREA RATIO (3.225 MAX): FLOOR AREA = 2,755 = 0.141
 LOT AREA 19,539

RESIDENTIAL: UNITS = 24 = [PERMITTED BY APPROVED (R19-20)]
 ACRES 0.45

PARKING REQUIREMENTS:
 RESIDENTIAL THIRD FLOOR: 1 SPACES PER UNIT
 1 x 24 = 24 SPACES
 COMMERCIAL FIRST FLOOR: RETAIL: 4 SPACES
 COMMERCIAL: 1 SPACE
 RESIDENTIAL: 1 SPACE

TOTAL PARKING SPACES REQUIRED: 28 (INCLUDING ADA PARKING SPACES)
 BICYCLE PARKING SPACES: ONE/10 OFF STREET PARKING, 3 SPACES REQUIRED

ENTIRE BUILDING AREA: 28,566 SF

TOTAL PARKING SPACES PROVIDED: 28

OPEN SPACE REQUIRED: N/A IN C-D DISTRICT
 ESTIMATED VEHICLE TRIPS: 70 TRIPS PER DAY

IMPERVIOUS SURFACES: STRUCTURES = 9,444.6 SF
 PAVED PARKING, S/W, = 7,636 SF
 TOTAL IMP. AREA = 17,080 SF

IMPERVIOUS SURFACE RATIO: IMPERVIOUS AREA = 0.39 = 0.87
 SITE AREA 0.448

DISTURBED AREA: 0.448 AC = 19,539 SF

REVISION

DATE	REVISION
07/29/2019	REVISED PER CITY COMMENTS
11/25/2019	REVISED PER CITY COMMENTS

DATE 07/29/2019

PROJECT ONE HANOVER APARTMENTS

OWNER THOMAS A. MITCHELL

ADDRESS 10814 Courthouse Road
Fredericksburg, Virginia 22408

PHONE 540.898.3092

FAX 877.658.7735

www.FreelandEngineering.com

Freeland Engineering, PC

SITE LAYOUT

ONE HANOVER APARTMENTS

CITY OF FREDERICKSBURG
VIRGINIA

SEAL

County Plan Number: SPMAJ2019-09

Drawn By: SAR

Designed By: SAR

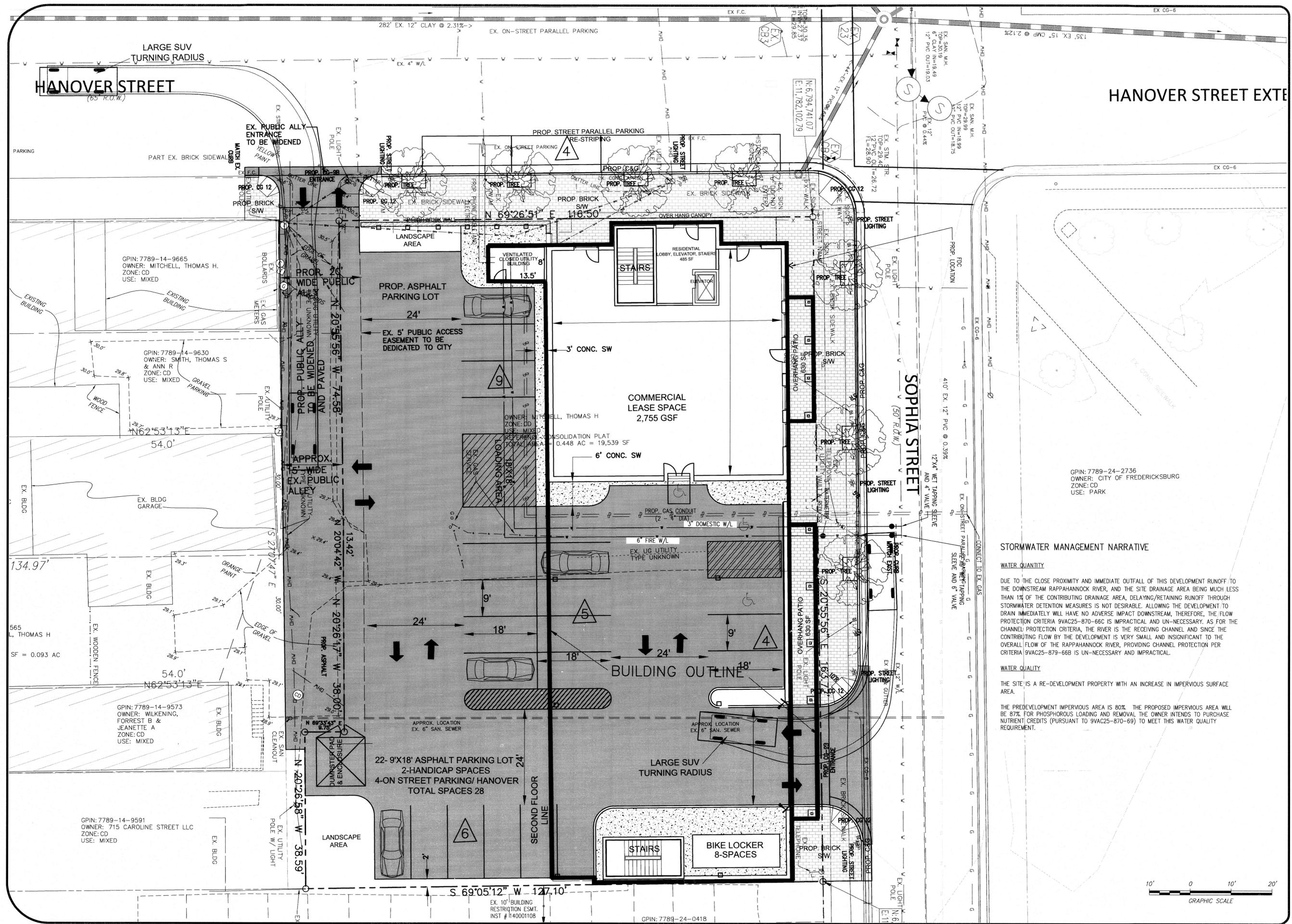
Checked By: RPF

Date: 08/26/2020

Scale: 1"=10'

Sheet: 2 of 3

PROJECT # 4464



STORMWATER MANAGEMENT NARRATIVE

WATER QUANTITY
 DUE TO THE CLOSE PROXIMITY AND IMMEDIATE OUTFALL OF THIS DEVELOPMENT RUNOFF TO THE DOWNSTREAM RAPPAHANNOCK RIVER, AND THE SITE DRAINAGE AREA BEING MUCH LESS THAN 1% OF THE CONTRIBUTING DRAINAGE AREA, DELAYING/RETAINING RUNOFF THROUGH STORMWATER DETENTION MEASURES IS NOT DESIRABLE. ALLOWING THE DEVELOPMENT TO DRAIN IMMEDIATELY WILL HAVE NO ADVERSE IMPACT DOWNSTREAM, THEREFORE, THE FLOW PROTECTION CRITERIA 9VAC25-870-66C IS IMPRACTICAL AND UN-NECESSARY. AS FOR THE CHANNEL PROTECTION CRITERIA, THE RIVER IS THE RECEIVING CHANNEL AND SINCE THE CONTRIBUTING FLOW BY THE DEVELOPMENT IS VERY SMALL AND INSIGNIFICANT TO THE OVERALL FLOW OF THE RAPPAHANNOCK RIVER, PROVIDING CHANNEL PROTECTION PER CRITERIA 9VAC25-879-66B IS UN-NECESSARY AND IMPRACTICAL.

WATER QUALITY
 THE SITE IS A RE-DEVELOPMENT PROPERTY WITH AN INCREASE IN IMPERVIOUS SURFACE AREA. THE PREDEVELOPMENT IMPERVIOUS AREA IS 80%. THE PROPOSED IMPERVIOUS AREA WILL BE 87%. FOR PHOSPHOROUS LOADING AND REMOVAL THE OWNER INTENDS TO PURCHASE NUTRIENT CREDITS (PURSUANT TO 9VAC25-870-69) TO MEET THIS WATER QUALITY REQUIREMENT.



DATE	REVISION	REVISED PER CITY COMMENTS
07/29/2019		
11/25/2019		

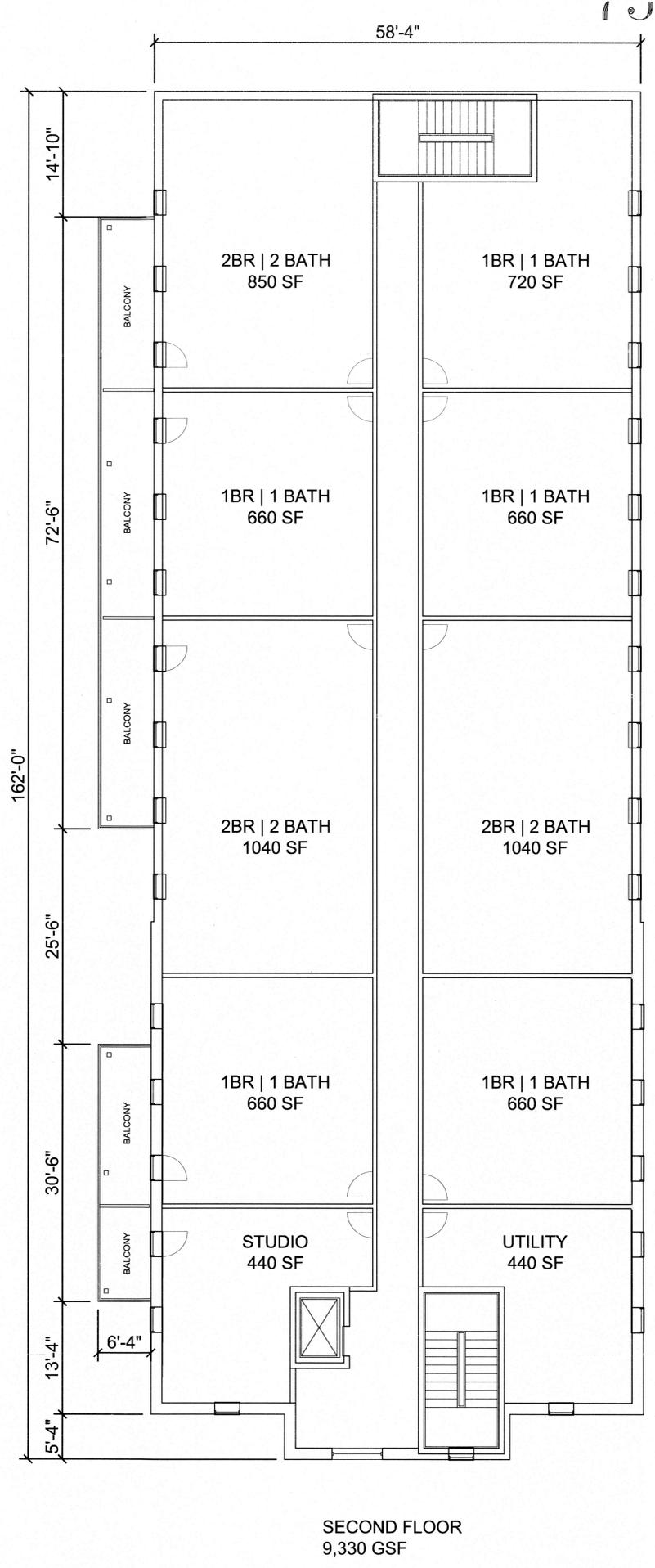
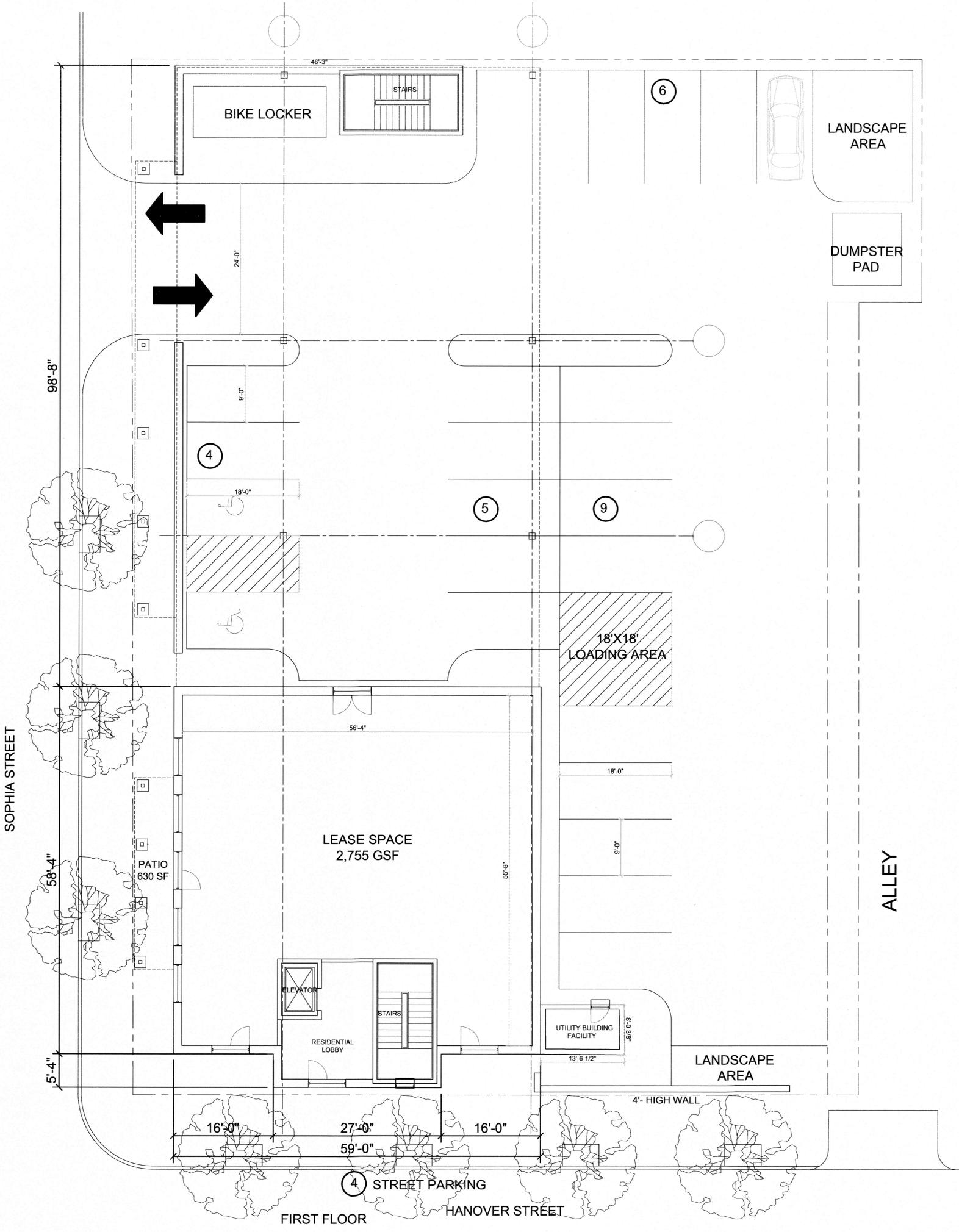
Freeland Engineering, PC
 10814 Courthouse Road
 Fredericksburg, Virginia 22408
 Phone: 540.898.3092
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 www.freelandengineering.com

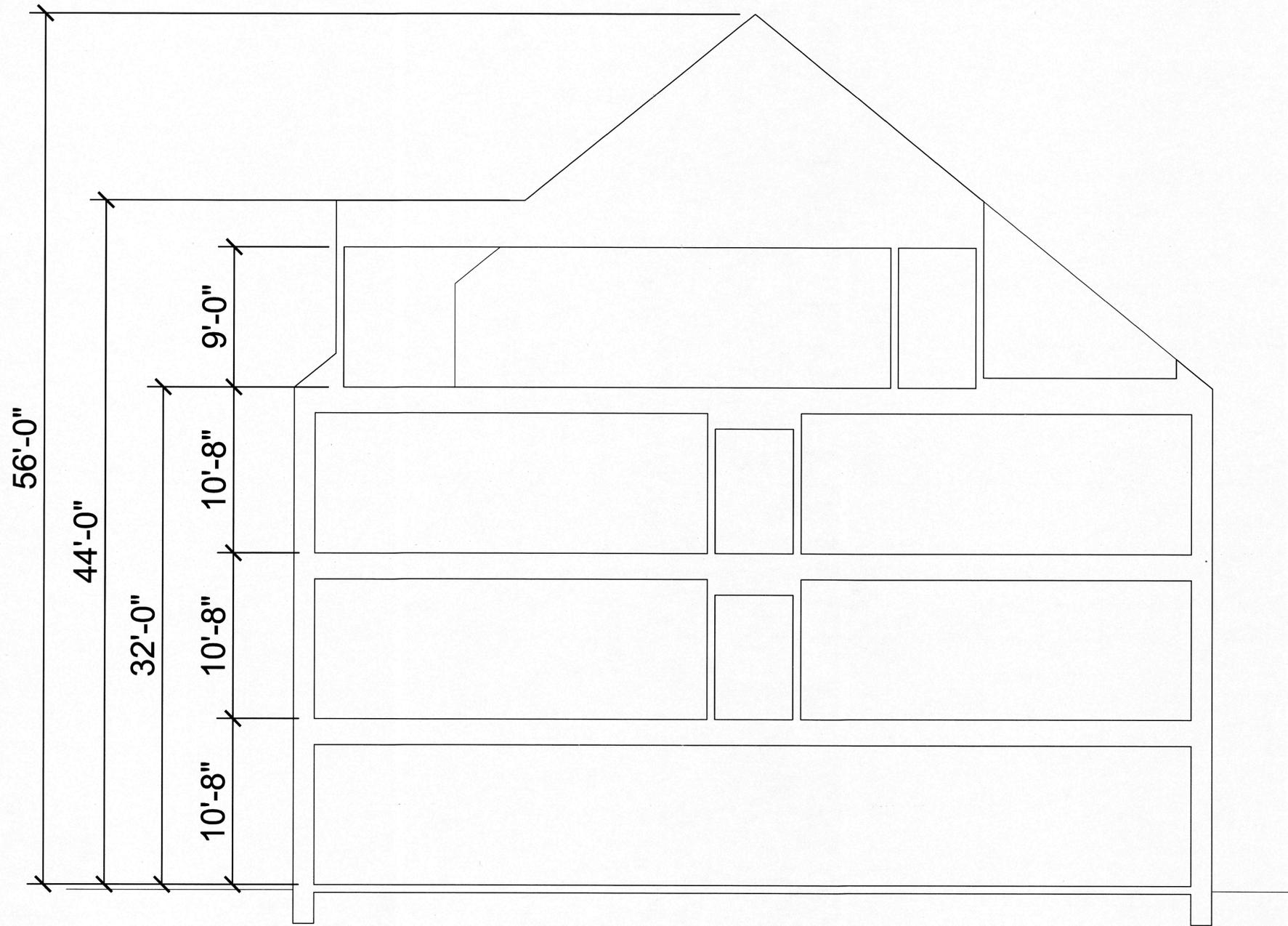


TRAFFIC FLOW, LANDSCAPING & SWM NARRATIVE
ONE HANOVER APARTMENTS
 CITY OF FREDERICKSBURG
 VIRGINIA

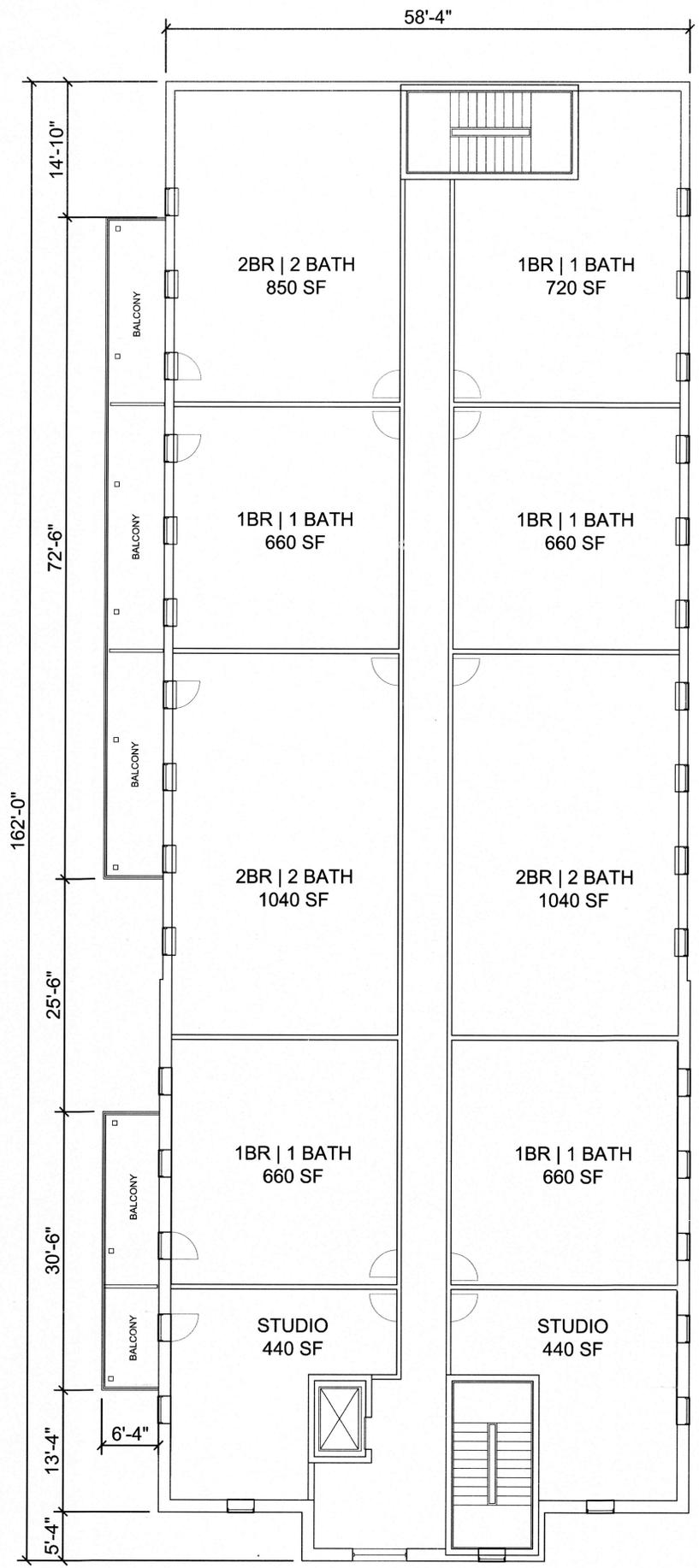


SEAL
 County Plan Number: SPMAJ2019-09
 Drawn By: SAR
 Designed By: SAR
 Checked By: RPF
 Date: 08/26/2020
 Scale: 1" = 10'
 Sheet: 3 of 3
 PROJECT #4464

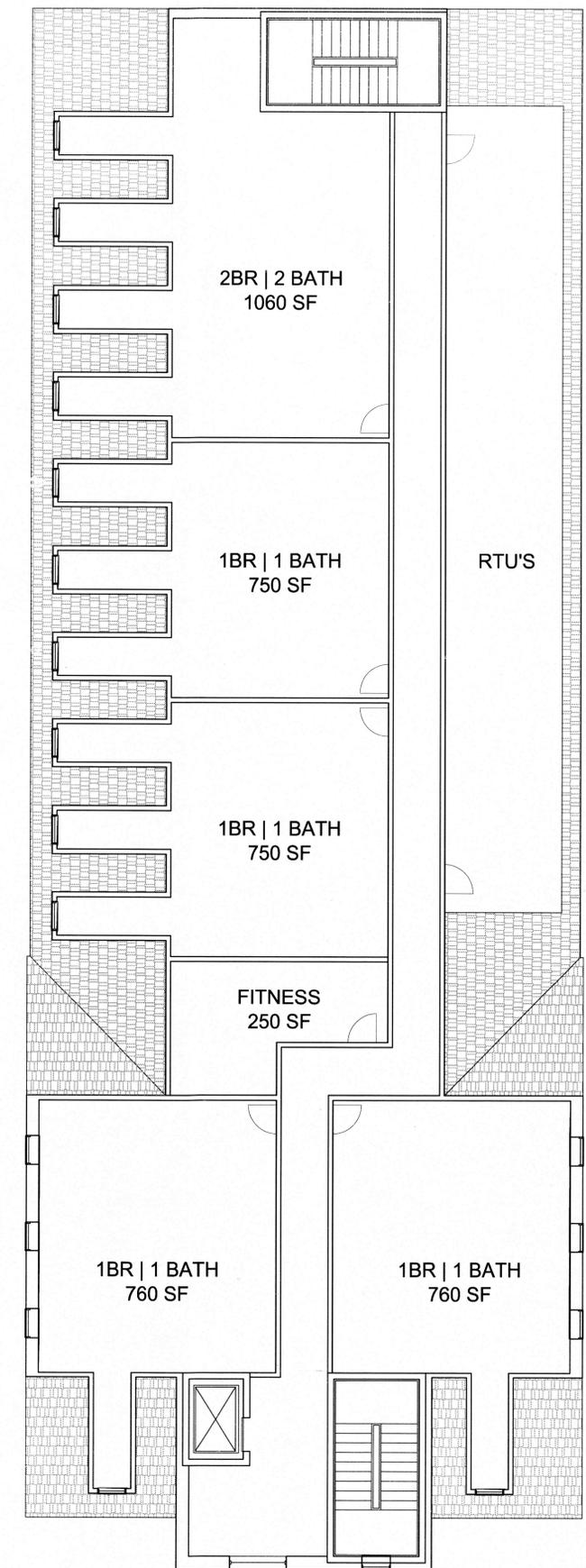




SECTION



THIRD FLOOR
9,330 GSF



FOURTH FLOOR
6,320 GSF



**CITY OF FREDERICKSBURG
PLANNING COMMISSION MINUTES
September 9, 2020
7:30 p.m.
ELECTRONIC MEETING / COUNCIL CHAMBERS, CITY HALL**

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

<https://amsva.wistia.com/medias/f9g4ssl6px>

The Agenda, Staff Report, Applications and Supporting Documents are also available on the Planning Commission page.

MEMBERS

Rene Rodriguez, Chairman (live)
Steve Slominski, Vice-Chairman (live)
David Durham (electronic)
Kenneth Gantt (live)
Chris Hornung (electronic)
Tom O'Toole (electronic)
Jim Pates (electronic)

CITY STAFF

Chuck Johnston, Director, Planning and Building Dept. (live)
Mike Craig, Senior Planner (live)
James Newman, Zoning Administrator (live)
Cathy Eckles, Administrative Assistant (live)

1. CALL TO ORDER

This meeting was held live and electronically by "Go to Meeting" application, pursuant to City Council Ord. 20-05, An Ordinance to Address Continuity of City Government during the Pendency of a Pandemic Disaster.

Members of the public were invited to attend in person with social distancing practices and masks required or access this meeting by public access television Cox Channel 84, Verizon Channel 42, online at www.regionalwebtv.com/fredcc, or Facebook live at www.facebook.com/FXBGgov.

Chairman Rodriguez called the meeting to order at 7:30 p.m. and explained electronic meeting procedures.

2. PLEDGE OF ALLEGIANCE

3. DETERMINATION OF A QUORUM

All members were present.

4. APPROVAL OF AGENDA

Mr. Gantt moved for approval of the agenda as submitted. Mr. Slominski seconded.

Motion passed 7-0.

MINUTES APPROVED 9/16/20, NOT YET SIGNED

5. APPROVAL OF MINUTES

- A. June 24, 2020
- B. July 8, 2020

Chairman Rodriguez suggested a combined motion for approval of the minutes. Mr. Hornung motioned to approve both sets of minutes. Mr. Durham seconded.

Motion passed 7-0.

6. DECLARATION OF CONFLICT OF INTEREST

None.

7. PUBLIC HEARING

- A. **Thomas Mitchell** requests a Special Exception to amend the approved General Development Plan for a mixed-use structure to be located at the corner of Sophia and Hanover Streets, at 100, 106, and 108 Hanover, and 718 Sophia Street. **SE2020-05**

Mr. Newman reviewed the staff report with a power point presentation (Att. 1) and noted that a vote on this matter would be taken at the September 16 Planning Commission special meeting. Applicant Tommy Mitchell was present electronically.

Mr. Durham questioned how the four on-street public parking spaces become the property of this project. Mr. Craig stated that there are currently seven diagonal spaces that will be converted to four parallel on-street parking spots. While they are not specifically designated for this project, they are allowed to be counted toward the parking requirement. Mr. Durham asked for further specifications on the pedestrian crossings mentioned for Sophia and Hanover Streets. Mr. Johnston said that pedestrian crossing markings are there, but will change based on the design for Riverfront Park, which will include a sidewalk bump-out on Sophia Street and curbside parking on the Park side on Sophia, but no curbside parking in front of the project.

Chairman Rodriguez asked how many handicapped spaces are required for this project. Mr. Newman stated one space is required. Chairman Rodriguez asked if there was a mechanism to designate one of the four public on-street parking spaces as handicapped. Mr. Johnston stated this inquiry would have to be made through the City Public Works and staff would consult with them.

Applicant had no presentation, no written public comments had been received, and no public speakers were present. Chairman Rodriguez noted that the public hearing would remain open until September 16, 2020 for further time to receive public comments, with the vote planned for that session.

- B. **Haven for Heroes Inc.** requests a Special Exception for a Duplex at 315/317 McKinney Street. **SE2020-04**

Mr. Newman reviewed the staff report with a power point presentation (Att. 2) and noted that a vote on this matter would be taken at the September 16 Planning Commission special meeting. Applicant Barzel McKinney was present electronically.

Mr. Pates questioned Council's recent approval of a change to the definition of a duplex and whether that would affect this property. Mr. Newman stated Council modified the definition on September 8, 2020, which was considered by the Planning Commission and recommended for approval in March 2020. Mr. Craig explained the change and the effect on this property.

Mr. Durham asked for confirmation that Lots 56, 57, and 58 are what was shown in the staff report map. Mr. Newman stated that based on the survey and the deed provided in the application the property includes all three lots. Mr. Newman stated that the red boundary lines encapsulate the approximate location of the



PLANNING COMMISSION MINUTES
September 16, 2020
7:30 p.m.
ELECTRONIC SPECIAL MEETING

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

<https://amsva.wistia.com/medias/y6d7miwgkh>

The Agenda, Staff Report, Applications and Supporting Documents are also available on the Planning Commission page.

MEMBERS

Rene Rodriguez, Chairman
Steve Slominski, Vice-Chairman
David Durham
Kenneth Gantt
Chris Hornung
Tom O'Toole
Jim Pates (absent)

CITY STAFF

Chuck Johnston, Director, Planning and Building Dept.
James Newman, Zoning Administrator
Cathy Eckles, Administrative Assistant

ALSO PRESENT

Barzel McKinney, Haven for Heroes
Ray Freeland, Engineer
Ron Hicks, Crown Trophy Representative
Chris & Linda Hara, Crown Trophy

All members, staff, and applicant representatives were only present electronically

1. CALL TO ORDER

This meeting was held electronically by "Go to Meeting" application, pursuant to City Council Ord. 20-05, An Ordinance to Address Continuity of City Government during the Pendency of a Pandemic Disaster.

Members of the public were invited to access this meeting by public access television Cox Channel 84, Verizon Channel 42, online at www.regionalwebtv.com/fredcc, or Facebook live at www.facebook.com/FXBGgov.

Chairman Rodriguez called the meeting to order at 7:30 p.m. and explained electronic meeting procedures.

2. PLEDGE OF ALLEGIANCE

3. DETERMINATION OF A QUORUM

All members were present except Mr. Pates.

4. APPROVAL OF AGENDA

Mr. O'Toole moved for approval of the agenda as submitted. Mr. Hornung seconded.

Motion passed 6-0-1.

5. APPROVAL OF MINUTES - September 9, 2020

Mr. Durham moved to approve the minutes. Mr. Hornung seconded.

Motion passed 6-0-1.

6. DECLARATION OF CONFLICT OF INTEREST

None.

7. PUBLIC HEARING

- A. **Crown Trophy** requests a Special Use Permit to allow for a retail sales establishment at 1529 Olde William Street. **SUP2020-04**

Mr. Newman said there were no updates and no public written comments received. The Crown Trophy operators, Chris and Linda Hara, and property owner, Ron Hicks, were present electronically. There were no questions or discussion from the Commissioners for staff or applicants.

Chairman Rodriguez closed the public hearing. Mr. Durham moved to approve SUP2020-04, Crown Trophy as presented. Mr. Slominski seconded.

Mr. Hornung said that he is still concerned about approving special use permits for retail with no restrictions on the type of sales. Discussion ensued about restrictions, the City Attorney's concerns, and the Commissioner's belief that this is exactly how a special use permit should be used. Mr. Johnston said he will bring the question to the September 23, 2020 electronic work session after discussing it with the City Attorney. Mr. Johnston said that the City Attorney's issue with limitations or restrictions is that the definition of retail doesn't specify detailed retail uses.

Motion passed 6-0-1.

- B. **Thomas Mitchell** requests a Special Exception to amend the approved General Development Plan for a mixed-use structure to be located at the corner of Sophia and Hanover Streets, at 100, 106, and 108 Hanover, and 718 Sophia Street. **SE2020-05**

Mr. Newman said that an updated staff report had been sent and no public written comments had been received. Engineer Ray Freeland was present electronically. Mr. Newman noted that Commissioners had inquired about designating one of the four public on-street parking as handicapped parking and additional pedestrian crossings. Public Works staff has stated that designation of a public handicapped parking spot was a feasible request and should be pursued with the site plan.

Mr. Newman said that additional Sophia/Hanover Street pedestrian crossings will be installed as part of Riverfront Park. Mr. Durham questioned what the specific crossings would be. Mr. Johnston said that the existing pedestrian crossings at Sophia and Hanover will remain, with a curb bump-out to be installed on the Riverfront Park side of Sophia Street. Mr. Durham asked if it is on the GDP but not a feature of the project. Mr. Johnston said: yes. Mr. Durham asked if there will be a pedestrian crossing on the park side crossing Hanover Street. Mr. Johnston said yes.

Chairman Rodriguez asked about the Architectural Review Board's reaction to the project, when reviewed at its September 14, 2020 meeting. Mr. Johnston stated the vote will be taken on September 21, but the reaction was favorable.

Applicant's Engineer had no comment on the project. There were no further questions or comments for staff or applicant from the Commissioners. Chairman Rodriguez closed the public hearing. Mr. Durham moved to approve SE2020-05, Hanover House, as presented. Mr. Hornung seconded.

Motion passed 6-0-1.

C. Haven for Heroes Inc. requests a Special Exception for a Duplex at 315/317 McKinney Street.
SE2020-04

Mr. Newman said that an updated staff report had been sent, along with a detailed description of “Haven for Hero’s” (Att. 1). No public written comments had been received. Applicant Barzel McKinney was present electronically.

Chairman Rodriguez asked if the City had any obligation to do any further inspections of the duplex due to it being empty for such an extended period of time. Mr. Newman stated that a thorough inspection has been done and the building was structurally sound and deemed safe. There will be additional inspections done to be sure the duplex is up to code as the renovation process occurs.

Applicant had no comment on the project. There were no further questions or comments for staff or applicant from the Commissioners. Chairman Rodriguez closed the public hearing. Mr. Hornung moved to approve SE2020-04, Haven for Heroes, as presented. Mr. Durham seconded.

Motion passed 6-0-1.

8. GENERAL PUBLIC COMMENT

None.

9. OTHER BUSINESS

A. Planning Commissioner Comments

None.

B. Planning Director Comments

Mr. Johnston noted there will be a joint electronic work session with Council on September 23 at 6:30 p.m. to further discuss small area plans for Area 1 (Central Park/Celebrate Virginia) and Area 2 (Fall Hill Avenue).

Mr. Johnston discussed the notice of an additional joint electronic work session with Council on October 28, 2020 to work on 2020 Housing Affordability Study and Action Plan. Mr. Durham discussed the expectation of work necessary to be prepared to finalize the report. Mr. Johnston stated that Commissioners need to be prepared to move forward. Mr. Durham offered to help Chairman Rodriguez work on focusing this discussion.

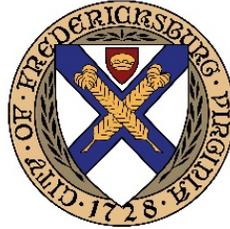
Chairman Rodriguez asked about the likelihood of having this session as an in-person meeting with Council. Mr. Johnston noted that Council has decided to do no in-person meetings for the foreseeable future.

9. ADJOURNMENT

There being no further items to be discussed, the Planning Commission meeting adjourned at 7:58 p.m.

Next meeting is September 23, 2020.

Rene Rodriguez, Chairman



MEMORANDUM

TO: Timothy J. Baroody, City Manager
FROM: James Newman, Zoning Administrator
DATE: September 17th, 2020 for the September 22nd Council Meeting
RE: **SE 2020-04: Haven for Heroes Inc.** requests a Special Exception from City Code §72-40.2, Use Table, to permit a duplex at 315/317 McKinney Street/GPIN 7788-18-9981.

ISSUE

Proposed special exception request is to permit a former duplex to be renovated into a duplex.



PROPOSED SPECIAL EXCEPTION REQUEST

The applicant seeks an exception to Code §72-40.2, Use Table, which does not list ‘Dwelling, Duplex’ as an allowed use. ‘Dwelling, Duplex’ is defined in §72-84, Definitions. Granting this Special Exception would permit a duplex at 315/317 McKinney Street/GPIN 7788-18-9981.

RECOMMENDATION

Recommend to the City Council approval of the Special Exception subject to the following conditions:

1. Prior to occupancy the three lots must be consolidated to make the structure conform to the Unified Development Ordinance;
2. The use shall commence within 24 months of the date of adoption of this resolution. The use is permitted only so long as it continues and is not discontinued for more than 24 months.

GENERAL BACKGROUND

The applicant wishes to renovate a dilapidated duplex to make it habitable. The property is zoned R4, and a duplex is not a permitted use in the R4 Zoning District. The use is **not** legally non-conforming as the structure has not been inhabited for over two years.

City Code §72-82.4 defines a “**Dwelling, Duplex**” as

A single-family dwelling unit attached to one other single-family dwelling unit by a common vertical wall. Each dwelling unit may be located on its own lot, or both may be located on a single lot.

The structure is a duplex. The house dates to 1949, is 1,426 sq. ft. in area, and is one story with a basement below. The structure is split down the middle, with two separate entrances for each unit. The applicant proposes to remodel the building and split the units horizontally, with one unit in the basement and the other unit on the main floor. Each unit would have its own utility hookup.

The applicant is ‘Haven For Heros’. It works to provide affordable housing for veterans and their families. The applicant proposes to use this duplex for affordable housing for low income veterans.

While the applicant has chosen to pursue this special exception as a way to provide affordable housing, approval should be granted regardless. The property was historically used as a duplex. There are eight duplexes in the surrounding neighborhood and they serve as a source of naturally occurring affordable housing. The approval of the exception would maintain the historic variety of missing-middle housing options available in the neighborhood and approval would lead to the renovation of a visually blighted structure. Should the property owner desire to make this housing opportunity available for veterans exiting homelessness, it is recommended that he connect with the Fredericksburg Regional Continuum of Care’s [Stable Homes Partnership](#).

PLANNING COMMISSION

The Planning Commission heard this item at their public hearing on September 9, 2020. There was one public comment at the meeting, from a citizen who wanted assurances that the future tenants for the duplex would not be a nuisance.

The applicant explained that tenants for their program must meet Haven for Hero’s financial hardship criteria, and that their main focus as an organization is providing housing for veterans that qualify under Federal Housing and Urban Development (HUD) guidelines for low and very low income standards, those who are recently unemployed and in poverty, and those suffering from extreme hardships. The focus is on providing housing for low income veterans, not persons suffering from substance abuse, mental health issues, or other hardship factors.

The Commission asked if any blight abatement actions had been taken by the City. Per the Property Maintenance Official, the property owner and applicant have worked with the City to abate violations before they rise to a level where the City is required to take action.

The Commission asked if the Dept. of Veterans Affairs (VA) would do a livability check on the property prior to occupancy by tenants. The applicant stated that such a check would be performed.

The Planning Commission discussed the need for a condition to provide affordable housing. Such a condition would hold the developer to their promise to provide affordable housing, but would run with the land and potentially burden future owners of the property.

The Commission voted on September 17 6-0 (1 absent) to recommend **approval** subject to conditions.

SPECIAL EXCEPTION ANALYSIS

Unified Development Ordinance (UDO) §72-22.7 contains review criteria that the Planning Commission and City Council shall use when evaluating an application for a Special Exception. These criteria are:

1. Consistency with the Unified Development Ordinance

The purpose of the Residential-4 (R4) Zoning District is:

“established to provide for single-family detached dwellings in both developed and undeveloped areas of the City at densities of up to four units per acre. The district also allows selected uses which are compatible with the medium density residential character of the district and to implement the stated purposes and intent of the Comprehensive Plan. Cluster-style development configured in accordance with the standards in § 72-51.4, Cluster subdivisions, is permitted.”

The applicant seeks to rehabilitate a vacant duplex to make it habitable. The property is composed of three lots, which could result in 3 new units with a density of 17 units per acre. Renovating the existing duplex would result in a density of 11 units per acre. As a condition of approval, the lots should be combined to bring the property more into conformance with City Code requirements. Consolidating the lots would maintain the two units while reducing the overall density of the lot to the existing 11 units an acre.

2. Conformance with the Comprehensive Plan

The property lies within Land Use Planning Area 8: Dixon Street/Mayfield. The Future Land Use map identifies this area as Low Density Residential. This category states: *“Residential development at four units per acre is generally a conventional subdivision. Some parts of the City are zoned for two units per acre, but these districts are typically rezoned to a higher density so that can be developed in a manner more appropriate to an urban location. Where the land has historic resources and/or attractive natural features, the City encourages innovative layouts and clustering, to retain attractive open space and to protect sensitive lands.”*

The requested special exceptions and associated development are in accordance with goals of the Comprehensive Plan:

Environmental Protection Goals – pg. 1-8

Goal 6. Livability

“Strengthen existing policies and develop new ones to actively promote a sustainable future by promoting clustered and compact development, which would be balanced by additional open space, and redevelopment of land and repurposing of structures”.

Residential Neighborhoods – pg. 1-10

Goal 1. Neighborhood Character

“Preserve the character of the City’s neighborhoods, by respecting and maintaining their functional design (sidewalks, alleys, street trees, etc.)”

Goal 2. Neighborhood Quality

“Enhance the quality of the City’s residential areas, to promote livability and a sense of community. Livability is defined as safe and walkable, with a variety of housing choices and ready access (walking, biking, transit, automobile) to work, shopping, and services.”

Goal 7. Affordable Housing

"All persons who live and work in Fredericksburg should have the opportunity to rent or purchase safe, decent, and accessible housing within their means."

Goal 8. Variety of Housing

"Provide a variety of housing opportunities throughout the City that respect the character of the community."

