



CITY OF FREDERICKSBURG, VIRGINIA  
CITY COUNCIL

# MINUTES

Council Chambers, 715 Princess Anne Street  
Fredericksburg, Virginia 22401

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

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**February 13, 2018**

**The Council** of the City of Fredericksburg, Virginia, held a public hearing on Tuesday, February 13, 2018, beginning at 7:31 p.m. in the Council Chambers of City Hall.

**City Council Present.** Mayor Mary Katherine Greenlaw, Vice-Mayor William C. Withers, Jr. and Council members Kerry P. Devine, Dr. Timothy P. Duffy, Bradford C. Ellis, Charlie L. Frye, Jr. and Matthew J. Kelly.

**Also Present.** City Manager Timothy J. Baroody, Assistant City Manager Mark Whitley, Assistant City Manager Doug Fawcett, City Attorney Kathleen Dooley, Economic Development Director Bill Freehling, Tourism Services Manager Danelle Rose, Deputy Emergency Coordinator Victor Podbielski, Director of Planning and Building Services Charles Johnston, Senior Planner Michael Craig, Transportation Administrator Erik Nelson, Budget Manager Deidre Jett, and Clerk of Council Tonya B. Lacey.

**Notice of Public Hearings (D18-38 thru D18-40).** The Clerk read the notice of the public hearings as they appeared in the local newspaper, the purpose being to solicit citizen input.

**Ordinance 18-04, First Read Approved, Renewing the Non-Exclusive Franchise to Trolley Tours of Fredericksburg, Inc., to Provide Motor Vehicle Tour Services (D18-38).** no speakers. Staff gave a brief overview and Councilor Devine made a motion to approve Ordinance 18-04, on first read, renewing

the non-exclusive franchise to Trolley Tours of Fredericksburg, Inc., to provide motor vehicle tour services; motion was seconded by Councilor Kelly and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

**Resolution 18-16, Approved, Amending Special Use Permit 99-07 to Authorize Surface Parking for the Catholic Student Center, on the Adjacent Parcel, 1616 College Avenue (D18-39 thru D18-40).** 3 speakers. Staff presented a PowerPoint presentation of the project. The presentation reviewed the existing conditions, proposed use, potential impacts/mitigation, compliance with the Comprehensive Plan and UDO and Planning Commission and staff recommendations. (See D18-40 for more information).

Councilor Kelly asked for clarification on how the applicant was able to demo a portion of the building before discussions had taken place. He noted that this was a prominent property that had been compromised. Councilor Kelly thought these were drastic steps taken for only 6 parking spaces. He also wanted to know whether there had been discussions with the parking committee on the overall parking in the area.

Mr. Craig explained that the applicant applied for a partial demo permit through the Building and Development Services department, and it was approved, then they came to the Planning Department for a special use permit. He said a community meeting was held and they asked the applicant not to demolish the building and they agreed to hold off on the demolition. Mr. Craig said much of the Planning Commission's discussions centered on documenting the building and maybe offer the building for sale to the public which was added to the conditions.

Vice-Mayor Withers said the process was less than it should have been and it was bothersome that they did not come to the City before the permit was issued.

**Anne Little**, 726 William Street, was concerned with the lack of trees and whether the current tree on the street would remain. She asked if they could encourage the developer to plant additional trees.

**Reid Herlihy**, runs the building program for the Catholic Diocese. He said when they purchased the property, the history did not show up on the title search and they prepared for demolition which did not require a special use. The siding was removed because it was asbestos and there was asbestos in the wall boarding as well. Mr. Herlihy said they were willing to gift the house to anyone who wanted to take it.

**Sue Sargent**, 1318 William Street, asked for clarification on the noise whether it was up to 9 p.m. or 10 p.m.

Mr. Craig clarified that the original recommendation for noise was 9:00 a.m. to 9:00 p.m. but the Planning Commission recommended 9:00 a.m. to 10 p.m. so the recommendation was currently that of the Planning Commission. Mr. Craig also addressed the tree comment to say that there would be four new street trees and the existing street tree would remain and the buffer would require both trees and bushes. The standard would be three to four additional trees as well as bushes.

Councilor Duffy thanked the staff for working with Mr. Herlihy on this, and as being a College Heights resident he said he hated to see nonresidential sites expanding into the neighborhood but he hoped this would help the center to be better parked. He said he would like to see the house given away instead of being demolished. Councilor Duffy also spoke with Dr. Paino about how to advertise that property. Councilor Duffy said Mr. Michael Spencer had done a lot of research work on the property.

Councilor Devine said she shared the same concerns already addressed. She said although that area was not in the historic district that area was full of history.

