



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. TIMOTHY P. DUFFY, PH.D., WARD THREE

Council Work Session
October 27, 2020

Mary Washington Cottage Update

The Council of the City of Fredericksburg, Virginia held a work session on Tuesday, October 27, 2020, beginning at 5:30 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.

Council Present. Mayor Mary Katherine Greenlaw, Presiding. Vice-Mayor Charlie L. Frye, Jr. Councilors Kerry P. Devine, Timothy P. Duffy, Jason N. Graham, Matthew J. Kelly (5:55 p.m.) and William C. Withers, Jr.

Also Present. City Manager Timothy J. Baroody, Assistant City Manager Mark Whitley, City Attorney Kathleen A. Dooley, Economic Development Director Bill Freehling, Community Planning and Building Services Director Charles Johnston and Clerk of Council Tonya B. Lacey.

Others Present. Anne Darron, Executive Director of the Washington Heritage Museum (WHM), Michael Spencer, Chair of the WHM Board of Directors and Anne Little member of the WHM and Nancy Moore, Chair of the Memorials Advisory Commission.

Mary Washington Cottage Update. City Manager Baroody stated that the lodge discussions had been ongoing for about a year and there had been communications with the community as well as the WHM. As requested, Mr. Baroody invited the WHM to meet with the Council. He said he was bringing concepts instead of recommendations.

Mr. Spencer presented a PowerPoint presentation on behalf of the WHM. In the presentation he said many have the same ultimate objective for the property which was preservation of the lodge and its surrounding landscape. He said this could be achieved in a variety of ways and what they were presenting could be one way and it met the ultimate objective and it did so by bringing increased interpretation to the site, bringing positive attention and interaction, relieve city of some financial burden and addresses site administration concerns.

ITEM #9A

Mr. Spencer said involvement of the WHM hinges upon the granting of a preservation easement on the lodge building and keeping the property (4 acres) intact and undivided. The importance of an easement carries with it a donation of \$1,000,000 from an anonymous donor and without the donor's donation the WHM involvement becomes untenable. Mr. Spencer said that the WHM was asking Council for a preservation easement or for the Council to allow staff to move forward in discussions with that in mind. If the City was prepared to move forward, the WHM was prepared to offer the creation of a committee comprised of Memorials Commission, HFFI, Garden Club of Virginia and other local preservation organizations, the development of a master plan in conjunction with a professional, increased site interpretation, and maintenance of gardens and landscape surrounding the lodge building, monument and Gordon family cemetery. The City would be free to rent the building with the monies going towards the upkeep and maintenance of the building but the WHM was not interested in taking responsibility of that. The WHM interests was with the upkeep of the grounds.

Councilor Kelly stated that the WHM mainly oversee properties and he asked what other properties they oversaw. Mr. Spencer said they currently oversee four 18th Century sites: St. James House, Hugh Mercer Apothecary, Rising Sun Tavern and the Mary Washington House. He said those properties also include the grounds maintenance. They also interpret those sites with the exception of St. James. He said they understand the money that it takes to go into these historic properties and what it takes to do that.

Councilor Kelly asked about the outstanding donation and who the easement holder would be and would the money still be available if there was an easement. Ms. Little said the donation was still in play predicated on getting an easement in place. The donor still wishes to remain anonymous. Councilor Kelly said an issues that came up was a perpetual easement with Department of Historic Resources and now the easement may be held by Historic Fredericksburg Foundation, Inc. which is at the local level instead of a state Organization. He said the City is legally obligated to maintain the property and he said worrying about whether \$1 million is enough to maintain the property was immaterial and he said walking away from \$1 million did not make sense. He asked if they were looking at something different than the DHR perpetual easement. Ms. Little said she did not think the donor was hard on who hold the easement they just wanted someone to hold it. As a preservationist, Mr. Spencer said any organization that holds an easement locally was more beneficial.

Councilor Kelly asked about issues on the grounds of the property and Chair of the Memorials Commission Nancy Moore said there were major issues on the ground that the

ITEM #9A

Commission had been trying to get something done about. She said there was dangerous access to pedestrians, erosion and bamboo. She said it was a big job and needed to be done.

Councilor Devine said she liked the idea of going local with the easement but she had some concerns and she wanted to make sure the easement holders would be long-term holders. She said she was 100 percent behind continuing discussion with staff and she wanted to make sure they were looking at the whole property.

Councilor Withers asked if the City would still be able to rent the house if it went through with the easement and Mr. Spencer said that was correct and he explained that the easement could be written in several ways. Mr. Withers asked about the length of the easement and he said he could consider this seriously if the easement had a length on it so that it could be renegotiated at the end of the period.