3. *Whether there has been a sufficient period of time for investigation and community planning with respect to the application.*

The Technical Review Committee has completed its review. If approved, work would be required to be performed in accordance with all Building Code requirements, which requires that there must be a complete 1-hour fire separation between units and all supporting construction of the 1-hour horizontal fire separation assembly must be equally fire rated. Egress from the basement unit is possible via the rear door at the basement ground level and via the windows, which meet current Building Code requirements to be emergency egress points.

4. *Whether the special exception is consistent with the principles of good zoning practice, including the purposes of the district in which the special exception would be located, existing and planned uses of surrounding land, and the characteristics of the property involved.*

Section 72-12 of the UDO states that *"The City Council has adopted this chapter to promote the health, safety, convenience, and general welfare of the public, to plan for the future development of the community, and to accomplish the objectives of the Code of Virginia and the City of Fredericksburg Comprehensive Plan"*. As stated in that Code Section, zoning is intended to be a tool that provides for, amongst other things:

- A. *...Adequate light, air, convenience of access, and safety from fire, flood, impounding structural failure, crime, and other dangers;*
- C. *To facilitate the creation of a convenient, attractive, and harmonious community;*
- G. *To encourage economic development that provides desirable employment, including high wage jobs, and enlarge the tax base;*
- J. *To implement the Fredericksburg Comprehensive Plan and any special area plan adopted by the City;*

The property is not located within a floodplain or floodway. Approval will allow for the rehabilitation of a vacant, dilapidated structure, and provide housing choice.

5. *Whether the proposed use or aspect of the development requiring the special exception is special, extraordinary or unusual.*

The property was developed as duplex in 1949. It was inhabited until 2013. The applicant proposes to restore the structure to its historic use.

6. *Whether the proposed exception potentially results in any adverse impacts on the surrounding neighborhood, or the community in general; and if so, whether there are any reasonable conditions of approval that would satisfactorily mitigate such impacts.*

The current structure is vacant and blighted, having a negative impact on the aesthesis of the community. Approval would permit a duplex built to current Building Code requirements, and would eliminate blight. There are eight other duplexes in the neighborhood; approval would not lead to a

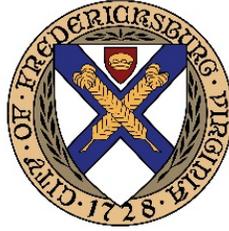
standalone situation. Rehabilitating the structure would keep the number of dwelling units that already exist on site. If the structure was torn down, three dwelling units could be placed on the property.

CONCLUSION

This is a proposal for a special exception to reestablish a duplex use in a structure originally designed and built for that purpose. The use is compatible with the surrounding neighborhood and meets the goals of the Comprehensive Plan. The Planning Commission voted to recommend **approval** to City Council.

ATTACHMENTS

1. Resolution
2. Application



September 22, 2020
Regular Meeting
Resolution 20-__

MOTION:

SECOND:

**RE: Granting a Special Exception to Permit a Duplex Dwelling at 315/317
McKinney Street**

ACTION: APPROVED: Ayes: 0; Nays: 0

Haven for Heros, Inc. has applied for a special exception to permit a duplex dwelling at 315/317 McKinney Street, GPIN #7788-18-9981. The property is situated at the intersection of McKinney Street and King Street in the Mayfield neighborhood, and it is zoned R-4 Residential.

The proposed special exception would permit the applicant to renovate an existing dilapidated structure, which was historically used as a duplex, into a duplex configuration. The primary structure is a 1,426 square-foot one-story duplex with a basement. It is currently split by a vertical wall through the center of the structure, with two separate entrances on the main floor, one for each unit. The proposed renovation would split the units horizontally, with one unit in the basement and the other on the main floor.

The R4 zoning district does not permit a duplex dwelling as a permitted use. However, this particular neighborhood features a variety of housing types, including duplexes, and the proposed renovation would rehabilitate a visually blighted structure and restore the property to its historic use.

Therefore, the City Council hereby resolves that:

- Council has reviewed and considered the following criteria with respect to the special exception applications: (a) whether the grant of the special exceptions is consistent with the City's Comprehensive Plan; (b) whether the special exceptions are consistent with the goals, purposes and objectives of the City's zoning ordinance; (c) whether there has been a sufficient period of time for investigation and community planning with respect to the applications; (d) whether the special exceptions are consistent with the principles of zoning and good zoning practice, including the purposes of the district in which the special exception would be located, existing and planned uses of surrounding land, the characteristics of the property involved, and the adverse impacts of the proposed use; and (e) whether the proposed use or aspect of the development requiring the special exceptions is special, extraordinary or unusual.
- Pursuant to Section 72.22.7 of the City of Fredericksburg Uniform Development Ordinance, Council hereby grants a special exception for 315/317 McKinney Street from Fredericksburg City Code Section 72-40.2, to permit a duplex in the R4 Zoning District.
- The special exception is subject to the following conditions:
 1. Prior to occupancy, the three existing lots shall be consolidated to make the structure conform to the Unified Development Ordinance.

2. The use shall commence within 24 months of the date of adoption of this resolution. The use is permitted only so long as it continues and is not discontinued for more than 24 months.

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. 20- , adopted at a meeting of the City Council held _____, 2020, at which a quorum was present and voted.

Tonya B. Lacey, MMC
Clerk of Council



Application #SE: 2020-04
Date: 7.1.20
Fee/Check#: CX 1016 \$900
\$750.00 + \$150.00 Per Acre

APPLICATION SPECIAL EXCEPTION

APPLICANT

NAME: Haven For Heros INC (Barzel Mckinney)

MAILING ADDRESS: 2217 Princess Anne St, Suite 106-1L, Fredericksburg, VA 22401

TELEPHONE: 540-479-1044 E-MAIL: barzel@haven4heros.org

THE UNDERSIGNED HEREBY APPLIES FOR AN EXCEPTION FOR: Duplex use in the R4 zoning district.

THE SUBJECT PROPERTY IS DESCRIBED AS FOLLOWS:

Property Location 315/317 Mckinney St, Fredericksburg, VA 22401

Property Owned By Bobby L. Smith

Owner's Mailing Address 616 Spottswood, St, Fredericksburg, VA 22401

Proposed Use of Property (*be specific*) To be renovated and used as a modern duplex for the purpose of providing affordable housing for low income veterans and their families.

HOURS OF OPERATION N/A NUMBER OF EMPLOYEES N/A

Anticipated Number of Patrons or Clients 8

Description of the development's impact on neighboring and adjacent properties, please be specific (attach additional sheet if necessary): The neighboring and adjacent properties would benefit from the upgrade of having a blighted eye soar of a property enhance the community and increase other property values. this request would be consisent with the Cities comprehensive plan to increase affordable housing units and to help our fellow veterans. The home is currently a duplex and was previously zoned in R4, the current footprint would not change. This exception in consistent with the principles f zoning and good zoning practice.

(Application Continued)

Criteria for a Special Exception: Use Separate Sheets for Explanations and be Specific and Thorough.

Whether the grant of the special exception is consistent with the City's Comprehensive Plan;

1. Whether the special exception is consistent with the goals, purposes and objectives of the City's zoning ordinance;
2. Whether there has been a sufficient period of time for investigation and community planning with respect to the application;
3. Whether the special exception is consistent with the principles of zoning and good zoning practice, including the purposes of the district in which the special exception would be located, existing and planned uses of surrounding land, the characteristics of the property involved, and the adverse impacts of the proposed use;
4. Whether the proposed use or aspect of the development requiring the special exception is special, extraordinary or unusual;
5. Whether the applicant has demonstrated that its application meets all these criteria;

I do hereby make oath or affirmation that to the best of my knowledge, the foregoing information contained in this application is true.

Barzel b. McKinney
Signature of Applicant

06/22/2020
Date

PRINT NAME OF APPLICANT Barzel b. McKinney, President of Haven For Heros Inc

The above oath or affirmation was signed before me and witnessed by me this 22nd day of JUNE, 2020 in the County/City of Fredericksburg in the state of Virginia.

Notary Signature *Rebecca Jane Easterling*

Notary Registration # 7546298 Commission Expires 08/31/2021

Bobbie L. Smith, Sr.
Signature of Owner Date

PRINT NAME OF OWNER Bobbie L. Smith, Sr.

The above oath or affirmation was signed before me and witnessed by me this 22nd day of JUNE, 2020 in the County/City of Fredericksburg in the state of Virginia.

Notary Signature *Rebecca Jane Easterling*

Notary Registration # 7546298 Commission expires 08/31/2021

REBECCA JANE EASTERLING
NOTARY PUBLIC
REG. #7546298
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES AUG. 31, 2021

REBECCA JANE EASTERLING
NOTARY PUBLIC
REG. #7546298
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES AUG. 31, 2021

OWNERSHIP

Applicant is (Circle One):

Property Owner

Agent of Owner

Lessee

Property Purchaser

Other

If 'Other', describe:

Source of Property Title / Instrument #:

If Property is owned by a Limited Liability Corporation (LLC):

1. Attach a "Certificate of Fact of Existence" from the State Corporation Commission; and
2. List the names and titles with authority to sign on behalf of the LLC (add additional sheets if needed):

N/A

OR

If Property is owned by a Corporation (Inc.):

1. Attach a "Certificate of Good Standing" from the State Corporation Commission; and
2. List the names and titles with authority to sign on behalf of the corporation (add additional sheets if needed):

N/A

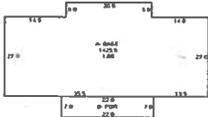
Fredericksburg, Virginia

GPIN
7788-18-9981

Property Address
315 MCKINNEY ST

Record #
3307

General

Owner's Name:	SMITH BOBBIE L	Site Information		 
Mailing Address:	616 SPOTTSWOOD ST FREDERICKSBURG, VA 22401	Acres:	0.00000000	
Description:	LTS 56-58 BL 178-38-L56	Zoning :	R4	
	315 317 MCKINNEY ST	Terrain Type:	On	
		Terrain Character:	Open	
		Right of Way:	Public	
		Easements:	Paved	
		Other Description:	LOT: 75 X 105	

Details

Size in Sq. Ft.:	1,426		
Value:	\$77,400.00		
Exterior Information		Interior Information	
Year Built:	1949	# of Rooms:	8
Occupancy:	Dwelling	# of Bedrooms:	4
Foundation:	Concrete	Full Bathrooms:	2
# of Stories:	1.0	Half Bathrooms:	0
Ext. Walls:	Brick	Floors:	Wood, Carpet
Roofing:	Comp Shg	Fireplaces:	0
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
Carpport:	None	Inoperable Flues/Fireplaces:	0
Carpport - # Of Cars:	0	Gas Log Fireplaces:	0
		Total SqFt:	1,426
		Basement Type:	Full
		Basement SqFT:	0
		Finished Basement SqFt:	0
		Interior Walls:	Plaster
		Heating:	Forced Air
		A/C:	No
		Utilities	
		Water:	Public
		Sewer:	Public
		Electric:	Yes
		Gas:	Yes
		Fuel Type:	Gas

Assessments

Improvements Details				Assessment Year:	2016
				Building Value:	\$14,912
Sale Date	Sale Amount	Document No	Deed Bk / Pg	Total Other Improvements:	\$0
Total Other Improvements Value:				Total Land Value:	\$62,500
\$				Rounded Taxable Value:	\$77,400
				Percent Complete:	
				Assessment Neighbourhood:	3 - MAYFIELD RESIDENTIAL

Description	Size in Acres	Lump Sum/Per Acres	Unit Value	Adj	Utility Value	Acreage Value
Other		Lump Sum	\$62,500	.00%	0	62,500

Total Value:
\$77,412

Ownership

Current Ownership Details							
Name	Sale Date	Sale Price	Instrument	Plat Book/Page	Deed Book/Page	Will Book/Page	Grantor
SMITH BOBBIE L	1/1/1979	\$17,500.00			171 / 657		

Previous Ownership Details							
Name	Sale Date	Sale Price	Instrument	Deed Book/Page	Will Book/Page	Grantor	

Assessments

Improvements Details				Assessment Year:	2016	
				Building Value:	\$14,912	
				Total Other Improvements:	\$0	
				Total Land Value:	\$62,500	
				Rounded Taxable Value:	\$77,400	
				Percent Complete:		
				Assessment Neighbourhood:	3 - MAYFIELD RESIDENTIAL	
Total Other Improvements Value:						
S						
Description	Size in Acres	Lump Sum/Per Acres	Unit Value	Adj	Utility Value	Acreage Value
Other		Lump Sum	\$62,500	.00%	0	62,500
Total Value:						
\$77,412						

Ownership

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Name	Sale Date	Sale Price	Instrument	Plat Book/Page	Deed Book/Page	Will Book/Page	Grantor
SMITH BOBBIE L	1/1/1979	\$17,500.00			171 / 657		
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Name	Sale Date	Sale Price	Instrument	Deed Book/Page	Will Book/Page	Grantor	

Fredericksburg, Virginia

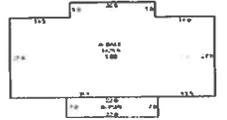
GPIN
7788-18-9981

Property Address
315 MCKINNEY ST

Record #
3307

General

Owner's Name:	SMITH BOBBIE L	Site Information	
Mailing Address:	616 SPOTTSWOOD ST FREDERICKSBURG, VA 22401	Acres:	0.00000000
Description:	LTS 56-58 BL 178-38-L56 315 317 MCKINNEY ST	Zoning :	R4
		Terrain Type:	On
		Terrain Character:	Open
		Right of Way:	Public
		Easements:	Paved
		Other Description:	LOT: 75 X 105



Details

Size in Sq. Ft.:	1,426		
Value:	\$77,400.00		
Exterior Information	Interior Information	Total SqFt: 1,426	Utilities
Year Built: 1949	# of Rooms: 8	Basement Type: Full	Water: Public
Occupancy: Dwelling	# of Bedrooms: 4	Basement SqFT: 0	Sewer: Public
Foundation: Concrete	Full Bathrooms: 2	Finished Basement SqFt: 0	Electric: Yes
# of Stories: 1.0	Half Bathrooms: 0	Interior Walls: Plaster	Gas: Yes
Ext. Walls: Brick	Floors: Wood, Carpet	Heating: Forced Air	Fuel Type: Gas
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		
Carpport: None	Inoperable Flues/Fireplaces: 0		
Carpport - # Of Cars: 0	Gas Log Fireplaces: 0		

barzel.mckinney@gmail.com

From: Nick Feaster <nfeaster@jeswork.com>
Sent: Tuesday, June 30, 2020 8:13 PM
To: Barzel.mckinney@gmail.com
Subject: Fw: 315 McKinney Street Fredericksburg, VA Inspection

From: Nick Feaster
Sent: Monday, June 29, 2020 10:49 PM
To: info@havenforheroes.org <info@havenforheroes.org>
Subject: 315 McKinney Street Fredericksburg, VA Inspection

Mr. McKinney,

Thanks again for having me out to review the foundation of this home, as discussed on site, structurally the building is actually in pretty good shape, the brick that was falling was just sitting on a surface footing (basically formed on top of the loose back fill soil, which settled) After the brick was demoed you can clearly see the foundation which did not appear to have any major issues and was actually down about 3-4' deeper to the footings, no signs of settlement on that. The inside joist have slight amounts of deflection (mostly from moisture and sitting empty for so long) but nothing is in danger of falling down other than the steps going to the front door which can easily be repaired.

It is my personal belief that this house will turn out great and should be able to be repaired. Just make sure to repair any rot as you come in and renovate before installation of siding.

Best of luck and don't hesitate to call if you have any questions.

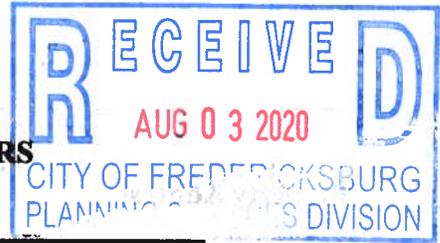
Nick Feaster

Inspection Manager
JES Foundation Repair
Office: 804-425-9912
Cell: : 757-435-3197

Serving VA, DC, MD, NC, SC, GA FL, MO, OH & IN

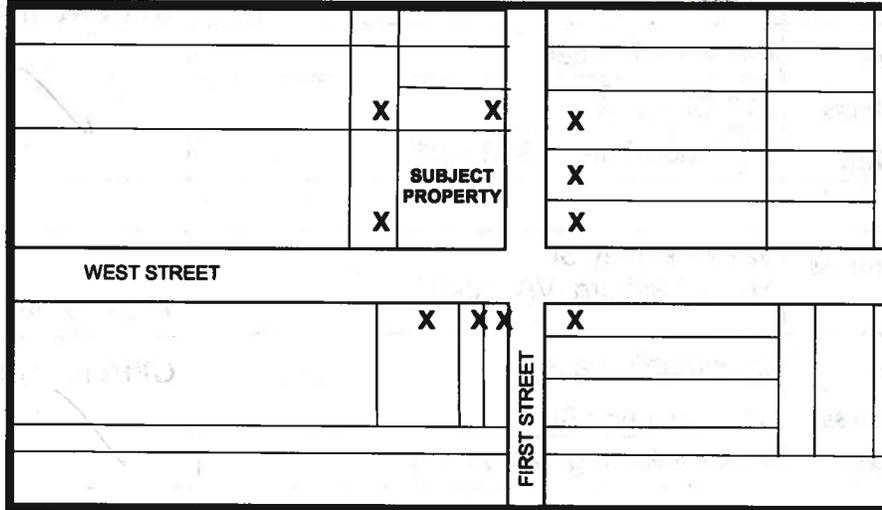
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EXAMPLE DIAGRAM OF ADJOINING PROPERTY OWNERS

X = Property owners to be notified



PROPERTY OWNERS LIST

315 Mckinney St, Fredericksburg, VA 22401

7788-18-9981

SUBJECT ADDRESS

GPIN #

Adjoining property owner names and addresses can be obtained by visiting the City website at www.fredericksburgva.gov and following the link to GIS, or by visiting the Office of Real Estate at City Hall, 715 Princess Anne Street, Room 107.

Adjoining Property Owner's Name and Mailing Address

Property Address	318 Glover St, Fredericksburg VA 22401	7788-19-9032
Owner Name	Lucille B. Jackson	GPIN NUMBER ✓
Mailing Address	318 Glover St,	
City, State, Zip	Fredericksburg, VA 22401	

Property Address		
Owner Name		GPIN NUMBER
Mailing Address		
City, State, Zip		

Property Address	312 Glover St Fredericksburg, VA 22401	7788-29-0013
		GPIN NUMBER
Owner Name	William A Mercer	✓
Mailing Address	312 Glover St	
City, State, Zip	Fredericksburg, VA 22401	

Property Address	321 Mckinney St Fredericksburg, VA 22401	7788-18-9921
		GPIN NUMBER
Owner Name	Christopher Page	✓
Mailing Address	321 Mckinney St	
City, State, Zip	Fredericksburg, VA 22401	

Property Address	311 Mckinney St Fredericksburg, VA 22401	7788-28-0941
		GPIN NUMBER
Owner Name	3337 LLC	✓
Mailing Address	1003 Bragg Rd	
City, State, Zip	Fredericksburg, VA 22407	

Property Address	320 Mckinney St Fredericksburg, VA 22401	7788-18-8787
		GPIN NUMBER
Owner Name	Taylor Jennings and Audrey Young	✓
Mailing Address	10863 Harmel Dr.	
City, State, Zip	Columbia, MD 21044	

Property Address	314 Mckinney St Fredericksburg, VA 22401	7788-28-0768
		GPIN NUMBER
Owner Name	Carlos Calderon Hernandez	✓
Mailing Address	314 Mckinney St	
City, State, Zip	Fredericksburg, VA	



Property Address	308 Mckinney St Fredericksburg, VA 22401	7788-28-1725
Owner Name	Denise Armstead	GPIN NUMBER /
Mailing Address	308 Mckinney St	
City, State, Zip	Fredericksburg, VA 22401	

Property Address		
Owner Name		GPIN NUMBER
Mailing Address		
City, State, Zip		

Property Address		
Owner Name		GPIN NUMBER
Mailing Address		
City, State, Zip		

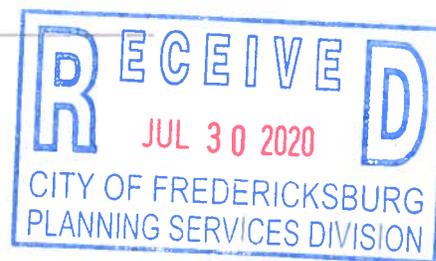
Property Address		
Owner Name		GPIN NUMBER
Mailing Address		
City, State, Zip		

Property Address		
Owner Name		GPIN NUMBER
Mailing Address		
City, State, Zip		

ATTACH ADDITIONAL SHEETS IF NECESSARY

**NOTE: Applicant to return all notice documents at least five days or prior to the public hearing to:
Office of the Zoning Administrator, 715 Princess Anne Street, Fredericksburg, VA 22401**

Haven For Heros INC



Memorandum

To: City of Fredericksbur Planning Services Division
715 Princess Anne St, Rm 209, P.O. Box 7447
Fredericksburg, VA 22404

From: Barzel B. Mckiney (Haven For Heros INC)

CC: James Newman

Ref: 315/317 Mckinney St, Fredericksburg VA 22401(Special Exception Application)

Statement: No member of the City Council / Planning Commission or any member of their immediate household or family owns or has any financial interest in such property or has any financial interest in the outcome of the decision.

BARZEL B. MCKINNEY

Haven For Heros INC



Memorandum

To: City of Fredericksburg Planning Services Division
715 Princess Anne St, Rm 209, P.O. Box 7447
Fredericksburg, VA 22404

From: Barzel B. Mckinney (Haven For Heros INC)

CC: James Newman

Ref: 315/317 Mckinney St, Fredericksburg VA 22401(Special Exception Application)

1. This request is consistent with the City's Comprehensive Plan Section II (Housing and Affordable Housing Page 7-6) providing safe/secure affordable housing.
2. Th request is consistent with the goals, purpose and standards of the City's UDO. Goal 7: Affordable Housing All persons who live and work in Fredericksburg should have the opportunity to rent or purchase safe, decent, and accessible housing within their means
3. This development's impact on adjacent and neighboring properties would eliminate a long standing blighted property eyesore within the community, adding a new more modern and appealing residence within the community with new families adding value to existing adjacent property.
4. This request is consistent with the principles of the zoning and good zoning practice. The subject property was and currently is a multi unit property, the community consist of many multi units so this would not be an unusual project for the area. The characteristics of the property involved does not constitute a tear down but a rehab that would not negatively affect the adjacent property owners at all. There are no adverse impacts on the propsed use.


Barzel B. Mckinney



820

BOOK 171 PAGE 657

THIS DEED, made and entered into this 14th day of November, 1979, by and between JOHN W. SCOTT, JR., TRUSTEE under the Last Will and Testament of Webster L. Harris, deceased, grantor, party of the first part; and BOBBIE L. SMITH and LILA C. SMITH, husband and wife, Grantees, parties of the second part.

WITNESSETH:

That for and in consideration of the sum of Ten Dollars (\$10.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, the said grantor, JOHN W. SCOTT, JR., TRUSTEE under the Last Will and Testament of Webster L. Harris, deceased, does hereby bargain, sell, grant and convey with Special Warranty of Title, unto the Grantees, BOBBIE L. SMITH and LILA C. SMITH, husband and wife, as tenants by the entirety with the right of survivorship as at common law, the following described real estate, to-wit:

315 Mc Kenney St.
Frog, Va.

Those three certain lots or parcels of real estate, with all buildings and improvements thereon and rights and privileges thereto appurtenant, situate, lying and being in the City of Fredericksburg, Virginia, and described as Lots Numbers Fifty Six (56), Fifty Seven (57) and Fifty Eight (58) in Block Thirty Eight (38) on Map and Plat of the Fredericksburg Development Company, recorded in the Clerk's Office of the Circuit Court of the City of Fredericksburg, Virginia; BEING the same real estate conveyed unto W. L. Harris by deed from McGuire's, Incorporated, dated June 5, 1970, of record in the aforesaid Clerk's Office in Deed Book 140 at page 263.

The Last Will and Testament of Webster L. Harris is recorded in the aforesaid Clerk's Office in Will Book R, page 688, and the order appointing the said John W. Scott, Jr., Trustee was entered by the Circuit Court of the City of Fredericksburg, Virginia, on March 1, 1979.

WITNESS the following signature and seal:

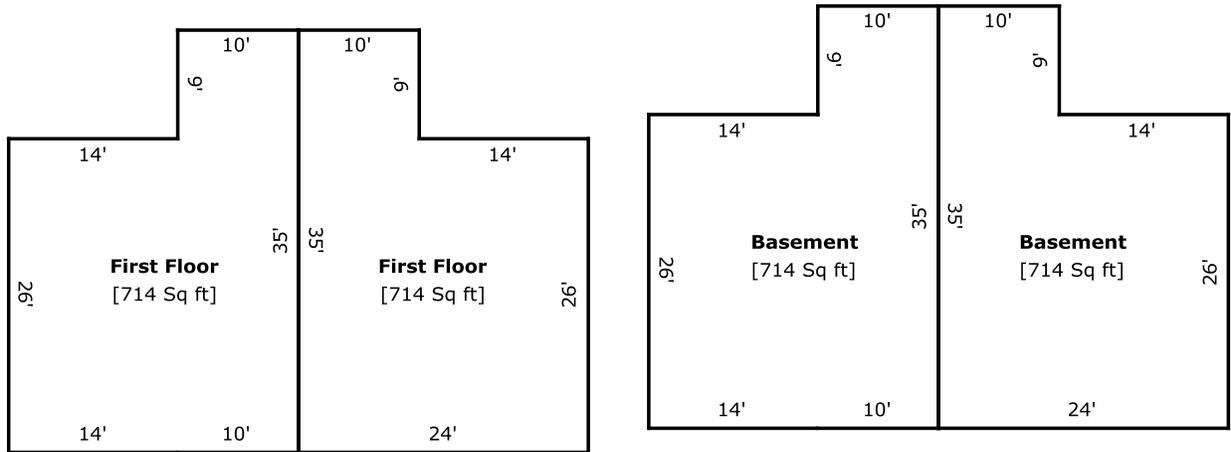
John W. Scott, Jr. (SEAL)
John W. Scott, Jr., Trustee under the Last Will and Testament of Webster L. Harris, deceased.

UNITED STATES OF AMERICA
COUNTY OF KING WILLIAM
CITY OF FREDERICKSBURG
I, JOHN W. SCOTT, JR.,
TRUSTEE UNDER THE LAST WILL AND TESTAMENT OF WEBSTER L. HARRIS, DECEASED,
DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS FILED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF FREDERICKSBURG, VIRGINIA, ON THIS 14th DAY OF NOVEMBER, 1979.

Building Sketch

Borrower	Private				
Property Address	315 McKinney St				
City	Fredericksburg	County	City of Fredericksburg	State	VA Zip Code 22401
Lender/Client	Private				

This sketch is provided in all good faith and intention. The appraiser is neither architect nor surveyor. Dimensions noted are those recorded by the appraiser in the field. They may or may not match those dimensions reported by a survey crew or architectural drawings. No attempt has been made to create a perfect architectural rendering of the improvement.



Area Calculations Summary

Living Area	714 Sq ft	Calculation Details
First Floor		24 × 26 = 624
		9 × 10 = 90

From: [Barzel Mckinney](#)
To: [James D. Newman](#)
Subject: [EXTERNAL] RE: Contact Info - Special Exception requested Info
Date: Friday, September 11, 2020 5:35:28 PM
Attachments: [image001.png](#)
[image002.png](#)
[H2 Application answers to 1023 2.pdf](#)

Hello Mr. Newman, Here's the info in which our application to the IRS was approved under. Please review and see if this provides you with the info you need on our organization. Our organization provides affordable housing solutions for Very Low and Low income veterans, not specifically disabled veterans or solely veterans with mental disabilities. As a member of the COC our role is to meet with housing specialist and case managers and determine if we have a good housing fit for families seeking housing on their list. Our concerns are getting our families out of the shelter into safe and secure homes in decent neighborhoods. We also have a criteria for the families we assist. Those families that are experiencing hardships, and cleared through case management with mental no risk to family or community. So neighbors can rest assured since we screen our families to ensure neighbors are safe and have nothing to worry about can welcome a veteran family in to the neighborhood. Most of the more severe cases required transitional housing and SSVF housing which involve one unit apartments which is not our focus. Our focus is Affordable low income Single family housing. Please see attached and let me know if you have additional questions or concerns.

Thanks

Barzel B. Mckinney
President/Executive Director
US Army Retired
barzel@haven4heros.org
540-446-6686



From: James D. Newman <jdnewman@fredericksburgva.gov>
Sent: Friday, September 11, 2020 1:36 PM
To: Barzel Mckinney <info@haven4heros.org>
Subject: Contact Info - Special Exception

Hello Mr. McKinney,

I just tried to call you but the 540-479-1044 number listed on your application and website does not work. Would you please give me a call today at 540-372-1179? Thank you.

James Newman, AICP, CZO
Fredericksburg Zoning Administrator
540-372-1179 Ext 231

DISCLAIMER: Information contained in this e-mail does not take the place of a written zoning determination and is not intended to be an official zoning decision. To obtain an official written zoning decision, contact the Zoning Administrator for more information.

HAVEN FOR HERO'S, INC.

EIN: 82-5086741

FORM 1023

Part IV, Narrative Description of Activities continued:

Program 1: Provide Affordable Housing for Low and Very Low-Income Veterans within Fredericksburg, VA and the Washington, D.C. metro area.

Haven for Hero's, Inc. is a nonprofit organization, organized and operated exclusively to improve the lives of veterans and their families by providing housing and a pathway to home ownership for low income veterans.

Our organization is charitable as defined in Treas. Reg. 1.501(c)(3)-1(d)(2) and operates exclusively to provide relief for the poor and distressed by supporting and providing assistance to low income veterans and their families to help them acquire decent, safe, sanitary and affordable housing within the Washington-Arlington-Alexandria, DC-VA-MD MSA, consistent with Rev. Rulings 67-138, 70-585 and 76-408.

The program intends to offer the following:

- Affordable homes for veterans who cannot afford decent housing
- Housing opportunities for veterans suffering from financial hardships

Our goal is to help people who, by HUD statistical definitions, are low or very low income and have reliable income but who cannot qualify to purchase a home and in most cases cannot even afford a decent rental home at market rates. In other cases, the home they could afford would not be in a safe neighborhood. Our plan is to acquire reasonable, safe and sustainable housing units either through donations from property owners, direct purchase of distressed properties or from HUD and other agencies. The homes purchased will be within a 200-mile radius of Fredericksburg, Virginia within the Philadelphia, Pennsylvania HUD Home Ownership Center (HOC) jurisdiction. Ideally these homes will offer access to public transportation, providing opportunities for employment and access to social services and support groups. There will be an application process and financial suitability testing for people that are interested in participating in the program. We also intend to rely and partner with other approved 501c3 organizations and governmental housing agencies to source and screen potential qualifying renters.

There are five important elements our organization will focus on:

- Relief for poor and distressed within our community.
- Combat community deterioration through the acquisition and repairing of properties as required for occupancy.
- Lessen the burden of government by offering solutions to the affordable housing crisis.

HAVEN FOR HERO'S, INC.

EIN: 82-5086741

FORM 1023

Part IV, Narrative Description of Activities continued:

- Elimination of prejudice and discrimination towards the poor by providing access to housing within stable and safe neighborhoods.
- Provide affordable, safe and sustainable housing opportunities for the disadvantaged.

Our intention is to qualify for exemption under the facts and circumstances provisions as outlined in the safe harbor provisions contained in Rev. Proc. 96-32. Specifically, our organization intends to adopt the standards of Sec. 3 of Rev. Proc. 96-32 and / or meet the facts and circumstances test as outlined in Sec. 4. We intend to use Department of Housing and Urban Development (HUD) income statistics for low-income and very low-income veterans living in Fredericksburg, Virginia within the Washington-Arlington-Alexandria, DC-VA-MD MSA to ensure the housing is affordable and that our programs and activities comply with U.S. Department of Housing and Urban Development Office of Housing / Housing Notice 94-74 and all present and future HUD guidelines for affordable housing acquisition as outlined in the HUD Housing Handbook. Additionally, our organization intends to acquire properties under FHA mortgage insurance sections 203(b), 203(i), 203(k) and 234 of the National Housing Act. Our goal is to provide rental and long-term housing opportunities for veterans that cannot otherwise afford to rent or purchase decent, safe housing. We intend to work with other community-based organizations, local and state government agencies, 501c3 organizations, HUD approved, 501c3 local housing counselling agencies (LHCA) and churches to provide additional social and support services at low or no cost and to provide relief to people with unusual and extreme financial burdens that prohibit them from obtaining decent housing.

The purpose of this program is to help hard working, low income veterans to obtain housing and ultimately achieve stability, combat community deterioration, reduce crime due to poverty and hopelessness and build stronger neighborhoods in the process.

Program Administrator: Haven for Hero's, Inc. Officers, Board of Directors and Volunteers.

Implementation Date: This program is in progress. Our present activities include enhancing our board of directors, seeking financial support and developing the core programs. The organization spends 100% percent of the time ensuring the successful outcome of this program and activities. This program is funded with donations from individuals and businesses with the intention of receiving grants in the future.

HAVEN FOR HERO'S, INC.

EIN: 82-5086741

FORM 1023

Part V, Question #3a:

Barzel B. Mckinney, President / Director

Average Hours

40 hours per month

Duties

- Create, develop and implement programs in alignment with the mission of the organization.
- Create policies pertaining to the activities of the daily operations.
- Serve on committees or task forces and offer to take on special assignments.
- Inform others about the organization.
- Be informed about the organization's mission, services, policies, and programs.
- Evaluate the performance of the organization in achieving its mission.
- Increase community partnerships.
- Engage new audiences to promote and support our mission.
- Seek new ways to improve and promote the core mission of giving back through leveraging relationships with other like-minded 501(c) (3) organizations.

HAVEN FOR HERO'S, INC.

EIN: 82-5086741

FORM 1023

Part VI, Question #1a:

In carrying out the exempt purpose of Haven for Hero's, Inc., our organization is dedicated to providing a pathway to affordable housing for the poor, distressed and economically disadvantaged. We strive to serve low income veterans and less fortunate families primarily in Fredericksburg, Virginia.

There are three specific target groups we have identified:

1. Veterans that qualify under HUD's low and very low-income guidelines and published standards.
2. Veterans who have recently become unemployed and meet federal poverty level guidelines.
3. Veterans suffering extreme hardships on a case by case basis.

Our goals include providing rental and permanent housing opportunities within a 200-mile radius of Fredericksburg, Virginia.

Many of the veterans we intend to serve only know crime ridden neighborhoods with overcrowding, high racial imbalance, tensions and unsafe living conditions. Haven for Hero's, Inc. seeks to provide relief to the disadvantaged by providing access to clean, comfortable and low-cost housing. Housing insecurity is a growing threat as a shortage of affordable housing in our area and within the surrounding communities of Washington, D.C. have experienced property values increasing to record highs, thereby displacing veterans who can no longer afford their old neighborhoods. Haven for Hero's, Inc. intends to acquire homes in areas that could use improvement or would qualify for community development. Our goal is to fix them and rent them to veterans on a long-term basis. We intend to instill in our residents a sense of ownership and pride in their place of residence. If, over time a family can qualify for FHA financing, they will have the opportunity to purchase the property from the organization at below fair market value. Our organization intends to partner with other social service organizations to sponsor workshops where people can learn skills in basic home repair. These will be taught by volunteers who have expertise in these specialties. Coordination with city and county officials should insure that any major improvements meet standard code practices. The organization will not only facilitate education, but will facilitate access, on a need basis, to materials and equipment obtained through donations. The residents of our properties will receive volunteer help for approved projects. Financially and credit challenged veterans would be eligible to participate in the rental program. They will also be encouraged to "pay it forward" and help others within the community.

HAVEN FOR HERO'S, INC.

EIN: 82-5086741

FORM 1023

Part VI, Question #1a continued:

Our goal includes fighting community deterioration and racial discrimination while turning neighborhoods around and teaching people how to take care of themselves and acquire skills that will not only benefit themselves in self-esteem, but also as vested renters and potentially home owners.

Our vision is to create a community of veterans that are connected and supportive of each other. Our goals include combating community deterioration by providing a clear path for renters or transitional tenants to become owners, thereby encouraging pride of ownership through property up-keep consistent with Rev. Rulings 68-17, 68-655, 70-585 and 76-147.

Haven for Hero's, Inc. also strives to lessen neighborhood tensions by focusing on areas that suffer from overcrowding in lower income areas that lack accessible and affordable housing.

Our initial fundraising efforts will include:

- An awareness and educational campaign that encourages individuals and local business owners to participate through volunteerism and individual donations.
- Applications to agencies that award grants to affordable housing providers.
- Leverage our professional relationships within the communities of Fredericksburg.
- Seek support in the form of non-cash donations (construction materials, for example) from local businesses.

Part VI, Question #1b:

To further the exempt purposes of Haven for Hero's, Inc., the organization's goal is to partner with other like-minded 501(c) (3) organizations. Our plan is to work with other outstanding community housing leaders, government housing agencies and nonprofit organizations that focus on issues related to eliminating the affordable housing crisis; making a difference for veterans, their families and communities by providing low cost housing to those in need.

HAVEN FOR HERO'S, INC.

EIN: 82-5086741

FORM 1023

Schedule F – Section I – Narrative Descriptions

1. Our goal is to provide access to rental opportunities of primarily single-family homes to low to very low-income individuals and veterans as described by HUD's published income guidelines for affordable housing providers.
2. Our organization has not yet developed an application. We intend to use an application similar to the one used by the Central Virginia Housing Coalition.
3. Our properties will be registered with the Central Virginia Housing Coalition and on www.gosection8.com
4.
 - a. Our organization has not purchased any property at this time. We intend to acquire single family homes ranging in size from 750 sq. ft. to 3000 sq. ft. through HUD's special acquisition program for 501c3 affordable housing providers.
 - b. We anticipate the total number of residents per home to be family units of 2 – 7 individuals.
 - c. We do not own any properties at this time, therefore – the number of residents is currently is zero.
 - d. We anticipate many veterans we serve will not make the transition from renters to owners or will require considerable time to transition to ownership. Therefore, the majority of properties the organization will purchase will be occupied by renters. Each facility will consist of a modest single-family home that meets the occupational standards and complies with the Central Virginia Housing Coalition inspection and compliance requirements for Section 8 housing.
5. Please See Attachments "A-1, A-2"
6. Our organization will not participate in joint-ventures, profit sharing or revenue splitting arrangements with any for profit companies.
7. Acquisition, repairs and rehabbing of properties will be conducted exclusively by officers, directors and volunteers of Haven for Hero's, Inc. and / or

HAVEN FOR HERO'S, INC.

EIN: 82-5086741

FORM 1023

Schedule F – Section I – Narrative Descriptions, continued:

officers, directors and volunteers of other approved 501c3 organizations. Should the need arise for outside consultants or experts (environmental engineers, for example), these arrangements or contracts must be arms-length from any officers, directors, volunteers or donors of Haven for Hero's, Inc. and in compliance with our conflict of interest policy. Additionally, each contract must be competitively bid by a minimum of 3 providers (at no more than fair market value) and approved by the board of directors. Our organization encourages professionals to donate their time and expertise should these unusual situations arise.

8. Haven for Hero's, Inc. will manage its own activities, facilities and properties. There will be no outside management contracts or arrangements.
9. Not at this time. It is our intention to participate in the HUD direct sales program for nonprofit organizations and with any other government agency or 501c3 organization that provides affordable housing. Our organization, upon recognition of exemption, will apply to the Central Virginia Housing Coalition and register under the Housing Opportunity Program (HOP) for landlords that provide access to housing for low and very low-income veterans.
- 10a. The organization does not own any facilities at this time.
 - b. Our intention is to acquire properties through the HUD direct sales program for nonprofits and through donations of property suitable for our exempt purpose.
 - c. The organization is not a party to a lease of a building or land.

Schedule F – Section III – Low-Income Housing - Narrative Descriptions

1. Our organization's criteria for qualifying are the standards set forth in Revenue Procedure 96-32, specifically Section 3, SAFE HARBOR FOR RELIEVING THE POOR AND DISTRESSED. To comply, potential residents will not be charged more than 30% of gross income towards rent and / or Section 4, FACTS AND CIRCUMSTANCES TEST, as renters will be eligible through their participation in HUD's Housing Choice Voucher Program or the Central Virginia Housing Coalition Section 8 Division.
2. Residents will not pay periodic fees or be assessed maintenance charges.

HAVEN FOR HERO'S, INC.

EIN: 82-5086741

FORM 1023

Schedule F – Section III – Low-Income Housing - Narrative Descriptions, continued:

- 3a. We intend to apply the standards set forth in Revenue Procedure 96-32, Sec. 1 SAFE HARBOR FOR RELIEVING THE POOR AND DISTRESSED or Sec. 4, FACTS AND CIRCUMSTANCES TEST. Our organization will use HUD's published statistics to determine the financial criteria to qualify as low-income and / or very low-income for our MSA and the Central Virginia Housing Coalition Payment Standards for allowable Fair Market Rents (FMR). **See Tables 1, 2.**

Housing assistance payments are limited by FMRs established by HUD for different geographic areas. In the Housing Choice Voucher Program (Section 8), the FMR is the basis for determining the "payment standard amount" used to calculate the maximum monthly subsidy for an assisted family and may be adjusted by local housing authorities.

Low and very low income is determined based on the government poverty scale based on family size and geographic region as indicated below. For example, for a family of 4, HUD considers \$58,600 to be very low income. See **Table 2**, below. Our organization will require an application and substantiation of income, such as W-2 forms, paystubs, government assistance forms, tax returns and / or and unemployment statements.

Each veteran and their family who qualifies for the program will be asked to pay rent upon obtaining employment. We anticipate our rents received to be approximately \$1,750/month per 2-bedroom housing unit. These rents may be adjusted higher or lower based on future HUD and Central Virginia Housing Coalition published standards and requirements.

To qualify for the program, the veterans must show proof of being of low or very low- income, such as receiving some form of government assistance (for example, Sec. 8 Housing Vouchers) or demonstrate income below the Federal Government's published poverty income levels.

Individuals and veterans will be able to stay for an indefinite amount of time.

We anticipate at least 75% of our units will be occupied by low-income tenants to include 20% of the occupied units with tenants that qualify as very low-income.

HAVEN FOR HERO'S, INC.

EIN: 82-5086741

FORM 1023

Schedule F – Section III – Low-Income Housing - Narrative Descriptions, continued:

Table 1

HUD Metro Fair Market Rents (FMR) for All Bedroom Sizes
FY 2018 Washington-Arlington-Alexandria, DC-VA-MD MSA

Efficiency	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
\$1504	\$1561	\$1,793	\$2,353	\$2,902

Table 2 – Section 8 Income Limits

FY 2018 Washington-Arlington-Alexandria, DC-VA-MD MSA

	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
Low Income	\$54,250	\$62,000	\$69,750	\$77,450	\$83,650	\$89,850	\$96,050	\$102,250
Very Low Income	\$41,050	\$46,900	\$52,750	\$58,600	\$63,300	\$68,000	\$72,700	\$77,400

- 3b. Our organization intends to model and adhere to the standards and criteria established by HUD and the state of Virginia.
4. We do not intend to provide social services to residents; however, our organization intends to partner or make arrangements with other approved 501c3 organizations or government agencies that provide social services.



