



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

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**June 8, 2021**

**The Council** of the City of Fredericksburg, Virginia, held a regular session on Tuesday, May 25, 2021, beginning at 7:30 p.m. in the Council Chambers of City Hall.

**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 P. 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, Development Administrator Marne Sherman, Finance Director Robyn Shugart, Public Works Director Diane Beyer, Public Facilities Manager Darnell Polk 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 Councilor Jason N. Graham.

**Consent Agenda Accepted for Transmittal as Recommended (D21-\_\_ thru D21-\_\_).** Mayor Greenlaw pulled item 5B for staff presentation.

Councilor Graham moved approval of the City Manager's consent agenda minus Item 5B; 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).

- Resolution 21-45, Second Read, Amending the Fiscal Year 2021 Budget to Appropriate \$120,000 for Repairs to the Sophia Street Parking Garage
- Resolution 21-46, Authorizing the Purchase of Six Replacement Fredericksburg Regional Transit Vehicles
- Accepting the 2021 Wall of Honor Nominations – Ruth Fitzgerald, F. Freeman Funk
- Transmittal of Quarterly Financial Report – July 1, 2020 thru April 30, 2021
- Transmittal of Board and Commissions Minutes
  - Memorials Advisory Commission – February 18, 2021 (D21-\_\_).
  - Public Transit Advisory Board – April 7, 2021 (D21-\_\_).

**Resolution 21-47, Authorizing Use of \$1,210,123.00 of Motor Fuels Tax Funds for Various Transportation Projects (D21-\_\_).** After staff presentation Councilor Kelly moved approval of Resolution 21-47, authorizing use of \$1,210,123.00 of motor fuels tax funds for various transportation projects; motion was seconded by Councilor Graham and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Graham, Kelly and Withers. Nays (0).

**Public Hearing (D21-\_\_ thru D21-\_\_).** The regular session was recessed in order to conduct scheduled public hearings and immediately reconvened upon their conclusion.

**Citizen Comment.** The following comments were given or submitted to be read during the citizen comment portion of this evening's meeting.

**Laurie Bendall**, 1104 Century Oak Drive, secretary for the Great Oaks Homeowner's Association. Ms. Bendall came to express her concern regarding the egress at the new Royal Farms. She showed images of the site and how there was nothing preventing cars from turning left onto Route 3 and how dangerous it was in the area. See D21-█ for more information.

**Marjorie Lucas**, 1014 Black Oak Court, President of the Great Oaks Homeowner's Association expressed her concerns with the egress at Royal Farms. She noted that this was the only part of Route 3 that does not have a median and she would like to see the exit at the back of the building.

**Michael Larme**, 1107 Century Oak Drive, also spoke in opposition of the egress at the Royal Farms. He spoke of the dangers in the area and the close calls he has had in the area. He said this was the wrong thing to do.

**Melissa Colombo**, 418 Bunker Hill Street, spoke in support of Haley's Honey Meadery and asked the Council to approve the Special Use Permit. See D21-█ for more information.

**Charlotte Hoch (D21-\_\_)**, 1509 Princess Anne Street, spoke in opposition if the proposed zoning change for the Creative Maker District. She said this change will change the character of Princess Anne Street and create a hardship on the residents living in the area. She would like the City to require businesses to obtain a special use permit so that the residents can have a say in what is allowed. See **D21-\_\_** for more information.

**Jim Tharpe (D21-\_\_)**, 1104 Century Oak Drive, was concerned about the dangerous accidents that could result from customers exiting the new Royal Farms at Altoona Drive. He asked to Council to please do what they could to avoid tragedies by erecting a barrier to prevent left turns out of the parking lot. See **D21-\_\_** for more information.

**Heidi Ribel (D21-\_\_)**, 1010 Hickory Court, spoke about the dangers of a left exit out of the Royal Farms parking lot and about the increased traffic in this stretch of the road. Ms. Ribel asked the Council to correct this unsafe traffic pattern. See **D21-\_\_** for more information.

**Laura Stitt (D21-\_\_)**, 1003 Great Oaks Lane, spoke about the entrance/exit at the new Royal Farms. She spoke about the dangers of people running red lights in this area and the bumper to bumper traffic. She expressed concern with the young and elderly drivers that live in the Great Oaks Subdivision. She stated that the exit needed to be changed. See **D21-\_\_** for more information.

**Maria Crow (D21-\_\_)**, 1002 Oakwood Court, expressed concerns with the safety of the entrance/exit at Royal Farms. She said she was concerned with the traffic headed west and turning left into Royal Farms. She urged the Council to think of the safety of the

residents and limit the west bound traffic from entering and exiting. See **D21-\_\_** for more information.

**Jesus Dominguez (D21-\_\_)**, 18 Apache Terrace, expressed concerns about the traffic flow at the new Royal Farms. He said there was nothing preventing cars from exiting and going left onto Route 3. See **D21-\_\_** for more information.

