



CITY OF FREDERICKSBURG, VIRGINIA

CITY COUNCIL

MINUTES

Council Chambers, 715 Princess Anne Street
Fredericksburg, Virginia 22401

HON. MARY KATHERINE GREENLAW, MAYOR
HON. WILLIAM C. WITHERS, JR., VICE -MAYOR, WARD TWO
HON. KERRY P. DEVINE, AT-LARGE
HON. MATTHEW J. KELLY, AT-LARGE
HON. JASON N. GRAHAM, WARD ONE
HON. DR. TIMOTHY P. DUFFY, WARD THREE
HON. CHARLIE L. FRYE, JR., WARD FOUR

June 10, 2020

The Council of the City of Fredericksburg, Virginia, held a public hearing on Wednesday, June 10, 2020, beginning at 7:46 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 William C. Withers, Jr., Council members Dr. Timothy P. Duffy, Charlie L. Frye, Jr., Jason N. Graham and Matthew J. Kelly.

Planning Commission Present. Chairman Rene Rodriguez. Vice-Chairman Steve Slominski, Commissioners David Durham. Kenneth Gantt, Chris Hornung and James Pates.

Planning Commission Absent. Commissioner Tom O'Toole.

Also Present. City Manager Timothy J. Baroody, City Attorney Kathleen Dooley, Assistant City Attorney Dori Martin, Community Planning and Building Services Director Charles Johnston, Zoning Administrator James Newman, Building Development Administrator Marne Sherman, Business Development Manager Angela Freeman and Clerk of Council Tonya B. Lacey.

Pledge of Allegiance. Council and Planning Commission was led the Pledge of Allegiance led by Chairman Rene Rodriguez.

Determination of a Quorum. Mayor Greenlaw and Chairman Rodriguez determined that they both had quorums present.

Approval of Agenda. As accustom for the Planning Commission, Commissioner Gantt moved approval of the agenda as submitted; motion was seconded by Mr. Durham and passed by the following recorded votes. Ayes. Rodriguez, Slominski, Durham, Gantt, Hornung, Pates. Nays. None.

Declaration of Conflict of Interest. As accustom for the Planning Commission they declared there were no conflicts.

Notice of Public Hearings (D20-__ thru D20-__). Mayor Greenlaw read the notice of the public hearings as they appeared in the local newspaper, the purpose being to solicit citizen input.

Greenchip Requests a Special Use Permit to Operate a Recycling Center Within an Existing Building at 10 Harkness Boulevard/GPIN 7778-78-5342, Which is in the General Industrial (I2) Zoning District. (D20-__). No speakers.

GreenChip Inc. Requests Four Special Exceptions to Permit Development of a Recycling Center Within an Existing Building at 10 Harkness Boulevard/GPIN 7778-78-5342, Which is in the General Industrial (I2) Zoning District. Both of the GreenChip public hearings were held

together. Mr. Johnston noted that the Council and Planning Commission was holding the public hearing but public comments could be submitted through June 17 for Planning Commission and June 23 for the City Council. He also explained that there would be no votes taken during the public hearing. Mr. Johnston acknowledged that the regulations on recycling were in need of refinement. The regulations were written ten to twelve years ago and today's regulations require a special use permit.

Mr. Newman presented a PowerPoint presentation and he began with an overview of the project, location, and general development plan (GDP), information on GreenChip, exception requests, conditions for both the special use permit (SUP) and the special exceptions (SE) and staff recommendation.

Charlie Payne, Attorney at Hirschler Fleischer representing the applicant, introduced Will Duncanson, Bowman Consulting Group, engineer for the applicant; Bill Monteleone, President and Owner of GreenChip, Inc. applicant and Maggie MacDonald the applicant's attorney. Mr. Payne presented a PowerPoint presentation where he discussed the company background, project overview, operations, recommended land use, GDP Overview, pictures of existing facility and GreenChip New York facilities.

Mr. Johnston added that Curry Robert with the Fredericksburg Regional Alliance and Angela Freeman with the Economic Development office were both instrumental in bringing GreenChip to the City.

Commissioner Durham spoke of the issues created because this project was designated as a recycling center and he suggested staff look at the language in the Governor's press release regarding the TES facility in Spotsylvania as IT lifecycles services for use in reviewing potential land use category. He also suggested that if the City approve a new land

use category that it could be approved administratively so the applicant does not have to take any further actions. Mr. Johnston said he would work with the City Attorney.

Commissioner Pates asked if there had been any communication with the National Park Service and Mr. Johnston read a statement from the Park Service and he noted that the buffer would not be removed and it was shown on the GDP, the use of Cedar Lane was a larger issue and they would discuss this with the Economic Development office. Mr. Johnston was not sure of the legal history of the access and he plans to do more research on the use of the lane.

Councilor Devine wanted to be sure the buffer was maintained in the future. She also asked about the 24 hour operations and how much of the material was not recyclable. Mr. Monteleone said the regular hours would be from 7 a.m. to 7 p.m. but there may be occasions when they need to work outside of those hours to do maintenance, seasonal work or special projects. Mr. Monteleone said they may generate a little less trash than other warehouse businesses. He said they produce very little by-product. He discussed in detail the types of base commodities they would produce and how they are disposed. Mr. Monteleone said this recycling facility was not the typical recycling facility and that much of the trash was reclaimed and reused and was not put in landfills. He also explained that GrenChip's plastics have been recyclable since they started and they were a commodity unlike household plastics. He explained that there are facilities being built in the United States looking for this material to repurpose it here as other countries have done. Other countries have used these recyclables to make appliances out of them.

Councilor Graham asked Mr. Monteleone about his security practices and Mr. Monteleone said they have a process to wipe, shred and dismantle all information from the

equipment. He said data security was the pinnacle of their business. He said there were several Department of Defense industry standards they adhere to and they have the highest standard certifications.