**CITY OF FREDERICKSBURG
PLANNING COMMISSION MINUTES
September 9, 2020
7:30 p.m.
ELECTRONIC MEETING / COUNCIL CHAMBERS, CITY HALL**

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

<https://amsva.wistia.com/medias/f9g4ssl6px>

The Agenda, Staff Report, Applications and Supporting Documents are also available on the Planning Commission page.

MEMBERS

Rene Rodriguez, Chairman (live)
Steve Slominski, Vice-Chairman (live)
David Durham (electronic)
Kenneth Gantt (live)
Chris Hornung (electronic)
Tom O'Toole (electronic)
Jim Pates (electronic)

CITY STAFF

Chuck Johnston, Director, Planning and Building Dept. (live)
Mike Craig, Senior Planner (live)
James Newman, Zoning Administrator (live)
Cathy Eckles, Administrative Assistant (live)

1. CALL TO ORDER

This meeting was held live and electronically by "Go to Meeting" application, pursuant to City Council Ord. 20-05, An Ordinance to Address Continuity of City Government during the Pendency of a Pandemic Disaster.

Members of the public were invited to attend in person with social distancing practices and masks required or access this meeting by public access television Cox Channel 84, Verizon Channel 42, online at www.regionalwebtv.com/fredcc, or Facebook live at www.facebook.com/FXBGgov.

Chairman Rodriguez called the meeting to order at 7:30 p.m. and explained electronic meeting procedures.

2. PLEDGE OF ALLEGIANCE

3. DETERMINATION OF A QUORUM

All members were present.

4. APPROVAL OF AGENDA

Mr. Gantt moved for approval of the agenda as submitted. Mr. Slominski seconded.

Motion passed 7-0.

MINUTES APPROVED 9/16/20, NOT YET SIGNED

5. APPROVAL OF MINUTES

- A. June 24, 2020
- B. July 8, 2020

Chairman Rodriguez suggested a combined motion for approval of the minutes. Mr. Hornung motioned to approve both sets of minutes. Mr. Durham seconded.

Motion passed 7-0.

6. DECLARATION OF CONFLICT OF INTEREST

None.

7. PUBLIC HEARING

- A. **Thomas Mitchell** requests a Special Exception to amend the approved General Development Plan for a mixed-use structure to be located at the corner of Sophia and Hanover Streets, at 100, 106, and 108 Hanover, and 718 Sophia Street. **SE2020-05**

Mr. Newman reviewed the staff report with a power point presentation (Att. 1) and noted that a vote on this matter would be taken at the September 16 Planning Commission special meeting. Applicant Tommy Mitchell was present electronically.

Mr. Durham questioned how the four on-street public parking spaces become the property of this project. Mr. Craig stated that there are currently seven diagonal spaces that will be converted to four parallel on-street parking spots. While they are not specifically designated for this project, they are allowed to be counted toward the parking requirement. Mr. Durham asked for further specifications on the pedestrian crossings mentioned for Sophia and Hanover Streets. Mr. Johnston said that pedestrian crossing markings are there, but will change based on the design for Riverfront Park, which will include a sidewalk bump-out on Sophia Street and curbside parking on the Park side on Sophia, but no curbside parking in front of the project.

Chairman Rodriguez asked how many handicapped spaces are required for this project. Mr. Newman stated one space is required. Chairman Rodriguez asked if there was a mechanism to designate one of the four public on-street parking spaces as handicapped. Mr. Johnston stated this inquiry would have to be made through the City Public Works and staff would consult with them.

Applicant had no presentation, no written public comments had been received, and no public speakers were present. Chairman Rodriguez noted that the public hearing would remain open until September 16, 2020 for further time to receive public comments, with the vote planned for that session.

- B. **Haven for Heroes Inc.** requests a Special Exception for a Duplex at 315/317 McKinney Street. **SE2020-04**

Mr. Newman reviewed the staff report with a power point presentation (Att. 2) and noted that a vote on this matter would be taken at the September 16 Planning Commission special meeting. Applicant Barzel McKinney was present electronically.

Mr. Pates questioned Council's recent approval of a change to the definition of a duplex and whether that would affect this property. Mr. Newman stated Council modified the definition on September 8, 2020, which was considered by the Planning Commission and recommended for approval in March 2020. Mr. Craig explained the change and the effect on this property.

Mr. Durham asked for confirmation that Lots 56, 57, and 58 are what was shown in the staff report map. Mr. Newman stated that based on the survey and the deed provided in the application the property includes all three lots. Mr. Newman stated that the red boundary lines encapsulate the approximate location of the

MINUTES APPROVED 9/16/20, NOT YET SIGNED

lots, it is based on GIS, not survey accurate. Mr. Durham questioned whether the driveway is included in the three lots. Mr. Newman said yes, but further clarified that this will be confirmed when a survey of the property is prepared.

Mr. Gantt asked about the Building Code and the proposed use of the property to house low income or disabled veterans. Mr. Newman deferred to the applicant who stated the improvements would consist of universal design elements accommodating wheelchair accessibility. The prospective tenants come from case managers from Veterans' Affairs (VA) and not all are disabled, the proposed improvements would accommodate disabled vets. Mr. Gantt asked if the VA would be inspecting the homes upon completion of the project. Applicant stated yes, the VA would be inspecting the property prior to occupancy.

Chairman Rodriguez asked whether affordable housing was addressed. Mr. Newman said there is language in the staff report if the Commission wants to add a condition requiring affordable housing. Mr. Newman said that this structure was designed to be a duplex and while affordable housing is a good goal, the main goal is to return this structure to a usable duplex. Discussion ensued regarding whether the Commissioner's support a condition of affordable housing for this project. Mr. Johnston noted that Council is working on affordable housing directives regionally and they will be coming to the Commissioner for review. Applicant noted that the U.S. Department of Housing Urban Development (HUD) guidelines are followed and discussed how the VA works with HUD to determine the affordability and the amount of subsidizing that might be necessary.

Chairman Rodriguez asked staff about the current condition of the property. Mr. Newman said that the visual conditions of the property have been improved, no City action has been taken in the last eight years, the property has never been condemned, and is structurally sound.

Mr. Hornung noted that he sees no need for a condition to be added to the Special Use Permit regarding affordable housing eligibility as this is how the applicant's program Haven for Heroes is structured. Additionally, any conditions made with a Special Exception will always run with the property and shouldn't be done to single family structures. Mr. Pates agreed with Mr. Hornung and also commended applicant on this project.

Applicant had no presentation and no public written comments had been received. One public speaker was present.

Christopher Page, 321 McKinney Street, stated he had concerns with the project due to the uncertainty of knowing who may move into the neighborhood and possible drug, alcohol, or mental issues. Mr. Page is also concerned if the project will actually be completed.

Chairman Rodriguez noted that the public hearing would remain open until September 16, 2020 for further time to receive public comments, with the vote planned for that session.

Mr. Durham asked applicant if he wished to respond to Mr. Page's concerns. Applicant said that upon approval by City Council, this project will be completed in 2021. Applicant further noted that the potential veterans are typically chosen by VA based on family size and are typically transitioning families. The case managers have assured Haven for Heroes that these veterans do not have medical or mental risk factors nor do they have major disabilities. Mr. Durham asked what was the specific VA program applicant is using. Applicant said the program is HUD VA Supportive Housing (VASH) (<https://www.va.gov/homeless/hud-vash.asp>) and discussed various aspects of the program. Mr. Durham requested staff to include some of this background information when this matter goes to Council so they understand the relationship between Haven for Heroes and HUD-VASH.

MINUTES APPROVED 9/16/20, NOT YET SIGNED

- C. **Crown Trophy** requests a Special Use Permit to allow for a retail sales establishment at 1529 Olde William Street. **SUP2020-04**

Mr. Newman reviewed the staff report with a power point presentation (Att. 3) and noted that a vote on this matter would be taken at the September 16 Planning Commission special meeting. Applicant Crown Trophy and their representative Ron Hicks were present electronically.

There were no questions or discussion from the Commissioners, no public written comments were received, and no public speakers. Chairman Rodriguez noted that the public hearing would remain open until September 16, 2020 for further time to receive public comments, with the vote planned for that session.

8. GENERAL PUBLIC COMMENT

None.

9. OTHER BUSINESS

A. Status of Land Use Annual Report

Mr. Craig reviewed the matter for the Commissioners to start updating for this year's report. He included several updated maps for the Commissioners' review (Att. 4). Mr. Durham asked if the draft sent to the Commissioners has been updated with the information presented tonight. Mr. Craig said he didn't believe this information would account for any changes in the draft, but he will review it.

B. Planning Commissioner Comments

None.

C. Planning Director Comments

Mr. Johnston said the City Council, at its September 8, 2020 meeting, approved the establishment of the Creative Maker Zoning District and the rezoning to this district of portions of the Area 6, Princess Anne/Route 1 North, Small Area Plan. He also said Council approved the amendment of the City Comprehensive Plan for the Area 7, Downtown, Small Area Plan, amendment of the Unified Development Ordinance parking regulations, and UDO amendments regarding duplex and other housing-type definitions.

Mr. Johnston discussed what work staff will be doing on follow up to the Downtown Plan, such as addressing density issues, so special exceptions will not be necessary.

Mr. Johnston reminded the Commission that an electronic special Commission meeting is scheduled for next week for votes on tonight's public hearing matters, and these items will be going to a Council public hearing on September 22, 2020. Additionally, a joint electronic work session will be held with Council on September 23 to further discuss small area plans for Areas 1 and 2.

9. ADJOURNMENT

There being no further items to be discussed, the Planning Commission meeting adjourned at 8:42 p.m.

Next meeting is September 16, 2020.

Rene Rodriguez, Chairman



PLANNING COMMISSION MINUTES
September 16, 2020
7:30 p.m.
ELECTRONIC SPECIAL MEETING

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

<https://amsva.wistia.com/medias/y6d7miwgkh>

The Agenda, Staff Report, Applications and Supporting Documents are also available on the Planning Commission page.

MEMBERS

Rene Rodriguez, Chairman
Steve Slominski, Vice-Chairman
David Durham
Kenneth Gantt
Chris Hornung
Tom O'Toole
Jim Pates (absent)

CITY STAFF

Chuck Johnston, Director, Planning and Building Dept.
James Newman, Zoning Administrator
Cathy Eckles, Administrative Assistant

ALSO PRESENT

Barzel McKinney, Haven for Heroes
Ray Freeland, Engineer
Ron Hicks, Crown Trophy Representative
Chris & Linda Hara, Crown Trophy

All members, staff, and applicant representatives were only present electronically

1. CALL TO ORDER

This meeting was held electronically by "Go to Meeting" application, pursuant to City Council Ord. 20-05, An Ordinance to Address Continuity of City Government during the Pendency of a Pandemic Disaster.

Members of the public were invited to access this meeting by public access television Cox Channel 84, Verizon Channel 42, online at www.regionalwebtv.com/fredcc, or Facebook live at www.facebook.com/FXBGgov.

Chairman Rodriguez called the meeting to order at 7:30 p.m. and explained electronic meeting procedures.

2. PLEDGE OF ALLEGIANCE

3. DETERMINATION OF A QUORUM

All members were present except Mr. Pates.

4. APPROVAL OF AGENDA

Mr. O'Toole moved for approval of the agenda as submitted. Mr. Hornung seconded.

Motion passed 6-0-1.

5. APPROVAL OF MINUTES - September 9, 2020

Mr. Durham moved to approve the minutes. Mr. Hornung seconded.

Motion passed 6-0-1.

6. DECLARATION OF CONFLICT OF INTEREST

None.

7. PUBLIC HEARING

- A. **Crown Trophy** requests a Special Use Permit to allow for a retail sales establishment at 1529 Olde William Street. **SUP2020-04**

Mr. Newman said there were no updates and no public written comments received. The Crown Trophy operators, Chris and Linda Hara, and property owner, Ron Hicks, were present electronically. There were no questions or discussion from the Commissioners for staff or applicants.

Chairman Rodriguez closed the public hearing. Mr. Durham moved to approve SUP2020-04, Crown Trophy as presented. Mr. Slominski seconded.

Mr. Hornung said that he is still concerned about approving special use permits for retail with no restrictions on the type of sales. Discussion ensued about restrictions, the City Attorney's concerns, and the Commissioner's belief that this is exactly how a special use permit should be used. Mr. Johnston said he will bring the question to the September 23, 2020 electronic work session after discussing it with the City Attorney. Mr. Johnston said that the City Attorney's issue with limitations or restrictions is that the definition of retail doesn't specify detailed retail uses.

Motion passed 6-0-1.

- B. **Thomas Mitchell** requests a Special Exception to amend the approved General Development Plan for a mixed-use structure to be located at the corner of Sophia and Hanover Streets, at 100, 106, and 108 Hanover, and 718 Sophia Street. **SE2020-05**

Mr. Newman said that an updated staff report had been sent and no public written comments had been received. Engineer Ray Freeland was present electronically. Mr. Newman noted that Commissioners had inquired about designating one of the four public on-street parking as handicapped parking and additional pedestrian crossings. Public Works staff has stated that designation of a public handicapped parking spot was a feasible request and should be pursued with the site plan.

Mr. Newman said that additional Sophia/Hanover Street pedestrian crossings will be installed as part of Riverfront Park. Mr. Durham questioned what the specific crossings would be. Mr. Johnston said that the existing pedestrian crossings at Sophia and Hanover will remain, with a curb bump-out to be installed on the Riverfront Park side of Sophia Street. Mr. Durham asked if it is on the GDP but not a feature of the project. Mr. Johnston said: yes. Mr. Durham asked if there will be a pedestrian crossing on the park side crossing Hanover Street. Mr. Johnston said yes.

Chairman Rodriguez asked about the Architectural Review Board's reaction to the project, when reviewed at its September 14, 2020 meeting. Mr. Johnston stated the vote will be taken on September 21, but the reaction was favorable.

Applicant's Engineer had no comment on the project. There were no further questions or comments for staff or applicant from the Commissioners. Chairman Rodriguez closed the public hearing. Mr. Durham moved to approve SE2020-05, Hanover House, as presented. Mr. Hornung seconded.

Motion passed 6-0-1.

C. Haven for Heroes Inc. requests a Special Exception for a Duplex at 315/317 McKinney Street.
SE2020-04

Mr. Newman said that an updated staff report had been sent, along with a detailed description of “Haven for Hero’s” (Att. 1). No public written comments had been received. Applicant Barzel McKinney was present electronically.

Chairman Rodriguez asked if the City had any obligation to do any further inspections of the duplex due to it being empty for such an extended period of time. Mr. Newman stated that a thorough inspection has been done and the building was structurally sound and deemed safe. There will be additional inspections done to be sure the duplex is up to code as the renovation process occurs.

Applicant had no comment on the project. There were no further questions or comments for staff or applicant from the Commissioners. Chairman Rodriguez closed the public hearing. Mr. Hornung moved to approve SE2020-04, Haven for Heroes, as presented. Mr. Durham seconded.

Motion passed 6-0-1.

8. GENERAL PUBLIC COMMENT

None.

9. OTHER BUSINESS

A. Planning Commissioner Comments

None.

B. Planning Director Comments

Mr. Johnston noted there will be a joint electronic work session with Council on September 23 at 6:30 p.m. to further discuss small area plans for Area 1 (Central Park/Celebrate Virginia) and Area 2 (Fall Hill Avenue).

Mr. Johnston discussed the notice of an additional joint electronic work session with Council on October 28, 2020 to work on 2020 Housing Affordability Study and Action Plan. Mr. Durham discussed the expectation of work necessary to be prepared to finalize the report. Mr. Johnston stated that Commissioners need to be prepared to move forward. Mr. Durham offered to help Chairman Rodriguez work on focusing this discussion.

Chairman Rodriguez asked about the likelihood of having this session as an in-person meeting with Council. Mr. Johnston noted that Council has decided to do no in-person meetings for the foreseeable future.

9. ADJOURNMENT

There being no further items to be discussed, the Planning Commission meeting adjourned at 7:58 p.m.

Next meeting is September 23, 2020.

Rene Rodriguez, Chairman



MEMORANDUM

TO: Timothy J. Baroody, City Manager
FROM: James Newman, Zoning Administrator
DATE: September 17th, 2020 for the September 22nd City Council Meeting
RE: *SUP 2020-04, Crown Trophy*, requests a Special Use Permit to allow for a 3,200 sq. ft. retail sales establishment at 1529 Olde William Street.

ISSUE

Should the City Council approve the proposed special use permit for retail sales?



RECOMMENDATION

Approval subject to the following conditions:

1. Hours of operation shall be limited from 9AM to 10PM Monday through Sunday.
2. The use shall commence within 24 months of the date of adoption of this resolution. The use is permitted only so long as it continues and is not discontinued for more than 24 months.

GENERAL BACKGROUND

Virginia Awards Inc., doing business as Crown Trophy, wishes to operate a retail sales establishment at 1529 Olde William Street. The business is currently located at 810 Westwood Office Park. They create custom trophies, screen prints, embroideries, and other custom award design work.

The 1529 Olde William Street is located in the same building as 1527 Olde William Street. The structure was built in 1959. The previous use of the 1529 address was as office space. Adjacent uses include business offices, a veterinary clinic, and parking lots.

The total size of the unit is 3,200 sq. ft. There will be a showroom approximately 800 sq. ft. in area and a manufacturing area approximately 800 sq. ft. in area. The rest of the space will be devoted to office and storage use.

The business will be owner-operated. The applicant has requested hours of operation being 9AM-5PM. Per the property owner, there are 18 parking spaces adjacent to the building, 14 in a common area behind, and space for additional parking on-street.

The applicant states that there will be seven employees (four full-time and three part-time). Tools used for their work include laser etching machines, hand tools, and an embroidery machine. No noxious fumes, vapors, or other nuisance factors will be an issue.

PLANNING COMMISSION

The Planning Commission held a public meeting on this item at its September 9, 2020 meeting. There was no comment or question from the Planning Commission, and no public comment. The Planning Commission voted on September 16th to recommend **approval** to City Council 6-0 (one absent).

RETAIL SALES

Retail Sales is defined in City Code Section 72-84 as:

“Any building wherein the primary occupation is the sale of merchandise in small quantities, in broken lots or parcels, not in bulk, for use or consumption by the immediate purchaser. The term shall not include automobile-oriented uses, quick-service food stores, or vehicle sale, rental or ancillary service establishments.”

City Code Section 72-83.4 defines the characteristics of retail sales as:

“...use types involved in the sale, lease, or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods. Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale, concessions, ATM machines, outdoor display/sales areas, gasoline sales, and parking.”

The primary focus of the business is the display and sale of goods to customers. The manufacturing aspect is accessory to the sales; the application meets the definition of retail sales establishment.

For manufacturing, all parts used are pre-assembled materials. Parts are pieced together using hand-tools or light machinery to bring about the final product, which is then displayed or sold to the customer.

SPECIAL USE PERMIT ANALYSIS

Special Use Permits apply to the property indefinitely per Virginia Code, regardless of ownership. They are evaluated according to the criteria contained in the UDO, Section 72-22.6, as follows:

(1) The proposed special use at a specified location shall be:

(a) In harmony with the adopted Comprehensive Plan;

The property lies within Land Use Planning Area 5: University/Route 1 (Central), Sub-Planning Area 5B. This area is described on page 11 (5)-4, which states in part:

“This area is uniquely positioned near major roadways, regional transit, and two major institutional anchors and could provide space for commercial and office activity.”

The future land use map in the Comprehensive Plan designates this property as Transitional/Office. This category provides for:

“The areas between residential and commercial districts are transitional spaces. This Commercial-Transitional/Office category provides for limited retail uses and small scale offices, with appropriate landscaping and screening, to provide a transition between quiet residential areas and more intense commercial districts.”

Page 6-8 of the Comprehensive Plan lists Business Opportunity Goals. Relevant goals are:

Goal 3: Be a Business-Friendly City

Small and large businesses are the lifeblood of the community as well as the City’s tax base, and steps must be taken to ensure they feel appreciated and fairly treated. That is accomplished through superior customer service, a reasonable regulatory environment, fair tax rates and excellent business retention efforts.

Goal 13: Business Development

Ensure the City can accommodate and capture its projected share of regional economic growth, by actively recruiting desired new businesses and providing for retail and office space development in areas identified for growth.

(b) In harmony with the purpose and intent of the zoning district regulations;

The purpose of the Commercial-Transitional (CT) Zoning District is *“to provide for the location of predominantly nonresidential commercial uses in a low-intensity manner such that they can be employed as transitional land uses between residential neighborhoods and higher-intensity uses.”*

The use of a retail sales establishment in this space fits this definition well. It is a low intensity, nonresidential use. It is located within a commercial area.

(c) In harmony with the existing uses or planned uses of neighboring properties.

Olde William Street is a commercial thoroughfare. All the adjacent uses are offices or commercial uses. This use will be in harmony with the surrounding land use pattern.

In considering an application for a Special Use Permit, the City Council shall consider potential adverse impacts including:

1. Traffic or parking congestion;

The site is situated on and has access from Olde William Street. On street parking is available on Olde William Street as well as Spotsylvania Avenue. On-site parking is also available.

2. Noise, lights, dust, odor, fumes, vibration, and other factors which adversely affect the natural environment;

No excessive noise, odor, fumes, or vibration are associated with the proposed use. The size of the use would be limited to the particular suite (1529 Olde William) to be occupied by the applicant, and the hours of operation listed in Condition 1 would limit the business to operate from 9am-10pm.

3. Discouragement of economic development activities that may provide desirable employment or enlarge the tax base;

The use constitutes economic development.

4. Undue density of population or intensity of use in relation to the community facilities existing or available;

There are sufficient public utilities to serve the site.

5. Reduction in the availability of affordable housing in the neighborhood;

Not applicable, this Special Use application is for a commercial use in an existing building.

6. Impact on school population and facilities;

Not applicable, this Special Use application is for a commercial use in an existing building.

7. Destruction of or encroachment upon conservation or historic districts;

Not applicable.

8. Conformity with federal, state and local laws, as demonstrated and certified by the applicant; and

The applicant states they have conformed to all federal, state, and local laws.

9. Massing and scale of the project.

The business will operate within the existing building, no expansion is proposed as part of this Special Use Permit.

CONCLUSION

This is an application to permit a retail sales establishment in a CT Zoned property. It is located in a commercial area. The application meets the criteria required for approval. The Planning Commission voted to recommend **approval** subject to conditions.

ATTACHMENTS:

1. Resolution
2. Application



September 22, 2020
Regular Meeting
Resolution 20-__

MOTION:

SECOND:

**RE: Granting a Special Use Permit for Crown Trophy, a Retail Sales
Establishment at 1529 Olde William Street**

ACTION: APPROVED: Ayes: 0; Nays: 0

Chris and Linda Hara have applied to the City Council for a special use permit for Crown Trophy, a trophy and embroidery shop located at 1529 Olde William Street. The subject property is in the Commercial-Transitional (CT) zoning district. This type of shop is classified as a retail sales establishment, a use that is permitted in the CT district only by special use permit. The applicants seek this SUP as part of their plan to relocate their existing shop to this property.

City Council, after notice and a public hearing, has considered the application in light of its conformity with the City's Comprehensive Plan, its harmony with the purposes and standards of the zoning district regulations, its compatibility with existing or planned uses of neighboring properties, and whether the proposed special use and related improvements will be designed, sited, landscaped, and otherwise configured so that the use will not hinder or discourage the appropriate development or use of adjacent, neighboring, or community land or structures, or impair their economic, social, or environmental value.

Therefore, the City Council hereby resolves that:

- City Council grants to Chris and Linda Hara, proprietors of Crown Trophy, a special use permit for a retail sales establishment at 1529 Olde William Street, in accordance with their application dated August 14, 2020, and in accordance with the following conditions:
 - The hours of operation for this special use shall be limited to 9:00 a.m. to 10:00 p.m. Monday through Sunday.
 - The use shall commence within 24 months of the date of adoption of this resolution and is permitted only so long as it continues and is not discontinued for more than 24 months.

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. 20-__, adopted at a meeting of the City Council held Date, 2020, at which a quorum was present and voted.

Tonya B. Lacey, MMC
Clerk of Council



Application #SUP: 2020-04
 Date: 8.14.20
 Fee/Check#: ck 3304 \$900
 \$300.00 for an Individual Single-Family Lot; or
 \$750.00 + \$150.00 per Acre for All Others

**APPLICATION
 SPECIAL USE PERMIT**

(CROWN TROPHY)

APPLICANT NAME: CHRIS AND LINDA HARA
 MAILING ADDRESS: 11314 MANSFIELD CLUB DRIVE F'burg, VA
22408
 TELEPHONE: (540) 899-8995 E-MAIL: CHARA20895@AOL.COM

THE UNDERSIGNED HEREBY APPLIES FOR A SPECIAL USE FOR: _____

Trophy And Embroidery Shop
1529 Olde William Street

THE SUBJECT PROPERTY IS DESCRIBED AS FOLLOWS:

Property Location 1529 Olde William Street

Property Owned By RONALD L. HICKS

Owner's Mailing Address 1107 Westwood Drive Fred'burg VA 22401

Proposed Use of Property (be specific) Trophy And Embroidery Shop

HOURS OF OPERATION 9-5, M-F NUMBER OF EMPLOYEES 7

Anticipated Number of Patrons or Clients 10-20 per day
 Description of the development's impact on neighboring and adjacent properties (please submit a complete and accurate description on a separate sheet of paper):

1. Compliance with Comprehensive Plan:
2. In harmony with the purpose and intent of the zoning district regulations:
3. In harmony with the existing uses or planned use of the neighboring properties:
4. Traffic Impact:

Special Use Permit Request
(Application Continued)

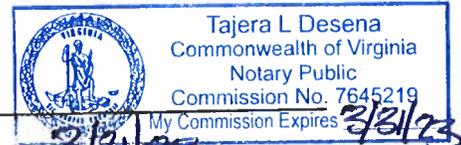
I do hereby make oath or affirmation that to the best of my knowledge, the foregoing information contained in this application is true.

[Signature] Linda Hara AUGUST 14, 2020
Signature of Applicant Date

PRINT NAME OF APPLICANT CHRIS AND LINDA HARA

The above oath or affirmation was signed before me and witnessed by me this 14th day of August, 2020 in the County / City of Fredericksburg in the state of Virginia.

Notary Signature [Signature]
Notary Registration # 7645219 Commission Expires 3/31/23



[Signature] AUGUST 14, 2020
Signature of Owner Date

PRINT NAME OF OWNER RONALD L. HICKS

The above oath or affirmation was signed before me and witnessed by me this 14th day of August, 2020 in the County / City of Fredericksburg in the state of Virginia.

Notary Signature [Signature]

Notary Registration # 7645219 Commission expires: 3/31/23



OWNERSHIP

Applicant is (Circle One):

Property Owner Agent of Owner Lessee Property Purchaser Other

If 'Other', describe: _____

Source of Property Title / Instrument #:

PURCHASED BY OWNER 30 YEARS AGO
JANUARY 1, 1989 Deed Book 225 Page 734

If Property is owned by a Limited Liability Corporation (LLC):

1. Attach a "Certificate of Fact of Existence" from the State Corporation Commission; and
2. List the names and titles with authority to sign on behalf of the LLC (add additional sheets if needed):

OR

If Property is owned by a Corporation (Inc.):

1. Attach a "Certificate of Good Standing" from the State Corporation Commission; and
2. List the names and titles with authority to sign on behalf of the corporation (add additional sheets if needed):

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DEED OF EXCHANGE

THIS DEED OF EXCHANGE, made and entered into this 28th day of February, 1989, by and between LEE'S HILL PARTNERSHIP, a Virginia General Partnership, party of the first part; and RONALD L. HICKS, party of the second part.

WHEREAS, the party of the second part is part owner of a certain tract of real estate located in Spotsylvania County, Virginia, on State Route 635 containing 76.0255 acres, having a fair market value of \$2,090,701.00; and

WHEREAS, the party of the first part owns certain lots in the City of Fredericksburg, Virginia, containing a total of 0.704 acre, having a fair market value of \$525,000.00; and a certain lot in Spotsylvania County, Virginia, designated Lot 114, Spotslee Subdivision, having a fair market value of \$62,500.00; and

WHEREAS, it is the desire of the party of the first part to exchange the above lots in partial consideration for the property of the party of the second part.

NOW, THEREFORE, WITNESSETH, that for and in consideration of the mutual exchange of real estate, and other good and valuable consideration, the receipt of which is hereby acknowledged, the party of the first part does hereby bargain, grant, convey and exchange unto the party of the second part, RONALD L. HICKS, in fee simple and with SPECIAL WARRANTY and all Virginia statutory covenants of title, the following described real estate, to-wit:

All those certain lots or parcels of land, with all buildings and improvements thereon and all rights and privileges thereto appurtenant, situate, lying and being in the City of Fredericksburg, Virginia, containing a total of 0.704 acre as shown on plat thereof dated July 15, 1988, prepared by Everett D. Grissom, CLS, a copy of which plat is recorded in the Clerk's Office of the Circuit Court of the City of Fredericksburg, Virginia, in Plat Book 5, Page 14.

Being all the same real estate conveyed unto the party of the first part by deed dated February

Att: JARRELL HICKS & BARBER ATTORNEYS AT LAW • P. O. BOX 127 • SPOTSYLVANIA, VIRGINIA 22153-0127

28, 1989, from Spotsylvania Avenue Partnership which deed is recorded in said Clerk's Office immediately preceding this deed.

This conveyance is made EXPRESSLY SUBJECT TO all restrictions, covenants and easements now of record on said property as the same may lawfully apply.

WITNESS the following signature and seal:

LEE'S HILL PARTNERSHIP,
A VIRGINIA GENERAL PARTNERSHIP

BY: LEEWOOD, L. P.,
GENERAL PARTNER

BY: BEECHLEE DEVELOPMENT CORP.,
GENERAL PARTNER

BY: J.E. Goodwin (SEAL)
TITLE: Partner

ATTORNEYS AT LAW • P O BOX 127 • SPOTSYLVANIA, VIRGINIA 22543-0127
JAMES L. WOODS & GASSER

STATE OF VIRGINIA

CITY/COUNTY OF Stafford, to-wit:

The foregoing deed of trust acknowledged before me this 28 day of February, 1989, by Thomas E. Goodwin, President of Beechlee Development Corp., General Partner of Leewood, L. P., General Partner of Lee's Hill Partnership, a Virginia General Partnership, on behalf of said Lee's Hill Partnership, a Virginia General Partnership.

My commission expires: December 10, 1990.

Linda C. Burrell
Notary Public

VIRGINIA. In the Clerk's Office of the Circuit Court of the City of Fredericksburg on the 28 day of Feb 1989 at 3:30 o'clock p. m., this instrument was presented to me, Clerk of the Court, and the same was read and indexed. The taxes imposed by such article of the code have been paid.
881-808 & 525

Tate: Georgia K. Sutton
By: GK Sutton Deputy Clerk

Recd James Woods Gasser 3/15/89

CHRIS AND LINDA HARA
(CROWN TROPHY)

1. COMPLIANCE WITH COMPREHENSIVE PLAN:

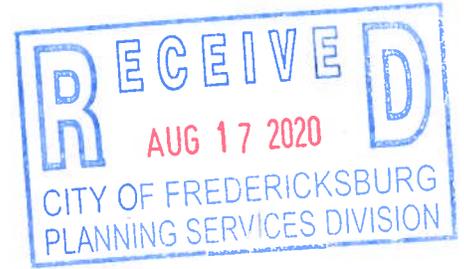
PROPERTY CURRENTLY ZONED C-T. PROPOSED USE IS SIMILAR TO PAST USES OF THE PROPERTY. BUSINESS TAKES ORDERS MAINLY FOR CUSTOMER PICKUP, AND DOES MUCH WORK FOR THE CITY. BUSINESS IS MOVING FROM WESTWOOD OFFICE PARK TO OLDE WILLIAM ST. TRAFFIC IS MINIMAL BECAUSE THIS IS A DESTINATION BUSINESS.

2. IN HARMONY WITH THE PURPOSE AND INTENT OF ZONING DISTRICT REGULATIONS: YES, IN HARMONY WITH SURROUNDING BUSINESSES WITH LIGHT RETAIL. C-T ZONING PROVIDES FOR SPECIAL USE FOR THE PROPOSED BUSINESS USE AND PROFESSIONAL SERVICES.

3. IN HARMONY WITH EXISTING USES OR PLANNED USE OF NEIGHBORING PROPERTIES: YES, IN HARMONY WITH SURROUNDING BUSINESSES.

4. TRAFFIC IMPACT: 10 TO 20 CUSTOMERS PER DAY, TRAFFIC WOULD BE VERY LIGHT. A PERCENTAGE OF THE BUSINESS IS DELIVERY. CURRENTLY, LUCKY TO HAVE 10 CUSTOMERS PER DAY BECAUSE OF COVID.

Ronald L. Hicks
1107 Westwood Drive
Fredericksburg, VA, 22401
(540)847-3697



Mr. James Newman, AICP, CZO
Zoning Administrator
Planning Services Division
715 Princess Anne Street, Room 209
Fredericksburg, VA 22404

August 17, 2020

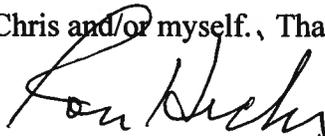
Re: SUP for Retail Sales Establishment
1529 Olde William St/ GPIN 7779-52-2314

Dear Mr. Newman,

This comes in response to yours of August 14, 2020 requesting supplemental answers to the application for Special Exception SUP 2020-04.

1. Provide source of property title. Property was acquired in January 1989 in Deed Book 225 Page 734. Copy of Deed is attached.
2. Statement of financial interests in the subject property. No member of City Council or the Planning Commission or any member of their immediate household or family has any financial interest in the outcome of the decision.
3. Statement of charges/liens. There are no delinquent real estate taxes, nuisance charges, storm water management utility fees or other charges that constitute a lien on the subject property. All charges have been paid and nothing is owed on the property.
4. Hours of operation: 9:00am to 5:00pm, Monday through Friday
Anticipated number of employees: 7, INCLUDING THE APPLICANTS AND 2 DAUGHTERS
There will be no changes made to the site.
5. List of adjacent property owners is attached.

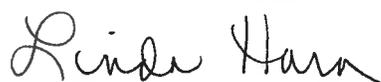
Please advise if you have any further questions for Chris and/or myself., Thanks,


Ron Hicks, Owner

Chris Hara, Applicant



Linda Hara, Applicant



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



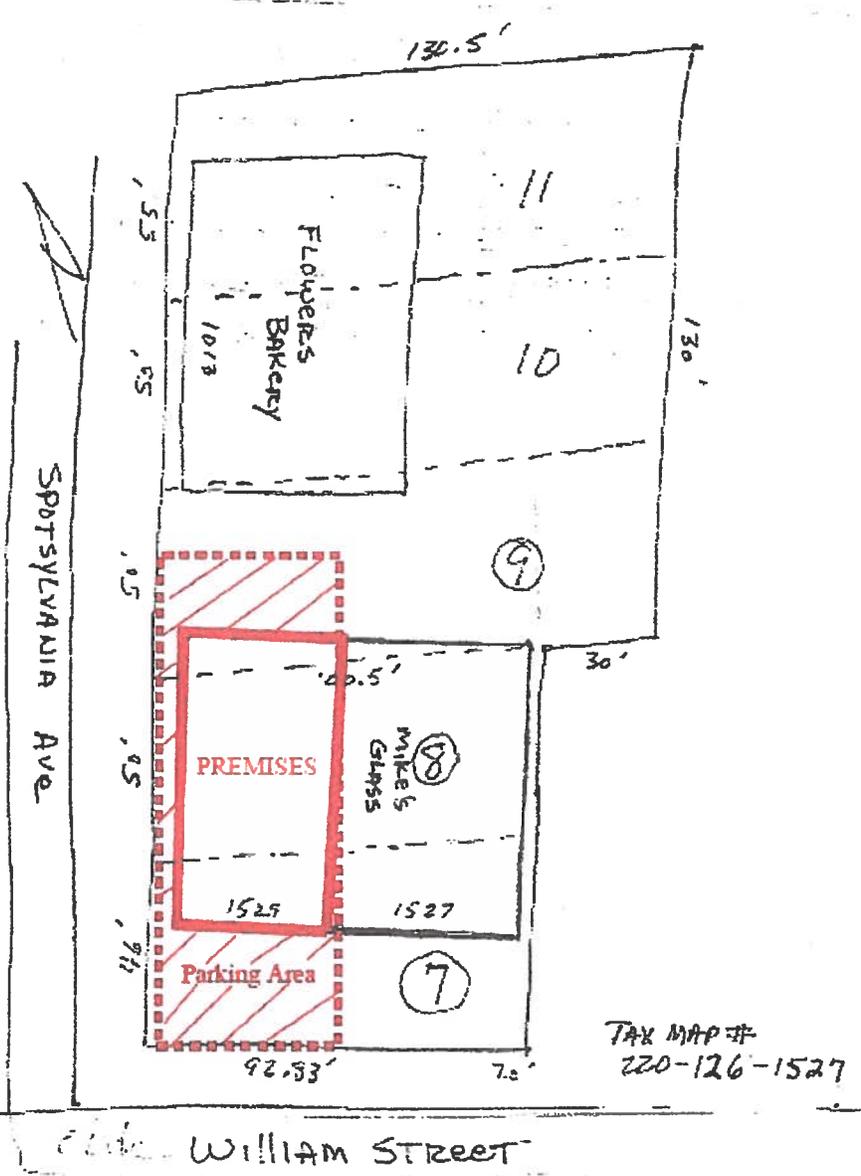
Title: Parcels

Date: 8/14/2020



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. Another 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 Fredericksburg 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 Fredericksburg.

EXHIBIT B
(Sketch)
TAX MAP



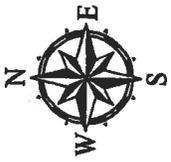
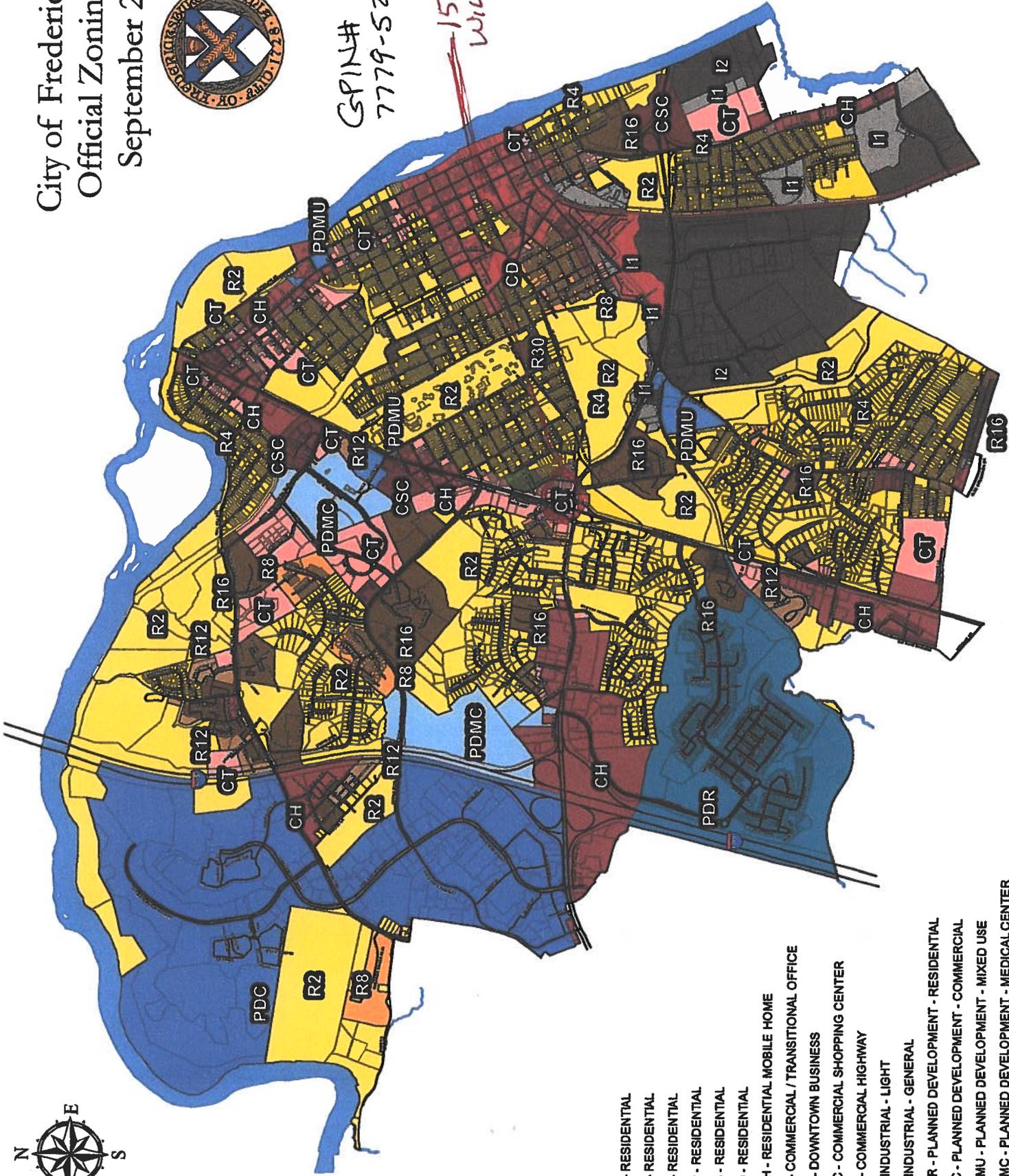
TAX MAP #
220-126-1527

GPIN # 7779-52-2314

City of Fredericksburg
 Official Zoning Map
 September 2019



SPIN#
 7779-52-2314
 1529 Olde
 WILLIAM ST



- Legend**
- Zoning**
- R2 - RESIDENTIAL
 - R4 - RESIDENTIAL
 - R8 - RESIDENTIAL
 - R12 - RESIDENTIAL
 - R16 - RESIDENTIAL
 - R30 - RESIDENTIAL
 - RMH - RESIDENTIAL MOBILE HOME
 - CT - COMMERCIAL / TRANSITIONAL OFFICE
 - CD - DOWNTOWN BUSINESS
 - CSC - COMMERCIAL SHOPPING CENTER
 - CH - COMMERCIAL HIGHWAY
 - I1 - INDUSTRIAL - LIGHT
 - I2 - INDUSTRIAL - GENERAL
 - PD-R - PLANNED DEVELOPMENT - RESIDENTIAL
 - PDC - PLANNED DEVELOPMENT - COMMERCIAL
 - PD-MU - PLANNED DEVELOPMENT - MIXED USE
 - PD-MC - PLANNED DEVELOPMENT - MEDICAL CENTER
- Rail Lines
 Road Centerlines

Ronald L. Hicks
1107 Westwood Drive
Fredericksburg, VA, 22401
(540)847-3697



Mr. James Newman, AICP, CZO
Zoning Administrator
Planning Services Division
715 Princess Anne Street, Room 209
Fredericksburg, VA 22404

August 18, 2020

Re: SUP for Retail Sales Establishment
1529 Olde William St/ GPIN 7779-52-2314
REVISED List of Adjoining Property Owners

Dear Mr. Newman,

This comes in response to yours of August 18, 2020 requesting additional listings of Adjacent Property Owners for the application for Special Exception SUP 2020-04.