**Robert and Giannina Frantz (D21-\_\_)**, 1109 Century Oak Drive, expressed serious concern with the left exit out of the Royal Farms parking lot. They spoke of the increased traffic in the area and they said a left exit would make navigating out of Oakwood Street difficult. They asked the Council to take a hard look at the challenges this exit would create. See **D21-\_\_** for more information.

**Katherine Ellen Shoffner (D21-\_\_)**, 37 Seneca Terrace, stated that she was happy to see this new store but she was extremely concerned with the traffic pattern it will create. She said she originally understood that traffic would not be allowed to turn left and would have to exit at the light. She implored the Council to make a change before the store opened. See **D21-\_\_** for more information.

**Jeb Brough, II (D21-\_\_)**, 1108 Century Oak Drive, spoke of an accident he and his family had in this area and he stated how things had gotten better after the two gas stations that were in this location had previously closed. He was concerned that it would be much worse with the Royal Farms being located there. See **D21-\_\_** for more information.

**Douglas Osborn (D21-\_\_)**, 1001 Century Oak Drive, stated that Royal Farms should be required to have a one way exit because of the multiple traffic streams in the area. See **D21-\_\_** for more information.

**Caitie Finlayson (D21-\_\_)**, 1105 Great Oaks Drive, expressed her concern for the traffic pattern at the New Royal Farms station. She said she had the understanding that traffic would only be allowed to turn left at the traffic light. Ms. Finlayson said this was a serious concern. See **D21-\_\_** for more information.

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

- 8A. Plastic Bag Tax – Councilor Devine
- 8B. Route 3 – Councilor Graham
- 8D. Fredericksburg Gun Giveback – Vice-Mayor Frye

**Plastic Bag Tax** – Councilor Devine stated that it was time to start applying a tax on plastic bags. She recommended a five cent tax and the locality would receive three cents and the retailer would receive two cents until 2023 and then the retailer would gain one cent. This tax could be used for environmental cleanup, education and for purchasing bags for people who cannot afford reusable bags. She asked the City Attorney to look at this and bring it back to the Council as soon as possible.

Council was in support of this moving forward.

City attorney Dooley said she was happy to do the research but Assistant City Attorney Martin had already taken a lead on this. She explained that the State would be

coming out with definitions related to this and she would like to see those before moving forward on this.

**Route 3** – Councilor Graham thanked the residents for coming out and speaking about their concerns with the public’s safety. He stated that Route 3 was a failed road and that it was not used as a thru way or a complete road. He said Route 3 appeared to be a conduit and he requested City manager and staff to study and work with Royal Farms on the left egress on to Route 3.

Mr. Baroody said he had already scheduled a meeting with staff to look at and readdress that exit and to see if there could be any accommodations. He also noted that the VDOT STARS programs does list this location for a median but that was long term. He asked the Council to give him time to review and report back on what could be done.

**Fredericksburg Gun Giveback** – Vice-Mayor Frye reported that they have collected over 200 weapons over the past seven years. He reminded citizen that this was a volunteer program and unwanted guns could be collected at any time.

**Adoption of Minutes.** Councilor Graham moved approval of the November 24, 2020 Work Session and the May 25, 2021 Public Hearing and Regular Session minutes; motion was seconded by Councilor Withers and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Graham, Kelly and Withers. Nays (0).

**Appointment to Fredericksburg Area Metropolitan Planning Organization (FAMPO) Bicycle and Pedestrian Advisory Committee – Aaron**

**Frank (D21-\_\_)**. Councilor Devine moved to appoint Aaron Frank to FAMPO's Bicycle and Pedestrian Advisory Committee; 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 21-15, Second Read, Amending the Unified Development Ordinance Chapter 72-59, "Signage" and Section 72-84, "Definitions," to Define "Temporary Signs," and Related Terms, and to Specify the Time, Place, and Manner of Display of Temporary Signs (D21-\_\_)**. Ms. Martin stated that the intent of the changes was not to impose restriction on citizens but to remove situational exception, and instead permit a certain amount of temporary signage based on zoning district. The ordinance made minor editorial changes to improve the clarity and consistency of language and it also added a new definition for temporary signs.

Ms. Martin stated that staff looked into Council's request of the feasibility of providing for additional signage in the fall of the year, during October and November. She noted that even regulations that do not make reference to a specific message or event are still content based (and presumptively unconstitutional) if they cannot be "justified without reference to the content of the regulated speech." It would be difficult to make a rational justification for an ordinance that permits additional signage only in election season without making reference to the election. Ms. Martin presented the Council with three options: Option A, approve the ordinance in the form presented; Option B, increase the amount of residential to allow 27 square feet per lot or Option C, keep the current



standard only during election season but have it year around allowing 32 square feet per lot.

Councilor Kelly did not like the idea of telling citizens what they can and cannot do in their yards since it was not anything affecting the public health or safety.