Vice-Mayor Withers asked if all recycling facilities like GreenChip adhere to the same standards. Mr. Monteleone said not all do, some companies will downstream their recycling to companies like GreenChip. Vice-Mayor Withers asked if GreenChip went out of business and another recycling company came in, would it be held to the same qualifications as GreenChip. Mr. Newman pointed out that condition number six states that any new business owner must: within six months of the commencement of the use the operator shall obtain and throughout the duration of operation shall maintain best industry standards for responsible recycling of electronic equipment, such as the R2 Electronic Recyclers and ISO 14001:2015 certifications.

Councilor Kelly asked staff to explain the rationale for the conditions in the current ordinance which had caused the need for special exceptions. Mr. Johnston said all he could do was give his best guess, he thought maybe they were addressing household recycling because nothing like this existed at the time and that the regulation were probably intended for larger scaled industrial recycling centers.

Councilor Kelly said anything done with the regulations he would like the National Park Service involved. He also clarified that the City would be expanding and diversifying the classifications while reviewing the current regulations. Mr. Johnston said he was correct.

Councilor Devine asked staff to verify that the regulations would not allow materials to go pass the eight foot fence because the Use Standard #4 allows up to 20 feet. Mr. Johnston said it was not appropriate to go beyond the eight feet and he said that was another

improvement clarification that would need to be made in the ordinance. He said in this instance the distance would be eight feet. She said she would like to see added, no more than eight feet.

Mayor Greenlaw reminded everyone that the public hearing was closed but public comments would continue to be accepted for Planning Commission through June 17 and for City Council through June 23.

Mr. Durham asked where the recyclables would be coming from and he asked if they would be looking to establish more regional streams. Mr. Monteleone said the company provides recycling nationally for corporate companies. He said primarily it would come from the east coast. Commissioner Durham asked if they would be purchasing from middlemen and at other times from corporate providers. He also asked if they go looking for regional contracts. Mr. Monteleone said he looks forward to working locally and servicing the Virginia region. He also clarified that they do very little purchasing from the middleman.

Mayor Greenlaw asked Ms. Freeman and Mr. Curry the benefits of attracting a company like GreenChip. Ms. Freeman said this project was a great Economic Development partnership. She said GreenChip would be a good corporate citizen to the City. She said it was interesting that because of their customer stream they would be bringing in net new dollars to the City. Ms. Freeman said this was good because it would not be recycling the same dollars within the region. The most exciting is that this was a great example of partnership that started at the State level and though the Regional relationship the City was able to work cooperatively together.

Mr. Roberts explained to the Planning Commission that the Fredericksburg Regional Alliance was a public/private partnership economic development organization that works with all five jurisdictions in Planning District 16. He said in the last four years they have worked with companies like GreenChip and one located elsewhere, another has not decided to locate. He said the FRA and the State has an agreement that they would contact them first with any leads so that they could look across the region to find what the company was searching for.

Mr. Johnston noted that although this was a joint public hearing on the GreenChip items they would be voted on separately, June 17 for the Planning Commission and June 23 for the City Council.

Amending the Unified Development Ordinance §72-59 Signage, to Update Building Signage Standards in Commercial, Industrial, and Planned Development Districts and Update the Freestanding Sign Standards in Planned Development Districts (D20-__). After staff presentation Councilor Withers asked if the non-residential mixed-use building percentages which increased from 200 to 250 square feet or 25 percent of the total building signage allowed have anything to do with the height of the building. Ms. Sherman explained that she had received several request from business leaders who found signage to be restrictive on larger buildings. The increase from 200 to 250 square feet or 25 percent of the total building, or whichever is greater was to give more flexibility. Ms. Sherman also noted that in addition there was an increase in percentage allowed for taller buildings.

Councilor Kelly asked how much this ordinance had been circulated throughout the sign community and Ms. Sherman said she circulated it to three sign companies and four

private landowners. One sign company and one landowner endorsed the amendments, one sign company offered some editorial changes and they were added to the draft and the remainder stakeholders offered no comments.

Ralph Priebe, 5704 East Copper Mountain Drive, 22553, spoke in support of the changes to the sign ordinance. Mr. and Mrs. Priebe will be relocating their business in the City.

Mayor Greenlaw closed the public hearing and again noted that comments could still be submitted until June 17 for the Planning Commission and June 23 for the City Council.

Mayor also realized she had not closed the public hearing for the GreenChip Special Use Permit and the Special Exception items and she did so at this time.

Amending the Comprehensive Plan to update Fredericksburg's transportation projects identified in the FAMPO 2040 Constrained Long Range Plan and Projects Not Yet Included in the Long Range Plan (D20-__). After staff presentation Mr. Durham asked if the changes to the Comprehensive Plan with respect to Small Area Plan 7 was referenced in the draft Comprehensive Plan and he wanted to know if there was a mention of transportation items whether those would be reviewed again next year and whether there would be a regular evaluation. Mr. Nelson said she did not plan to but agreed it might be worth reviewing with the Commissioner's review of the Capital Improvements Plan. Mr. Durham said he would hate to have the work of the planning staff recommendations to amend the Comprehensive Plan which references transportation issues become orphans because they are not on a list.

Mayor Greenlaw closed the public hearing and again noted that comments could still be submitted until June 17 for the Planning Commission and June 23 for the City Council.

General Public Comment. There was none.

Other Business. There was none.

Adjourned. There being no more speakers to come before the Council at this time, Mayor Greenlaw declared the hearing officially adjourned at 8:58 p.m.

Mary Katherine Greenlaw, Mayor

Tonya B. Lacey, Clerk of Council, CMC