1. GPIN# 7779-52-0434 owned by Smith Run Center Condominium has been added.
2. GPIN# 7779-52-0467 was included on Page 2 of the original List.
3. GPIN# 7779-52-0572 was included on Page 2 of the original List

Per your suggestion, I have not removed GPIN#s 7779-52-2682, 7779-52-0675, and 7779-52-3666, property owned by Duffee Keene Delahay Embrey, but have noted that no mailing is required to this property owner.

Please see the REVISED List of Adjoining Property Owners attached.

A handwritten signature in black ink that reads "Ron Hicks".

Ron Hicks, Owner

A handwritten signature in black ink that reads "Chris Hara".

Chris Hara, Applicant

A handwritten signature in black ink that reads "Linda Hara".

Linda Hara, Applicant

James,
I tried to call to make sure I wasn't missing something on "2 and 3," but wanted to get this in today. I know this is a busy day for you! Ron

**Ronald L. Hicks, Owner
Chris and Linda Hara, Applicant
1529 Olde William Street
GPIN#7779-52-2314**

REVISED

LIST OF ADJOINING PROPERTY OWNERS

Property Address	0 Spotsylvania Avenue	Mailing Not Required Per Zoning Dept
Owners Name	Duffee Keene Delahay Embrey c/o James B. Franklin	GPIN NUMBER 7779-52-2682
Mailing Address	308 Lee Dr	
City, State, Zip	Fredericksburg, VA 22401	

Property Address	0 Spotsylvania Avenue	Mailing No Required Per Zoning Dept
Owners Name	Duffee Keene Delahay Embrey c/o James B. Franklin	GPIN NUMBER 7779-52-0675
Mailing Address	308 Lee Dr	
City, State, Zip	Fredericksburg, VA 22401	

Property Address	0 Buckner Street	Mailing Not Required Per Zoning Dept
Owners Name	Duffee Keene Delahay Embrey c/o James B. Franklin	GPIN NUMBER 7779-52-3666
Mailing Address	308 Lee Dr	
City, State, Zip	Fredericksburg, VA 22401	

Property Address	1601 Olde William Street	
Owners Name	1601-C Olde William LLC	GPIN NUMBER 7779-52-0572
Mailing Address	1601-C Olde William Street	
City, State, Zip	Fredericksburg, VA 22401	

Property Address	1601 Olde William Street	
Owners Name	Crysko LLC	GPIN NUMBER 7779-52-0467
Mailing Address	1601 Olde William Street, Ste B	
City, State, Zip	Fredericksburg, VA 22401	

Property Address	1601 Olde William Street	
Owners Name	S F Sales, LLC	GPIN NUMBER 7779-52-0463
Mailing Address	11505 General Wadsworth Drive	
City, State, Zip	Spotsylvania, VA, 22553	

Property Address	1525 Olde William Street	
Owners Name	G. Frank and Margote Wagner	GPIN NUMBER 7779-52-3325
Mailing Address	1525 Olde William Street	
City, State, Zip	Fredericksburg, VA 22401	

Property Address	0 Buckner Street	
Owners Name	G. Frank and Margote Wagner	GPIN NUMBER 7779-52-3448
Mailing Address	1525 Olde William Street	
City, State, Zip	Fredericksburg, VA 22401	

Property Address	1191 Armory Drive	
Owners Name	City of Fredericksburg	GPIN NUMBER 7779-42-9136
Mailing Address	P. O. Box 7447	
City, State, Zip	Fredericksburg, VA 22404	

Property Address	1013 Spotsylvania Avenue	
Owners Name	Ronald L. Hicks	GPIN NUMBER 7779-52-2447
Mailing Address	1107 Westwood Drive	
City, State, Zip	Fredericksburg, VA 22401	

Property Address	0	
Owners Name	Smith Run Center Condominium	GPIN NUMBER 7779-52-0434
Mailing Address	P. O. Box 605	
City, State, Zip	Burgess, VA 22432	

James Newman, AICP, CZO
Zoning Administrator
Planning Services Division
City of Fredericksburg VA



City of Fredericksburg
Planning Services Division
715 Princess Anne Street, Room 209
P.O. Box 7447
Fredericksburg VA 22404

August 18, 2020

Crown Trophy
ATTN: Chris & Linda Hara
11314 Mansfield Club Drive
Fredericksburg VA 22408

Delivered via to email to chara20895@aol.com

Re: SUP For Retail Sales Establishment at 1529 Olde William Street/GPIN 7779-52-2314

Dear Applicant,

Your **Special Exception** application SUP 2020-04 at 1529 Olde William Street has been determined to be incomplete. Please address the following issues:

1. GPIN 7779-52-0434 is not listed on the List of Adjoining Property Owners *- Added To LIST*
2. GPIN 7779-52-0467 is not listed on the List of Adjoining Property Owners *- ALREADY LISTED*
3. GPIN 7779-52-0572 is not listed on the List of Adjoining Property Owners *- ALREADY LISTED*

The following GPINS are on the List of Adjoining Property Owners, but are not required. You do not have to remove them, but you are not required to mail a letter to them:

1. GPIN 7779-52-2682
 2. GPIN 7779-52-0675
 3. GPIN 7779-52-3666
- } Keene Embrey - No MAILING NECESSARY*

I must have this information no later than 4:30pm Tuesday August 18th in order to get you on a September 2020 Planning Commission Meeting. These items must be provided in order to determine your application as complete. If the meantime, if you need further assistance please feel free to contact me at jnewman@fredericksburgva.gov.

Sincerely,

James Newman, AICP, CZO
Zoning Administrator
Planning Services Division
City of Fredericksburg VA



**CITY OF FREDERICKSBURG
PLANNING COMMISSION MINUTES
September 9, 2020
7:30 p.m.
ELECTRONIC MEETING / COUNCIL CHAMBERS, CITY HALL**

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

<https://amsva.wistia.com/medias/f9g4ssl6px>

The Agenda, Staff Report, Applications and Supporting Documents are also available on the Planning Commission page.

MEMBERS

Rene Rodriguez, Chairman (live)
Steve Slominski, Vice-Chairman (live)
David Durham (electronic)
Kenneth Gantt (live)
Chris Hornung (electronic)
Tom O'Toole (electronic)
Jim Pates (electronic)

CITY STAFF

Chuck Johnston, Director, Planning and Building Dept. (live)
Mike Craig, Senior Planner (live)
James Newman, Zoning Administrator (live)
Cathy Eckles, Administrative Assistant (live)

1. CALL TO ORDER

This meeting was held live and electronically by "Go to Meeting" application, pursuant to City Council Ord. 20-05, An Ordinance to Address Continuity of City Government during the Pendency of a Pandemic Disaster.

Members of the public were invited to attend in person with social distancing practices and masks required or access this meeting by public access television Cox Channel 84, Verizon Channel 42, online at www.regionalwebtv.com/fredcc, or Facebook live at www.facebook.com/FXBGgov.

Chairman Rodriguez called the meeting to order at 7:30 p.m. and explained electronic meeting procedures.

2. PLEDGE OF ALLEGIANCE

3. DETERMINATION OF A QUORUM

All members were present.

4. APPROVAL OF AGENDA

Mr. Gantt moved for approval of the agenda as submitted. Mr. Slominski seconded.

Motion passed 7-0.

MINUTES APPROVED 9/16/20, NOT YET SIGNED

- C. **Crown Trophy** requests a Special Use Permit to allow for a retail sales establishment at 1529 Olde William Street. **SUP2020-04**

Mr. Newman reviewed the staff report with a power point presentation (Att. 3) and noted that a vote on this matter would be taken at the September 16 Planning Commission special meeting. Applicant Crown Trophy and their representative Ron Hicks were present electronically.

There were no questions or discussion from the Commissioners, no public written comments were received, and no public speakers. Chairman Rodriguez noted that the public hearing would remain open until September 16, 2020 for further time to receive public comments, with the vote planned for that session.

8. GENERAL PUBLIC COMMENT

None.

9. OTHER BUSINESS

A. Status of Land Use Annual Report

Mr. Craig reviewed the matter for the Commissioners to start updating for this year's report. He included several updated maps for the Commissioners' review (Att. 4). Mr. Durham asked if the draft sent to the Commissioners has been updated with the information presented tonight. Mr. Craig said he didn't believe this information would account for any changes in the draft, but he will review it.

B. Planning Commissioner Comments

None.

C. Planning Director Comments

Mr. Johnston said the City Council, at its September 8, 2020 meeting, approved the establishment of the Creative Maker Zoning District and the rezoning to this district of portions of the Area 6, Princess Anne/Route 1 North, Small Area Plan. He also said Council approved the amendment of the City Comprehensive Plan for the Area 7, Downtown, Small Area Plan, amendment of the Unified Development Ordinance parking regulations, and UDO amendments regarding duplex and other housing-type definitions.

Mr. Johnston discussed what work staff will be doing on follow up to the Downtown Plan, such as addressing density issues, so special exceptions will not be necessary.

Mr. Johnston reminded the Commission that an electronic special Commission meeting is scheduled for next week for votes on tonight's public hearing matters, and these items will be going to a Council public hearing on September 22, 2020. Additionally, a joint electronic work session will be held with Council on September 23 to further discuss small area plans for Areas 1 and 2.

9. ADJOURNMENT

There being no further items to be discussed, the Planning Commission meeting adjourned at 8:42 p.m.

Next meeting is September 16, 2020.

Rene Rodriguez, Chairman



PLANNING COMMISSION MINUTES
September 16, 2020
7:30 p.m.
ELECTRONIC SPECIAL MEETING

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

<https://amsva.wistia.com/medias/y6d7miwgkh>

The Agenda, Staff Report, Applications and Supporting Documents are also available on the Planning Commission page.

MEMBERS

Rene Rodriguez, Chairman
Steve Slominski, Vice-Chairman
David Durham
Kenneth Gantt
Chris Hornung
Tom O'Toole
Jim Pates (absent)

CITY STAFF

Chuck Johnston, Director, Planning and Building Dept.
James Newman, Zoning Administrator
Cathy Eckles, Administrative Assistant

ALSO PRESENT

Barzel McKinney, Haven for Heroes
Ray Freeland, Engineer
Ron Hicks, Crown Trophy Representative
Chris & Linda Hara, Crown Trophy

All members, staff, and applicant representatives were only present electronically

1. CALL TO ORDER

This meeting was held electronically by "Go to Meeting" application, pursuant to City Council Ord. 20-05, An Ordinance to Address Continuity of City Government during the Pendency of a Pandemic Disaster.

Members of the public were invited to access this meeting by public access television Cox Channel 84, Verizon Channel 42, online at www.regionalwebtv.com/fredcc, or Facebook live at www.facebook.com/FXBGgov.

Chairman Rodriguez called the meeting to order at 7:30 p.m. and explained electronic meeting procedures.

2. PLEDGE OF ALLEGIANCE

3. DETERMINATION OF A QUORUM

All members were present except Mr. Pates.

4. APPROVAL OF AGENDA

Mr. O'Toole moved for approval of the agenda as submitted. Mr. Hornung seconded.

Motion passed 6-0-1.

5. APPROVAL OF MINUTES - September 9, 2020

Mr. Durham moved to approve the minutes. Mr. Hornung seconded.

Motion passed 6-0-1.

6. DECLARATION OF CONFLICT OF INTEREST

None.

7. PUBLIC HEARING

- A. **Crown Trophy** requests a Special Use Permit to allow for a retail sales establishment at 1529 Olde William Street. **SUP2020-04**

Mr. Newman said there were no updates and no public written comments received. The Crown Trophy operators, Chris and Linda Hara, and property owner, Ron Hicks, were present electronically. There were no questions or discussion from the Commissioners for staff or applicants.

Chairman Rodriguez closed the public hearing. Mr. Durham moved to approve SUP2020-04, Crown Trophy as presented. Mr. Slominski seconded.

Mr. Hornung said that he is still concerned about approving special use permits for retail with no restrictions on the type of sales. Discussion ensued about restrictions, the City Attorney's concerns, and the Commissioner's belief that this is exactly how a special use permit should be used. Mr. Johnston said he will bring the question to the September 23, 2020 electronic work session after discussing it with the City Attorney. Mr. Johnston said that the City Attorney's issue with limitations or restrictions is that the definition of retail doesn't specify detailed retail uses.

Motion passed 6-0-1.

- B. **Thomas Mitchell** requests a Special Exception to amend the approved General Development Plan for a mixed-use structure to be located at the corner of Sophia and Hanover Streets, at 100, 106, and 108 Hanover, and 718 Sophia Street. **SE2020-05**

Mr. Newman said that an updated staff report had been sent and no public written comments had been received. Engineer Ray Freeland was present electronically. Mr. Newman noted that Commissioners had inquired about designating one of the four public on-street parking as handicapped parking and additional pedestrian crossings. Public Works staff has stated that designation of a public handicapped parking spot was a feasible request and should be pursued with the site plan.

Mr. Newman said that additional Sophia/Hanover Street pedestrian crossings will be installed as part of Riverfront Park. Mr. Durham questioned what the specific crossings would be. Mr. Johnston said that the existing pedestrian crossings at Sophia and Hanover will remain, with a curb bump-out to be installed on the Riverfront Park side of Sophia Street. Mr. Durham asked if it is on the GDP but not a feature of the project. Mr. Johnston said: yes. Mr. Durham asked if there will be a pedestrian crossing on the park side crossing Hanover Street. Mr. Johnston said yes.

Chairman Rodriguez asked about the Architectural Review Board's reaction to the project, when reviewed at its September 14, 2020 meeting. Mr. Johnston stated the vote will be taken on September 21, but the reaction was favorable.

Applicant's Engineer had no comment on the project. There were no further questions or comments for staff or applicant from the Commissioners. Chairman Rodriguez closed the public hearing. Mr. Durham moved to approve SE2020-05, Hanover House, as presented. Mr. Hornung seconded.

Motion passed 6-0-1.

C. **Haven for Heroes Inc.** requests a Special Exception for a Duplex at 315/317 McKinney Street.
SE2020-04

Mr. Newman said that an updated staff report had been sent, along with a detailed description of “Haven for Hero’s” (Att. 1). No public written comments had been received. Applicant Barzel McKinney was present electronically.

Chairman Rodriguez asked if the City had any obligation to do any further inspections of the duplex due to it being empty for such an extended period of time. Mr. Newman stated that a thorough inspection has been done and the building was structurally sound and deemed safe. There will be additional inspections done to be sure the duplex is up to code as the renovation process occurs.

Applicant had no comment on the project. There were no further questions or comments for staff or applicant from the Commissioners. Chairman Rodriguez closed the public hearing. Mr. Hornung moved to approve SE2020-04, Haven for Heroes, as presented. Mr. Durham seconded.

Motion passed 6-0-1.

8. GENERAL PUBLIC COMMENT

None.

9. OTHER BUSINESS

A. Planning Commissioner Comments

None.

B. Planning Director Comments

Mr. Johnston noted there will be a joint electronic work session with Council on September 23 at 6:30 p.m. to further discuss small area plans for Area 1 (Central Park/Celebrate Virginia) and Area 2 (Fall Hill Avenue).

Mr. Johnston discussed the notice of an additional joint electronic work session with Council on October 28, 2020 to work on 2020 Housing Affordability Study and Action Plan. Mr. Durham discussed the expectation of work necessary to be prepared to finalize the report. Mr. Johnston stated that Commissioners need to be prepared to move forward. Mr. Durham offered to help Chairman Rodriguez work on focusing this discussion.

Chairman Rodriguez asked about the likelihood of having this session as an in-person meeting with Council. Mr. Johnston noted that Council has decided to do no in-person meetings for the foreseeable future.

9. ADJOURNMENT

There being no further items to be discussed, the Planning Commission meeting adjourned at 7:58 p.m.

Next meeting is September 23, 2020.

Rene Rodriguez, Chairman



MEMORANDUM

TO: Timothy J. Baroody, City Manager
FROM: Brenna Erford, Budget Manager
RE: Amending the Fiscal Year 2021 Budget to Appropriate CARES Act Funds
DATE: September 17, 2020 (for September 22, 2020 City Council Meeting)

ISSUE

City Council is asked to hold a public hearing and then appropriate a second and final distribution of \$2,533,279 in federal Coronavirus Aid, Relief, and Economic Security (CARES) Act funds for FY 2021 on both first and second readings. City Council is also asked to appropriate an amount of \$869,036 in separate CARES Act funding for the Fredericksburg City Public Schools.

RECOMMENDATION

Staff recommends hearing public comment, and after public comment approving the attached resolution on first and second reading so that the additional CARES Act funds are available for use. The remaining timeframe for eligible expenditure of CARES Act funds runs through December 30, 2020, after which unused funds must be returned.

BACKGROUND

This memorandum provides an overview of the City's CARES Act funding and staff's proposed appropriation and use of these resources. The proposed amendment also makes appropriations for CARES Act Elementary and Secondary School Emergency Relief (ESSER) Fund. The amount of the budget amendment necessitates a public hearing under the Code of Virginia.

Section 1: Fredericksburg City CARES Act Funding

The Coronavirus Aid, Relief, and Economic Security Act (CARES Act) became law on March 27, 2020 and authorized more than \$2 trillion to battle COVID-19 and its economic effects. The City of Fredericksburg received \$2,533,729 in CARES Act COVID-19 Relief Fund monies from the Commonwealth in early June 2020, which City Council appropriated on a project basis in Res. 20-56. In a memorandum dated July 28, 2020, Virginia Secretary of Finance Aubrey Layne announced the release of a second and final distribution of CARES Act COVID-19 Relief Fund monies to Virginia local governments. The City certified and received a second payment of \$2,533,279 from the Commonwealth in early August. The below table shows appropriation for the original distribution, the proposed appropriation, and the total for both, as follows:

CARES Act Historic and Proposed Appropriations

Appropriation Category	First Round CARES Act Appropriation	Proposed CARES 2nd Round Appropriation	Total Allocation, First and Second Rounds
Business Assistance	\$ 500,000	\$ 50,000	\$ 550,000
Contingency	\$ 83,279	\$ -	\$ 83,279
HR & Administration	\$ 195,000	\$ 200,000	\$ 395,000
Individual Assistance	\$ 200,000	\$ 200,000	\$ 400,000
Information Technology	\$ 330,000	\$ 400,000	\$ 730,000
Public Safety	\$ 750,000	\$ 1,533,279	\$ 2,283,279
PW PRE PF	\$ 475,000	\$ 150,000	\$ 625,000
Total	\$ 2,533,279	\$ 2,533,279	\$ 5,066,558

Business Assistance

CARES Act expenditures and encumbrances to date include a \$250,000 transfer to the Economic Development Authority; \$42,000 to Fredericksburg Main Street; and the remaining \$208,000 for marketing expenses, of which \$6,573 was spent in FY 2020. The \$50,000 proposed appropriation for business assistance in this resolution is intended for purchase of various equipment for outdoor restaurant dining.

HR & Administration

CARES Act expenditures in this category totaled \$90,809 in FY 2020. Encumbered or expended funds in FY 2021 include two rounds of hazard pay for eligible employees (\$46,828); unemployment benefits payable (\$50,000); pandemic-related real estate assessment costs (\$52,933). Additional planned expenditures for the current year include additional COVID-19 testing costs (\$50,000); and allowances for similar items.

Individual Assistance

The City partnered with the Rappahannock United Way to provide City residents experiencing hardship as a result of the pandemic with rental and mortgage assistance. The full \$200,000 appropriated for Individual Assistance in Res. 20-56 has been used for this purpose. This proposal recommends an additional \$200,000 for individual assistance. Although the Centers for Disease Control and Prevention (CDC) issued an unprecedented agency order banning most evictions for nonpayment of rent between September 4 and December 31, 2020, the federal government has provided no relief for tenants, landlords, or those who hold debt on tenanted properties, and given the legal and financial complexities unaddressed by the agency order there may be a surge in demand for housing-related legal assistance.

Information Technology

CARES Act expenditures in this category totaled \$54,032 in FY 2020. Planned expenditures for FY 2021 include various efforts to improve and expand the City's telework capacity and cybersecurity, including a firewall upgrade; purchase and/or replacement of computers and devices; security enhancements; and various equipment.

Public Safety

CARES Act expenditures in this category totaled \$70,493 in FY 2020. Encumbered or expended funds in FY 2021 include two rounds of hazard pay for eligible employees (\$528,024), and planned

expenditures include payroll expenses under the CARES Act presumption provision¹ (\$1,601,878); car disinfection (\$15,000); and other expenses to be determined (\$67,884).

Public Works, Parks, and Public Facilities (PW PRE PF)

CARES Act expenditures in this category totaled \$69,375 in FY 2020. Encumbered or expended funds in FY 2021 include two rounds of hazard pay for eligible employees (\$30,681); park barricades to assist with holding events in compliance with social distancing directives (\$10,000); contracted cleaning for park bathrooms (\$33,500); health-related supplies such as disinfectants and PPE (\$59,493); emergency public facility cleanings (\$5,000); and other encumbered expenses (\$46,006). Additional planned expenditures for the current year include modifications to HVAC systems in City buildings (\$250,000); additional custodial supplies (\$25,000); additional building modifications (\$25,000); air filters and related supplies (\$50,000); education and recreational supplies (\$20,000); and other items to be determined.

The latest U.S. Treasury guidance on allowable and prohibited uses of CARES Act COVID-19 Relief Fund resources is attached to this memorandum. Any unexpended funds must be returned to Treasury after the close of the 2020 calendar year.

Section 2: Fredericksburg City Public Schools CARES Act ESSER Funding

The Fredericksburg City Public Schools have received \$869,036 in funding from the federal CARES Act Elementary and Secondary School Emergency Relief (ESSER) Fund. These funds are dedicated for the Schools and are separate and apart from the Coronavirus Relief Funds that have been provided to the City. The School Board is scheduled to vote to appropriate these funds at their September 14, 2020, meeting. City Council is requested to appropriate these funds as approved by the School Board.

FISCAL IMPACT

The total CARES Act budget appropriation for the second and final distribution of funds to the City increases the available funds in Fund 230 by \$2,533,279. The appropriation to FCPS will increase the School Grants Fund by \$869,036.

ATTACHMENTS

1. Proposed Appropriation Resolution
2. Res. 20-56, CARES Act Budget Amendment for Fiscal Year 2020
3. Virginia Secretary of Finance Aubrey Layne's July 28, 2020, memorandum to Virginia local governments on Second and Final Allocation of Federal Coronavirus Relief Funds

¹ "In recognition of the particular importance of public health and public safety workers to State, local, and tribal government responses to the public health emergency, Treasury has provided, as an administrative accommodation, that a State, local, or tribal government may presume that public health and public safety employees meet the substantially dedicated test, unless the chief executive (or equivalent) of the relevant government determines that specific circumstances indicate otherwise. This means that, if this presumption applies, work performed by such employees is considered to be a substantially different use than accounted for in the most recently approved budget as of March 27, 2020. All costs of such employees may be covered using payments from the Fund for services provided during the period that begins on March 1, 2020, and ends on December 30, 2020." – U.S. Treasury, Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments, Updated September 2, 2020

4. U.S. Department of the Treasury, Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments Updated September 2, 2020
5. U.S. Department of the Treasury, Coronavirus Relief Fund Frequently Asked Questions Updated as of September
6. Fredericksburg City Public Schools FY 2021 Supplemental Appropriations, recommendation to School Board (September 14, 2020)



MOTION:

September 22, 2020
Regular Meeting
Resolution No. 20-__

SECOND:

**RE: Amending the Fiscal Year 2021 Budget and the Fiscal Year 2021
Fredericksburg City Public School Budget to Appropriate CARES Act Funds**

ACTION: APPROVED: Ayes: 0; Nays 0

FIRST READ: _____ SECOND READ: _____

The City Manager has submitted to the City Council a proposed amendment to the FY 2021 budget necessary for the provision of City services and for appropriation of the second round of CARES Act funds received from the Commonwealth. This amendment makes appropriations of \$41,865,904 in Section 1, Appropriating Authorized Funds for FY 2021, which represents 24.1% of the authorized FY 2021 budget; and makes appropriations of \$2,533,279 in Section 2, Appropriating Second and Final Distribution of CARES Act Funds, which represents 1.5% of the authorized FY 2021 budget.¹ The amendment also appropriates \$869,036 in federal CARES Act funds for the Fredericksburg City Public Schools from the Elementary and Secondary School Emergency Relief (ESSER) Fund.

In compliance with the Code of Virginia §15.2-2507, the City published notice of this amendment on September 15, 2020. A duly advertised public hearing was held on September 22, 2020, at which comments from the public concerning this budget amendment were heard.

Section 1: CARES Act Second and Final Allotment for the City of Fredericksburg

The public health emergency related to the COVID-19 Pandemic has created an additional economic crisis as business activity is reduced throughout the Commonwealth. The CARES Act became law on March 27, 2020, and made various additional funds available to localities to assist in a wide range of responses to the public health crisis. The first of two rounds of funding from this source was received by the City and appropriated by City Council in Res. 20-56. The City Council wishes to amend the FY 2021 budget to appropriate an additional \$2,533,279 in federal funds from the CARES Act.

Therefore, the City Council resolves that the CARES ACT COVID-19 RELIEF FUND (Fund 230) FY 2021 budget shall be amended as follows:

CARES ACT COVID-19 RELIEF FUND – General Federal Assistance

Federal Revenues	Appropriation
CARES Act (0230 333092).....	\$ 2,533,279
All Other CARES Act.....	\$ 0
Total Revenues	\$ 2,533,279

¹ The Adopted FY 2021 budget represents \$173,488,865 in total spending commitments across all funds.

Expenditures:

Business Assistance	\$ 50,000
Individual Assistance	\$ 200,000
Public Works, Parks & Public Facilities	\$ 150,000
Information Technology.....	\$ 400,000
Public Safety	\$ 1,533,279
HR & Administration.....	\$ 200,000
Contingency	\$ 0
Total Expenditures	\$ 2,533,279

The City Council further resolves that the City Manager is authorized to make line item changes within budget program totals and such changes shall be reported to the City Council by way of periodic reports.

Section 2: CARES Act ESSER Allotment for the Fredericksburg City Public Schools

The City Council wishes to amend the FY 2021 Fredericksburg City Public Schools budget to appropriate an additional \$869,036 in federal funds received from the federal CARES Act Elementary and Secondary School Emergency Relief (ESSER) Fund.

Federal Revenues	Appropriation
CARES Act ESSER (G84425CA 384425).....	\$ 869,036
Total Revenues	\$ 869,036

Expenditures:

Supplemental Pay (G84425CA 416210).....	\$ 135,000
FICA Benefits (G84425CA 421000).....	\$ 10,328
Other Professional Services (G84425CA 431600).....	\$ 40,000
Other Operating Supplies (G84425CA 460140).....	\$ 683,708
Total Expenditures	\$ 869,036

- 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. 20-__ duly adopted at the City Council meeting held September 22, 2020 at which a quorum was present and voted.

Tonya B. Lacey, MMC
Clerk of Council

**Coronavirus Relief Fund
Frequently Asked Questions
Updated as of September 2, 2020¹**

The following answers to frequently asked questions supplement Treasury’s Coronavirus Relief Fund (“Fund”) Guidance for State, Territorial, Local, and Tribal Governments, dated April 22, 2020, (“Guidance”).² Amounts paid from the Fund are subject to the restrictions outlined in the Guidance and set forth in section 601(d) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”).

A. Eligible Expenditures

1. *Are governments required to submit proposed expenditures to Treasury for approval?*

No. Governments are responsible for making determinations as to what expenditures are necessary due to the public health emergency with respect to COVID-19 and do not need to submit any proposed expenditures to Treasury.

2. *The Guidance says that funding can be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. How does a government determine whether payroll expenses for a given employee satisfy the “substantially dedicated” condition?*

The Fund is designed to provide ready funding to address unforeseen financial needs and risks created by the COVID-19 public health emergency. For this reason, and as a matter of administrative convenience in light of the emergency nature of this program, a State, territorial, local, or Tribal government may presume that payroll costs for public health and public safety employees are payments for services substantially dedicated to mitigating or responding to the COVID-19 public health emergency, unless the chief executive (or equivalent) of the relevant government determines that specific circumstances indicate otherwise.

3. *The Guidance says that a cost was not accounted for in the most recently approved budget if the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation. What would qualify as a “substantially different use” for purposes of the Fund eligibility?*

Costs incurred for a “substantially different use” include, but are not necessarily limited to, costs of personnel and services that were budgeted for in the most recently approved budget but which, due entirely to the COVID-19 public health emergency, have been diverted to substantially different functions. This would include, for example, the costs of redeploying corrections facility staff to enable compliance with COVID-19 public health precautions through work such as enhanced sanitation or enforcing social distancing measures; the costs of redeploying police to support management and enforcement of stay-at-home orders; or the costs of diverting educational support staff or faculty to develop online learning capabilities, such as through providing information technology support that is not part of the staff or faculty’s ordinary responsibilities.

¹ On August 10, 2020, these Frequently Asked Questions were revised to add Questions A.49–52. On September 2, 2020, Questions A.53–56 were added, and Questions A.34 and A.38 were revised.

² The Guidance is available at <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf>.

Note that a public function does not become a “substantially different use” merely because it is provided from a different location or through a different manner. For example, although developing online instruction capabilities may be a substantially different use of funds, online instruction itself is not a substantially different use of public funds than classroom instruction.

4. *May a State receiving a payment transfer funds to a local government?*

Yes, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act. Such funds would be subject to recoupment by the Treasury Department if they have not been used in a manner consistent with section 601(d) of the Social Security Act.

5. *May a unit of local government receiving a Fund payment transfer funds to another unit of government?*

Yes. For example, a county may transfer funds to a city, town, or school district within the county and a county or city may transfer funds to its State, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, a transfer from a county to a constituent city would not be permissible if the funds were intended to be used simply to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify as an eligible expenditure.

6. *Is a Fund payment recipient required to transfer funds to a smaller, constituent unit of government within its borders?*

No. For example, a county recipient is not required to transfer funds to smaller cities within the county’s borders.

7. *Are recipients required to use other federal funds or seek reimbursement under other federal programs before using Fund payments to satisfy eligible expenses?*

No. Recipients may use Fund payments for any expenses eligible under section 601(d) of the Social Security Act outlined in the Guidance. Fund payments are not required to be used as the source of funding of last resort. However, as noted below, recipients may not use payments from the Fund to cover expenditures for which they will receive reimbursement.

8. *Are there prohibitions on combining a transaction supported with Fund payments with other CARES Act funding or COVID-19 relief Federal funding?*

Recipients will need to consider the applicable restrictions and limitations of such other sources of funding. In addition, expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds, are not eligible uses of Fund payments.

9. *Are States permitted to use Fund payments to support state unemployment insurance funds generally?*

To the extent that the costs incurred by a state unemployment insurance fund are incurred due to the COVID-19 public health emergency, a State may use Fund payments to make payments to its respective state unemployment insurance fund, separate and apart from such State's obligation to the unemployment insurance fund as an employer. This will permit States to use Fund payments to prevent expenses related to the public health emergency from causing their state unemployment insurance funds to become insolvent.

10. *Are recipients permitted to use Fund payments to pay for unemployment insurance costs incurred by the recipient as an employer?*

Yes, Fund payments may be used for unemployment insurance costs incurred by the recipient as an employer (for example, as a reimbursing employer) related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.

11. *The Guidance states that the Fund may support a "broad range of uses" including payroll expenses for several classes of employees whose services are "substantially dedicated to mitigating or responding to the COVID-19 public health emergency." What are some examples of types of covered employees?*

The Guidance provides examples of broad classes of employees whose payroll expenses would be eligible expenses under the Fund. These classes of employees include public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. Payroll and benefit costs associated with public employees who could have been furloughed or otherwise laid off but who were instead repurposed to perform previously unbudgeted functions substantially dedicated to mitigating or responding to the COVID-19 public health emergency are also covered. Other eligible expenditures include payroll and benefit costs of educational support staff or faculty responsible for developing online learning capabilities necessary to continue educational instruction in response to COVID-19-related school closures. Please see the Guidance for a discussion of what is meant by an expense that was not accounted for in the budget most recently approved as of March 27, 2020.

12. *In some cases, first responders and critical health care workers that contract COVID-19 are eligible for workers' compensation coverage. Is the cost of this expanded workers compensation coverage eligible?*

Increased workers compensation cost to the government due to the COVID-19 public health emergency incurred during the period beginning March 1, 2020, and ending December 30, 2020, is an eligible expense.

13. *If a recipient would have decommissioned equipment or not renewed a lease on particular office space or equipment but decides to continue to use the equipment or to renew the lease in order to respond to the public health emergency, are the costs associated with continuing to operate the equipment or the ongoing lease payments eligible expenses?*

Yes. To the extent the expenses were previously unbudgeted and are otherwise consistent with section 601(d) of the Social Security Act outlined in the Guidance, such expenses would be eligible.

14. *May recipients provide stipends to employees for eligible expenses (for example, a stipend to employees to improve telework capabilities) rather than require employees to incur the eligible cost and submit for reimbursement?*

Expenditures paid for with payments from the Fund must be limited to those that are necessary due to the public health emergency. As such, unless the government were to determine that providing assistance in the form of a stipend is an administrative necessity, the government should provide such assistance on a reimbursement basis to ensure as much as possible that funds are used to cover only eligible expenses.

15. *May Fund payments be used for COVID-19 public health emergency recovery planning?*

Yes. Expenses associated with conducting a recovery planning project or operating a recovery coordination office would be eligible, if the expenses otherwise meet the criteria set forth in section 601(d) of the Social Security Act outlined in the Guidance.

16. *Are expenses associated with contact tracing eligible?*

Yes, expenses associated with contact tracing are eligible.

17. *To what extent may a government use Fund payments to support the operations of private hospitals?*

Governments may use Fund payments to support public or private hospitals to the extent that the costs are necessary expenditures incurred due to the COVID-19 public health emergency, but the form such assistance would take may differ. In particular, financial assistance to private hospitals could take the form of a grant or a short-term loan.

18. *May payments from the Fund be used to assist individuals with enrolling in a government benefit program for those who have been laid off due to COVID-19 and thereby lost health insurance?*

Yes. To the extent that the relevant government official determines that these expenses are necessary and they meet the other requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance, these expenses are eligible.

19. *May recipients use Fund payments to facilitate livestock depopulation incurred by producers due to supply chain disruptions?*

Yes, to the extent these efforts are deemed necessary for public health reasons or as a form of economic support as a result of the COVID-19 health emergency.

20. *Would providing a consumer grant program to prevent eviction and assist in preventing homelessness be considered an eligible expense?*

Yes, assuming that the recipient considers the grants to be a necessary expense incurred due to the COVID-19 public health emergency and the grants meet the other requirements for the use of Fund payments under section 601(d) of the Social Security Act outlined in the Guidance. As a general matter, providing assistance to recipients to enable them to meet property tax requirements would not be an eligible use of funds, but exceptions may be made in the case of assistance designed to prevent foreclosures.

21. *May recipients create a “payroll support program” for public employees?*

Use of payments from the Fund to cover payroll or benefits expenses of public employees are limited to those employees whose work duties are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

22. *May recipients use Fund payments to cover employment and training programs for employees that have been furloughed due to the public health emergency?*

Yes, this would be an eligible expense if the government determined that the costs of such employment and training programs would be necessary due to the public health emergency.

23. *May recipients use Fund payments to provide emergency financial assistance to individuals and families directly impacted by a loss of income due to the COVID-19 public health emergency?*

Yes, if a government determines such assistance to be a necessary expenditure. Such assistance could include, for example, a program to assist individuals with payment of overdue rent or mortgage payments to avoid eviction or foreclosure or unforeseen financial costs for funerals and other emergency individual needs. Such assistance should be structured in a manner to ensure as much as possible, within the realm of what is administratively feasible, that such assistance is necessary.

24. *The Guidance provides that eligible expenditures may include expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. What is meant by a “small business,” and is the Guidance intended to refer only to expenditures to cover administrative expenses of such a grant program?*

Governments have discretion to determine what payments are necessary. A program that is aimed at assisting small businesses with the costs of business interruption caused by required closures should be tailored to assist those businesses in need of such assistance. The amount of a grant to a small business to reimburse the costs of business interruption caused by required closures would also be an eligible expenditure under section 601(d) of the Social Security Act, as outlined in the Guidance.

25. *The Guidance provides that expenses associated with the provision of economic support in connection with the public health emergency, such as expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures, would constitute eligible expenditures of Fund payments. Would such expenditures be eligible in the absence of a stay-at-home order?*

Fund payments may be used for economic support in the absence of a stay-at-home order if such expenditures are determined by the government to be necessary. This may include, for example, a grant program to benefit small businesses that close voluntarily to promote social distancing measures or that are affected by decreased customer demand as a result of the COVID-19 public health emergency.

26. *May Fund payments be used to assist impacted property owners with the payment of their property taxes?*

Fund payments may not be used for government revenue replacement, including the provision of assistance to meet tax obligations.

27. *May Fund payments be used to replace foregone utility fees? If not, can Fund payments be used as a direct subsidy payment to all utility account holders?*

Fund payments may not be used for government revenue replacement, including the replacement of unpaid utility fees. Fund payments may be used for subsidy payments to electricity account holders to the extent that the subsidy payments are deemed by the recipient to be necessary expenditures incurred due to the COVID-19 public health emergency and meet the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, if determined to be a necessary expenditure, a government could provide grants to individuals facing economic hardship to allow them to pay their utility fees and thereby continue to receive essential services.

28. *Could Fund payments be used for capital improvement projects that broadly provide potential economic development in a community?*

In general, no. If capital improvement projects are not necessary expenditures incurred due to the COVID-19 public health emergency, then Fund payments may not be used for such projects.

However, Fund payments may be used for the expenses of, for example, establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity or improve mitigation measures, including related construction costs.

29. *The Guidance includes workforce bonuses as an example of ineligible expenses but provides that hazard pay would be eligible if otherwise determined to be a necessary expense. Is there a specific definition of “hazard pay”?*

Hazard pay means additional pay for performing hazardous duty or work involving physical hardship, in each case that is related to COVID-19.

30. *The Guidance provides that ineligible expenditures include “[p]ayroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.” Is this intended to relate only to public employees?*

Yes. This particular nonexclusive example of an ineligible expenditure relates to public employees. A recipient would not be permitted to pay for payroll or benefit expenses of private employees and any financial assistance (such as grants or short-term loans) to private employers are not subject to the restriction that the private employers’ employees must be substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

31. *May counties pre-pay with CARES Act funds for expenses such as a one or two-year facility lease, such as to house staff hired in response to COVID-19?*

A government should not make prepayments on contracts using payments from the Fund to the extent that doing so would not be consistent with its ordinary course policies and procedures.

32. *Must a stay-at-home order or other public health mandate be in effect in order for a government to provide assistance to small businesses using payments from the Fund?*

No. The Guidance provides, as an example of an eligible use of payments from the Fund, expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. Such assistance may be provided using amounts received from the Fund in the absence of a requirement to close businesses if the relevant government determines that such expenditures are necessary in response to the public health emergency.

33. *Should States receiving a payment transfer funds to local governments that did not receive payments directly from Treasury?*

Yes, provided that the transferred funds are used by the local government for eligible expenditures under the statute. To facilitate prompt distribution of Title V funds, the CARES Act authorized Treasury to make direct payments to local governments with populations in excess of 500,000, in amounts equal to 45% of the local government's per capita share of the statewide allocation. This statutory structure was based on a recognition that it is more administratively feasible to rely on States, rather than the federal government, to manage the transfer of funds to smaller local governments. Consistent with the needs of all local governments for funding to address the public health emergency, States should transfer funds to local governments with populations of 500,000 or less, using as a benchmark the per capita allocation formula that governs payments to larger local governments. This approach will ensure equitable treatment among local governments of all sizes.

For example, a State received the minimum \$1.25 billion allocation and had one county with a population over 500,000 that received \$250 million directly. The State should distribute 45 percent of the \$1 billion it received, or \$450 million, to local governments within the State with a population of 500,000 or less.

34. *May a State impose restrictions on transfers of funds to local governments?*

Yes, to the extent that the restrictions facilitate the State's compliance with the requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance and other applicable requirements such as the Single Audit Act, discussed below. Other restrictions, such as restrictions on reopening that do not directly concern the use of funds, are not permissible.

35. *If a recipient must issue tax anticipation notes (TANs) to make up for tax due date deferrals or revenue shortfalls, are the expenses associated with the issuance eligible uses of Fund payments?*

If a government determines that the issuance of TANs is necessary due to the COVID-19 public health emergency, the government may expend payments from the Fund on the interest expense payable on TANs by the borrower and unbudgeted administrative and transactional costs, such as necessary payments to advisors and underwriters, associated with the issuance of the TANs.

36. *May recipients use Fund payments to expand rural broadband capacity to assist with distance learning and telework?*

Such expenditures would only be permissible if they are necessary for the public health emergency. The cost of projects that would not be expected to increase capacity to a significant extent until the need for distance learning and telework have passed due to this public health emergency would not be necessary due to the public health emergency and thus would not be eligible uses of Fund payments.

37. *Are costs associated with increased solid waste capacity an eligible use of payments from the Fund?*

Yes, costs to address increase in solid waste as a result of the public health emergency, such as relates to the disposal of used personal protective equipment, would be an eligible expenditure.

38. *May payments from the Fund be used to cover across-the-board hazard pay for employees working during a state of emergency?*

No. Hazard pay means additional pay for performing hazardous duty or work involving physical hardship, in each case that is related to COVID-19. Payments from the fund may only be used to cover such hazard pay.

39. *May Fund payments be used for expenditures related to the administration of Fund payments by a State, territorial, local, or Tribal government?*

Yes, if the administrative expenses represent an increase over previously budgeted amounts and are limited to what is necessary. For example, a State may expend Fund payments on necessary administrative expenses incurred with respect to a new grant program established to disburse amounts received from the Fund.

40. *May recipients use Fund payments to provide loans?*

Yes, if the loans otherwise qualify as eligible expenditures under section 601(d) of the Social Security Act as implemented by the Guidance. Any amounts repaid by the borrower before December 30, 2020, must be either returned to Treasury upon receipt by the unit of government providing the loan or used for another expense that qualifies as an eligible expenditure under section 601(d) of the Social Security Act. Any amounts not repaid by the borrower until after December 30, 2020, must be returned to Treasury upon receipt by the unit of government lending the funds.