Councilor Duffy made a motion to approve Ordinance 21-15 on second read, Amending the Unified Development Ordinance Chapter 72-59, "Signage" and Section 72-84, "Definitions," to Define "Temporary Signs," and Related Terms, and to Specify the Time, Place, and Manner of Display of Temporary Signs – Option C; motion was seconded by Councilor Devine and passed by the following recorded vote Ayes (4). Councilors Greenlaw, Devine, Duffy and Graham. Nays (3). Councilors Frye, Kelly and Withers.

**Resolution 21-48, Approved, Granting a Special Use Permit to Permit Alcohol Sales at Haley's Honey Meadery, Located at 1600 Princess Anne Street (D21-\_\_).** After staff presentation Councilor Graham made a motion to approve Resolution 21-48, granting a special use permit to permit alcohol sales at Haley's Honey Meadery, located at 1600 Princess Anne Street; 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 21-16, Second Read Approved, Amending the Unified Development Ordinance to Modify Appendix 72-A, Creative Maker District Form-Based Regulations, and Amend Sections 72-84, Definitions, and 72-4, Use Standards, to Clarify the Standards for Light Manufacturing and**

**Prohibit Certain Industrial Uses in the Creative Maker Districts, and 72-63, Non-Conforming Structures, to Clarify the Rules for Non-Conforming Structures in the Creative Maker District (D21-\_\_).** After a brief presentation from staff, Councilor Devine made a motion to approve Ordinance 21-16, on second read, amending the Unified Development Ordinance to modify Appendix 72-A, Creative Maker District Form-Based Regulations, and amend Sections 72-84, Definitions, and 72-4, Use Standards, to clarify the standards for light manufacturing and prohibit certain industrial uses in the Creative Maker Districts, and 72-63, Non-Conforming Structures, to clarify the rules for non-conforming structures in the Creative Maker District; motion was seconded by Councilor Graham and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Graham, Kelly and Withers. Nays (0).

**Ordinance 21-17, Second Read Approved, Rezoning Approximately 24 Acres of Land Located in Planning Area 7, Designated as Transect T-4M, to the Creative Maker District (CM) as Recommended in the Small Area Plan for Area 7; and Adopting Transect Maps and Frontage Maps for the District (D21-\_\_).** Councilor Devine made a motion to approve Ordinance 21-17, on second read, rezoning approximately 24 acres of land located in Planning Area 7, designated as Transect T-4M, to the Creative Maker District (CM) as recommended in the Small Area Plan for Area 7; and adopting transect maps and frontage maps for the district; motion was seconded by Councilor Graham and passed by the following

recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Graham, Kelly and Withers. Nays (0).

**Resolution 21-49, Approved, Releasing Prior Allocations of Motor Fuels Tax Funds for Various Projects (D21-\_\_).** Staff gave a brief presentation and Councilor Kelly made a motion to approve Resolution 21-49, releasing prior allocations of Motor Fuels Tax Funds for various projects; 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).

**Resolution 21-50, Approved, Authorizing the Use of \$95,412 in Motor Fuels Taxes for the Virginia Railway Express and \$34,300 for the Potomac and Rappahannock Transportation Commission for Fiscal Year 2022 (D21-\_\_).** After staff presentation Councilor Kelly made a motion to approve Resolution 21-50, authorizing the use of \$95,412 in motor fuels taxes for the Virginia Railway Express and \$34,300 for the Potomac and Rappahannock Transportation Commission for Fiscal Year 2022; 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).

**Resolution 21-51, Approved, Authorizing an Application to the Virginia Department of Elections for a Waiver to Administer Split Precincts in the City of Fredericksburg for Elections Held in 2021 (D21-\_\_).** After staff

presentation, Councilor Devine made a motion to approve Resolution 21-51, authorizing an application to the Virginia Department of Elections for a waiver to administer split precincts in the City of Fredericksburg for elections held in 2021; motion was seconded by Councilor Withers and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Graham, Kelly and Withers. Nays (0).

**Ordinance 21-18, First Read Approved, Restoring the Salaries of the Mayor and Members of City Council to Pre-COVID Levels (D21-\_\_).** After staff presentation, Councilor Graham made a motion to approve Ordinance 21-18, on first read, restoring the salaries of the Mayor and members of City Council to pre-COVID levels; motion was seconded by Councilor Withers and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Frye, Devine, Duffy, Graham and Withers. Nays (1). Councilor Kelly.

**City Manager's Report and Council Calendar (D21-\_\_ thru D21-\_\_).**

City Manager Baroody directed the Council's attention to the Manager's Update: Move Over campaign, Tax Due Date Announcement, Pool Opens for the Season, Weekend Downtown Shuttle Returning June 4, CARES Utility Relief Funds for Water and Wastewater Service Billed by the City of Fredericksburg, Picnic in the Park, Board and Commission Openings, The Fredericksburg Farmer's Market, COVID-19 Vaccine Update, FXBG Diverse City, Upcoming Council Meetings, July 4<sup>th</sup> Events , Spring/Summer Programs 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 9:29 p.m.

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Mary Katherine Greenlaw, Mayor

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Tonya B. Lacey, Clerk of Council, MMC