Mayor Greenlaw asked for clarity on the role of the WHM and Mr. Spencer said they would work to tie the site to their museum particularly the life of Mary Washington. There would be an interpretation of her life as well as the benefit of having a readymade segway for those who go to the WHM site to the cottage. He said this would bring eyes to the site and engage more of the visitors from out of town as well as those locals who are interested in history. The Museum would be managing the monies to do the property maintenance to include the immediate grounds surrounding the lodge such as the gardens.

Councilor Duffy asked if the WHM had any idea what the \$1 million would be used for and whether it would serve as an endowment for the grounds and what the life of that \$1 million was. Mr. Spencer said a portion of the funds would be used to generate a Master Plan, then create an endowment that would live on in order to maintain the property. He said they were looking at it from a long-term perspective. On an organizational standpoint they wanted to approach the Council when this was feasible for the WHM they want their position to be tenable and strong.

Councilor Kelly said to address questions on whether this was enough money for a perpetual agreement, he made it clear that the City was responsible for maintaining this property and cost is a factor and this is an organization that is aware of the costs and they are willing to deal with them. He said the City was looking at upgrades to the property to attract more visitors to it and the grounds are pretty bad and needed work. He suggested taking the \$1 million and he was sure there would be a good solid plan between the museum and the City regarding the property. He asked staff what they saw as a problem with this.

Mr. Freehling said his staff had the same issues as several of the Councilors. There was a concern that an easement was permanent and the \$1 million may not be permanent and it could

ITEM #9A

saddle future generations of Councilors with the requirement to upkeep the property possibly without a funding source. This has been a reoccurring concern from some of the Council and staff has taken this to heart. Councilor Kelly reiterated that legally the City was required to take care of the property and this was an opportunity to get \$1 million. He asked did the Council think they could walk away from this property at some point and not maintain it.

Councilor Withers explained that the Council had discussed selling the lodge and using the money for maintenance of the grounds and having someone live there and take care of the property. There have been some legal opinions on whether it could be sold. He said the best way for a house to survive is to have someone living in it. Councilor Withers said taking a \$1 million and tying it up and not being able to sell the lodge was a problem for him.

Mayor Greenlaw said Councilor Withers summed it up well because the Council had come to the conclusion to sell the property because it would be better off in private hands and the grounds would be maintained by the City. Mayor Greenlaw also reminded everyone that the Memorials Commission had also supported that decision.

City Attorney Dooley noted that there was not a concern of whether the property would be preserved, the concern was the granting of a perpetual agreement because once it is granted the party is granted authority to enforce the easement in court if necessary. As long as the City is fulfilling its obligations to preserve the property the decision on how to do that is within the competence of the governing body. The concern with granting an easement is that the City would be giving the right to a third party to enforce that easement and that was a concern. Ms. Dooley said they had discussed other ways to make a formal designation of the property to be preserved and they also talked about the Open Space Land Act which is different than granting a third party easement. Mayor Greenlaw asked whether this was a way to have the same effect of an easement preservation but not granted to a third party. Ms. Dooley said that was correct and that the Open Space Land Act would grant Council the flexibility to the number of years the grant lasts but it did not gain traction with the donor.

Councilor Kelly said he thought the City was losing focus on the goal which is to take and maintaining a historic site. He said he could not see anything in the easement that the City would not want to see happen to the property. Mr. Spencer clarified that when the Memorials Commission was issuing its statement it said an easement should be applied to the property with the sale and that recommendation was prior to a donor stepping forward. Mr. Spencer said an easement from the preservation perspective was the only way to preserve and protect a site. He said there are a wide

ITEM #9A

array of ways to craft easements. Mr. Spencer said he would like to see if there was a way to come together to see if WHM and the City could make this work.

Ms. Moore said the City must be aware of what the donor wants out of this transaction and the donor wants to keep the property together in perpetuity so that means the City could not sell the lodge and that's where it all started, the blocking of the sale of the lodge.

Councilor Duffy asked could the City be a landlord effectively and Mr. Freehling said there were conversations with the EDA about leasing the property from the City then subleasing it to a resident. There were concerns from some of Council and EDA and it was put that on hold for now. Mr. Freehling presented a PowerPoint to discuss the idea Vice-Mayor Frye presented to lease the property as an Airbnb/VRBO. Mr. Freehling said this could be interesting and he discussed how it could be accomplished. See Attachment I for more information.

Councilor Frye said what makes the City unique is having options like this. He said this could be a huge asset to the City and no one could promote the City better than the City.

Councilor Withers said this was a great idea but he had two concerns, the first was that the City would be competing with other businesses and it would need to get a special exception which means the City does not have to follow the rules.

Councilor Devine said she loved the idea but she has the same concerns of Councilor Withers.

Councilor Duffy said it would be great if the property was leased to someone to do that. He said there were people already renting out their historic homes and this would be another take on it.