41. *May Fund payments be used for expenditures necessary to prepare for a future COVID-19 outbreak?*

Fund payments may be used only for expenditures necessary to address the current COVID-19 public health emergency. For example, a State may spend Fund payments to create a reserve of personal protective equipment or develop increased intensive care unit capacity to support regions in its jurisdiction not yet affected, but likely to be impacted by the current COVID-19 pandemic.

42. *May funds be used to satisfy non-federal matching requirements under the Stafford Act?*

Yes, payments from the Fund may be used to meet the non-federal matching requirements for Stafford Act assistance to the extent such matching requirements entail COVID-19-related costs that otherwise satisfy the Fund's eligibility criteria and the Stafford Act. Regardless of the use of Fund payments for such purposes, FEMA funding is still dependent on FEMA's determination of eligibility under the Stafford Act.

43. *Must a State, local, or tribal government require applications to be submitted by businesses or individuals before providing assistance using payments from the Fund?*

Governments have discretion to determine how to tailor assistance programs they establish in response to the COVID-19 public health emergency. However, such a program should be structured in such a manner as will ensure that such assistance is determined to be necessary in response to the COVID-19 public health emergency and otherwise satisfies the requirements of the CARES Act and other applicable law. For example, a per capita payment to residents of a particular jurisdiction without an assessment of individual need would not be an appropriate use of payments from the Fund.

44. *May Fund payments be provided to non-profits for distribution to individuals in need of financial assistance, such as rent relief?*

Yes, non-profits may be used to distribute assistance. Regardless of how the assistance is structured, the financial assistance provided would have to be related to COVID-19.

45. *May recipients use Fund payments to remarket the recipient's convention facilities and tourism industry?*

Yes, if the costs of such remarketing satisfy the requirements of the CARES Act. Expenses incurred to publicize the resumption of activities and steps taken to ensure a safe experience may be needed due to the public health emergency. Expenses related to developing a long-term plan to reposition a recipient's convention and tourism industry and infrastructure would not be incurred due to the public health emergency and therefore may not be covered using payments from the Fund.

46. *May a State provide assistance to farmers and meat processors to expand capacity, such to cover overtime for USDA meat inspectors?*

If a State determines that expanding meat processing capacity, including by paying overtime to USDA meat inspectors, is a necessary expense incurred due to the public health emergency, such as if increased capacity is necessary to allow farmers and processors to donate meat to food banks, then such expenses are eligible expenses, provided that the expenses satisfy the other requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance.

47. *The guidance provides that funding may be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. May Fund payments be used to cover such an employee's entire payroll cost or just the portion of time spent on mitigating or responding to the COVID-19 public health emergency?*

As a matter of administrative convenience, the entire payroll cost of an employee whose time is substantially dedicated to mitigating or responding to the COVID-19 public health emergency is eligible, provided that such payroll costs are incurred by December 30, 2020. An employer may also track time spent by employees related to COVID-19 and apply Fund payments on that basis but would need to do so consistently within the relevant agency or department.

48. *May Fund payments be used to cover increased administrative leave costs of public employees who could not telework in the event of a stay at home order or a case of COVID-19 in the workplace?*

The statute requires that payments be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. As stated in the Guidance, a cost meets this requirement if either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget or (b) the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation. If the cost of an employee was allocated to administrative leave to a greater extent than was expected, the cost of such administrative leave may be covered using payments from the Fund.

49. Are States permitted to use Coronavirus Relief Fund payments to satisfy non-federal matching requirements under the Stafford Act, including “lost wages assistance” authorized by the Presidential Memorandum on Authorizing the Other Needs Assistance Program for Major Disaster Declarations Related to Coronavirus Disease 2019 (August 8, 2020)?

Yes. As previous guidance has stated, payments from the Fund may be used to meet the non-federal matching requirements for Stafford Act assistance to the extent such matching requirements entail COVID-19-related costs that otherwise satisfy the Fund’s eligibility criteria and the Stafford Act. States are fully permitted to use payments from the Fund to satisfy 100% of their cost share for lost wages assistance recently made available under the Stafford Act.

50. At what point would costs be considered to be incurred in the case of a grant made by a State, local, or tribal government to cover interest and principal amounts of a loan, such as might be provided as part of a small business assistance program in which the loan is made by a private institution?

A grant made to cover interest and principal costs of a loan, including interest and principal due after the period that begins on March 1, 2020, and ends on December 30, 2020 (the “covered period”), will be considered to be incurred during the covered period if (i) the full amount of the loan is advanced to the borrower within the covered period and (ii) the proceeds of the loan are used by the borrower to cover expenses incurred during the covered period. In addition, if these conditions are met, the amount of the grant will be considered to have been used during the covered period for purposes of the requirement that expenses be incurred within the covered period. Such a grant would be analogous to a loan provided by the Fund recipient itself that incorporates similar loan forgiveness provisions. As with any other assistance provided by a Fund recipient, such a grant would need to be determined by the recipient to be necessary due to the public health emergency.

51. If governments use Fund payments as described in the Guidance to establish a grant program to support businesses, would those funds be considered gross income taxable to a business receiving the grant under the Internal Revenue Code (Code)?

Please see the answer provided by the Internal Revenue Service (IRS) available at <https://www.irs.gov/newsroom/cares-act-coronavirus-relief-fund-frequently-asked-questions>.

52. If governments use Fund payments as described in the Guidance to establish a loan program to support businesses, would those funds be considered gross income taxable to a business receiving the loan under the Code?

Please see the answer provided by the IRS available at <https://www.irs.gov/newsroom/cares-act-coronavirus-relief-fund-frequently-asked-questions>.

53. May Fund recipients incur expenses associated with the safe reopening of schools?

Yes, payments from the Fund may be used to cover costs associated with providing distance learning (e.g., the cost of laptops to provide to students) or for in-person learning (e.g., the cost of acquiring personal protective equipment for students attending schools in-person or other costs associated with meeting Centers for Disease Control guidelines).

To this end, as an administrative convenience, Treasury will presume that expenses of up to \$500 per elementary and secondary school student to be eligible expenditures, such that schools do not need to document the specific use of funds up to that amount.

54. *May Fund recipients upgrade critical public health infrastructure, such as providing access to running water for individuals and families in rural and tribal areas to allow them to maintain proper hygiene and defend themselves against the virus?*

Yes, fund recipients may use payments from the Fund to upgrade public health infrastructure, such as providing individuals and families access to running water to help reduce the further spread of the virus. As required by the CARES Act, expenses associated with such upgrades must be incurred by December 30, 2020. Please see Treasury’s Guidance as updated on June 30 regarding when a cost is considered to be incurred for purposes of the requirement that expenses be incurred within the covered period.

55. *How does a government address the requirement that the allowable expenditures are not accounted for in the budget most recently approved as of March 27, 2020, once the government enters its new budget year on July 1, 2020 (for governments with June 30 fiscal year ends) or October 1, 2020 (for governments with September 30 year ends)?*

As provided in the Guidance, the “most recently approved” budget refers to the enacted budget for the relevant fiscal period for the particular government, without taking into account subsequent supplemental appropriations enacted or other budgetary adjustments made by that government in response to the COVID-19 public health emergency. A cost is not considered to have been accounted for in a budget merely because it could be met using a budgetary stabilization fund, rainy day fund, or similar reserve account.

Furthermore, the budget most recently approved as of March 27, 2020, provides the spending baseline against which expenditures should be compared for purposes of determining whether they may be covered using payments from the Fund. This spending baseline will carry forward to a subsequent budget year if a Fund recipient enters a different budget year between March 27, 2020 and December 30, 2020. The spending baseline may be carried forward without adjustment for inflation.

56. *Does the National Environmental Policy Act, 42 U.S.C. § 4321 et seq, (NEPA) apply to projects supported by payments from the Fund?*

NEPA does not apply to Treasury’s administration of the Fund. Projects supported with payments from the Fund may still be subject to NEPA review if they are also funded by other federal financial assistance programs.

B. Questions Related to Administration of Fund Payments

1. *Do governments have to return unspent funds to Treasury?*

Yes. Section 601(f)(2) of the Social Security Act, as added by section 5001(a) of the CARES Act, provides for recoupment by the Department of the Treasury of amounts received from the Fund that have not been used in a manner consistent with section 601(d) of the Social Security Act. If a government has not used funds it has received to cover costs that were incurred by December 30, 2020, as required by the statute, those funds must be returned to the Department of the Treasury.

2. *What records must be kept by governments receiving payment?*

A government should keep records sufficient to demonstrate that the amount of Fund payments to the government has been used in accordance with section 601(d) of the Social Security Act.

3. *May recipients deposit Fund payments into interest bearing accounts?*

Yes, provided that if recipients separately invest amounts received from the Fund, they must use the interest earned or other proceeds of these investments only to cover expenditures incurred in accordance with section 601(d) of the Social Security Act and the Guidance on eligible expenses. If a government deposits Fund payments in a government's general account, it may use those funds to meet immediate cash management needs provided that the full amount of the payment is used to cover necessary expenditures. Fund payments are not subject to the Cash Management Improvement Act of 1990, as amended.

4. *May governments retain assets purchased with payments from the Fund?*

Yes, if the purchase of the asset was consistent with the limitations on the eligible use of funds provided by section 601(d) of the Social Security Act.

5. *What rules apply to the proceeds of disposition or sale of assets acquired using payments from the Fund?*

If such assets are disposed of prior to December 30, 2020, the proceeds would be subject to the restrictions on the eligible use of payments from the Fund provided by section 601(d) of the Social Security Act.

6. *Are Fund payments to State, territorial, local, and tribal governments considered grants?*

No. Fund payments made by Treasury to State, territorial, local, and Tribal governments are not considered to be grants but are "other financial assistance" under 2 C.F.R. § 200.40.

7. *Are Fund payments considered federal financial assistance for purposes of the Single Audit Act?*

Yes, Fund payments are considered to be federal financial assistance subject to the Single Audit Act (31 U.S.C. §§ 7501-7507) and the related provisions of the Uniform Guidance, 2 C.F.R. § 200.303 regarding internal controls, §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.

8. *Are Fund payments subject to other requirements of the Uniform Guidance?*

Fund payments are subject to the following requirements in the Uniform Guidance (2 C.F.R. Part 200): 2 C.F.R. § 200.303 regarding internal controls, 2 C.F.R. §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.

9. *Is there a Catalog of Federal Domestic Assistance (CFDA) number assigned to the Fund?*

Yes. The CFDA number assigned to the Fund is 21.019.

10. *If a State transfers Fund payments to its political subdivisions, would the transferred funds count toward the subrecipients' total funding received from the federal government for purposes of the Single Audit Act?*

Yes. The Fund payments to subrecipients would count toward the threshold of the Single Audit Act and 2 C.F.R. part 200, subpart F re: audit requirements. Subrecipients are subject to a single audit or program-specific audit pursuant to 2 C.F.R. § 200.501(a) when the subrecipients spend \$750,000 or more in federal awards during their fiscal year.

11. *Are recipients permitted to use payments from the Fund to cover the expenses of an audit conducted under the Single Audit Act?*

Yes, such expenses would be eligible expenditures, subject to the limitations set forth in 2 C.F.R. § 200.425.

12. *If a government has transferred funds to another entity, from which entity would the Treasury Department seek to recoup the funds if they have not been used in a manner consistent with section 601(d) of the Social Security Act?*

The Treasury Department would seek to recoup the funds from the government that received the payment directly from the Treasury Department. State, territorial, local, and Tribal governments receiving funds from Treasury should ensure that funds transferred to other entities, whether pursuant to a grant program or otherwise, are used in accordance with section 601(d) of the Social Security Act as implemented in the Guidance.

Coronavirus Relief Fund
Guidance for State, Territorial, Local, and Tribal Governments
Updated September 2, 2020¹

The purpose of this document is to provide guidance to recipients of the funding available under section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”). The CARES Act established the Coronavirus Relief Fund (the “Fund”) and appropriated \$150 billion to the Fund. Under the CARES Act, the Fund is to be used to make payments for specified uses to States and certain local governments; the District of Columbia and U.S. Territories (consisting of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands); and Tribal governments.

The CARES Act provides that payments from the Fund may only be used to cover costs that—

1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and
3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.²

The guidance that follows sets forth the Department of the Treasury’s interpretation of these limitations on the permissible use of Fund payments.

Necessary expenditures incurred due to the public health emergency

The requirement that expenditures be incurred “due to” the public health emergency means that expenditures must be used for actions taken to respond to the public health emergency. These may include expenditures incurred to allow the State, territorial, local, or Tribal government to respond directly to the emergency, such as by addressing medical or public health needs, as well as expenditures incurred to respond to second-order effects of the emergency, such as by providing economic support to those suffering from employment or business interruptions due to COVID-19-related business closures.

Funds may not be used to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify under the statute. Although a broad range of uses is allowed, revenue replacement is not a permissible use of Fund payments.

The statute also specifies that expenditures using Fund payments must be “necessary.” The Department of the Treasury understands this term broadly to mean that the expenditure is reasonably necessary for its intended use in the reasonable judgment of the government officials responsible for spending Fund payments.

¹ On June 30, 2020, the guidance provided under “Costs incurred during the period that begins on March 1, 2020, and ends on December 30, 2020” was updated. On September 2, 2020, the “Supplemental Guidance on Use of Funds to Cover Payroll and Benefits of Public Employees” and “Supplemental Guidance on Use of Funds to Cover Administrative Costs” sections were added.

² See Section 601(d) of the Social Security Act, as added by section 5001 of the CARES Act.

Costs not accounted for in the budget most recently approved as of March 27, 2020

The CARES Act also requires that payments be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. A cost meets this requirement if either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget *or* (b) the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation.

The “most recently approved” budget refers to the enacted budget for the relevant fiscal period for the particular government, without taking into account subsequent supplemental appropriations enacted or other budgetary adjustments made by that government in response to the COVID-19 public health emergency. A cost is not considered to have been accounted for in a budget merely because it could be met using a budgetary stabilization fund, rainy day fund, or similar reserve account.

Costs incurred during the period that begins on March 1, 2020, and ends on December 30, 2020

Finally, the CARES Act provides that payments from the Fund may only be used to cover costs that were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020 (the “covered period”). Putting this requirement together with the other provisions discussed above, section 601(d) may be summarized as providing that a State, local, or tribal government may use payments from the Fund only to cover previously unbudgeted costs of necessary expenditures incurred due to the COVID-19 public health emergency during the covered period.

Initial guidance released on April 22, 2020, provided that the cost of an expenditure is incurred when the recipient has expended funds to cover the cost. Upon further consideration and informed by an understanding of State, local, and tribal government practices, Treasury is clarifying that for a cost to be considered to have been incurred, performance or delivery must occur during the covered period but payment of funds need not be made during that time (though it is generally expected that this will take place within 90 days of a cost being incurred). For instance, in the case of a lease of equipment or other property, irrespective of when payment occurs, the cost of a lease payment shall be considered to have been incurred for the period of the lease that is within the covered period but not otherwise. Furthermore, in all cases it must be necessary that performance or delivery take place during the covered period. Thus the cost of a good or service received during the covered period will not be considered eligible under section 601(d) if there is no need for receipt until after the covered period has expired.

Goods delivered in the covered period need not be used during the covered period in all cases. For example, the cost of a good that must be delivered in December in order to be available for use in January could be covered using payments from the Fund. Additionally, the cost of goods purchased in bulk and delivered during the covered period may be covered using payments from the Fund if a portion of the goods is ordered for use in the covered period, the bulk purchase is consistent with the recipient’s usual procurement policies and practices, and it is impractical to track and record when the items were used. A recipient may use payments from the Fund to purchase a durable good that is to be used during the current period and in subsequent periods if the acquisition in the covered period was necessary due to the public health emergency.

Given that it is not always possible to estimate with precision when a good or service will be needed, the touchstone in assessing the determination of need for a good or service during the covered period will be reasonableness at the time delivery or performance was sought, *e.g.*, the time of entry into a procurement contract specifying a time for delivery. Similarly, in recognition of the likelihood of supply chain disruptions and increased demand for certain goods and services during the COVID-19 public health emergency, if a recipient enters into a contract requiring the delivery of goods or performance of services by December 30, 2020, the failure of a vendor to complete delivery or services by December 30, 2020,

will not affect the ability of the recipient to use payments from the Fund to cover the cost of such goods or services if the delay is due to circumstances beyond the recipient's control.

This guidance applies in a like manner to costs of subrecipients. Thus, a grant or loan, for example, provided by a recipient using payments from the Fund must be used by the subrecipient only to purchase (or reimburse a purchase of) goods or services for which receipt both is needed within the covered period and occurs within the covered period. The direct recipient of payments from the Fund is ultimately responsible for compliance with this limitation on use of payments from the Fund.

Nonexclusive examples of eligible expenditures

Eligible expenditures include, but are not limited to, payment for:

1. Medical expenses such as:
 - COVID-19-related expenses of public hospitals, clinics, and similar facilities.
 - Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs.
 - Costs of providing COVID-19 testing, including serological testing.
 - Emergency medical response expenses, including emergency medical transportation, related to COVID-19.
 - Expenses for establishing and operating public telemedicine capabilities for COVID-19-related treatment.
2. Public health expenses such as:
 - Expenses for communication and enforcement by State, territorial, local, and Tribal governments of public health orders related to COVID-19.
 - Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency.
 - Expenses for disinfection of public areas and other facilities, *e.g.*, nursing homes, in response to the COVID-19 public health emergency.
 - Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety.
 - Expenses for public safety measures undertaken in response to COVID-19.
 - Expenses for quarantining individuals.
3. Payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

4. Expenses of actions to facilitate compliance with COVID-19-related public health measures, such as:
 - Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions.
 - Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions.
 - Expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions.
 - Expenses of providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions.
 - COVID-19-related expenses of maintaining state prisons and county jails, including as relates to sanitation and improvement of social distancing measures, to enable compliance with COVID-19 public health precautions.
 - Expenses for care for homeless populations provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions.
5. Expenses associated with the provision of economic support in connection with the COVID-19 public health emergency, such as:
 - Expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures.
 - Expenditures related to a State, territorial, local, or Tribal government payroll support program.
 - Unemployment insurance costs related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.
6. Any other COVID-19-related expenses reasonably necessary to the function of government that satisfy the Fund's eligibility criteria.

Nonexclusive examples of ineligible expenditures³

The following is a list of examples of costs that would not be eligible expenditures of payments from the Fund.

1. Expenses for the State share of Medicaid.⁴
2. Damages covered by insurance.
3. Payroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

³ In addition, pursuant to section 5001(b) of the CARES Act, payments from the Fund may not be expended for an elective abortion or on research in which a human embryo is destroyed, discarded, or knowingly subjected to risk of injury or death. The prohibition on payment for abortions does not apply to an abortion if the pregnancy is the result of an act of rape or incest; or in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed. Furthermore, no government which receives payments from the Fund may discriminate against a health care entity on the basis that the entity does not provide, pay for, provide coverage of, or refer for abortions.

⁴ See 42 C.F.R. § 433.51 and 45 C.F.R. § 75.306.

4. Expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds.
5. Reimbursement to donors for donated items or services.
6. Workforce bonuses other than hazard pay or overtime.
7. Severance pay.
8. Legal settlements.

Supplemental Guidance on Use of Funds to Cover Payroll and Benefits of Public Employees

As discussed in the Guidance above, the CARES Act provides that payments from the Fund must be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. As reflected in the Guidance and FAQs, Treasury has not interpreted this provision to limit eligible costs to those that are incremental increases above amounts previously budgeted. Rather, Treasury has interpreted this provision to exclude items that were already covered for their original use (or a substantially similar use). This guidance reflects the intent behind the Fund, which was not to provide general fiscal assistance to state governments but rather to assist them with COVID-19-related necessary expenditures. With respect to personnel expenses, though the Fund was not intended to be used to cover government payroll expenses generally, the Fund was intended to provide assistance to address increased expenses, such as the expense of hiring new personnel as needed to assist with the government's response to the public health emergency and to allow recipients facing budget pressures not to have to lay off or furlough employees who would be needed to assist with that purpose.

Substantially different use

As stated in the Guidance above, Treasury considers the requirement that payments from the Fund be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020, to be met if either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget *or* (b) the cost is for a *substantially different use* from any expected use of funds in such a line item, allotment, or allocation.

Treasury has provided examples as to what would constitute a substantially different use. Treasury provided (in FAQ A.3) that costs incurred for a substantially different use would include, for example, the costs of redeploying educational support staff or faculty to develop online learning capabilities, such as through providing information technology support that is not part of the staff or faculty's ordinary responsibilities.

Substantially dedicated

Within this category of substantially different uses, as stated in the Guidance above, Treasury has included payroll and benefits expenses for public safety, public health, health care, human services, and similar employees whose services are *substantially dedicated* to mitigating or responding to the COVID-19 public health emergency. The *full amount* of payroll and benefits expenses of substantially dedicated employees may be covered using payments from the Fund. Treasury has not developed a precise definition of what "substantially dedicated" means given that there is not a precise way to define this term

across different employment types. The relevant unit of government should maintain documentation of the “substantially dedicated” conclusion with respect to its employees.

If an employee is not substantially dedicated to mitigating or responding to the COVID-19 public health emergency, his or her payroll and benefits expenses may not be covered *in full* with payments from the Fund. A *portion* of such expenses may be able to be covered, however, as discussed below.

Public health and public safety

In recognition of the particular importance of public health and public safety workers to State, local, and tribal government responses to the public health emergency, Treasury has provided, as an administrative accommodation, that a State, local, or tribal government may presume that public health and public safety employees meet the substantially dedicated test, unless the chief executive (or equivalent) of the relevant government determines that specific circumstances indicate otherwise. This means that, if this presumption applies, work performed by such employees is considered to be a substantially different use than accounted for in the most recently approved budget as of March 27, 2020. All costs of such employees may be covered using payments from the Fund for services provided during the period that begins on March 1, 2020, and ends on December 30, 2020.

In response to questions regarding which employees are within the scope of this accommodation, Treasury is supplementing this guidance to clarify that public safety employees would include police officers (including state police officers), sheriffs and deputy sheriffs, firefighters, emergency medical responders, correctional and detention officers, and those who directly support such employees such as dispatchers and supervisory personnel. Public health employees would include employees involved in providing medical and other health services to patients and supervisory personnel, including medical staff assigned to schools, prisons, and other such institutions, and other support services essential for patient care (*e.g.*, laboratory technicians) as well as employees of public health departments directly engaged in matters related to public health and related supervisory personnel.

Not substantially dedicated

As provided in FAQ A.47, a State, local, or tribal government may also track time spent by employees related to COVID-19 and apply Fund payments on that basis but would need to do so consistently within the relevant agency or department. This means, for example, that a government could cover payroll expenses allocated on an hourly basis to employees’ time dedicated to mitigating or responding to the COVID-19 public health emergency. This result provides equitable treatment to governments that, for example, instead of having a few employees who are substantially dedicated to the public health emergency, have many employees who have a minority of their time dedicated to the public health emergency.

Covered benefits

Payroll and benefits of a substantially dedicated employee may be covered using payments from the Fund to the extent incurred between March 1 and December 30, 2020.

Payroll includes certain hazard pay and overtime, but not workforce bonuses. As discussed in FAQ A.29, hazard pay may be covered using payments from the Fund if it is provided for performing hazardous duty or work involving physical hardship that in each case is related to COVID-19. This means that, whereas payroll and benefits of an employee who is substantially dedicated to mitigating or responding to the COVID-19 public health emergency may generally be covered in full using payments from the Fund, hazard pay specifically may only be covered to the extent it is related to COVID-19. For example, a recipient may use payments from the Fund to cover hazard pay for a police officer coming in close

contact with members of the public to enforce public health or public safety orders, but across-the-board hazard pay for all members of a police department regardless of their duties would not be able to be covered with payments from the Fund. This position reflects the statutory intent discussed above: the Fund was intended to be used to help governments address the public health emergency both by providing funds for incremental expenses (such as hazard pay related to COVID-19) and to allow governments not to have to furlough or lay off employees needed to address the public health emergency but was not intended to provide across-the-board budget support (as would be the case if hazard pay regardless of its relation to COVID-19 or workforce bonuses were permitted to be covered using payments from the Fund).

Relatedly, both hazard pay and overtime pay for employees that are not substantially dedicated may only be covered using the Fund if the hazard pay and overtime pay is for COVID-19-related duties. As discussed above, governments may allocate payroll and benefits of such employees with respect to time worked on COVID-19-related matters.

Covered benefits include, but are not limited to, the costs of all types of leave (vacation, family-related, sick, military, bereavement, sabbatical, jury duty), employee insurance (health, life, dental, vision), retirement (pensions, 401(k)), unemployment benefit plans (federal and state), workers compensation insurance, and Federal Insurance Contributions Act (FICA) taxes (which includes Social Security and Medicare taxes).

Supplemental Guidance on Use of Funds to Cover Administrative Costs

General

Payments from the Fund are not administered as part of a traditional grant program and the provisions of the Uniform Guidance, 2 C.F.R. Part 200, that are applicable to indirect costs do not apply. Recipients may not apply their indirect costs rates to payments received from the Fund.

Recipients may, if they meet the conditions specified in the guidance for tracking time consistently across a department, use payments from the Fund to cover the portion of payroll and benefits of employees corresponding to time spent on administrative work necessary due to the COVID-19 public health emergency. (In other words, such costs would be eligible direct costs of the recipient). This includes, but is not limited to, costs related to disbursing payments from the Fund and managing new grant programs established using payments from the Fund.

As with any other costs to be covered using payments from the Fund, any such administrative costs must be incurred by December 30, 2020, with an exception for certain compliance costs as discussed below. Furthermore, as discussed in the Guidance above, as with any other cost, an administrative cost that has been or will be reimbursed under any federal program may not be covered with the Fund. For example, if an administrative cost is already being covered as a direct or indirect cost pursuant to another federal grant, the Fund may not be used to cover that cost.

Compliance costs related to the Fund

As previously stated in FAQ B.11, recipients are permitted to use payments from the Fund to cover the expenses of an audit conducted under the Single Audit Act, subject to the limitations set forth in 2 C.F.R. § 200.425. Pursuant to that provision of the Uniform Guidance, recipients and subrecipients subject to the Single Audit Act may use payments from the Fund to cover a reasonably proportionate share of the costs of audits attributable to the Fund.

To the extent a cost is incurred by December 30, 2020, for an eligible use consistent with section 601 of the Social Security Act and Treasury's guidance, a necessary administrative compliance expense that relates to such underlying cost may be incurred after December 30, 2020. Such an expense would include, for example, expenses incurred to comply with the Single Audit Act and reporting and recordkeeping requirements imposed by the Office of Inspector General. A recipient with such necessary administrative expenses, such as an ongoing audit continuing past December 30, 2020, that relates to Fund expenditures incurred during the covered period, must report to the Treasury Office of Inspector General by the quarter ending September 2021 an estimate of the amount of such necessary administrative expenses.

September 14, 2020

The Superintendent recommends that the School board at this time approve the use of the funds described below, and requests that Fredericksburg City Council completes the supplemental appropriation process.

Additional Grant Funds and Recovered Costs

FCPS has received one-time McKinney-Vento state funding under Title IX, Part A of the Elementary and Secondary Education Act.

Sources:

SPED Homebound Regional	O2446SHM	324246		\$ 12,180
				<u>\$ 12,180</u>

Uses:

Other Operating Supplies	O1100SEP	460140		\$ 12,180
				<u>\$ 12,180</u>

Title VI-B Special Education Annual Appropriation

Title 6B funds needs to be appropriated for the 2020-2021 school year.

Sources:

Title VI-B Special Education	G84027T6	384037	S0301	\$ 257,167
				<u>\$ 257,167</u>

Uses:

Teacher	G1100T6B	411210	S0301	\$ 149,910
FICA	G1100T6B	421000	S0301	9,456
VRS	G1100T6B	422100	S0301	25,315
Medical Insurance	G1100T6B	423100	S0301	18,894
Group Life Insurance	G1100T6B	424000	S0301	1,965
Education & Rec Supplies	G1100T6B	460130	S0301	51,627
				<u>\$ 257,167</u>

Title I, Title II, Title III, and Title IV Carryover Funds

FCPS has been awarded additional, closeout and carryover funds from the DOE. The original program appropriations provide for the potential carryover of these funds each year. These funds are to be expended in the 2020-2021 school year, and need to be appropriated for budget purposes.

Sources:

Title I/Chapter 1 84.013	G84103T1	384013	S0303	\$ 135,887
Title II/NCLB/Teacher Quality	G84367T2	384367	S0310	62,357
Title III LEP	G84365T3	384365	S0308	45,472
Title IV/NCLB ESSA Trnsfr 84.4	G84424T4	384424	S0311	94,255
				<u>\$ 337,971</u>

Uses:

Other Professional Services	G1100TT1	431600	S0303	\$ 112,226
Convention & Education	G1100TT1	455400	S0303	2,205
Education & Rec Supplies	G1100TT1	460130	S0303	21,456
Other Professional Services	G1100T2Q	431600	S0310	56,892
Convention & Education	G1100T2Q	455400	S0310	5,465
Other Professional Services	G1100TT3	431600	S0308	39,460
Convention & Education	G1100TT3	455400	S0308	1,361
Education & Rec Supplies	G1100TT3	460130	S0308	4,651
Other Professional Services	G1100TT4	431600	S0311	37,938
Convention & Education	G1100TT4	455400	S0311	10,288
Education & Rec Supplies	G1100TT4	460130	S0311	46,029
				<u>\$ 337,971</u>

CARES ESSER Act Allocation

FCPS has received a CARES Act allocation that needs to be appropriated for the 2020 - 2021 school year.

Sources:

CARES Act ESSER Allocation	G84425CA	384425	S0900	\$ 869,036
				<u>\$ 869,036</u>

Uses:

Supplemental Pay	G84425CA	416210	S0900	\$ 135,000
FICA Benefits	G84425CA	421000	S0900	10,328
Other Professional Services	G84425CA	431600	S0900	40,000
Other Operating Supplies	G84425CA	460140	S0900	683,708
				<u>\$ 869,036</u>

COVID-19 Donations

FCPS has received a donation of \$4,000 for Hugh Mercer Elementary School and the Mobile Food Program. The donation for HMES has already been deposited to the school's activity fund.

Sources:

Nutrition Donations	G1100NGD	318903	S0802	\$ 1,479
				<u>\$ 1,479</u>

Uses:

Other Operating Supplies	G1100NGD	460140	S0900	\$ 1,479
				<u>\$ 1,479</u>

COVID-19 Carryover Donations

FCPS received nutrition donations in the last fiscal year that will be spent in the 2020 - 2021 school year to support the mobile feeding program.

Sources:

Nutrition Donations	G1100NGD	318903	S0802	\$ 30,380
				<u>\$ 30,380</u>

Uses:

Other Operating Supplies	G1100NGD	460140	S0900	\$ 30,380
				<u>\$ 30,380</u>



MOTION: WITHERS

SECOND: DEVINE

RE: CARES Act Budget Amendment for Fiscal Year 2020

ACTION: APPROVED: Ayes 7; Nays 0

July 14, 2020
Regular Meeting
Resolution No. 20-56

FIRST READ: July 14, 2020

SECOND READ: July 14, 2020

The public health emergency related to the COVID-19 Pandemic has created an additional economic crisis as business activity is reduced throughout the Commonwealth. The CARES Act became law on March 27, 2020, and made various additional funds available to localities to assist in a wide range of responses to the public health crisis. The City Council wishes to appropriate federal funds from the CARES Act into a newly created separate fund, and wishes to amend the FY 2020 budget to do so.

In total, the City anticipates the need to appropriate a total of \$2,836,997 in CARES Act funds, which represent 2.8% of the adopted FY 2020 budget.¹ In compliance with the Code of Virginia §15.2-2507, the City published notice of this amendment on July 7, 2020.

Therefore, the City Council resolves that the CARES ACT COVID-19 RELIEF FUND (Fund 230) project budget for Fiscal Year 2020 shall be **\$2,836,997**. The full budget amounts are shown as follows, by federal source:

CARES ACT COVID-19 RELIEF FUND – General Federal Assistance

Revenues:

Federal Government	\$ 2,533,279
Total Revenues.....	\$ 2,533,279

Expenditures:

Business Assistance.....	\$ 500,000
Individual Assistance	\$ 200,000
Public Works, Parks & Public Facilities	\$ 475,000
Information Technology.....	\$ 330,000
Public Safety.....	\$ 750,000
HR & Administration.....	\$ 195,000
Contingency	\$ 83,279
Total Expenditures	\$ 2,533,279

CARES ACT COMMUNITY DEVELOPMENT BLOCK GRANT-CV

Revenues:

Federal Government	\$ 115,302
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¹ The revised FY 2020 budget represents \$100,174,000 in total General Fund spending commitments.

Total Revenues	\$ 115,302
Expenditures:	
Central Virginia Housing Authority	\$ 80,000
Fredericksburg Food Bank	\$ 20,302
Fredericksburg City Public Schools	\$ 15,000
Total Expenditures	\$ 115,302
 CARES ACT, 2020 HELP AMERICA VOTE ACT (HAVA) GRANTS	
Revenues:	
Federal Government	\$ 55,919
Total Revenues	\$ 55,919
 Expenditures:	
Voter Registrar	\$ 55,919
Total Expenditures	\$ 55,919
 CARES ACT RELIEF FUNDS - AMBULANCE TRANSPORT	
Revenues:	
Federal Government	\$ 38,839
Total Revenues	\$ 38,839
 Expenditures:	
Fire – EMS, COVID-19 related expenses.....	\$ 38,839
Total Expenditures	\$ 38,839
 CARES ACT DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS	
Revenues:	
Federal Government	\$ 93,658
Total Revenues	\$ 93,658
 Expenditures:	
Police, COVID-19 related expenses	\$ 93,658
Total Expenditures	\$ 93,658
 TOTAL, ALL CARES ACT SOURCES	 \$ 2,836,997

The annual appropriation in the sum of **\$2,836,997** for Fiscal Year 2020 be made from the CARES ACT COVID-19 RELIEF FUND (Fund 230) which monies are to be expended in accordance with law for purposes authorized and approved by the Fredericksburg City Council; and appropriations listed above shall take effect March 1st and will expire upon completion of the project, in accordance with federal guidelines.

The City Council further resolves that the City Manager is authorized to make line item changes within budget program totals and such changes shall be reported to the City Council by way of periodic

financial reports. The City Council further resolves that as of the close of Fiscal Year 2020, the City Manager is authorized to amend the Fiscal Year 2021 budget and appropriate the balance of any unexpended funds.

Votes:

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

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. 20-56, duly adopted at a meeting of the City Council meeting held July 14, 2020 at which a quorum was present and voted.



Tonya B. Lacey, MMC
Clerk of Council



COMMONWEALTH of VIRGINIA

Aubrey L. Layne, Jr., MBA, CPA
Secretary of Finance

P.O. Box 1475
Richmond, Virginia 23218

July 28, 2020

To: County and City Elected Officials

Delivered Via: Chief Executive Officer, Manager, or Administrator

From: Aubrey L. Layne, Jr.
Secretary of Finance

Subject: Second and Final Allocation of Federal Coronavirus Relief Funds

Overview

On May 12, 2020, I advised you of Governor Northam's decision to provide the first round of allocations to local governments from the federal Coronavirus Relief Fund (CRF) authorized pursuant to the federal *Coronavirus Aid, Relief, and Economic Security Act* (CARES Act). On June 1, 2020, each locality received its share of the first half, or fifty (50) percent, of the locally-based allocations (not including Fairfax County that received its funds directly).

While the federal CARES Act does not require that states distribute funding to local governments with populations less than 500,000 residents, the Governor recognizes that localities continue to experience the same COVID-19 related expenses as the Commonwealth.

Therefore, the Governor recently announced the second and final round to allocate the remaining fifty (50) percent of the locally-based allocations from the CRF to local governments. When completed, the state will have distributed 100 percent of the local allocations the Commonwealth received under the CARES Act providing a total of \$1.3 billion for local governments.

Just like the first round, the second round will be based on population. Consequently, the second round of allocations will be for the same amount that you received in the first round on June 1, 2020. In order to receive the second allocation, localities are required to submit a new certification form and complete an online survey regarding the use of the CRF funds.

As soon as these two documents are fully completed and submitted, the Department of Accounts will initiate the transfer of funds to the local Treasurer. Localities may expect to receive the transfer by the state Comptroller within five business days following confirmation of receipt of these completed documents.

Guidance

It is extremely important for you to know that all of the same conditions that existed for the first round of CRF allocations continue for the second round of allocations. To that end, I encourage you to refer to my May 12, 2020, memorandum and to the federal guidance and frequently asked questions located at: <https://home.treasury.gov/policy-issues/cares/state-and-local-governments>

This information is routinely updated and has been revised several times since my May 12, 2020, memorandum. Compliance with the federal guidance is your responsibility and failure to do so could result in disallowed expenses requiring you to repay the associated funds to the federal government. As stated previously, if you fail to repay any funds spent for nonqualifying expenses as required by the federal government, the state Comptroller will recover such amounts from future state payments to your locality via the State Aid Intercept Program.

In addition to the revised federal guidance, on July 2, 2020, the U.S. Treasury's Office of the Inspector General issued information related to reporting and audit requirements that had not been published at the time of my original communication to you. Information regarding the audit and reporting requirements can be found at the same link provided above. Further, the State Comptroller's office has subrecipient monitoring responsibilities that will necessitate evaluation and additional correspondence with localities regarding the use of funds.

As a reminder, the overarching federal guidance states that these funds must be used for qualifying expenses of state and local governments. Specifically, the CARES Act provides that payments from the CRF only may be used to cover costs that:

1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and
3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

The federal guidance continues to state that the CRF funds can be used only for the direct costs associated with the response to the COVID-19 pandemic and cannot be used to address revenue shortfalls. State and local government officials have requested that this restriction be lifted or that additional federal funds be provided to address the loss of state and local revenue. To date, no action has been taken by Congress to allow that flexibility or to provide funding for that purpose.

CRF funds should be considered "one time" monies and should not be used for ongoing services and/or base operations. Because the funds must be expended by December 30, localities are advised not to create services with expenses beyond that period. Any expenses beyond December 30, 2020, must be paid entirely by the locality from local funds.

Allocation of CRF Funds to Localities

The remaining fifty (50) percent of the locally-based allocations will be distributed to counties and cities by the Department of Accounts (DOA) after receipt from the locality of a new, signed certification form and after completion of a survey on the locality's actual and planned uses of the CRF funds. This distribution will be made to the local treasurer in the same manner that the first round of funds were distributed within five business days following receipt of the completed documents.

Each locality's allocation will be based on the proportion that the locality's population represents of the statewide total population. Appendix A reflects the population used by U.S. Treasury to allocate CRF funds to the states. This population data is the basis for determining the allocations to each locality.

This table also reflects each locality's share of the remaining distribution based on the population data displayed. Please note that the population data for each county includes the populations of the towns within its borders. Consequently, the allocation indicated for each county includes any allocations based on residents that live in the towns located within that county.

Requirements: Survey on the Use of Funds and Certifications

General

The amounts listed in Appendix A reflect the funds that will be transferred to each locality after:

1. completion of an online survey located at: (NOTE: *the link to this survey will be provided by separate communication later this week*), and
2. receipt of a certification form (Appendix D) from the locality signed by the chief executive officer, the chief financial officer (Treasurer), and the chief elected officer.

Before signing the certification, I recommend that you read and understand the federal guidance and the frequently asked questions contained in Appendix B and Appendix C, respectively. The most recent information on this guidance and the frequently asked questions can be obtained at: <https://home.treasury.gov/policy-issues/cares/state-and-local-governments>

Please note that the certification statement includes an acknowledgment that you may be required to return funds to the federal government if it is determined that those funds were spent for purposes that do not qualify. Since these funds are being provided to you "up front" rather than on a reimbursement basis, it is important for you to understand that the burden of ensuring that all CRF funds are spent for qualifying purposes falls to the local government.

You are responsible for maintaining all necessary documentation to ensure compliance with the federal requirements. The State Comptroller is responsible for all subrecipient monitoring and may require additional information in the future from each locality to address that responsibility.

If the federal government determines that you have used CRF funds for purposes that do not qualify, you must return those funds to the state promptly so that they may be returned to the federal government. As a condition of receiving CRF funds, you are agreeing that the state can use state aid intercept to recover any funds necessary for expenses that were not for a qualifying purpose or that were unexpended as of December 30, 2020.

For Counties Only

As previously stated, the population data for each county includes the populations of the towns within its borders. Consequently, the allocation indicated for each county includes any allocations based on residents that live in the towns located within that county.

Counties must ensure that an equitable share of the CRF funds it receives are shared with and granted to each town within its jurisdiction. Just as with the funds retained by the county, the funds granted to towns must be spent in accordance with the same requirements and the same documentation must be retained for audit purposes. The county issuing the grant is responsible for the ensuring compliance with each town's documentation requirements and must ensure that the use of the funds meets the requirements set forth by the federal government.

Completion of Survey

The Commonwealth has partnered with Accenture to create a survey to collect data on how each locality has used or plans to use its allocation of CRF funds. The survey instrument, which must be completed online, will be made available later this week by separate communication. This communication will include instructions regarding access to and completion of the survey. For questions about completion of the survey, please contact Jason Saunders, General Government Coordinator, Department of Planning and Budget, at jason.saunders@dpb.virginia.gov.

We are requesting that this survey be completed no later than **5:00pm, Monday, August 10, 2020**, so that we may provide a report on the use of the CRF by locality to the General Assembly when it convenes for a special session beginning on August 18, 2020. For surveys that are not received by this due date, this report will reflect that the survey results were not received from that locality by the requested due date. More importantly, the survey must be completed, along with submission of the certification form, in order to receive the second distribution of CRF funds.

Submission of Certification

The certification in Appendix D contains more specific details on the responsibilities of the local governing body. A fillable .pdf form can be downloaded from the Secretary of Finance's Website under "Recent News" at: <http://finance.virginia.gov/>

The signed certification form should be submitted no later than **August 10, 2020**, to the Department of Accounts in electronic or hard copy form:

By Email to: GACCT@DOA.Virginia.gov

By US Mail to: Department of Accounts
Attention: Local CRF Certification
PO Box 1971
Richmond, VA 23218-1971

If you have any questions regarding the appropriate use of CRF funds, please refer to the U.S. Treasury Website and guidance. For questions about this process, you may contact my office at (804) 786-1148. If you have technical questions about the certification form or the distribution of

County and City Elected Officials and Administrators

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the funds, please contact Melinda Pearson, Director, General Accounting, Department of Accounts, at melinda.pearson@doa.virginia.gov or by phone at 804-225-2376.

Appendix A – Local Allocations

Annual Estimates of the Resident Population for Counties in Virginia: as of July 1, 2019	Statewide Total = 8,535,519	% of Total ¹	Current Allocation Base ²= \$744,691,122
Locality	Population		
.Accomack County, Virginia	32,316	0.3786%	\$2,819,446
.Albemarle County, Virginia	109,330	1.2809%	\$9,538,621
.Alleghany County, Virginia	14,860	0.1741%	\$1,296,478
.Amelia County, Virginia	13,145	0.1540%	\$1,146,851
.Amherst County, Virginia	31,605	0.3703%	\$2,757,414
.Appomattox County, Virginia	15,911	0.1864%	\$1,388,173
.Arlington County, Virginia	236,842	2.7748%	\$20,663,551
.Augusta County, Virginia	75,558	0.8852%	\$6,592,144
.Bath County, Virginia	4,147	0.0486%	\$361,810
.Bedford County, Virginia	78,997	0.9255%	\$6,892,184
.Bland County, Virginia	6,280	0.0736%	\$547,906
.Botetourt County, Virginia	33,419	0.3915%	\$2,915,679
.Brunswick County, Virginia	16,231	0.1902%	\$1,416,092
.Buchanan County, Virginia	21,004	0.2461%	\$1,832,518
.Buckingham County, Virginia	17,148	0.2009%	\$1,496,097
.Campbell County, Virginia	54,885	0.6430%	\$4,788,505
.Caroline County, Virginia	30,725	0.3600%	\$2,680,638
.Carroll County, Virginia	29,791	0.3490%	\$2,599,150
.Charles City County, Virginia	6,963	0.0816%	\$607,495
.Charlotte County, Virginia	11,880	0.1392%	\$1,036,484
.Chesterfield County, Virginia	352,802	4.1333%	\$30,780,614
.Clarke County, Virginia	14,619	0.1713%	\$1,275,451
.Craig County, Virginia	5,131	0.0601%	\$447,660
.Culpeper County, Virginia	52,605	0.6163%	\$4,589,583
.Cumberland County, Virginia	9,932	0.1164%	\$866,529
.Dickenson County, Virginia	14,318	0.1677%	\$1,249,190
.Dinwiddie County, Virginia	28,544	0.3344%	\$2,490,354
.Essex County, Virginia	10,953	0.1283%	\$955,607
.Fairfax County, Virginia	1,147,532	13.4442%	N/A
.Fauquier County, Virginia	71,222	0.8344%	\$6,213,845
.Floyd County, Virginia	15,749	0.1845%	\$1,374,040
.Fluvanna County, Virginia	27,270	0.3195%	\$2,379,202
.Franklin County, Virginia	56,042	0.6566%	\$4,889,448
.Frederick County, Virginia	89,313	1.0464%	\$7,792,215
.Giles County, Virginia	16,720	0.1959%	\$1,458,756

Appendix A – Local Allocations

.Gloucester County, Virginia	37,348	0.4376%	\$3,258,469
.Goochland County, Virginia	23,753	0.2783%	\$2,072,358
.Grayson County, Virginia	15,550	0.1822%	\$1,356,678
.Greene County, Virginia	19,819	0.2322%	\$1,729,131
.Greensville County, Virginia	11,336	0.1328%	\$989,022
.Halifax County, Virginia	33,911	0.3973%	\$2,958,604
.Hanover County, Virginia	107,766	1.2626%	\$9,402,168
.Henrico County, Virginia	330,818	3.8758%	\$28,862,595
.Henry County, Virginia	50,557	0.5923%	\$4,410,903
.Highland County, Virginia	2,190	0.0257%	\$191,069
.Isle of Wight County, Virginia	37,109	0.4348%	\$3,237,617
.James City County, Virginia	76,523	0.8965%	\$6,676,337
.King and Queen County, Virginia	7,025	0.0823%	\$612,904
.King George County, Virginia	26,836	0.3144%	\$2,341,338
.King William County, Virginia	17,148	0.2009%	\$1,496,097
.Lancaster County, Virginia	10,603	0.1242%	\$925,071
.Lee County, Virginia	23,423	0.2744%	\$2,043,566
.Loudoun County, Virginia	413,538	4.8449%	\$36,079,596
.Louisa County, Virginia	37,591	0.4404%	\$3,279,670
.Lunenburg County, Virginia	12,196	0.1429%	\$1,064,054
.Madison County, Virginia	13,261	0.1554%	\$1,156,971
.Mathews County, Virginia	8,834	0.1035%	\$770,732
.Mecklenburg County, Virginia	30,587	0.3583%	\$2,668,598
.Middlesex County, Virginia	10,582	0.1240%	\$923,239
.Montgomery County, Virginia	98,535	1.1544%	\$8,596,799
.Nelson County, Virginia	14,930	0.1749%	\$1,302,585
.New Kent County, Virginia	23,091	0.2705%	\$2,014,601
.Northampton County, Virginia	11,710	0.1372%	\$1,021,652
.Northumberland County, Virginia	12,095	0.1417%	\$1,055,242
.Nottoway County, Virginia	15,232	0.1785%	\$1,328,933
.Orange County, Virginia	37,051	0.4341%	\$3,232,557
.Page County, Virginia	23,902	0.2800%	\$2,085,357
.Patrick County, Virginia	17,608	0.2063%	\$1,536,230
.Pittsylvania County, Virginia	60,354	0.7071%	\$5,265,654
.Powhatan County, Virginia	29,652	0.3474%	\$2,587,023
.Prince Edward County, Virginia	22,802	0.2671%	\$1,989,387
.Prince George County, Virginia	38,353	0.4493%	\$3,346,151
.Prince William County, Virginia	470,335	5.5103%	\$41,034,915
.Pulaski County, Virginia	34,027	0.3987%	\$2,968,725
.Rappahannock County, Virginia	7,370	0.0863%	\$643,004
.Richmond County, Virginia	9,023	0.1057%	\$787,222

Appendix A – Local Allocations

.Roanoke County, Virginia	94,186	1.1035%	\$8,217,365
.Rockbridge County, Virginia	22,573	0.2645%	\$1,969,407
.Rockingham County, Virginia	81,948	0.9601%	\$7,149,647
.Russell County, Virginia	26,586	0.3115%	\$2,319,526
.Scott County, Virginia	21,566	0.2527%	\$1,881,550
.Shenandoah County, Virginia	43,616	0.5110%	\$3,805,328
.Smyth County, Virginia	30,104	0.3527%	\$2,626,458
.Southampton County, Virginia	17,631	0.2066%	\$1,538,237
.Spotsylvania County, Virginia	136,215	1.5959%	\$11,884,234
.Stafford County, Virginia	152,882	1.7911%	\$13,338,365
.Surry County, Virginia	6,422	0.0752%	\$560,295
.Sussex County, Virginia	11,159	0.1307%	\$973,580
.Tazewell County, Virginia	40,595	0.4756%	\$3,541,757
.Warren County, Virginia	40,164	0.4706%	\$3,504,154
.Washington County, Virginia	53,740	0.6296%	\$4,688,608
.Westmoreland County, Virginia	18,015	0.2111%	\$1,571,739
.Wise County, Virginia	37,383	0.4380%	\$3,261,523
.Wythe County, Virginia	28,684	0.3361%	\$2,502,568
.York County, Virginia	68,280	0.8000%	\$5,957,167
.Alexandria city, Virginia	159,428	1.8678%	\$13,909,478
.Bristol city, Virginia	16,762	0.1964%	\$1,462,420
.Buena Vista city, Virginia	6,478	0.0759%	\$565,181
.Charlottesville city, Virginia	47,266	0.5538%	\$4,123,776
.Chesapeake city, Virginia	244,835	2.8684%	\$21,360,910
.Colonial Heights city, Virginia	17,370	0.2035%	\$1,515,466
.Covington city, Virginia	5,538	0.0649%	\$483,169
.Danville city, Virginia	40,044	0.4691%	\$3,493,685
.Emporia city, Virginia	5,346	0.0626%	\$466,418
.Fairfax city, Virginia	24,019	0.2814%	\$2,095,565
.Falls Church city, Virginia	14,617	0.1712%	\$1,275,277
.Franklin city, Virginia	7,967	0.0933%	\$695,090
.Fredericksburg city, Virginia	29,036	0.3402%	\$2,533,279
.Galax city, Virginia	6,347	0.0744%	\$553,751
.Hampton city, Virginia	134,510	1.5759%	\$11,735,479
.Harrisonburg city, Virginia	53,016	0.6211%	\$4,625,442
.Hopewell city, Virginia	22,529	0.2639%	\$1,965,568
.Lexington city, Virginia	7,446	0.0872%	\$649,635
.Lynchburg city, Virginia	82,168	0.9627%	\$7,168,841
.Manassas city, Virginia	41,085	0.4813%	\$3,584,508
.Manassas Park city, Virginia	17,478	0.2048%	\$1,524,888
.Martinsville city, Virginia	12,554	0.1471%	\$1,095,288

Appendix A – Local Allocations

.Newport News city, Virginia	179,225	2.0998%	\$15,636,690
.Norfolk city, Virginia	242,742	2.8439%	\$21,178,304
.Norton city, Virginia	3,981	0.0466%	\$347,327
.Petersburg city, Virginia	31,346	0.3672%	\$2,734,818
.Poquoson city, Virginia	12,271	0.1438%	\$1,070,597
.Portsmouth city, Virginia	94,398	1.1059%	\$8,235,862
.Radford city, Virginia	18,249	0.2138%	\$1,592,155
.Richmond city, Virginia	230,436	2.6997%	\$20,104,653
.Roanoke city, Virginia	99,143	1.1615%	\$8,649,844
.Salem city, Virginia	25,301	0.2964%	\$2,207,415
.Staunton city, Virginia	24,932	0.2921%	\$2,175,221
.Suffolk city, Virginia	92,108	1.0791%	\$8,036,068
.Virginia Beach city, Virginia	449,974	5.2718%	\$39,258,497
.Waynesboro city, Virginia	22,630	0.2651%	\$1,974,380
.Williamsburg city, Virginia	14,954	0.1752%	\$1,304,679
.Winchester city, Virginia	28,078	0.3290%	\$2,449,697
Total Funds Distributed (excludes Fairfax County)			\$644,573,383
Source: U.S. Census Bureau, Population Division			
Release Date: March 2020			

¹ **Note:** Percentages are displayed as rounded numbers, however, the distributions are calculated using the full values.

² **Note:** The total allocation base includes Fairfax County in order to correctly calculate the allocation for the remaining localities.

Appendix B: Coronavirus Relief Fund – Guidance from U.S. Treasury

Guidance for State, Territorial, Local, and Tribal Governments Updated June 30, 2020¹

The purpose of this document is to provide guidance to recipients of the funding available under section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”). The CARES Act established the Coronavirus Relief Fund (the “Fund”) and appropriated \$150 billion to the Fund. Under the CARES Act, the Fund is to be used to make payments for specified uses to States and certain local governments; the District of Columbia and U.S. Territories (consisting of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands); and Tribal governments.

The CARES Act provides that payments from the Fund may only be used to cover costs that—

1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and
3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.²

The guidance that follows sets forth the Department of the Treasury’s interpretation of these limitations on the permissible use of Fund payments.

Necessary expenditures incurred due to the public health emergency

The requirement that expenditures be incurred “due to” the public health emergency means that expenditures must be used for actions taken to respond to the public health emergency. These may include expenditures incurred to allow the State, territorial, local, or Tribal government to respond directly to the emergency, such as by addressing medical or public health needs, as well as expenditures incurred to respond to second-order effects of the emergency, such as by providing economic support to those suffering from employment or business interruptions due to COVID-19-related business closures.

Funds may not be used to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify under the statute. Although a broad range of uses is allowed, revenue replacement is not a permissible use of Fund payments.

The statute also specifies that expenditures using Fund payments must be “necessary.” The Department of the Treasury understands this term broadly to mean that the expenditure is reasonably necessary for its intended use in the reasonable judgment of the government officials responsible for spending Fund payments.

Costs not accounted for in the budget most recently approved as of March 27, 2020

The CARES Act also requires that payments be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. A cost meets this requirement if either (a) the

¹ This version updates the guidance provided under “Costs incurred during the period that begins on March 1, 2020, and ends on December 30, 2020”.

² See Section 601(d) of the Social Security Act, as added by section 5001 of the CARES Act.

Appendix B: Coronavirus Relief Fund – Guidance from U.S. Treasury

cost cannot lawfully be funded using a line item, allotment, or allocation within that budget *or* (b) the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation.

The “most recently approved” budget refers to the enacted budget for the relevant fiscal period for the particular government, without taking into account subsequent supplemental appropriations enacted or other budgetary adjustments made by that government in response to the COVID-19 public health emergency. A cost is not considered to have been accounted for in a budget merely because it could be met using a budgetary stabilization fund, rainy day fund, or similar reserve account.

Costs incurred during the period that begins on March 1, 2020, and ends on December 30, 2020

Finally, the CARES Act provides that payments from the Fund may only be used to cover costs that were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020 (the “covered period”). Putting this requirement together with the other provisions discussed above, section 601(d) may be summarized as providing that a State, local, or tribal government may use payments from the Fund only to cover previously unbudgeted costs of necessary expenditures incurred due to the COVID-19 public health emergency during the covered period.

Initial guidance released on April 22, 2020, provided that the cost of an expenditure is incurred when the recipient has expended funds to cover the cost. Upon further consideration and informed by an understanding of State, local, and tribal government practices, Treasury is clarifying that for a cost to be considered to have been incurred, performance or delivery must occur during the covered period but payment of funds need not be made during that time (though it is generally expected that this will take place within 90 days of a cost being incurred). For instance, in the case of a lease of equipment or other property, irrespective of when payment occurs, the cost of a lease payment shall be considered to have been incurred for the period of the lease that is within the covered period, but not otherwise.

Furthermore, in all cases it must be necessary that performance or delivery take place during the covered period. Thus the cost of a good or service received during the covered period will not be considered eligible under section 601(d) if there is no need for receipt until after the covered period has expired.

Goods delivered in the covered period need not be used during the covered period in all cases. For example, the cost of a good that must be delivered in December in order to be available for use in January could be covered using payments from the Fund. Additionally, the cost of goods purchased in bulk and delivered during the covered period may be covered using payments from the Fund if a portion of the goods is ordered for use in the covered period, the bulk purchase is consistent with the recipient’s usual procurement policies and practices, and it is impractical to track and record when the items were used. A recipient may use payments from the Fund to purchase a durable good that is to be used during the current period and in subsequent periods if the acquisition in the covered period was necessary due to the public health emergency.

Given that it is not always possible to estimate with precision when a good or service will be needed, the touchstone in assessing the determination of need for a good or service during the covered period will be reasonableness at the time delivery or performance was sought, *e.g.*, the time of entry into a procurement contract specifying a time for delivery. Similarly, in recognition of the likelihood of supply chain disruptions and increased demand for certain goods and services during the COVID-19 public health emergency, if a recipient enters into a contract requiring the delivery of goods or performance of services by December 30, 2020, the failure of a vendor to complete delivery or services by December 30, 2020, will not affect the ability of the recipient to use payments from the Fund to cover the cost of such goods or services if the delay is due to circumstances beyond the recipient’s control.

Appendix B: Coronavirus Relief Fund – Guidance from U.S. Treasury

This guidance applies in a like manner to costs of subrecipients. Thus, a grant or loan, for example, provided by a recipient using payments from the Fund must be used by the subrecipient only to purchase (or reimburse a purchase of) goods or services for which receipt both is needed within the covered period and occurs within the covered period. The direct recipient of payments from the Fund is ultimately responsible for compliance with this limitation on use of payments from the Fund.

Nonexclusive examples of eligible expenditures

Eligible expenditures include, but are not limited to, payment for:

1. Medical expenses such as:
 - COVID-19-related expenses of public hospitals, clinics, and similar facilities.
 - Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs.
 - Costs of providing COVID-19 testing, including serological testing.
 - Emergency medical response expenses, including emergency medical transportation, related to COVID-19.
 - Expenses for establishing and operating public telemedicine capabilities for COVID-19-related treatment.
2. Public health expenses such as:
 - Expenses for communication and enforcement by State, territorial, local, and Tribal governments of public health orders related to COVID-19.
 - Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency.
 - Expenses for disinfection of public areas and other facilities, *e.g.*, nursing homes, in response to the COVID-19 public health emergency.
 - Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety.
 - Expenses for public safety measures undertaken in response to COVID-19.
 - Expenses for quarantining individuals.
3. Payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.
4. Expenses of actions to facilitate compliance with COVID-19-related public health measures, such as:
 - Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions.
 - Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions.
 - Expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions.

Appendix B: Coronavirus Relief Fund – Guidance from U.S. Treasury

- Expenses of providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions.
 - COVID-19-related expenses of maintaining state prisons and county jails, including as relates to sanitation and improvement of social distancing measures, to enable compliance with COVID-19 public health precautions.
 - Expenses for care for homeless populations provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions.
5. Expenses associated with the provision of economic support in connection with the COVID-19 public health emergency, such as:
 - Expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures.
 - Expenditures related to a State, territorial, local, or Tribal government payroll support program.
 - Unemployment insurance costs related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.
 6. Any other COVID-19-related expenses reasonably necessary to the function of government that satisfy the Fund’s eligibility criteria.

*Nonexclusive examples of ineligible expenditures*³

The following is a list of examples of costs that would *not* be eligible expenditures of payments from the Fund.

1. Expenses for the State share of Medicaid.⁴
2. Damages covered by insurance.
3. Payroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.
4. Expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds.
5. Reimbursement to donors for donated items or services.
6. Workforce bonuses other than hazard pay or overtime.
7. Severance pay.
8. Legal settlements.

³ In addition, pursuant to section 5001(b) of the CARES Act, payments from the Fund may not be expended for an elective abortion or on research in which a human embryo is destroyed, discarded, or knowingly subjected to risk of injury or death. The prohibition on payment for abortions does not apply to an abortion if the pregnancy is the result of an act of rape or incest; or in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

Furthermore, no government which receives payments from the Fund may discriminate against a health care entity on the basis that the entity does not provide, pay for, provide coverage of, or refer for abortions.

⁴ See 42 C.F.R. § 433.51 and 45 C.F.R. § 75.306.

Appendix C: Coronavirus Relief Fund – Frequently Asked Questions

The content below was provided by the U.S. Department of the Treasury.

Coronavirus Relief Fund Frequently Asked Questions Updated as of July 8, 2020

The following answers to frequently asked questions supplement Treasury’s Coronavirus Relief Fund (“Fund”) Guidance for State, Territorial, Local, and Tribal Governments, dated April 22, 2020, (“Guidance”).¹ Amounts paid from the Fund are subject to the restrictions outlined in the Guidance and set forth in section 601(d) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”).

Eligible Expenditures

Are governments required to submit proposed expenditures to Treasury for approval?

No. Governments are responsible for making determinations as to what expenditures are necessary due to the public health emergency with respect to COVID-19 and do not need to submit any proposed expenditures to Treasury.

The Guidance says that funding can be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. How does a government determine whether payroll expenses for a given employee satisfy the “substantially dedicated” condition?

The Fund is designed to provide ready funding to address unforeseen financial needs and risks created by the COVID-19 public health emergency. For this reason, and as a matter of administrative convenience in light of the emergency nature of this program, a State, territorial, local, or Tribal government may presume that payroll costs for public health and public safety employees are payments for services substantially dedicated to mitigating or responding to the COVID-19 public health emergency, unless the chief executive (or equivalent) of the relevant government determines that specific circumstances indicate otherwise.

The Guidance says that a cost was not accounted for in the most recently approved budget if the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation. What would qualify as a “substantially different use” for purposes of the Fund eligibility?

Costs incurred for a “substantially different use” include, but are not necessarily limited to, costs of personnel and services that were budgeted for in the most recently approved budget but which, due entirely to the COVID-19 public health emergency, have been diverted to substantially different functions. This would include, for example, the costs of redeploying corrections facility staff to enable compliance with COVID-19 public health precautions through work such as enhanced sanitation or enforcing social distancing measures; the costs of redeploying police to support management and enforcement of stay-at-home orders; or the costs of diverting educational support staff or faculty to develop online learning capabilities, such as through providing information technology support that is not part of the staff or faculty’s ordinary responsibilities.

Note that a public function does not become a “substantially different use” merely because it is provided from a different location or through a different manner. For example, although developing online instruction capabilities may be a substantially different use of funds, online instruction itself is not a substantially different use of public funds than classroom instruction.

¹ The Guidance is available at <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf>.

Appendix C: Coronavirus Relief Fund – Frequently Asked Questions

May a State receiving a payment transfer funds to a local government?

Yes, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act. Such funds would be subject to recoupment by the Treasury Department if they have not been used in a manner consistent with section 601(d) of the Social Security Act.

May a unit of local government receiving a Fund payment transfer funds to another unit of government?

Yes. For example, a county may transfer funds to a city, town, or school district within the county and a county or city may transfer funds to its State, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, a transfer from a county to a constituent city would not be permissible if the funds were intended to be used simply to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify as an eligible expenditure.

Is a Fund payment recipient required to transfer funds to a smaller, constituent unit of government within its borders?

No. For example, a county recipient is not required to transfer funds to smaller cities within the county's borders.

Are recipients required to use other federal funds or seek reimbursement under other federal programs before using Fund payments to satisfy eligible expenses?

No. Recipients may use Fund payments for any expenses eligible under section 601(d) of the Social Security Act outlined in the Guidance. Fund payments are not required to be used as the source of funding of last resort. However, as noted below, recipients may not use payments from the Fund to cover expenditures for which they will receive reimbursement.

Are there prohibitions on combining a transaction supported with Fund payments with other CARES Act funding or COVID-19 relief Federal funding?

Recipients will need to consider the applicable restrictions and limitations of such other sources of funding. In addition, expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds, are not eligible uses of Fund payments.

Are States permitted to use Fund payments to support state unemployment insurance funds generally?

To the extent that the costs incurred by a state unemployment insurance fund are incurred due to the COVID-19 public health emergency, a State may use Fund payments to make payments to its respective state unemployment insurance fund, separate and apart from such State's obligation to the unemployment insurance fund as an employer. This will permit States to use Fund payments to prevent expenses related to the public health emergency from causing their state unemployment insurance funds to become insolvent.

Appendix C: Coronavirus Relief Fund – Frequently Asked Questions

Are recipients permitted to use Fund payments to pay for unemployment insurance costs incurred by the recipient as an employer?

Yes, Fund payments may be used for unemployment insurance costs incurred by the recipient as an employer (for example, as a reimbursing employer) related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.

The Guidance states that the Fund may support a “broad range of uses” including payroll expenses for several classes of employees whose services are “substantially dedicated to mitigating or responding to the COVID-19 public health emergency.” What are some examples of types of covered employees?

The Guidance provides examples of broad classes of employees whose payroll expenses would be eligible expenses under the Fund. These classes of employees include public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. Payroll and benefit costs associated with public employees who could have been furloughed or otherwise laid off but who were instead repurposed to perform previously unbudgeted functions substantially dedicated to mitigating or responding to the COVID-19 public health emergency are also covered. Other eligible expenditures include payroll and benefit costs of educational support staff or faculty responsible for developing online learning capabilities necessary to continue educational instruction in response to COVID-19-related school closures. Please see the Guidance for a discussion of what is meant by an expense that was not accounted for in the budget most recently approved as of March 27, 2020.

In some cases, first responders and critical health care workers that contract COVID-19 are eligible for workers’ compensation coverage. Is the cost of this expanded workers compensation coverage eligible?

Increased workers compensation cost to the government due to the COVID-19 public health emergency incurred during the period beginning March 1, 2020, and ending December 30, 2020, is an eligible expense.

If a recipient would have decommissioned equipment or not renewed a lease on particular office space or equipment but decides to continue to use the equipment or to renew the lease in order to respond to the public health emergency, are the costs associated with continuing to operate the equipment or the ongoing lease payments eligible expenses?

Yes. To the extent the expenses were previously unbudgeted and are otherwise consistent with section 601(d) of the Social Security Act outlined in the Guidance, such expenses would be eligible.

May recipients provide stipends to employees for eligible expenses (for example, a stipend to employees to improve telework capabilities) rather than require employees to incur the eligible cost and submit for reimbursement?

Expenditures paid for with payments from the Fund must be limited to those that are necessary due to the public health emergency. As such, unless the government were to determine that providing assistance in the form of a stipend is an administrative necessity, the government should provide such assistance on a reimbursement basis to ensure as much as possible that funds are used to cover only eligible expenses.

Appendix C: Coronavirus Relief Fund – Frequently Asked Questions

May Fund payments be used for COVID-19 public health emergency recovery planning?

Yes. Expenses associated with conducting a recovery planning project or operating a recovery coordination office would be eligible, if the expenses otherwise meet the criteria set forth in section 601(d) of the Social Security Act outlined in the Guidance.

Are expenses associated with contact tracing eligible?

Yes, expenses associated with contract tracing are eligible.

To what extent may a government use Fund payments to support the operations of private hospitals?

Governments may use Fund payments to support public or private hospitals to the extent that the costs are necessary expenditures incurred due to the COVID-19 public health emergency, but the form such assistance would take may differ. In particular, financial assistance to private hospitals could take the form of a grant or a short-term loan.

May payments from the Fund be used to assist individuals with enrolling in a government benefit program for those who have been laid off due to COVID-19 and thereby lost health insurance?

Yes. To the extent that the relevant government official determines that these expenses are necessary and they meet the other requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance, these expenses are eligible.

May recipients use Fund payments to facilitate livestock depopulation incurred by producers due to supply chain disruptions?

Yes, to the extent these efforts are deemed necessary for public health reasons or as a form of economic support as a result of the COVID-19 health emergency.

Would providing a consumer grant program to prevent eviction and assist in preventing homelessness be considered an eligible expense?

Yes, assuming that the recipient considers the grants to be a necessary expense incurred due to the COVID-19 public health emergency and the grants meet the other requirements for the use of Fund payments under section 601(d) of the Social Security Act outlined in the Guidance. As a general matter, providing assistance to recipients to enable them to meet property tax requirements would not be an eligible use of funds, but exceptions may be made in the case of assistance designed to prevent foreclosures.

May recipients create a “payroll support program” for public employees?

Use of payments from the Fund to cover payroll or benefits expenses of public employees are limited to those employees whose work duties are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

May recipients use Fund payments to cover employment and training programs for employees that have been furloughed due to the public health emergency?

Yes, this would be an eligible expense if the government determined that the costs of such employment and training programs would be necessary due to the public health emergency.

Appendix C: Coronavirus Relief Fund – Frequently Asked Questions

May recipients use Fund payments to provide emergency financial assistance to individuals and families directly impacted by a loss of income due to the COVID-19 public health emergency?

Yes, if a government determines such assistance to be a necessary expenditure. Such assistance could include, for example, a program to assist individuals with payment of overdue rent or mortgage payments to avoid eviction or foreclosure or unforeseen financial costs for funerals and other emergency individual needs. Such assistance should be structured in a manner to ensure as much as possible, within the realm of what is administratively feasible, that such assistance is necessary.

The Guidance provides that eligible expenditures may include expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. What is meant by a “small business,” and is the Guidance intended to refer only to expenditures to cover administrative expenses of such a grant program?

Governments have discretion to determine what payments are necessary. A program that is aimed at assisting small businesses with the costs of business interruption caused by required closures should be tailored to assist those businesses in need of such assistance. The amount of a grant to a small business to reimburse the costs of business interruption caused by required closures would also be an eligible expenditure under section 601(d) of the Social Security Act, as outlined in the Guidance.

The Guidance provides that expenses associated with the provision of economic support in connection with the public health emergency, such as expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures, would constitute eligible expenditures of Fund payments. Would such expenditures be eligible in the absence of a stay-at-home order?

Fund payments may be used for economic support in the absence of a stay-at-home order if such expenditures are determined by the government to be necessary. This may include, for example, a grant program to benefit small businesses that close voluntarily to promote social distancing measures or that are affected by decreased customer demand as a result of the COVID-19 public health emergency.

May Fund payments be used to assist impacted property owners with the payment of their property taxes?

Fund payments may not be used for government revenue replacement, including the provision of assistance to meet tax obligations.

May Fund payments be used to replace foregone utility fees? If not, can Fund payments be used as a direct subsidy payment to all utility account holders?

Fund payments may not be used for government revenue replacement, including the replacement of unpaid utility fees. Fund payments may be used for subsidy payments to electricity account holders to the extent that the subsidy payments are deemed by the recipient to be necessary expenditures incurred due to the COVID-19 public health emergency and meet the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, if determined to be a necessary expenditure, a government could provide grants to individuals facing economic hardship to allow them to pay their utility fees and thereby continue to receive essential services.

Appendix C: Coronavirus Relief Fund – Frequently Asked Questions

Could Fund payments be used for capital improvement projects that broadly provide potential economic development in a community?

In general, no. If capital improvement projects are not necessary expenditures incurred due to the COVID-19 public health emergency, then Fund payments may not be used for such projects.

However, Fund payments may be used for the expenses of, for example, establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity or improve mitigation measures, including related construction costs.

The Guidance includes workforce bonuses as an example of ineligible expenses but provides that hazard pay would be eligible if otherwise determined to be a necessary expense. Is there a specific definition of “hazard pay”?

Hazard pay means additional pay for performing hazardous duty or work involving physical hardship, in each case that is related to COVID-19.

The Guidance provides that ineligible expenditures include “[p]ayroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.” Is this intended to relate only to public employees?

Yes. This particular nonexclusive example of an ineligible expenditure relates to public employees. A recipient would not be permitted to pay for payroll or benefit expenses of private employees and any financial assistance (such as grants or short-term loans) to private employers are not subject to the restriction that the private employers’ employees must be substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

May counties pre-pay with CARES Act funds for expenses such as a one or two-year facility lease, such as to house staff hired in response to COVID-19?

A government should not make prepayments on contracts using payments from the Fund to the extent that doing so would not be consistent with its ordinary course policies and procedures.

Must a stay-at-home order or other public health mandate be in effect in order for a government to provide assistance to small businesses using payments from the Fund?

No. The Guidance provides, as an example of an eligible use of payments from the Fund, expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. Such assistance may be provided using amounts received from the Fund in the absence of a requirement to close businesses if the relevant government determines that such expenditures are necessary in response to the public health emergency.

Appendix C: Coronavirus Relief Fund – Frequently Asked Questions

Should States receiving a payment transfer funds to local governments that did not receive payments directly from Treasury?

Yes, provided that the transferred funds are used by the local government for eligible expenditures under the statute. To facilitate prompt distribution of Title V funds, the CARES Act authorized Treasury to make direct payments to local governments with populations in excess of 500,000, in amounts equal to 45% of the local government's per capita share of the statewide allocation. This statutory structure was based on a recognition that it is more administratively feasible to rely on States, rather than the federal government, to manage the transfer of funds to smaller local governments. Consistent with the needs of all local governments for funding to address the public health emergency, States should transfer funds to local governments with populations of 500,000 or less, using as a benchmark the per capita allocation formula that governs payments to larger local governments. This approach will ensure equitable treatment among local governments of all sizes.

For example, a State received the minimum \$1.25 billion allocation and had one county with a population over 500,000 that received \$250 million directly. The State should distribute 45 percent of the \$1 billion it received, or \$450 million, to local governments within the State with a population of 500,000 or less.

May a State impose restrictions on transfers of funds to local governments?

Yes, to the extent that the restrictions facilitate the State's compliance with the requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance and other applicable requirements such as the Single Audit Act, discussed below. Other restrictions are not permissible.

If a recipient must issue tax anticipation notes (TANs) to make up for tax due date deferrals or revenue shortfalls, are the expenses associated with the issuance eligible uses of Fund payments?

If a government determines that the issuance of TANs is necessary due to the COVID-19 public health emergency, the government may expend payments from the Fund on the interest expense payable on TANs by the borrower and unbudgeted administrative and transactional costs, such as necessary payments to advisors and underwriters, associated with the issuance of the TANs.

May recipients use Fund payments to expand rural broadband capacity to assist with distance learning and telework?

Such expenditures would only be permissible if they are necessary for the public health emergency. The cost of projects that would not be expected to increase capacity to a significant extent until the need for distance learning and telework have passed due to this public health emergency would not be necessary due to the public health emergency and thus would not be eligible uses of Fund payments.

Are costs associated with increased solid waste capacity an eligible use of payments from the Fund?

Yes, costs to address increase in solid waste as a result of the public health emergency, such as relates to the disposal of used personal protective equipment, would be an eligible expenditure.

May payments from the Fund be used to cover across-the-board hazard pay for employees working during a state of emergency?

No. The Guidance says that funding may be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. Hazard pay is a form of payroll expense and is subject to this limitation, so Fund payments may only be used to cover hazard pay for such individuals.

Appendix C: Coronavirus Relief Fund – Frequently Asked Questions

May Fund payments be used for expenditures related to the administration of Fund payments by a State, territorial, local, or Tribal government?

Yes, if the administrative expenses represent an increase over previously budgeted amounts and are limited to what is necessary. For example, a State may expend Fund payments on necessary administrative expenses incurred with respect to a new grant program established to disburse amounts received from the Fund.

May recipients use Fund payments to provide loans?

Yes, if the loans otherwise qualify as eligible expenditures under section 601(d) of the Social Security Act as implemented by the Guidance. Any amounts repaid by the borrower before December 30, 2020, must be either returned to Treasury upon receipt by the unit of government providing the loan or used for another expense that qualifies as an eligible expenditure under section 601(d) of the Social Security Act. Any amounts not repaid by the borrower until after December 30, 2020, must be returned to Treasury upon receipt by the unit of government lending the funds.

May Fund payments be used for expenditures necessary to prepare for a future COVID-19 outbreak?

Fund payments may be used only for expenditures necessary to address the current COVID-19 public health emergency. For example, a State may spend Fund payments to create a reserve of personal protective equipment or develop increased intensive care unit capacity to support regions in its jurisdiction not yet affected, but likely to be impacted by the current COVID-19 pandemic.

May funds be used to satisfy non-federal matching requirements under the Stafford Act?

Yes, payments from the Fund may be used to meet the non-federal matching requirements for Stafford Act assistance to the extent such matching requirements entail COVID-19-related costs that otherwise satisfy the Fund's eligibility criteria and the Stafford Act. Regardless of the use of Fund payments for such purposes, FEMA funding is still dependent on FEMA's determination of eligibility under the Stafford Act.

Must a State, local, or tribal government require applications to be submitted by businesses or individuals before providing assistance using payments from the Fund?

Governments have discretion to determine how to tailor assistance programs they establish in response to the COVID-19 public health emergency. However, such a program should be structured in such a manner as will ensure that such assistance is determined to be necessary in response to the COVID-19 public health emergency and otherwise satisfies the requirements of the CARES Act and other applicable law. For example, a per capita payment to residents of a particular jurisdiction without an assessment of individual need would not be an appropriate use of payments from the Fund.

May Fund payments be provided to non-profits for distribution to individuals in need of financial assistance, such as rent relief?

Yes, non-profits may be used to distribute assistance. Regardless of how the assistance is structured, the financial assistance provided would have to be related to COVID-19.

May recipients use Fund payments to remarket the recipient's convention facilities and tourism industry?

Yes, if the costs of such remarketing satisfy the requirements of the CARES Act. Expenses incurred to publicize the resumption of activities and steps taken to ensure a safe experience may be needed due to

Appendix C: Coronavirus Relief Fund – Frequently Asked Questions

the public health emergency. Expenses related to developing a long-term plan to reposition a recipient's convention and tourism industry and infrastructure would not be incurred due to the public health emergency and therefore may not be covered using payments from the Fund.

May a State provide assistance to farmers and meat processors to expand capacity, such to cover overtime for USDA meat inspectors?

If a State determines that expanding meat processing capacity, including by paying overtime to USDA meat inspectors, is a necessary expense incurred due to the public health emergency, such as if increased capacity is necessary to allow farmers and processors to donate meat to food banks, then such expenses are eligible expenses, provided that the expenses satisfy the other requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance.

The guidance provides that funding may be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. May Fund payments be used to cover such an employee's entire payroll cost or just the portion of time spent on mitigating or responding to the COVID-19 public health emergency?

As a matter of administrative convenience, the entire payroll cost of an employee whose time is substantially dedicated to mitigating or responding to the COVID-19 public health emergency is eligible, provided that such payroll costs are incurred by December 30, 2020. An employer may also track time spent by employees related to COVID-19 and apply Fund payments on that basis but would need to do so consistently within the relevant agency or department.

May Fund payments be used to cover increased administrative leave costs of public employees who could not telework in the event of a stay at home order or a case of COVID-19 in the workplace?

The statute requires that payments be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. As stated in the Guidance, a cost meets this requirement if either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget or (b) the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation. If the cost of an employee was allocated to administrative leave to a greater extent than was expected, the cost of such administrative leave may be covered using payments from the Fund.

Questions Related to Administration of Fund Payments

Do governments have to return unspent funds to Treasury?

Yes. Section 601(f)(2) of the Social Security Act, as added by section 5001(a) of the CARES Act, provides for recoupment by the Department of the Treasury of amounts received from the Fund that have not been used in a manner consistent with section 601(d) of the Social Security Act. If a government has not used funds it has received to cover costs that were incurred by December 30, 2020, as required by the statute, those funds must be returned to the Department of the Treasury.

Appendix C: Coronavirus Relief Fund – Frequently Asked Questions

What records must be kept by governments receiving payment?

A government should keep records sufficient to demonstrate that the amount of Fund payments to the government has been used in accordance with section 601(d) of the Social Security Act.

May recipients deposit Fund payments into interest bearing accounts?

Yes, provided that if recipients separately invest amounts received from the Fund, they must use the interest earned or other proceeds of these investments only to cover expenditures incurred in accordance with section 601(d) of the Social Security Act and the Guidance on eligible expenses. If a government deposits Fund payments in a government's general account, it may use those funds to meet immediate cash management needs provided that the full amount of the payment is used to cover necessary expenditures. Fund payments are not subject to the Cash Management Improvement Act of 1990, as amended.

May governments retain assets purchased with payments from the Fund?

Yes, if the purchase of the asset was consistent with the limitations on the eligible use of funds provided by section 601(d) of the Social Security Act.

What rules apply to the proceeds of disposition or sale of assets acquired using payments from the Fund?

If such assets are disposed of prior to December 30, 2020, the proceeds would be subject to the restrictions on the eligible use of payments from the Fund provided by section 601(d) of the Social Security Act.

Are Fund payments to State, territorial, local, and tribal governments considered grants?

No. Fund payments made by Treasury to State, territorial, local, and Tribal governments are not considered to be grants but are "other financial assistance" under 2 C.F.R. § 200.40.

Are Fund payments considered federal financial assistance for purposes of the Single Audit Act?

Yes, Fund payments are considered to be federal financial assistance subject to the Single Audit Act (31 U.S.C. §§ 7501-7507) and the related provisions of the Uniform Guidance, 2 C.F.R. § 200.303 regarding internal controls, §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.

Are Fund payments subject to other requirements of the Uniform Guidance?

Fund payments are subject to the following requirements in the Uniform Guidance (2 C.F.R. Part 200): 2 C.F.R. § 200.303 regarding internal controls, 2 C.F.R. §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.

Is there a Catalog of Federal Domestic Assistance (CFDA) number assigned to the Fund?

Yes. The CFDA number assigned to the Fund is 21.019.

If a State transfers Fund payments to its political subdivisions, would the transferred funds count toward the subrecipients' total funding received from the federal government for purposes of the Single Audit Act?

Yes. The Fund payments to subrecipients would count toward the threshold of the Single Audit Act and 2 C.F.R. part 200, subpart F re: audit requirements. Subrecipients are subject to a single audit or program-

Appendix C: Coronavirus Relief Fund – Frequently Asked Questions

specific audit pursuant to 2 C.F.R. § 200.501(a) when the subrecipients spend \$750,000 or more in federal awards during their fiscal year.

Are recipients permitted to use payments from the Fund to cover the expenses of an audit conducted under the Single Audit Act?

Yes, such expenses would be eligible expenditures, subject to the limitations set forth in 2 C.F.R. § 200.425.

If a government has transferred funds to another entity, from which entity would the Treasury Department seek to recoup the funds if they have not been used in a manner consistent with section 601(d) of the Social Security Act?

The Treasury Department would seek to recoup the funds from the government that received the payment directly from the Treasury Department. State, territorial, local, and Tribal governments receiving funds from Treasury should ensure that funds transferred to other entities, whether pursuant to a grant program or otherwise, are used in accordance with section 601(d) of the Social Security Act as implemented in the Guidance.

Appendix D: Certification for Use of Coronavirus Relief Fund

Note: Provided for reference only - download a fillable .pdf copy of this form from the Secretary of Finance's Website under "Recent News" at: <http://finance.virginia.gov/>

**CERTIFICATION for RECEIPT of
CORONAVIRUS RELIEF FUND PAYMENTS
by
INSERT NAME OF LOCAL GOVERNMENT**

We the undersigned represent insert name of local government (the locality), and we certify that:

1. we have the authority to request direct payment on behalf of the locality from the Commonwealth of Virginia of revenues from the Coronavirus Relief Fund (CRF) pursuant to section 601(b) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, div. A, Title V (Mar. 27, 2020).
2. we understand that the Commonwealth of Virginia will rely on this certification as a material representation in making a direct payment to the locality.
3. the locality 's proposed uses of the funds received as direct payment from the Commonwealth of Virginia under section 601(b) of the Social Security Act will be used only to cover those costs that:
 - a. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
 - b. were not accounted for in the budget most recently approved as of March 27, 2020, for the locality; and
 - c. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.
4. any funds that are not expended or that will not be expended on necessary expenditures on or before December 30, 2020, by the locality or its grantee(s), must be returned to Commonwealth of Virginia no later than December 30, 2020, and that the Commonwealth of Virginia is entitled to invoke state aid intercept to recover any such unexpended funds that have not been returned to the Commonwealth within 30 days of December 30, 2020.
5. we understand that the locality will not receive continued funding beyond December 30, 2020, from any source to continue paying expenses or providing services that were initiated or previously supported from CRF funds prior to December 30, 2020.
6. funds received as a direct payment from the Commonwealth of Virginia pursuant to this certification must adhere to official federal guidance issued or to be issued regarding what constitutes a necessary expenditure.
7. any CRF funds expended by the locality or its grantee(s) in any manner that does not adhere to official federal guidance shall be returned to the Commonwealth of Virginia within 30 days of a finding that the expenditure is disallowed, and that the Commonwealth of Virginia is entitled to

invoke state aid intercept to recover any and all such funds that are not repaid within 30 days of a finding that the expenditure is disallowed.

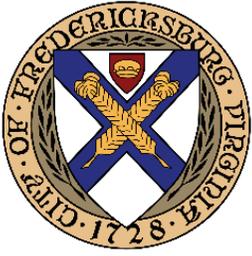
8. as a condition of receiving the CRF funds pursuant to this certification, the locality shall retain documentation of all uses of the funds, including but not limited to payroll time records, invoices, and/or sales receipts. Such documentation shall be produced to the Commonwealth of Virginia upon request.
9. the locality must maintain proper accounting records to segregate these expenditures from those supported by other fund sources and that all such records will be subject to audit.
10. any funds provided pursuant to this certification cannot be used as a revenue replacement for lower than expected revenue collections from taxes, fees, or any other revenue source.
11. any CRF funds received pursuant to this certification will not be used for expenditures for which the locality has received funds from any other emergency COVID-19 supplemental funding (whether state, federal, or private in nature) for that same expense nor may CRF funds be used for purposes of matching other federal funds unless specifically authorized by federal statute, regulation, or guideline.