Mayor Greenlaw said this was a cool concept and the City was already concerned about who would pay for the maintenance of the house and this use would be a high maintenance. She was concerned about the maintenance if it were utilized this way. She said the wear and tear and the concerns Councilor Withers brought up are all concerns for her.

Councilor Kelly said this was great thinking outside the box but he did not want to focus too much on the house. He said there was nothing in any of the scenarios that would preclude moving forward with discussions to see whether something could be done to protect the entire property. Councilor Kelly asked if they could direct staff to continue working with WHM. He said it was important to set the bar high.

Mayor Greenlaw said the concern was that they all want to see the lodge well-kept and it is a precious spot that needed to be taken care of.

Councilor Withers said the question that needed to be asked is whether this council is willing to give a permanent easement on the property to make it work and he said that was a "no" for him.

ITEM #9A

Councilor Kelly said he was willing to put an easement on it because it was an important piece of history and it needed to be preserved. He did not see why the Council would not want to protect the property in perpetuity. Councilor Withers said because it ties the hands of future Councils as well as the taxpayers for the City.

Mayor Greenlaw said she had concerns about the monument and the grounds and that they needed to remain in the control of the City.

Councilor Duffy said he was not prepared to say no and he could see the value of keeping the property together. He said he was intrigued by the possible relationship with WHM and overcoming his concerns.

Councilor Graham said the Council needed to understand the donor's stipulations whether it's the easement or the preservation. He said right now he would vote for staff to continue conversations in order to understand what was at stake.

Councilor Devine said she was in support of exploring it more. She said the monument and the grounds should stay under City control. She said the goal was to keep this property maintained and enhanced and if this partnership could help to do it she was for exploring it.

Mayor Greenlaw said the easement was causing the hang up and she asked if there was a way to achieve what an easement would achieve. She said majority of Council seem to want to explore further.

Councilor Withers was in agreement of talking about this but he did not want staff to go through hours of work and the donor not accept. He would like to get the details worked out before having staff work on this further.

Mr. Baroody recommended that the donor communicate with the City Attorney in writing that the \$1 million still stands and suggest to them that we are interested in continued conversation but there was a hang up on the perpetual easement and to see if they have any latitude on that matter.

Councilor Kelly asked Mr. Spencer if there was a way to get a draft of the easement and what it would include. Mr. Spencer said he would get that information.

Mayor Greenlaw said the Council would look for that information to be sent to the City Attorney and staff would report to the Council. She thanked the WHM for their work in preserving the history of the City and presenting it to the visitors.

Adjournment. There being no further business to come before the Council at this time. Mayor Greenlaw declared the session officially adjourned at 7:08 p.m.

ITEM #9A

**Tonya B. Lacey, MMC
Clerk of Council
City of Fredericksburg**

Preliminary Proposal to Fredericksburg City Council for Engagement of the Washington Heritage Museums at the Mary Washington Monument and Lodge Site



MARY WASHINGTON HOUSE
RISING SUN TAVERN
HUGH MERCER APOTHECARY SHOP
ST. JAMES' HOUSE



THE MARY WASHINGTON MONUMENT AND LODGE



Presented by:
Michael Spencer, Chair Washington Heritage Museums Board of Directors
Anne Darron, Washington Heritage Museums Executive Director
October 27, 2020



- Increased interpretation
- Positive attention and interaction
- Relieves city of some financial burden
- Addresses site administration concerns

Airbnb/VRBO option for Mary Washington Lodge

Oct. 27, 2020

'Living in History'

Oct. 15 email from Vice Mayor Chuck Frye:

*I would like to add an idea to the future use of the Cottage.
I would like to explore the idea of "Living in History" as an
option for visitors to the City to actually stay in the cottage.
I think this would be a huge draw and add to the experience
of tourists having the opportunity to have a memorable
visit to the Most Historic City in America.*

How this could be accomplished

- Could be rented through a service like Airbnb or VRBO
- City could determine what nights to allow it to be occupied, what nights to reserve for its own uses (consultants, travel writers, guests of City, interview candidates from out of town, etc.)
- City would need to furnish it
- City would need to include cleaning fee with rental and hire cleaning service between stays. Same individual might also be the liaison with the guest.
- Two parking spaces could be designated on Hitchcock Street for this