For counties only

12. an equitable share of CRF funds received pursuant to this certification shall be shared with and granted to each town within its jurisdiction. Such grant(s) shall be used solely for necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19), that were not accounted for in the budget most recently approved as of March 27, 2020, and that were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020. The county issuing the grant is responsible for the ensuring compliance with the documentation requirements required by this certification and shall ensure that the use of the funds meets the requirements set forth in this certification.

We certify that we have read the above certification and our statements contained herein are true and correct to the best of our knowledge.

By: _____	By: _____	By: _____
Signature: _____	Signature: _____	Signature: _____
Title: _____	Title: _____	Title: _____
Date: _____	Date: _____	Date: _____



CITY OF FREDERICKSBURG, VIRGINIA
CITY COUNCIL
MINUTES

Council Chambers, 715 Princess Anne Street
Fredericksburg, Virginia 22401

HON. MARY KATHERINE GREENLAW, MAYOR
HON. CHARLIE L. FRYE, JR., VICE -MAYOR, WARD FOUR
HON. KERRY P. DEVINE, AT-LARGE
HON. MATTHEW J. KELLY, AT-LARGE
HON. JASON N. GRAHAM, WARD ONE
HON. WILLIAM C. WITHERS, JR., WARD TWO
HON. DR. TIMOTHY P. DUFFY, WARD THREE

September 8, 2020

The Council of the City of Fredericksburg, Virginia, held a regular session on Tuesday, September 8, 2020, beginning at 7:30 p.m. using electronic communication through GoToMeeting pursuant to and in compliance with the City Council Ordinance 20-05, an ordinance to address Continuity of City Government during the pendency of a pandemic disaster.

City Council Present. Mayor Mary Katherine Greenlaw. Vice-Mayor Charlie L. Frye, Jr., Council members Kerry P. Devine, Dr. Timothy P. Duffy, Jason N. Graham, Matthew J. Kelly and William C. Withers, Jr..

Also Present. City Manager Timothy J. Baroody, Assistant City Manager Mark Whitley, City Attorney Kathleen Dooley, Assistant City Attorney Dori Martin, Community Planning and Building Services Director Charles Johnston, Senior Planner Michael Craig, Fire Chief Mike Jones, Economic Development Director Bill Freehling, and Clerk of Council Tonya B. Lacey.

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

Legislative Update – Congressman Rob Wittman reported that there would be a smaller COVID relief fund bill to help local governments and schools. He said they were

working on getting the Federal Government funded and he said he was advocating for not allowing members of Congress go on break in August until all appropriation work was done and if the government shuts down he would like the members of Congress to go without pay instead of the Federal employees. He said it was critical to get the budget done before the beginning of next year.

He said if there were things the City needed help getting done to reach out to him and he would support the City anyway he could. He said he was glad to see the Veteran's Clinic site narrowed down to two locations and he was equally excited for both sites. He applauded the City for the work that had been done to attract the VA clinic.

Mayor Greenlaw thanked Congressman Wittman for always being present and available. She noted that the City had put to great use of the CARES Act funding that has been received to date.

Congress Wittman said there was some remaining dollar in the CARES Act and they have asked Treasury and the agencies that administer the money to allow maximum flexibility of the funds to the States on how they use the funds. He said the bill for \$500 billion that would go directly to localities and schools. Congressman Wittman said he would like to see them go to localities as block grant funds.

Councilor Graham asked if there would be any plans for different appropriations for less commuting such as GSA opening some office space. Congressman Wittman said as more government workers have been working from home the traffic patterns were more manageable. He said they needed to get more aggressive with making broadband more available and this would allow agencies opportunities for employees to work at home. He said he was an advocate for building out more broadband.

Vice-Mayor Frye thanked Congressman Wittman for making direct contacts for the work at Hazel Hill and he thanked him for being quick to respond. Congressman Wittman stated that Hazel Hill was an important part of the efforts in the City to have affordable housing and he would continue to work to make life better for the residents that live there.

(COVID-19) Update (D20-__). Chief Mike Jones reported that numbers were trending down. The number of COVID patients in the hospitals were down as well as new cases.

He reported that the number of patients in the hospital across the state was a little over 1000, with a total of 16,000 released from the hospital. The use of ICU and ventilators was down. Chief Jones said any outbreaks that occur they were taken care of quickly.

Safe Harbor Child Advocacy Center & Save Jane Awareness Proclamation (D20-__). Mayor Greenlaw read into record a proclamation promoting the safety and wellbeing of all children and she called on all citizens, businesses, schools and communities and faith-based organizations to partner with Safe Harbor Child Advocacy Center in support of those efforts.

Consent Agenda Accepted for Transmittal as Recommended (D20-__ thru D20-__). Councilor Graham moved approval of the City Manager's consent agenda as amended; motion was seconded by Councilor Withers and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Graham, Kelly, Withers. Nays (0).

- Transmittal of Report on City Response to Federal Payroll Tax Deferral (D20-__).

- Resolution 20-71, Declaring the End of the Local Emergency in Response to Civil Unrest (D20-___).
- Transmittal of Boards and Commission Minutes
 - Recreation Commission – July 16, 2020 (D20-___).

Citizen Comment. The following comments were submitted to be read during the citizen comment portion of this evening’s meeting.

Susan Pates (D20-___), 2010 Fall Hill Avenue, spoke concerning the Creative Maker District density provisions. She noted that there had been changes in the housing market and she said that people were looking for more private space and they were often looking for single-family homes. Ms. Pates asked the Council to put the Streetsense study on hold for now. See **D20-___** for more information.

Adam Lynch (D20-___), 3219 Fall Hill Avenue, Friends of the Rappahannock, stated that the Area 7 plan laid out the groundwork for the City to incentivize river friendly development and to actively conserve sensitive environmental resources such as the wetland and the Rappahannock riverbank. He spoke of how Stafford’s Transfer Development Rights (TDR) had been successfully used to incentivize proposed development. Mr. Lynch said he would like to see similar action in the City. See **D20-___** for more information.

Lynne Goodall (D20-___), 2109 Fall Hill Avenue, stated that the vision for the Canal Quarter Neighborhood should evolve in the following ways: Business Corridor along Route 1 and the Princess Anne Corridor and embrace the Maker District; Housing to be concentrated in the remaining areas with cutouts for larger existing commercial buildings (2300 Fall Hill and PNC Bank) without increasing density standards. See **D20-___** for more information.

Elizabeth Blais (D20-__), 418 Hunter Street, stated that the density proposed in the Maker District was problematic. She suggested starting with a conservative standard of density and adjust the density as needed. See **D20-__** for more information.

Simon Watts (D20-__), 824 Caroline Street, spoke in full support of the Creative Maker District and he said it shows that Fredericksburg can grow in exciting new directions. See **D20-__** for more information.

Steven Newton (D20-__), 418 Hunter Street, stated that he was happy to see the growth and revitalization in the area, but he also agreed that density was a problem and he wanted to see a more conservative standard of density and it could be adjusted as needed. See **D20-__** for more information.

Loraine Blais (D20-__), 1109 Kenmore Avenue, stated that the plan for the north entrance of Fredericksburg had lovely aesthetics and she said the next steps to the zoning plans should be empowering and incentivizing businesses. Ms. Blais said having a density cap was the only way to ensure developers uphold those goals. See **D20-__** for more information.

Andrew Ruddle (D20-__), 914 William Street, spoke in support of the canal quarter rezoning and said that having the Creative Maker District would be an amazing addition. See **D20-__** for more information.

Craig Graziano (D20-__), 1603 Charles Street, stated that he attended many of the Canal Quarter meetings and by making it easier for a variety of businesses to operate while coexisting with the residential population, the area would be able to thrive, attract tourism and provide an outlet for creatives, artisans and tech developers. See **D20-__** for more information.

Paul Blais (D20-___), 1109 Kenmore Avenue, stated that incentivizing businesses should be the next step for the zoning plans in the creative Maker District. He said sustainable homes and businesses create a successful economy and doubling density would not accomplish that goal. Mr. Blais said any changes in uses should not be authorized via Special Use Permit without the consent of the residents. See **D20-___** for more information.

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

7A. River Safety – Councilor Duffy

River Safety. Councilor Duffy noted that the river had claimed some lives and he said he lost a dear friend, Brandon Childs. He said since 1985 there have been 80 lives lost in the river and he asked everyone to be cautious about being in and around the river. He warned that if you are going to be in the river to wear a personal floatation device.

Adoption of Minutes. Councilor Graham moved approval of the May 12 and May 26, 2020 Work Session minutes, the August 1, 2020 Regular session and the August 25 Public Hearing and Regular Session minutes; motion was seconded by Councilor Duffy and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Graham, Kelly, Withers. Nays (0).

Recreation Commission – School Board Appointment – Dr. Matthew Eberhardt. Councilor Duffy made a motion to appoint Dr. Matthew Eberhardt as the schools representative on the Recreation Commission; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Graham, Kelly, Withers. Nays (0).

Ordinance 20-16, First Read Approved, Authorizing the Conveyance of a Parcel of Land Containing Approximately 1.95 Acres in Celebrate Virginia South to Celebrate Virginia South, LLC as Provided for in the September 5, 2008 Deed of Gift of the Parcel to the City (D20-___). After staff presentation Councilor Graham made a motion to approve Ordinance 20-16, on first read, authorizing the conveyance of a parcel of land containing approximately 1.95 acres in Celebrate Virginia South to Celebrate Virginia South, LLC as provided for in the September 5, 2008 Deed of Gift of the parcel to the City; motion was seconded by Councilor Kelly and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Graham, Kelly, Withers. Nays (0).

Ordinance 20-16, Second Read Approved, Authorizing the Conveyance of a Parcel of Land Containing Approximately 1.95 Acres in Celebrate Virginia South to Celebrate Virginia South, LLC as Provided for in the September 5, 2008 Deed of Gift of the Parcel to the City (D20-___). Councilor Kelly made a motion to approve Ordinance 20-16, on second read, authorizing the conveyance of a parcel of land containing approximately 1.95 acres in Celebrate Virginia South to Celebrate Virginia South, LLC as provided for in the September 5, 2008 Deed of Gift of the parcel to the City; motion was seconded by Councilor Graham and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Graham, Kelly, Withers. Nays (0).

Resolution 20-72, Approving an Amendment to the 2015 Comprehensive Plan to Amend Chapter 4, “Public Services, Public Facilities, and Preserved Open Space,” Chapter 10, “Land Use,” and Chapter 11, "Planning Areas," to Adopt a New Small Area Plan for Planning Area 7 Downtown (D20-__). After a brief staff presentation Councilor Graham moved to approve Resolution 20-72, approving an amendment to the 2015 Comprehensive Plan to amend Chapter 4, “Public Services, Public Facilities, and Preserved Open Space,” Chapter 10, “Land Use,” and Chapter 11, "Planning Areas," to Adopt a New Small Area Plan for Planning Area 7 Downtown; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Graham, Kelly and Withers. Nays (0).

Ordinance 20-17, First Read, Amending the Unified Development Ordinance to Add the Creative Maker District, and Consolidating Form-Based Regulations in a New Appendix 72-A (D20-__). After Staff presentation there was considerable discussion on the unlimited number of units with a SUP, and the concern of industrial uses in the Maker District T-4 area and Mr. Craig explained that the form based code would put a limit on the number of units and he said with the industrial uses they were trying to identify the types of uses that people had been asking about.

Councilor Graham made a motion to approved Ordinance 20-17 on first read, amending the Unified Development Ordinance to add the Creative Maker District, and consolidating form-based regulations in a new Appendix 72-A; motion was seconded by

Councilor Devine and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Graham, Kelly and Withers. Nays (0).

Ordinance 20-17, Second Read, Amending the Unified Development Ordinance to Add the Creative Maker District, and Consolidating Form-Based Regulations in a New Appendix 72-A (D20-__). Councilor Graham made a motion to approved Ordinance 20-17 on second read, amending the Unified Development Ordinance to add the Creative Maker District, and consolidating form-based regulations in a new Appendix 72-A; motion was seconded by Councilor Kelly and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Graham, Kelly and Withers. Nays (0).

Ordinance 20-18, First Read, Rezoning Approximately 78 Acres of Land Located in Planning Area 6, Designated as Transect T-4M or T-5M, to the Creative Maker District as Recommended in the Small Area Plan for Area 6; and Adopting Transect Maps and Frontage Maps for the District (D20-__). After a brief overview Councilor Devine made a motion to approved Ordinance 20-18 on first read, rezoning approximately 78 acres of land located in Planning Area 6, designated as Transect T-4M or T-5M, to the Creative Maker District as recommended in the Small Area Plan for Area 6; and adopting Transect Maps and Frontage Maps for the District; motion was seconded by Councilor Kelly and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Graham, Kelly and Withers. Nays (0).

Ordinance 20-18, Second Read, Rezoning Approximately 78 Acres of Land Located in Planning Area 6, Designated as Transect T-4M or T-5M, to the Creative Maker District as Recommended in the Small Area Plan for Area 6; and Adopting Transect Maps and Frontage Maps for the District (D20-__). Councilor Devine made a motion to approved Ordinance 20-18 on first read, rezoning approximately 78 acres of land located in Planning Area 6, designated as Transect T-4M or T-5M, to the Creative Maker District as recommended in the Small Area Plan for Area 6; and adopting Transect Maps and Frontage Maps for the District; motion was seconded by Councilor Duffy and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Graham, Kelly and Withers. Nays (0).

Ordinance 20-19, First Read, Amending the Unified Development Ordinance to Amend Off-Street Parking Regulations (D20-__). After staff presentation Councilor Graham made a motion to approved Ordinance 20-19 on first read, amending the Unified Development Ordinance to amend off-street parking regulations; motion was seconded by Councilor Duffy and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Graham, Kelly and Withers. Nays (0).

Ordinance 20-19, Second Read, Amending the Unified Development Ordinance to Amend Off-Street Parking Regulations (D20-__). Councilor Graham made a motion to approved Ordinance 20-19 on second read, amending the Unified Development Ordinance to amend off-street parking regulations;

motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Graham, Kelly and Withers. Nays (0).

Ordinance 20-20, First Read, Amending Section 72-41.1 (Residential Uses) and Section 72-84 (Definitions) of the Unified Development Ordinance to Make Revisions of General Application to the Definitions of Duplex, Single-Family Attached, and Multi-Family Dwellings (D20-__). After staff presentation Councilor Kelly made a motion to approved Ordinance 20-20 on first read, amending Section 72-41.1 (Residential Uses) and Section 72-84 (Definitions) of the Unified Development Ordinance to make revisions of general application to the definitions of duplex, single-family attached, and multi-family dwellings; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Graham, Kelly and Withers. Nays (0).

Ordinance 20-20, Second Read, Amending Section 72-41.1 (Residential Uses) and Section 72-84 (Definitions) of the Unified Development Ordinance to Make Revisions of General Application to the Definitions of Duplex, Single-Family Attached, and Multi-Family Dwellings (D20-__). Councilor Devine made a motion to approved Ordinance 20-20 on first read, amending Section 72-41.1 (Residential Uses) and Section 72-84 (Definitions) of the Unified Development Ordinance to make revisions of general application to the definitions of duplex, single-family attached, and multi-family dwellings; motion was seconded by

Councilor Kelly and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Graham, Kelly and Withers. Nays (0).

City Manager's Report and Council Calendar (D20-__ thru D20-__). City Manager Baroody directed the Council's attention to the Manager's Update: Space Jam Movie Night, Voting in the City, Caring.com Ranks Fredericksburg as #2 Best Place to Live in the Country for Seniors, Public Sculptures, "Ask the Mayor" Video Series, Chatham Bridge Closure, Upcoming Council Meetings, Census 2020, COVID-19 (Coronavirus), Drive in Bingo, New Event Announced, CARES Act Funding in Action, Christmas Parade 2020, 100th Anniversary of the Passage of the 19th Amendment Celebrated on Steps of City Hall, and Fred Focus.

Adjournment. There being no further business to come before the Council at this time, Mayor Greenlaw declared the meeting officially adjourned at 8:59 a.m.

Mary Katherine Greenlaw, Mayor

Tonya B. Lacey, Clerk of Council, MMC

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MEMORANDUM

TO: Mayor Greenlaw and City Council
FROM: Tonya B. Lacey, Clerk of Council
DATE: September 17, 2020
SUBJECT: Fredericksburg Arts Commission Appointment

BACKGROUND

As of June 30, Mr. Kenneth Lecky's appointment to the Fredericksburg Arts Commission expired. Mr. Lecky has completed his first term to the Commission and he is seeking a second term.

There are currently three other vacancies that need filling, but there are no other applications on file.

RECOMMENDATION

At the September 22, regular session, Council is requested to make 1 appointment to the Fredericksburg Arts Commission. The reappointment application from the applicant is attached for your review and consideration.

Attachments: Application



MEMORANDUM

Willie D. Frablj

TO: Timothy J. Baroody, City Manager
FROM: Bill Freehling, Director, Economic Development and Tourism
Amy Peregoy, Economic Development Specialist
DATE: September 17, 2020, (for September 22, 2020, City Council meeting)
SUBJECT: Expanding and clarifying the Arts & Cultural District Program

ISSUE

Should the City Council amend the ordinance as presented to expand the Arts & Cultural District Program and simplify the rules?

RECOMMENDATION

Staff recommends that City Council adopt the attached ordinance, which amends the tax incentive and expands the Arts and Cultural District with the following key provisions:

1. Defines the geographic limits to include the locations of the existing and expanded Arts and Cultural District Program.
2. Provides business license tax (BPOL) reductions of up to \$250 per year for a term of ten (10) years to qualifying businesses.

BACKGROUND

The Virginia General Assembly in 2009 passed HB 1735, authorizing any Virginia locality to create arts and cultural districts for the purpose of increasing awareness and support for their arts and cultural communities. The legislation provides for incentives consisting of gross receipts tax and permit fee reductions as well as regulatory flexibility within such districts. Fredericksburg was an early adopter of an Arts and Cultural District in 2010.

A variety of art-related businesses can qualify for the program – including those involved in dance, media arts, music, sculpture, museums, performing arts, theatre and opera. The program is also open to any business located within the district that is not an arts and cultural business, but that hosts year-round, rotating art exhibits in public display spaces that are a minimum of 120 square feet. Interested businesses submit applications no later than February 15 to the Department of Economic Development and Tourism (EDT), and EDT staff confirms eligibility after checking with the Commissioner of the Revenue. Qualifying businesses must still submit their annual business license renewal applications no later than March 1 and submit payment no later than March 15 to the Commissioner of the Revenue.

The 2010 ordinance established the district for a five-year term and drew up boundaries that are similar to the 40-block Historic District. It also created four tiers of qualifying businesses:

- A. New arts and cultural businesses
- B. Expanding arts and cultural businesses
- C. Existing arts and cultural businesses
- D. Non-arts businesses that host year-round, rotating art exhibits

BPOL reductions of up to 100 percent were made possible for the first two categories, while the latter two could qualify for reductions of up to \$250 a year. A 2016 ordinance renewed the program and eliminated the term.

After the Arts Commission suggested an expansion of the District, staff began discussing possible changes that resulted in this proposed ordinance. The District is proposed to be expanded to roughly the northeast quadrant of the City – an area bordered by State Route 3, U.S. 1 and the Rappahannock River. It also includes a small section west of U.S. 1 to include the entire Area 6 Planning Area.

In addition, the revised ordinance restricts participation in the program to 10 years, which is consistent with state law. Finally, it reduces the four categories of qualifying businesses to two:

- A. Arts and cultural businesses (whether new, expanding or existing)
- B. Non-arts businesses that host year-round, rotating art exhibits

For all businesses, the maximum annual incentive is a \$250 BPOL credit.

The Arts Commission unanimously voted at its February 19, 2020, meeting to endorse the proposed amendments to the ordinance. City Council was briefed about the changes at its March 10, 2020, work session. The COVID-19 pandemic slowed progress on the proposed changes, but Council is now asked to finalize the changes by adopting the ordinance.

FISCAL IMPACT

The lost BPOL tax revenue from qualifying arts and cultural businesses, and host businesses, in the district is approximately \$3,000 per year (about 25 businesses have participated each of the past two years). That is not expected to change significantly with the revised program.

Attachments: Ordinance
Arts and Cultural District Map



MOTION:

September 22, 2020
Regular Meeting
Ordinance No. 20-__

SECOND:

RE: Expanding the Arts & Cultural District, and Extending Tax Incentives, up to \$250 Per Year, to Ten Years for All Qualifying Businesses in the District

ACTION: APPROVED: Ayes: 0; Nays: 0

FIRST READ: _____ **SECOND READ:** _____

It is hereby ordained by the Fredericksburg City Council that Chapter 22 of the City Code, Article VII, "Arts and Cultural District," is amended as follows:

Sec. I. Introduction.

Fredericksburg City Council established the Arts and Cultural District by adoption of Ordinance 10-35 on December 14, 2010, as authorized by Virginia Code §15.2-943.1. The purpose of the district is to attract new arts and cultural venues, support existing arts and cultural venues, and to encourage the expansion of existing venues in the downtown area. These new, existing, and expanded venues will increase the City's reputation and market presence as a regional destination for arts and cultural activities, as well as the opportunities and benefits to City residents of arts and cultural offerings.

Under Virginia Code §15.2-943.1, the maximum period for which tax incentives may be offered to any qualifying business in an arts and cultural district is ten years. An amendment to the City Code in 2016 (the adoption of Ordinance 15-32 on January 12, 2016) removed this ten-year cap as an express provision of the local ordinance, but the Fredericksburg district is governed by the limit imposed by state law. Therefore, one purpose of this ordinance is to reinstate the express ten-year cap on tax incentives in the district.

City Council has further determined that the district should be expanded to encompass areas in close proximity to downtown where arts and cultural venues have located, or are encouraged to locate. Finally, City Council has determined that all qualifying businesses should be eligible for the ten-year maximum incentive period, and that the distinctions between, "new," "existing," and "expanded," arts and cultural businesses should be abolished.

Sec. II. City Code Amendment.

1. Section 22-700, "Arts and cultural district established; purpose," is amended as follows:

Sec. 22-700. Arts and cultural district established; purpose.

- A. There is hereby established the Fredericksburg Arts and Cultural District, consisting of all the area within the following boundaries:
 - 1. Beginning at the corner of Sophia Street and Lewis Street, west along Lewis Street to Charles Street; then following Charles Street to Amelia Street, following Amelia Street to

- Washington Avenue, along Washington Avenue to William Street; along William Street to Littlepage Street, along Littlepage to the center of the block, and then to Kenmore Avenue; following Kenmore Avenue to Charlotte Street, and then along Charlotte Street across Jackson Street to the center of the block, then over to Wolfe Street, up to Willis Street, along Willis across Lafayette Boulevard to the center of the next block and then through the center of the block to Prince Edward Street; along Prince Edward across Frederick Street to the center of the block, then to Princess Anne Street, to Frederick Street to the Rappahannock River and back to the point of the beginning, as shown on the map entitled "City of Fredericksburg, VA Proposed Arts & Cultural District," dated December 7, 2010.
2. The District is to be expanded to roughly the northeast quadrant of the City – an area bordered by State Route 3, U.S. 1 and the Rappahannock River. It also includes a small section west of U.S. 1 to include the entire Area 6 Planning Area, as shown on the map entitled "City of Fredericksburg, Proposed Arts & Cultural District," dated March 23, 2020.
- B. The purpose of this district is to attract new arts and cultural venues, support existing arts and cultural venues, and to encourage the expansion of existing venues in the downtown area. These new, existing, and expanded venues will increase the City's reputation and market presence as a regional destination for arts and cultural activities, as well as the opportunities and benefits to City residents of arts and cultural offerings.
2. Section 22-701, "Definitions," is amended as follows:

Sec. 22-701. Definitions.

~~EXISTING BUSINESS~~

~~An arts and cultural business which is physically located within the district as of December 31, 2010, or a "new business" or "expanded business" which is no longer eligible for the license tax afforded to that category of business.~~

~~EXPANDED BUSINESS~~

~~An existing arts and cultural business which expands physically into new space within the district, to add at least 30% in gross square feet (enclosed or outdoors).~~

~~NEW BUSINESS~~

~~A new business physically located or locating in the district on or after January 1, 2011, which was not actively engaged in the conduct of trade or business in the district prior to the submission of a completed program qualification application. The new business shall generate a new use of the land or building, and not the continuation of an existing use. An existing business shall not qualify for incentives by reorganizing or changing its form in a manner that does not alter the basis of the business assets or result in a taxable event.~~

[The other definitions are not amended.]

3. Section 22-702, "License tax reduction," is amended as follows:

Sec. 22-702. License tax reduction.

- A. ~~An new~~ arts and cultural business is afforded a license tax reduction ~~of 100% up to \$250 a year~~ for ~~five ten~~ calendar years for the gross receipts attributable to the ~~new~~ district location, so long as it continues to operate at its ~~new~~ location as an arts and cultural business and remains current in its tax and other financial obligations to the City.
- B. ~~An expanded arts and cultural business located within the district is afforded a license tax reduction of 100% of liability attributable to new gross receipts for five years, so long as it continues to operate in its expanded location as an arts and cultural business, and remains current in its tax and other financial obligations to the City.~~
- C. ~~An existing arts and cultural business located in the district is afforded a license tax reduction in the amount of up to \$250 per year so long as it continues to operate as an arts and cultural business within the district and remains current in its tax and other financial obligations to the City.~~
- D. Any business located within the district, which is not an arts and cultural business, but which hosts year-round, rotating art exhibits open to the public in the public spaces of the business is afforded a license tax reduction of up to \$250 per year for each year in which the business qualifies. The display space shall be a minimum of 120 square feet of wall or floor space in order to qualify for incentives in the arts and cultural district.
- E. Any business claiming a license tax reduction ~~as an arts and cultural business~~ shall nonetheless file a complete license tax application with the commissioner of revenue *no later than March 1 and submit payment no later than March 15* as required by City Code § 70-305 and City Code § 70-306 .
- F. No business shall be eligible for a license tax reduction if there is an outstanding building or zoning code violation against such business which is not remedied or resolved by the date specified in the notice of violation. No business shall be eligible for a license tax reduction unless it is current in its local tax obligations ~~on December 31, 2010 and continuously thereafter.~~

4. Section 22-704, "Administration," is amended as follows:

Sec. 22-704. Administration.

- A. The City Manager may administer applications through the Department of Economic Development and Tourism. Review of applications for continued eligibility shall be administered by the commissioner of revenue. In determining eligibility for the incentives contained herein, the City Manager shall be guided by the purpose of this article. Tax exemptions shall be subject to the rule of strict construction.

- B. ~~Any new or existing arts and cultural~~ business seeking to obtain the incentives of the district ~~for the first time~~ will meet with the Economic Development and Tourism staff and submit a completed program qualification application *no later than February 15*. The Economic Development and Tourism Department shall perform an initial review of the business or project to determine if it qualifies for incentives and then forward the application and recommendation to the City Manager. The City Manager, acting as the agent of the City Council, shall review the application and recommendation and make a final determination as to whether the business or project is qualified for the incentives herein.
- C. After ~~a an arts and cultural~~ business has been determined to be eligible by the City Manager, it must submit a review application to the ~~commissioner of revenue~~ *Economic Development and Tourism staff* annually on or before ~~March 1st~~ *February 15* of each year of the incentive period, demonstrating its continued eligibility for the license tax reduction. Any business claiming a license tax reduction as an arts and cultural business shall nonetheless file a complete license tax application with the commissioner of revenue *no later than March 1 and submit payment no later than March 15* as required by City Code § 70-305 and City Code § 70-306 .
- D. The original application and each review application shall be signed by an official officer, member, agent or representative of the business authorized to sign on its behalf.
- E. If the City Manager denies an application, he shall do so in writing stating the reasons therefor, and affording the applicant an opportunity to respond in writing or in person.

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

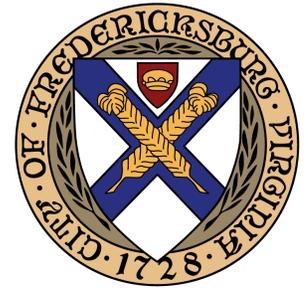
Clerk's Certificate

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. 20- duly adopted at a meeting of the City Council meeting held September 22, 2020 at which a quorum was present and voted.

Tonya B. Lacey, MMC
Clerk of Council

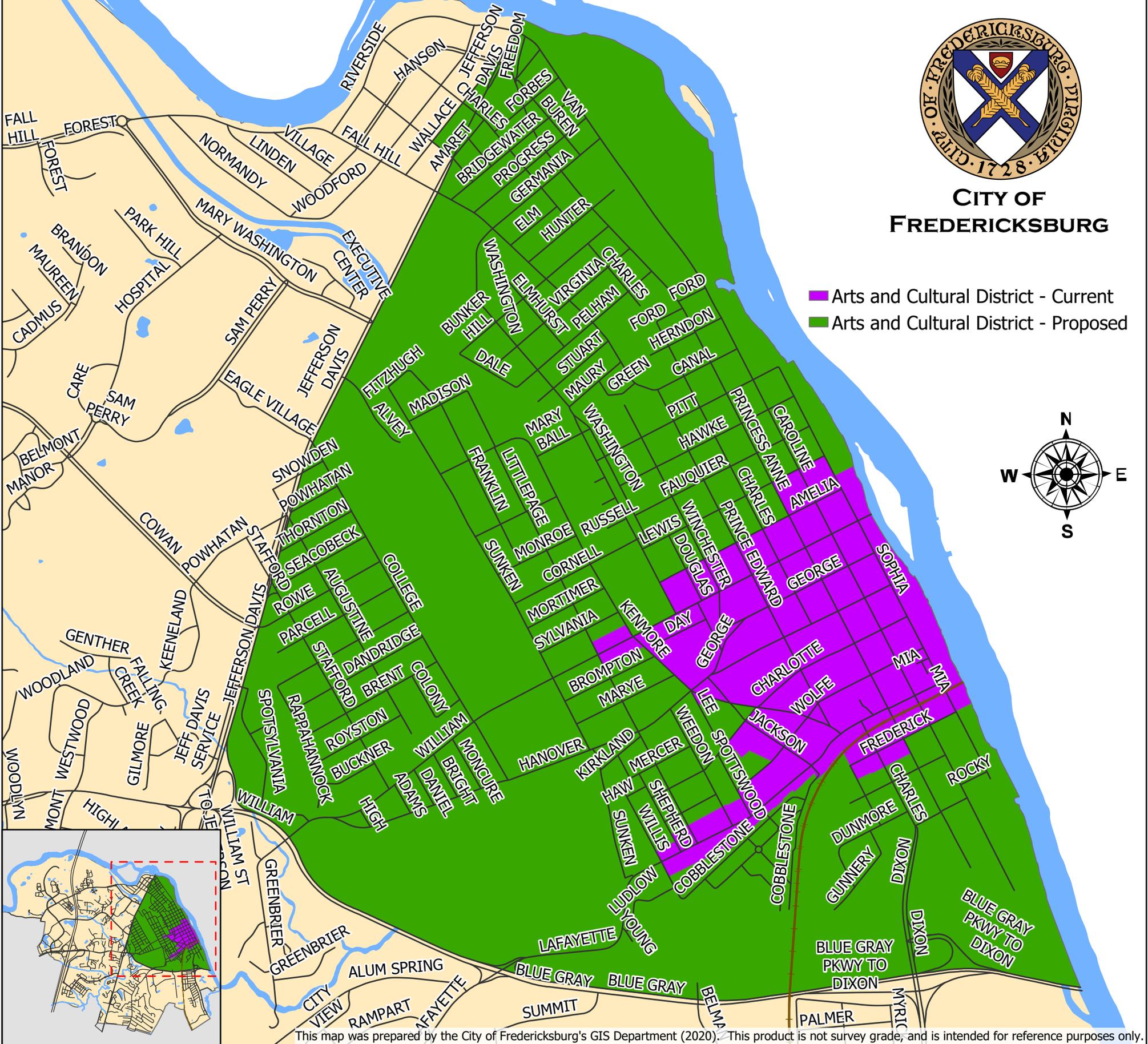
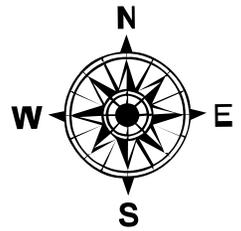
CITY OF FREDERICKSBURG, PROPOSED ARTS & CULTURAL DISTRICT

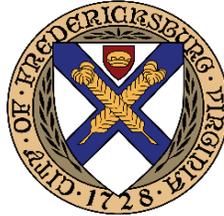
MARCH 23, 2020



**CITY OF
FREDERICKSBURG**

- Arts and Cultural District - Current
- Arts and Cultural District - Proposed





MEMORANDUM

TO: Timothy J. Baroody, City Manager
FROM: Lesley A. Moore, Human Resources Director
DATE: September 10, 2020 (for the September 22 Council Meeting)
SUBJECT: Holiday Schedule for City Employees for Calendar Year 2021

ISSUE

The City Council is asked to approve changes to current holiday schedule as presented in City Policy **Section 5.1 – Benefits, Holidays.**

BACKGROUND

Under current City policy (Section 5.1), the City generally observes the same holidays as those observed by the Commonwealth of Virginia, with two exceptions. The holidays of Lee-Jackson Day and Columbus Day are observed by the individual employee as a floating holiday; City offices do not close on those days.

There have been some recent changes regarding observed holidays within the Commonwealth:

- The General Assembly removed Lee-Jackson Day and added Election Day.
- Addition of Juneteenth – The Senate version of the bill to recognize Juneteenth as a holiday has passed both chambers and awaits the Governor’s signature.

Below provides a side-by-side comparison of the City’s paid holidays and those observed by the Commonwealth of Virginia.

HOLIDAY - 2021	Virginia	City - Current	City - Proposed
January 1 – New Year’s Day	✓	Y	Y
January 15 - Lee-Jackson Day	No longer observed	Y - Floating	-
January 18 – Martin Luther King Jr.	✓	Y	Y
February 15 – President’s Day	✓	Y	Y
May 31 – Memorial Day	✓	Y	Y
June 19 – Juneteenth (Freedom Day)	✓ – pending	**	Y
July 5 – Independence Day	✓	Y	Y
September 6 – Labor Day	✓	Y	Y
October 11 – Columbus Day (Yorktown Victory Day)	✓	Y- Floating	Y- Floating
November 2 – Election Day	✓	-	Y - Floating
November 11 – Veteran’s Day	✓	Y	Y
November 24 – Wednesday before Thanksgiving	O - Half Day	Y- Half Day	Y – Half Day

November 25 – Thanksgiving	✓	Y	Y
November 26 – Friday after Thanksgiving	✓	Y	Y
December 23 – Thursday	O	-	Y
December 24 – Christmas Eve* (Friday)	✓	Y	Y
December 31 – New Year’s (observed)	✓	Y	Y
Total Days	15.5	14.5	15.5

✓ – included in Code of Virginia §2.2-3300¹

O – not listed separately in Code of Virginia §2.2-3300, added by Governor Northam

* - Christmas 2021 falls on Saturday. Under state law, Saturday holidays are celebrated on the previous Friday, and Sunday holidays are celebrated the following Monday.

** - Juneteenth was celebrated in 2020 as a day that was added by the Governor.

RECOMMENDATION

Many of our surrounding localities (including: Spotsylvania, King George, and Stafford) currently have as their policy to observe the same holidays as those observed by the Commonwealth of Virginia, including when the Governor provides extra days.

It is recommended that City Council adopt a calendar comparable to the Commonwealth of Virginia. For Calendar Year **2020**, staff recommends that **Election Day, November 3** be observed as a holiday in accordance with Virginia State Code.

The impact for Calendar Year **2021** will include the following:

- Removing Lee-Jackson (January 15)
- Adding Election Day (November 2) as a floating holiday.
- Adding Juneteenth/Freedom Day (June 19)
- Adding December 23 (Thursday prior to Christmas Eve).

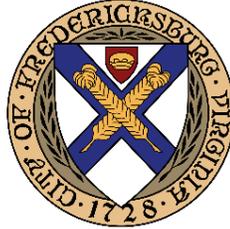
As is the practice of surrounding localities, it is recommended that proceeding forward, the City continue to observe the holidays as observed by the Commonwealth of Virginia, to include when the Governor provides additional days.

FISCAL IMPACT

The City does pay out holiday time to certain public safety and public works employees. The cost of a holiday is estimated at \$12,000 - \$15,000.

¹ § **2.2-3300** of the **Code of Virginia** designates the legal holidays for the Commonwealth of Virginia. The following days are designated as legal holidays: New Year’s Day – January 1; Martin Luther King, Jr. Day – January 18; George Washington (President’s Day) – February 15; Memorial Day – May 31; Independence Day – July 4; Election Day – November 2; Columbus Day/Yorktown Victory Day – October 11; Veterans Day – November 11; Thanksgiving Day and the following Friday – November 25 & 26; Christmas Day – December 25.

Any holiday time falling outside this list is additional holiday time that has been approved by the Governor.



September 22, 2020
Regular Meeting
Resolution 17-__

MOTION:

SECOND:

RE: Implementing Changes to the Holiday Schedule, Contained in the City Human Resources Policies

ACTION: APPROVED: Ayes: 0; Nays: 0

In response to changes to the holiday calendar of the Commonwealth of Virginia, the City Manager has proposed changes to the Human Resources Policy Manual that will implement a change in the holidays currently observed by the City of Fredericksburg.

For calendar year 2020, the City Manager proposes that Election Day, Tuesday, November 3rd, be observed as a City holiday.

For future years, the City Manager proposes the addition of Juneteenth / Freedom Day (June 19) as an observed holiday, and Election Day as a floating holiday whereby the City is open but City employees are granted an equivalent day of leave. The General Assembly recently removed Lee-Jackson Day from the state schedule of holidays, and the City Manager proposes that the City, which currently observes this day as a floating holiday, follows suit.

For calendar year 2021 only, aligning with Governor Northam’s state holiday calendar, the City Manager further proposes that Thursday, December 23 be added as an observed holiday.

Therefore, the City Council resolves that the proposed changes to the holiday schedule are approved, and the City Manager directed to amend the City Human Resources policies accordingly. This resolution takes effect upon adoption.

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. 17- adopted at a meeting of the City Council held September 22, 2020 at which a quorum was present and voted.

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



MEMORANDUM

TO: Timothy J. Baroody, City Manager
FROM: Brenna Erford, Budget Manager
RE: Amending the Fiscal Year 2021 Fredericksburg City Public Schools Budget to Supplement Resources for the School Operating Fund and the School Grants Fund
DATE: September 17, 2020 (for the September 22, 2020 Council meeting)

ISSUE

Shall the City Council approve an appropriation of \$12,180 in the School Operating Fund, and an appropriation of \$626,997 in the School Grants Fund?

RECOMMENDATION

Staff recommends approval of this resolution on first and second readings.

BACKGROUND

On September 14, 2020, the School Board of the Fredericksburg City Public Schools (FCPS) approved the Virginia Department of Education additional, closeout and carryover grant awards to Fredericksburg City Public Schools.

School Operating Fund

FCPS was awarded \$12,180 in federal McKinney-Vento funds under Title IX, Part A, which will be recognized in the School Operating Fund.

School Grants Fund

FCPS has received \$257,167 in Special Education Title VI-B funds which require appropriation.

Carryover funds in this resolution include \$135,887 in Title I/Chapter 1 84.013; \$62,357 in Title II/NCLB/Teacher Quality; \$45,472 in Title III Limited English Proficiency (LEP); and \$94,255 in Title IV/NCLB ESSA Transfer 84.4.

Additionally, \$31,859 in COVID-19-related nutrition donations are included in this resolution, which will be spent in the FY 2020-21 school year to support the mobile feeding program. A donation of \$4,000 was received for Hugh Mercer Elementary School and the Mobile Food Program, of which \$1,479 is requested for appropriation in this resolution.¹

A copy of the School Board's resolution regarding this supplemental appropriation is attached to this memo. The School Board resolution includes the appropriation requested here, and an additional \$869,036 in CARES Act funding that is requested for a supplemental appropriation in a separate resolution

¹ The portion of the donation for HMES has been deposited to the school's activity fund.

FISCAL IMPACT

The attached resolution increases the appropriation in the School Operating Fund by \$12,180; and increases the appropriation in the School Grants Fund by \$626,997. No additional local funds are required.

Attachments: FCPS Supplemental Budget Amendment

cc: Mark Whitley, Assistant City Manager
Doug Fawcett, Assistant City Manager
Robyn Shugart, Director of Finance
Dr. Marcie Catlett, Superintendent, Fredericksburg City Public Schools
Jennifer Brody, CFO, Fredericksburg City Public Schools



September 22, 2020
Regular Meeting
Resolution 20-xx

MOTION:

SECOND:

RE: Amending the Fiscal Year 2021 Fredericksburg City Public Schools Budget to Supplement Resources for the School Operating Fund and the School Grants Fund

ACTION: APPROVED : Ayes: 0; Nays: 0

FIRST READ: _____ **SECOND READ:** _____

The Fredericksburg City Public Schools have advised City Council that there are additional federal resources assigned to various programs for the School Operating Fund and the School Grants Fund for FY 2021.

The City Council wishes to appropriate these additional federal resources for the Fredericksburg City Public Schools to assist with these programs.

Therefore, the City Council hereby resolves that the following revenues be recognized and further resolves that the following authorization and appropriations amending the FY 2021 budget be recorded:

SCHOOL OPERATING FUND (FUND 2050)

Program	Federal Revenue	Expenditures
Title IX, Part A	\$12,180	\$12,180

The total additional appropriation is \$12,180.

SCHOOL GRANTS FUND (FUND 2110)

Program	Federal Revenue	Expenditures
Title VI-B Special Education Grant	\$257,167	\$257,167
Title I	\$135,887	\$135,887
Title II	\$62,357	\$62,357
Title III	\$45,472	\$45,472
Title IV	\$94,255	\$94,255
Total, All Programs	\$595,138	\$595,138

	Revenue	Expenditures
COVID- 19 Donations	\$1,479	\$1,479

COVID- 19 Carryover Donations	\$30,380	\$30,380
Total, Donations & Carryovers	\$31,859	\$31,859

The total additional appropriation in the School Grants Fund is \$626,997.

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. 20-xx, adopted at a meeting of the City Council held September 22, 2020, at which a quorum was present and voted.

Tonya B. Lacey, MMC
Clerk of Council

September 14, 2020

The Superintendent recommends that the School board at this time approve the use of the funds described below, and requests that Fredericksburg City Council completes the supplemental appropriation process.

Additional Grant Funds and Recovered Costs

FCPS has received one-time McKinney-Vento state funding under Title IX, Part A of the Elementary and Secondary Education Act.

Sources:

SPED Homebound Regional	O2446SHM	324246		\$ 12,180
				<u>\$ 12,180</u>

Uses:

Other Operating Supplies	O1100SEP	460140		\$ 12,180
				<u>\$ 12,180</u>

Title VI-B Special Education Annual Appropriation

Title 6B funds needs to be appropriated for the 2020-2021 school year.