Zoning

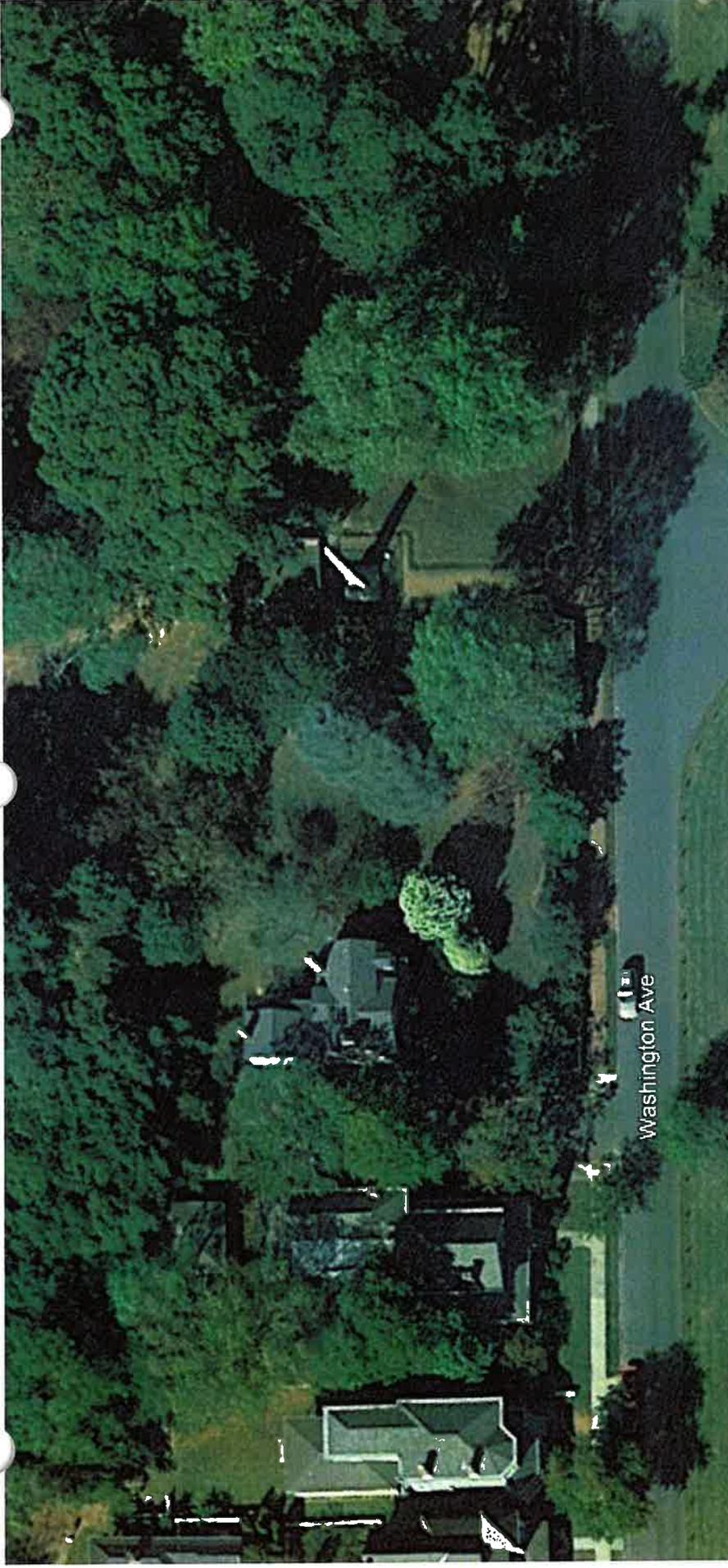
- Could be considered “Homestay”
- Up to two guest rooms allowed (Lodge has two bedrooms)
- Allowed as an accessory use by Zoning Administrator
- **But: Requires an operator/manager to reside on premises**
- Special Exception Permit would be needed to waive that requirement

Revenue

- Preliminary projections: Could be rented for \$250 per night
- Assuming 50 percent occupancy rate, annual revenue = \$45,000
- If rented Lodge for \$2,500 per month, annual revenue = \$30,000
- Lodging/local sales tax annual revenue = \$3,000
- So about \$48,000 in revenue annually
- Cleaning fee could be passed on to guest
- City Facilities team could handle major maintenance issues
- Could potentially still flow through the EDA via a lease

Discussion

EDT staff believes this is a good concept that would be doable, and looks forward to the discussion



Google Earth
image, 2020

- Granting of a Preservation Easement
 - Building
 - 4 acres (remain undivided)
- 1 million dollar donation for site maintenance and interpretation.

- **Committee creation**
 - Memorials Commission, HFFI, Garden Club of Virginia and other local preservation organizations.
- Development of a site **master plan** in conjunction with a professional.
- **Increased site interpretation.**
 - Opening of building (Connecticut Room) and immediate garden space twice a year to the general public.
- **Maintenance** of gardens and landscape surrounding the lodge building, monument, and Gordon family cemetery.

Monument to Mary the Mother of Washington, Fredericksburg, Va.

Postcard showing
the lodge
building, ca. 1900s



Questions?