Sources:

Title VI-B Special Education	G84027T6	384037	S0301	\$ 257,167
				<u>\$ 257,167</u>

Uses:

Teacher	G1100T6B	411210	S0301	\$ 149,910
FICA	G1100T6B	421000	S0301	9,456
VRS	G1100T6B	422100	S0301	25,315
Medical Insurance	G1100T6B	423100	S0301	18,894
Group Life Insurance	G1100T6B	424000	S0301	1,965
Education & Rec Supplies	G1100T6B	460130	S0301	51,627
				<u>\$ 257,167</u>

Title I, Title II, Title III, and Title IV Carryover Funds

FCPS has been awarded additional, closeout and carryover funds from the DOE. The original program appropriations provide for the potential carryover of these funds each year. These funds are to be expended in the 2020-2021 school year, and need to be appropriated for budget purposes.

Sources:

Title I/Chapter 1 84.013	G84103T1	384013	S0303	\$ 135,887
Title II/NCLB/Teacher Quality	G84367T2	384367	S0310	62,357
Title III LEP	G84365T3	384365	S0308	45,472
Title IV/NCLB ESSA Trnsfr 84.4	G84424T4	384424	S0311	94,255
				<u>\$ 337,971</u>

Uses:

Other Professional Services	G1100TT1	431600	S0303	\$ 112,226
Convention & Education	G1100TT1	455400	S0303	2,205
Education & Rec Supplies	G1100TT1	460130	S0303	21,456
Other Professional Services	G1100T2Q	431600	S0310	56,892
Convention & Education	G1100T2Q	455400	S0310	5,465
Other Professional Services	G1100TT3	431600	S0308	39,460
Convention & Education	G1100TT3	455400	S0308	1,361
Education & Rec Supplies	G1100TT3	460130	S0308	4,651
Other Professional Services	G1100TT4	431600	S0311	37,938
Convention & Education	G1100TT4	455400	S0311	10,288
Education & Rec Supplies	G1100TT4	460130	S0311	46,029
				<u>\$ 337,971</u>

CARES ESSER Act Allocation

FCPS has received a CARES Act allocation that needs to be appropriated for the 2020 - 2021 school year.

Sources:

CARES Act ESSER Allocation	G84425CA	384425	S0900	\$ 869,036
				<u>\$ 869,036</u>

Uses:

Supplemental Pay	G84425CA	416210	S0900	\$ 135,000
FICA Benefits	G84425CA	421000	S0900	10,328
Other Professional Services	G84425CA	431600	S0900	40,000
Other Operating Supplies	G84425CA	460140	S0900	683,708
				<u>\$ 869,036</u>

COVID-19 Donations

FCPS has received a donation of \$4,000 for Hugh Mercer Elementary School and the Mobile Food Program. The donation for HMES has already been deposited to the school's activity fund.

Sources:

Nutrition Donations	G1100NGD	318903	S0802	\$ 1,479
				<u>\$ 1,479</u>

Uses:

Other Operating Supplies	G1100NGD	460140	S0900	\$ 1,479
				<u>\$ 1,479</u>

COVID-19 Carryover Donations

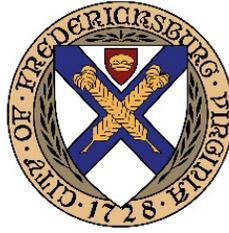
FCPS received nutrition donations in the last fiscal year that will be spent in the 2020 - 2021 school year to support the mobile feeding program.

Sources:

Nutrition Donations	G1100NGD	318903	S0802	\$ 30,380
				<u>\$ 30,380</u>

Uses:

Other Operating Supplies	G1100NGD	460140	S0900	\$ 30,380
				<u>\$ 30,380</u>



MEMORANDUM

TO: Mayor Greenlaw and Members of City Council
FROM: Timothy J. Baroody, City Manager
DATE: September 16, 2020 (for September 22 Council meeting)
SUBJECT: City Manager's Update

Highlights of major activities and other notable developments:



Voting in the City – Citizens are encouraged to apply now to receive their absentee ballots by mail for the November 3, 2020 Presidential Election. Voting by mail is the safest way to cast your vote during the COVID-19 pandemic. All voters are qualified to vote by mail, but must submit an application requesting a ballot. Registered voters of any City or County in Virginia can apply online via the Virginia Department of Elections

at: <https://vote.elections.virginia.gov/VoterInformation>. Fredericksburg residents should check the Fredericksburg Voter Registration webpage for election applications, deadlines, and other information here: <https://www.fredericksburgva.gov/534/Voter-Registration-and-Elections>. Ballots will be mailed out the week of September 14th, giving voters between 45-50 days to receive and return their ballots. The deadline to request a ballot is October 23rd at 5:00 p.m. Voters are encouraged to act now.

Wind Down Wednesdays – The Department of Parks, Recreation and Events held the first “Wind Down Wednesdays” concert event on **September 16** with a great turnout for popular musician Karen Jonas. **The next evenings will be on September 23 and 30 at Memorial Park from 6:00- 8:00 p.m.** These free, family friendly concerts will be open to the public. A designated concert area on the Mary Ball Street side of the park behind the tennis courts will be marked for social distancing and will accommodate 250 people. Masks will be required to enter into the concert area. Park patrons will still be allowed to enjoy the park, outside the designated area. Upcoming musicians include Spanglish on the 23rd, and Darcy Dawn wraps up the month and the series on September 30th. Parking for the event will be in the First Christian Church parking lot on Washington Avenue. Attendees must bring

their own chairs or blankets for seating, and may bring their own picnics, but no alcohol of any kind is permitted in the park.



“Ask the Mayor” Video Series –

In the newest episode Mayor Greenlaw is joined by Fredericksburg’s Director of Elections and Voter Registrar, Marc Hoffman. Mr. Hoffman answers your questions about voting in the November 3rd election. For early in-person voting go to 601 Caroline Street,

Monday - Friday, between 8:30 a.m. and 4:30 p.m. starting on September 18th through the last Saturday of October, which is October 31st. The City of Fredericksburg Voter Registrar can be reached by calling 540-372-1030 or emailing vote@vote.fredericksburgva.gov. Visit the Virginia Department of Elections website online at Elections.Virginia.gov. Ask the Mayor’s next episode will be back on September 25th. Please continue submitting your questions at askthemayor@fredericksburgva.gov. Our revolutionary spirit is stronger than ever and we look forward to continuing to see an active and vibrant city. #lovefxbg



Chatham Bridge Closure –

The bridge closed on **June 22 and will stay closed through October 2021** for major improvements. The Department of Economic Development and Tourism is proud to present the weekly social media series, *Spanning Chatham Bridge’s History*, every Thursday. As our Chatham Bridge undergoes construction, we’re taking a look back on the history of the bridge, and its prominence in downtown Fredericksburg

throughout generations. In this week’s edition: In 1888, a series of 11 stereopticon images were taken of Fredericksburg from the steeple of St. George’s Episcopal Church to create a panoramic image of the city. This particular image looks northeast across the Chatham Bridge. During this time it was a toll-operated bridge for public use, but only remained so until 1889.

Stay updated: www.virginiadot.org and at www.fxgbgbridge.com

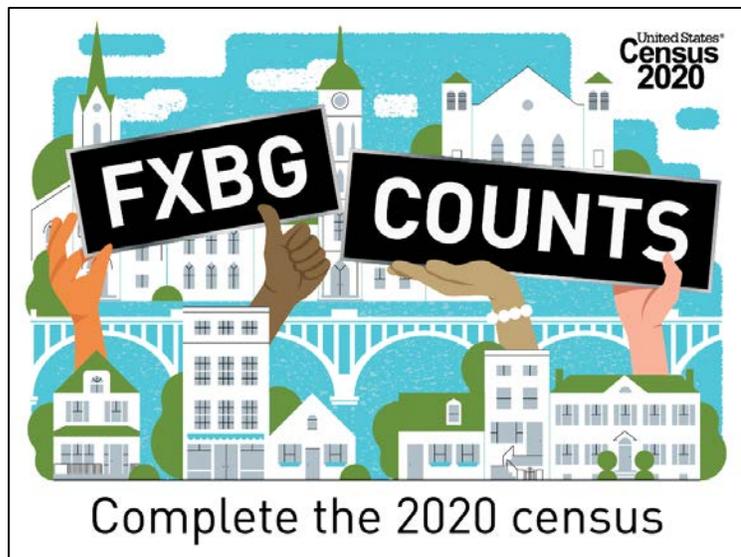
Upcoming Council Meetings – All council meetings will be held virtually until further notice. The public is encouraged to access the meetings through the broadcast on Cox Channel 84 and Verizon Channel 42. The meetings can also be viewed on www.regionalwebtv.com/fredcc or accessed through Facebook at www.facebook.com/FXBGgov.

Citizens who wish to participate in the public comment period are able to send their comments in writing by (1) dropping them in the Deposit Box at City Hall, (2) U.S. Mail, (3) through a form on our website <https://www.fredericksburgva.gov/677/Public-Comment> or (4) emailed to the Clerk of Council. Comments must be received at least four hours in advance of the meeting – *for example, comments will be accepted until 1:30 p.m. on nights with a 5:30 p.m. work session.* The comments will be read out loud during the public comment portion of the City Council meeting. The standard rules apply to public comments: the person must identify himself or herself by name and address, including zip code, limit his or her remarks to **3 minutes** or less (read aloud), and address a topic of City business. Public comments are limited to a **total of 40 minutes**, with priority for comments from City residence or businesses. All written comments will be submitted to the council members. See www.fredericksburgva.gov for more details or call (540) 372-1010.

Census 2020 – The deadline to respond is quickly approaching. Responses received before September 30 will still be counted and it is so important to respond! Census takers are visiting City households who have not yet responded to the Census, as the U.S. Census Bureau begins enumeration activities nationwide. The goal of the 2020 Census is to count everyone who lived in the United States on April 1, 2020 (Census Day).

“So far, 66% percent of Fredericksburg households have responded to the Census,” states Susanna Finn, Fredericksburg’s Community Development Planner. “Completing the census ensures our City will receive the funding we need for valuable community services like educational and housing programs. This is important for our whole community and we need every household counted. Responding online is easy, safe, and confidential and I hope everyone will visit 2020census.gov.”

Households can still respond now online at 2020census.gov, by phone at 844-330-2020, or by completing and mailing back the paper questionnaire they received. Households can respond online or by phone in one of 13 [languages](#) and find assistance in many more. Households that respond on their own will not be visited by a Census worker.



COVID-19 (Coronavirus) – Information will continue to be provided in written updates shared through our website and social media platforms. See www.fredericksburgva.gov for full details. Stay vigilant and practice social distancing, wear a mask in public settings, and frequent hand washing.

Also stay updated in the following ways: follow the [Virginia Department of Health for updates](#), be notified when we make City Government related updates on this page by subscribing to the "[Fredericksburg News](#)" [News Flash](#), subscribe to [FredericksburgAlert.com](#) for announcements for City Government, City Schools and also any changes in trash pickups, traffic, events and more.

CARES Act Funding in Action – The City set aside \$200,000 in CARES Act funding for assistance to individuals in the community and has partnered with the Rappahannock United Way to help Fredericksburg individuals and families who have been directly affected by COVID-19 pay their rent or mortgage. To qualify for City-funded assistance, applicants must live in the City; have a lease, mortgage or proof of landlord-tenant agreement; have suffered a loss of income due to COVID-19; have a rent or mortgage payment that is at or below Fair Market Rent; and must be at or below 80% Area Median Income. In the City, Area Median Income varies based on how many people reside in a household. For example, the maximum income for a one-person household is \$55,750, and the maximum income for a four-person household is \$79,600. If you or someone you know needs assistance, please visit their [website](#) or call Rappahannock United Way at 540-373-0041 (Monday - Friday, 8:00AM - 4:30PM).



Christmas Parade 2020 - The Parks, Recreation and Events Department is pleased to announce that at this time they are moving forward in planning the 2020 Christmas Parade in Fredericksburg on **December 5 at 5:30 p.m.** They are working closely with all City departments to format the parade in such a way that health and safety for our participants and the community are top priority.

With that, they have redesigned the traditional parade to a **Reverse Parade** format. **Floats will be stationed along Gordon W. Shelton Boulevard and attendees will drive by.** Still free to attendees, it will be similar to a drive-thru light display. This reverse parade format will allow for spacing between parade entries and no direct contact with the public.

The theme this year is **“Light Up the Season!”** Let’s brighten the night and everyone’s spirits as we keep this tradition alive! Registration begins on September 10th and runs through October 15th or until our limit of 80 spots are filled, whichever comes first. Organizations and businesses are encouraged to register early. The cost is \$50 for commercial entry, \$25 for non-profit entry, and free to Veterans Groups, school organizations and first responders. More information can be found on the parade’s webpage at <https://www.fredericksburgchristmasparade.com>

Staff is excited about the new reverse parade this year, and think it will be a great way to spread some holiday cheer!



Nature Programs – Plans are still being finalized for the Campout in the Park this year at Motts Run Reservoir on October 16-17, with physical distancing guidelines in mind. A self-guided trail has been developed for the loop trail at Alum Spring Park. This guided trail can be accessed through a free app called **ViewRanger** and searching for “Fredericksburg PRE.” Brochures are available at

the park for those not using the app. This trail has been installed and launched and will be the subject of an upcoming Freehling Finds. A new trail brochure for Motts Run, including both the hiking and biking trails, has been developed with the help of FredTrails. A new trail guide for Alum Spring has also been created. See attachments.



Fall Programs – Our Parks, Recreation and Events team is excited to bring back safe, socially distanced programs for the fall season. Please note that the

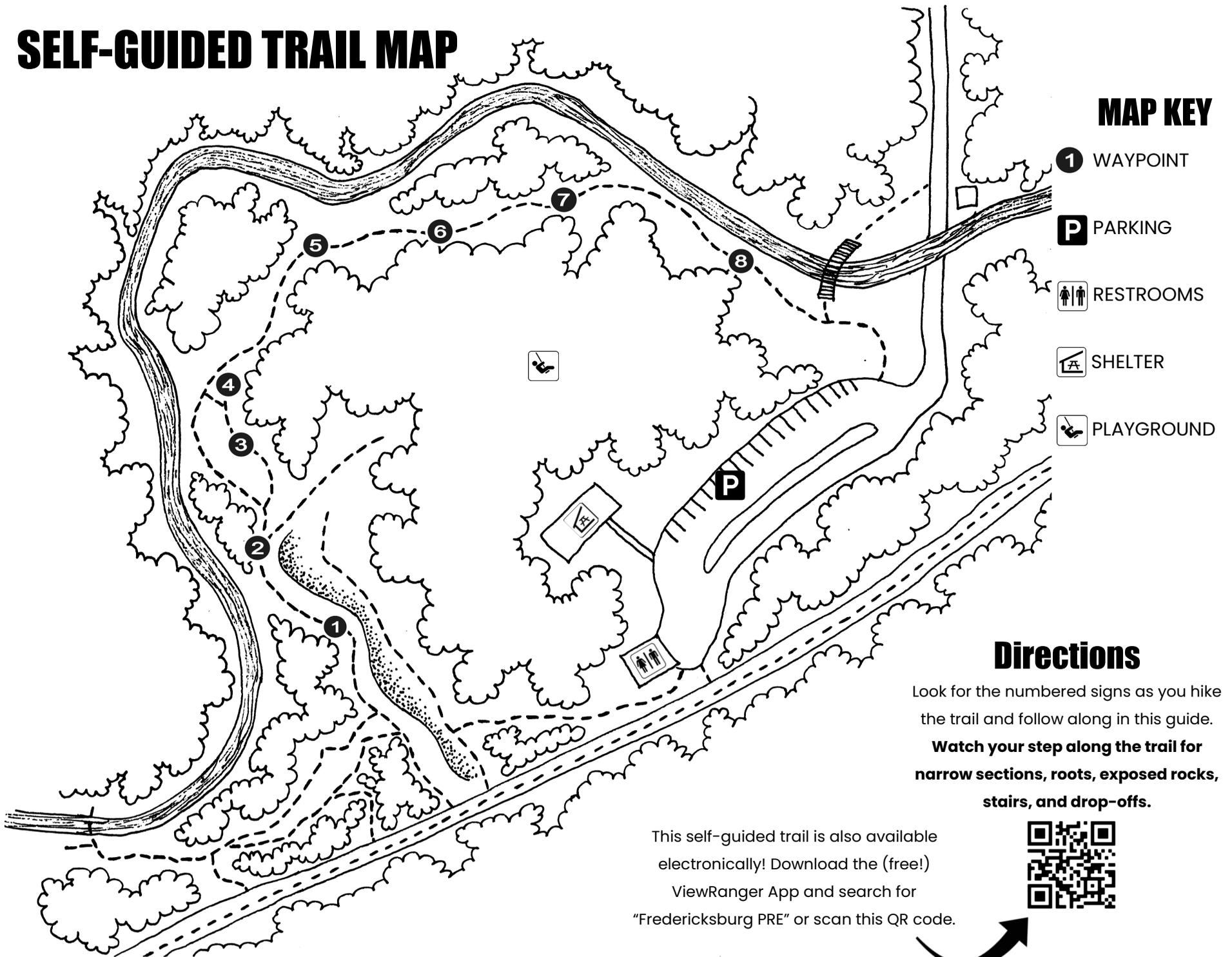
Dorothy Hart Community Center is CLOSED to the public. However, they are enrolling online and ready to help you by phone for these new Fall Program registrations. See the full [listing](#).



Fred Focus

Fred Focus – The [Fredericksburg Department of Economic Development and Tourism](#) is pleased to bring you Fred Focus, a weekly e-newsletter that goes out every Thursday and keeps you up-to-date on Fredericksburg business and tourism information and events. This week’s [edition](#).

SELF-GUIDED TRAIL MAP



MAP KEY

- 1 WAYPOINT
- P PARKING
- RESTROOMS
- SHELTER
- PLAYGROUND

Directions

Look for the numbered signs as you hike the trail and follow along in this guide.

Watch your step along the trail for narrow sections, roots, exposed rocks, stairs, and drop-offs.

This self-guided trail is also available electronically! Download the (free!) ViewRanger App and search for "Fredericksburg PRE" or scan this QR code.



Alum Spring Park



SELF
GUIDED
TRAIL

1 Greenbrier Drive
Fredericksburg, VA 22401
(540) 372-1086
www.parks.fxbg.com

FXBG | Fredericksburg
Parks, Recreation & Events

Please **Return, Reuse,** or
Recycle this brochure!



1 Sandstone Cliffs

This sandstone cliff is a geological formation about 100 million years old. Back when dinosaurs roamed the

earth, waters flowing from the western mountains toward the newly formed Atlantic carried tons and tons of weathered sediment. As the terrain flattened out, sediments were dropped from the moving waters in layer upon layer of sand and clay. Chemicals in the water cemented the sediments together into the sandstone you see today.

Water seeping from under the cliff, midway along the path, deposits a crystalline pink, white, or yellow layer of alum on the ground. Alum was used in Revolutionary times to preserve meat. At the far end of the cliff, the dripping of water forms a spring which gives the area its name.

Under these cliffs, hundreds of women and children took refuge under this rock ledge during the Civil War bombardment of the town in December 1862. Imagine what this would have been like for those Fredericksburg residents.

2 Hazel Run

Hazel Run stretches about seven miles from Spotsylvania County, through the City of Fredericksburg, until it empties into the Rappahannock River. Streams, like Hazel Run, have a current, meaning the water is constantly moving. This current is driven by gravity. The water comes from the source (headwaters) of the stream, smaller streams (tributaries), and runoff from the land nearby.

3 Stop, Look, and Listen

Take a minute to pause in this spot. Inhale and exhale. See how many different natural colors you can glimpse from here. Close your eyes for a full minute and count how many different sounds you can hear. Did you hear any birds or insects that you can identify?

4 Historic Ice House

This deep pit and a bit of stone wall are all that remain of a historic ice house. In the cold winter months, ice was harvested from Alum Spring mill pond and stored here between layers of sawdust and straw. It was sought as the clearest ice available to the townspeople of the 1800s. In the days before modern refrigeration, iceboxes were used to keep perishables and provide the coolant for an occasional summer treat. Records show the ice was typically sold for \$5 a share, entitling the holder to eight pounds a day for the season.

5 How has the land been changed by the stream?

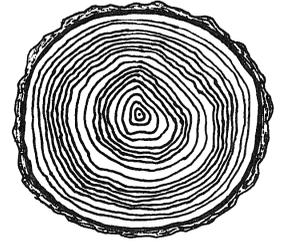
As a stream flows through an area, the water wears away at the sediment and rocks in a process called erosion. Hazel run, and other streams, started out as a thin sheet of water following the slope of the ground but over time, the stream dug in a larger and larger channel. This is the same way river valleys form on a much larger scale.



6 How did all these smooth stones get here?

In the same way the land is getting cut through by the water in the stream, the sediments and rocks that are pulled from the banks have to go somewhere. As the rocks are tumbled by the water's current, they knock into each other. All of the uneven parts of the rocks get broken off and worn down until they are deposited in new locations (at the mouth of the stream or at a curve in the river bed like this one). This process of wearing down rocks is called weathering. The size and smoothness of rocks can give you an idea of how long they have been in the water or how old the stream is. Typically, the rocks at the mouths of rivers and streams are much smoother and smaller than those at the headwaters.

7 How old is the tree?



Did you know trees record history? They keep detailed records and can tell you a story as long as you know how to read them. The way trees are shaped can tell you all about their lives. Here you can see where sycamore trees fell across the trail and had to be cut. This gives us the perfect opportunity to learn more about the life of the tree. Check out the cross-section of one of the trees. By counting the rings, you can determine the age of the tree but more than that, you can learn more about each of those years. Thicker rings can show years of the greatest growth and thin rings mark scarcer years.

8 Why does the water rush?

As you've walked along Hazel Run, you have probably noticed that it is still at some points and at other points it moves very quickly. Many factors can influence the speed of the water in a stream such as the shape of the channel, the volume of water, and the slope of the riverbed. At points of a stream where there are a lot of rough rocks, the water slows because of friction. After a big storm, the volume of water in the stream rises causing it to move faster. And at point when the stream is flowing down a steep slope, gravity is pulling the water down which creates greater velocity.

ABOUT ALUM SPRING PARK

When Fredericksburg was established in 1728, the "Alum Spring" was a remote though well-known destination in the wilderness of Spotsylvania County. For several millennia, Powhatan Indians had come to the banks of Hazel Run to gather clay. These were the tribespeople Captain John Smith met when he explored the area in 1608. After the town was established, George Washington surveyed the tract which was then purchased by his brother-in-law, Fielding Lewis. Other notable owners included John Marye, one-time mayor and owner of Marye's Heights and Brompton, and Absalom P. Rowe, mayor of Fredericksburg from 1888-1900. The City of Fredericksburg became the final owner in 1965 after purchasing the Alum Spring property from W.C. Spratt and others. The 35-acre park was developed with the addition of a concrete ford and suspension bridge over Hazel Run, trails, grills, and picnic tables. It was opened to the public on August 13, 1968. The current accessible bridge replaced the suspension bridge in 2001.

Become the latest in a long line of explorers as you discover Alum Spring Park.



TREES ALONG THE TRAIL

See how many you can identify!

- | | |
|--|--|
| <input type="checkbox"/> Virginia Pine | <input type="checkbox"/> Loblolly Pine |
| <input type="checkbox"/> Eastern Red Cedar | <input type="checkbox"/> Sweetgum |
| <input type="checkbox"/> Tulip Poplar | <input type="checkbox"/> Black Gum |
| <input type="checkbox"/> Alder | <input type="checkbox"/> Mockernut Hickory |
| <input type="checkbox"/> American Beech | <input type="checkbox"/> Southern Red Oak |
| <input type="checkbox"/> Chestnut Oak | <input type="checkbox"/> Post Oak |
| <input type="checkbox"/> Scarlet Oak | <input type="checkbox"/> Willow Oak |
| <input type="checkbox"/> White Oak | <input type="checkbox"/> Sycamore |
| <input type="checkbox"/> American Holly | <input type="checkbox"/> E. Redbud |
| <input type="checkbox"/> Red Maple | <input type="checkbox"/> White Ash |
| <input type="checkbox"/> Flowering Dogwood | <input type="checkbox"/> Other _____ |

BIRDING CHECKLIST

Check off birds identified by sight or sound.

- | | |
|--|---|
| <input type="checkbox"/> Bald Eagle | <input type="checkbox"/> Red-tailed Hawk |
| <input type="checkbox"/> Northern Cardinal | <input type="checkbox"/> Belted Kingfisher |
| <input type="checkbox"/> Canada Goose | <input type="checkbox"/> Red Bellied Woodpecker |
| <input type="checkbox"/> Wood Duck | <input type="checkbox"/> Downy Woodpecker |
| <input type="checkbox"/> Mourning Dove | <input type="checkbox"/> Hummingbird |
| <input type="checkbox"/> Ruby Throated | <input type="checkbox"/> Great Blue Heron |
| <input type="checkbox"/> Hummingbird | <input type="checkbox"/> Pileated Woodpecker |
| <input type="checkbox"/> Black Vulture | <input type="checkbox"/> Blue Jay |
| <input type="checkbox"/> Turkey Vulture | <input type="checkbox"/> N. Mockingbird |
| <input type="checkbox"/> Osprey | <input type="checkbox"/> Other _____ |

HOURS OF OPERATION

Open Daily **Dawn—Dusk**

Park subject to close due to weather and high water level in Hazel Run

Sign up for **FredAlert** for updates:
fredericksburgalert.com

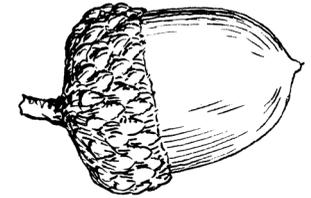
RULES & REGULATIONS

Following the rules and applying common sense will help ensure a safe and pleasant visit for all and preserve this park for future generations.

- Keep the park clean by placing waste in the proper receptacles
- Biking allowed only on VCR Trail
- Park only in designated areas
- Fires allowed in park grills only
- Wade in creek at own risk
- No motorized vehicles allowed off road
- No disturbance or removal of plant or animal life
- All dogs must be on a leash
- Camping and hunting prohibited
- Alcohol prohibited
- No metal detectors
- Hammock straps should be at least 1" wide and trees used should be at least 1' in diameter

For more info, call (540) 372-1086 or visit www.parks.fxbg.com

Alum Spring Park



TRAIL GUIDE

**1 Greenbrier Drive
Fredericksburg, VA 22401
(540) 372-1086
www.parks.fxbg.com**

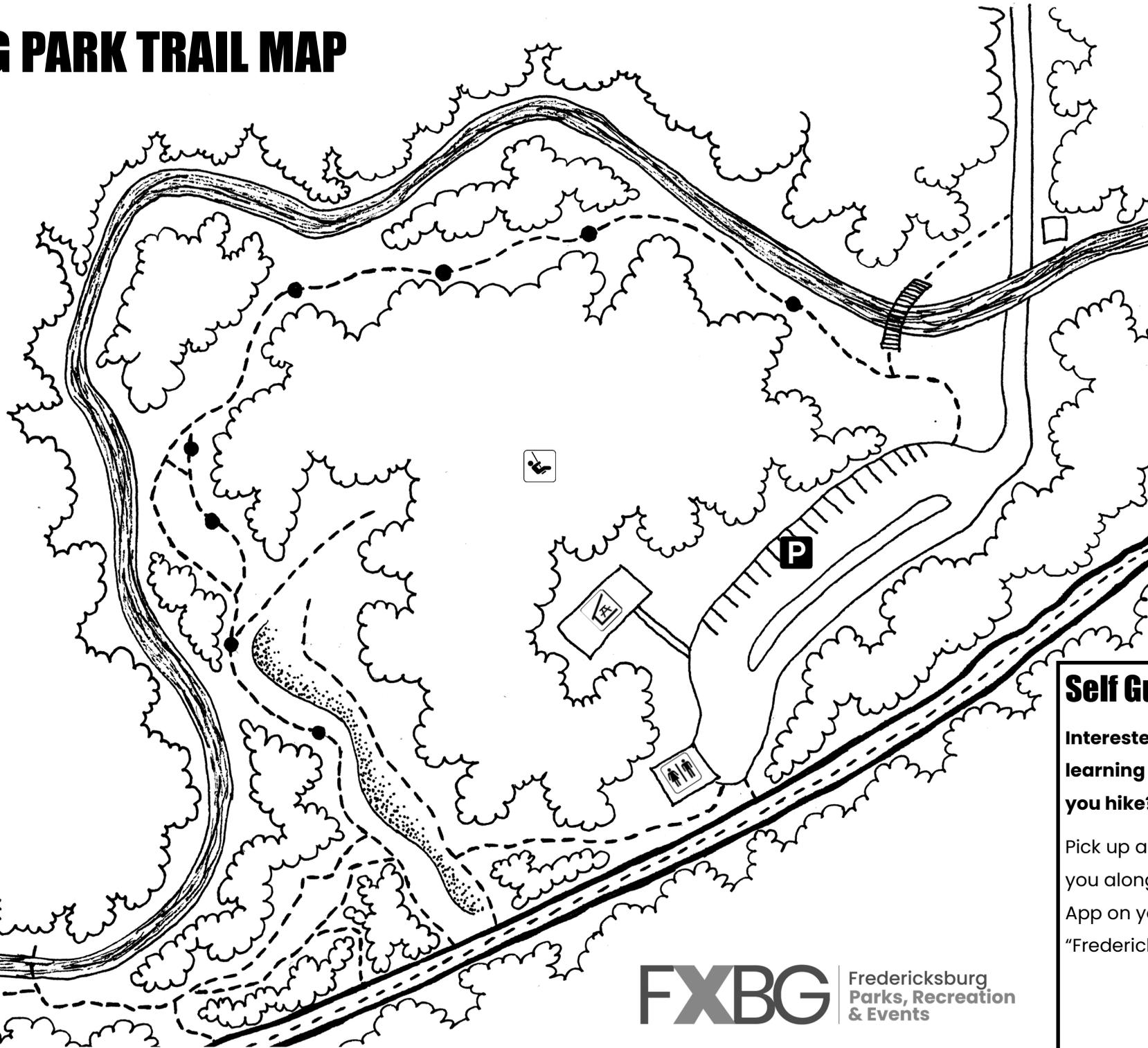


Please **Return, Reuse,** or **Recycle** this brochure!

ALUM SPRING PARK TRAIL MAP

HIKING HINTS

- Hike with a buddy—especially if it is your first time at the park.
- Carry water in hot weather.
- Bring a map with you on the trail.
- Let someone know where you will be hiking and for how long.
- Stay on the trail.
- Observe closing time of sunset.



Map Key

- Hiking Trail
- ==== VCR Trail
-  Picnic Shelter
-  Restrooms
- P** Parking
-  Playground
- Self-Guided Trail Stop

Self Guided Trail

Interested in doing the Self-Guided Trail and learning more about nature and history as you hike?

Pick up a Self-Guided Trail brochure to guide you along or download the free ViewRanger App on your phone and search for "Fredericksburg PRE."

Or scan here



ABOUT MOTTS RUN RESERVOIR

This 860-acre park was opened in 1974, three years after the completion of the reservoir, and since that time it has seen many changes. In 2000, a water treatment facility was completed near the dam to serve the City of Fredericksburg and parts of Spotsylvania County. In 2004, our lovely log cabin nature center was finished. 2020 marks the completion of the mountain biking trails encircling the reservoir, courtesy of FredTrails. Motts Run continues to provide recreational opportunities for fishermen and boaters, as well as habitat for waterfowl and a host of other wildlife. Over 12 miles of hiking and biking trails encourage exploration of the surrounding forest.

TREES ALONG THE TRAIL

See how many you can identify!

- | | |
|--|--|
| <input type="checkbox"/> Virginia Pine | <input type="checkbox"/> Loblolly Pine |
| <input type="checkbox"/> Eastern Red Cedar | <input type="checkbox"/> Sweetgum |
| <input type="checkbox"/> Tulip Poplar | <input type="checkbox"/> Black Gum |
| <input type="checkbox"/> Alder | <input type="checkbox"/> E. Cottonwood |
| <input type="checkbox"/> American Beech | <input type="checkbox"/> Mockernut Hickory |
| <input type="checkbox"/> Northern Red Oak | <input type="checkbox"/> Southern Red Oak |
| <input type="checkbox"/> Chestnut Oak | <input type="checkbox"/> Post Oak |
| <input type="checkbox"/> Scarlet Oak | <input type="checkbox"/> Willow Oak |
| <input type="checkbox"/> White Oak | <input type="checkbox"/> Sycamore |
| <input type="checkbox"/> American Holly | <input type="checkbox"/> Wild Black Cherry |
| <input type="checkbox"/> Red Maple | <input type="checkbox"/> E. Redbud |
| <input type="checkbox"/> Am. Hornbeam | <input type="checkbox"/> White Ash |
| <input type="checkbox"/> Flowering Dogwood | <input type="checkbox"/> Other _____ |

BIRDING CHECKLIST

Check off birds identified by sight or sound.

- | | |
|--|--|
| <input type="checkbox"/> Bald Eagle | <input type="checkbox"/> Red-tailed Hawk |
| <input type="checkbox"/> Northern Cardinal | <input type="checkbox"/> Belted Kingfisher |
| <input type="checkbox"/> Canada Goose | <input type="checkbox"/> Red Bellied |
| <input type="checkbox"/> Wood Duck | <input type="checkbox"/> Woodpecker |
| <input type="checkbox"/> Mourning Dove | <input type="checkbox"/> Downy |
| <input type="checkbox"/> Ruby Throated | <input type="checkbox"/> Woodpecker |
| <input type="checkbox"/> Hummingbird | <input type="checkbox"/> Pileated |
| <input type="checkbox"/> Great Blue Heron | <input type="checkbox"/> Woodpecker |
| <input type="checkbox"/> Black Vulture | <input type="checkbox"/> Blue Jay |
| <input type="checkbox"/> Turkey Vulture | <input type="checkbox"/> N. Mockingbird |
| <input type="checkbox"/> Osprey | <input type="checkbox"/> Other _____ |

WILDLIFE

Wetland vegetation rimming the 6.5 mile shoreline provides a breeding ground for spring peepers and American Toads, dragonflies and mayflies, which in turn become food for bluegill and bass. Great blue herons, kingfishers, and osprey prey on the aquatic life while beavers make use of the sweetgum, oak, and pine growing along the banks for their numerous stick and mud bank lodges. Further upland, the hardwood forest of oak, hickory, and beech provides food and shelter for white-tailed deer, wild turkey, raccoon, and the great-horned owl. Flowering mountain laurel and dogwood brighten the spring woodland while black gum and red maple set the autumn woods on fire.



HIKING & BIKING HINTS

- Hike or bike with a buddy, especially if it is your first time.
- Carry water in hot weather.
- Bring a map with you on the trail.
- Let someone know where you will be hiking or biking and for how long.
- Stay on the trail.
- Take note of colored blazes along the trail.
- Observe closing time of sunset.
- **Caution:** Yellow-jackets nest underground and can be very aggressive from July to frost. Carry medication if allergic and stay on trails.

FXBG | Fredericksburg
Parks, Recreation
& Events

RULES & REGULATIONS

Following the rules and applying common sense will help ensure a safe and pleasant visit for all and preserve this park for future generations.

- Keep the park clean by placing waste in the proper receptacles
- Mountain Biking allowed only on designated trails
- Park only in designated areas
- Fires allowed in park grills only
- Fishing license required to fish
- No wading or swimming
- No motorized vehicles allowed off road
- No disturbance or removal of plant or animal life
- All dogs must be on a leash
- Camping and hunting prohibited
- Alcohol prohibited
- No metal detectors
- Hammock straps should be at least 1 in wide and trees used should be at least 1 ft in diameter

PARK PHONE: 540-786-8989

In the event of an emergency, park staff can call 911. First Aid Kit available at boat concession.

CONCESSION

Fishing and jon boat/canoe rentals available for fee (brochure on rates and lake map available).

HOURS OF OPERATION

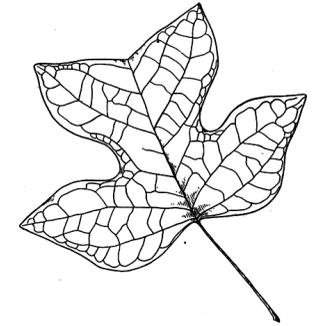
April 1—Oct. 31 **7am-7pm**
Closed every Tuesday and Wednesday
Nov. 1—March 31 **Closed**

NATURE CENTER

Open Sat/Sun, 12-5pm, April 1—Oct. 31
Interested in Volunteering? 372-1086 x213

For more information, contact the City of
Fredericksburg Parks, Recreation, & Events
408 Canal St., Fredericksburg, VA 22401
(540) 372-1086 / www.FredParksRec.com

Motts Run Reservoir



**TRAIL
GUIDE**

6600 River Road
Fredericksburg, VA 22407
(540) 786-8989
www.FredParksRec.com

FXBG | Fredericksburg
Parks, Recreation
& Events

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Recycle this brochure!

Hiking Trails

Hiking terrain includes gently rolling hills and at least one moderately steep hill per trail. Follow painted blazes (rectangles □) on trees. Spurs/shortcuts have white blazes. Double blaze indicates turn.

MINE RUN TRAIL

RED BLAZE—2.6 miles roundtrip
Linear trail terminates at Mine Run.
Hiking time approx. 1 hour.

LAKEVIEW TRAIL

GREEN BLAZE—0.5 miles
Lovely lake views through pines on ridge. Bridge over wetland area.
Hiking time approx. 15 min.

TURKEY RIDGE TRAIL

YELLOW BLAZE—0.8 mile loop
Recommended hiking clockwise
Hiking time approx. 20 min.
Possum Path: 0.2 miles (white blaze)

LAUREL TRAIL

PURPLE BLAZE—0.4 miles
Mountain Laurel in bloom early May.
Hiking time approx. 10 min.

HIDDEN CREEK TRAIL

BLUE BLAZE—1.5 mile loop
Much beaver activity. Lovely views
Hiking time approx. 45 min.
Osprey Point Trail: 0.2 miles (white blaze)
Lovely lake views & two benches.
Old Silo Trail: 0.2 miles
Group benches at old farm silo and barn site.

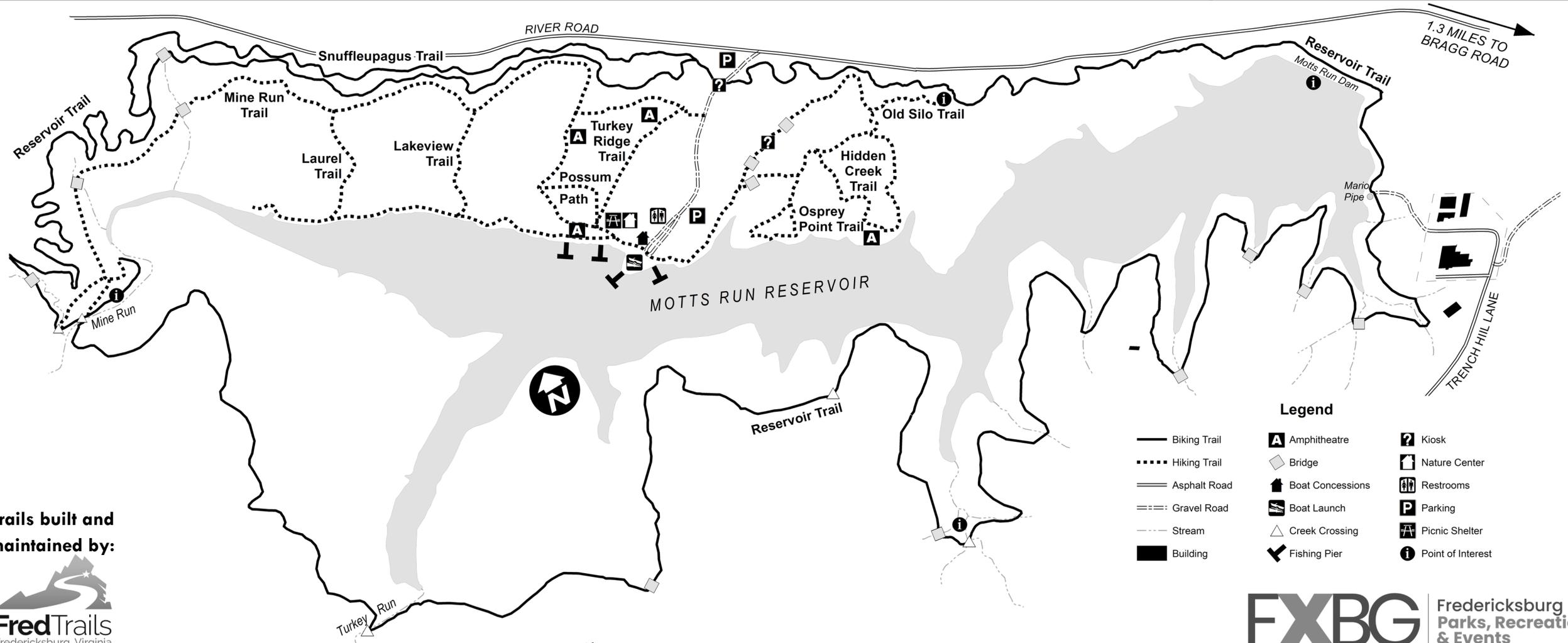
Biking Trails

SNUFFLEUPAGUS TRAIL

YELLOW SIGNS—2.0 mile loop
Loop connects to the Reservoir Trail

RESERVOIR TRAIL

WHITE SIGNS—7.7 mile loop (including 1 mile of Snuffleupagus Trail)
Loops around entire reservoir. Features multiple creek crossings and bridges.



Trails built and maintained by:





**CITY COUNCIL
MEETINGS & EVENTS CALENDAR**

City Hall Council Chambers, 715 Princess Anne Street, Fredericksburg, VA 22401

9/22/20	5:30 p.m.	Work Session <ul style="list-style-type: none"> • Council Priorities Quarterly Update • Racial Equity Plan • Proposed UDO text amendments for the CD Zoning District 	Virtual
	7:30 p.m.	Regular Session	Virtual
9/23/20	6:30 p.m.	Joint Work Session with Planning Commission on Area Plans 1 and 2	Virtual
10/1/20	7:00 p.m.	Schools ECE Task Force	Virtual
10/13/20	5:30 p.m.	Work Session <ul style="list-style-type: none"> • Stormwater Management (tentative) 	Virtual
	7:30 p.m.	Regular Session	
10/27/20	5:30 p.m.	Work Session	Virtual
	7:30 p.m.	Regular Session	
10/28/20	6:30 p.m.	Joint Work Session with Planning Commission to Review the 2020 Housing Affordability Study and Action Plan	Virtual
11/10/20	5:30 p.m.	Work Session	Virtual
	7:30 p.m.	Regular Session	

Future Work Session Topics: Economic Development Incentives, Action on UDO Text Amendment from 2018: Paying Taxes at Approval Instead of Application, and New FEMA Flood Plain Maps.

September 17 at 11 a.m.