Councilor Duffy made a motion to approve Resolution 18-16, amending Special Use Permit 99-07 to authorize surface parking for the Catholic Student Center, on the adjacent parcel, 1616 College Avenue; motion was seconded by Vice-Mayor Withers and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

**Adjournment.** There being no more speakers to come before the Council at this time, Mayor Greenlaw declared the hearing officially adjourned at 7:51 p.m.

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

*Mary Katherine Greenlaw*  
Mary Katherine Greenlaw, Mayor

**APPROVED**

**02-27-18**



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**February 13, 2018**

**The Council** of the City of Fredericksburg, Virginia, held a regular session on Tuesday, February 13, 2018, beginning at 7:30 p.m. in the Council Chambers of City Hall.

**City Council Present.** Mayor Mary Katherine Greenlaw, Vice-Mayor William C. Withers, Jr. and Council members Kerry P. Devine, Dr. Timothy P. Duffy, Bradford C. Ellis, Charlie L. Frye, Jr. and Matthew J. Kelly.

**Also Present.** City Manager Timothy J. Baroody, Assistant City Manager Mark Whitley, Assistant City Manager Doug Fawcett, City Attorney Kathleen Dooley, Economic Development Director Bill Freehling, Visitor Center Manager Danelle Rose, Deputy Emergency Coordinator Victor Podbielski, Director of Planning and Building Services Charles Johnston, Senior Planner Michael Craig, Transportation Administrator Erik Nelson, Budget Manager Deidre Jett, 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.

**Officer Recognized.** Mayor Greenlaw recognized the presence of Officers Stuart Butterfield, Kyle Rasmussen and David Cabrera at this evening's meeting.

**Public Hearings (D18-38 thru D18-40).** The regular session was recessed in order to conduct the scheduled public hearings and immediately reconvened upon their conclusion.

**Citizen Comment.** The following speakers participated in the citizen comment portion of this evening's meeting.

**Jonathan Gerlach**, 809 Charlotte Street, Architectural Review Board Chair, spoke on the incentives plan and he said they do not want the Council to offer incentive to new construction within the historic district. He said they would support tax incentives for restoration and rehabilitation of existing historic buildings in the Historic District. He said the concern was that economic development was getting ahead of the historic charm of the historic district. He said the historic district was left out of the incentive plan and he said it should be added.

**Anne Little**, 727 William Street, said she agreed with Mr. Gerlach's comments and she said if the City does not support and encourage the historic buildings the City will lose its charm. Ms. Little encouraged the Council to consider Mr. Gerlach's comments.

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

7A. Unity Meeting – Councilor Duffy

7B. Black History Month – Councilor Frye

**Unity Meeting** – Councilor Duffy thanked the NAACP for holding a meeting to address the ugly literature that was passed out in some neighborhoods. The NAACP invited the Commonwealth Attorney, representative from the FBI, State Police, Police Chief Nye, Fire Chief Allen to address what should be done when something like this occurs. There

were about 200 people in the audience. He said what came out of the meeting was everyone needed to stand up against this type of activity. He thanked that NAACP for organizing the meeting.

Mayor agreed that it was a great meeting and it explained what a hate crime was and what was not.

**Black History Month** – Councilor Frye wanted to debunk some of the negative stories written and reports on radio stations that he had heard about. The stories and interviews were in regards to what the City was doing about telling the black history in the City. Councilor Frye noted that the City was working hard to tell the story.

Councilor Kelly echoed Councilor Frye, he said he had gotten in touch with the show that reported the story because the story was based on someone counting the number of markers within the City and he said the markers did not tell it all. He said he was proud of the City for the conversations it has had.

Mayor Greenlaw gave kudos to the churches that were doing the walking tours and telling the stories of the African Americans. She said there were a number of events going on this month.

**City Manager's Consent Agenda Accepted for Transmittal as Recommended (D18-41 thru D18-46).** Councilor Kelly moved approval of the City Manager's consent agenda items; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

- Resolution 18-17, Authorizing the City Manager to Submit Applications for Fiscal Year 2019 Funding through the Virginia Department of Transportation Primary Extension Paving Program (D18-41).
- Resolution 18-18, Designating a Responsible Project Manager for the Downtown Pedestrian Enhancement Project (D18-42).
- Resolution 18-19, Approving the Issuance of Refinancing Debt for the Virginia Railway Express Equipment (D18-43).
- Transmitting of the Status of Land Use, Annual Report Fiscal Year 2017 (D18-44).
- Transmitting the Fredericksburg Certified Local Government Program 2016-2017 Annual Report (D18-45).
- Transmittal of Board and Commission Minutes
  - Architectural Review Board – December 11, 2017 (D18-46).

**Adoption of Minutes (D18-47 thru D18-52).** Councilor Kelly moved approval of the October 3, October 24, November 14, November 21, November 28, December 4, 2017 Work Session minutes and January 23, 2018 Public Hearing and Regular Session minutes; motion was seconded by Councilor Frye and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

**Resolution 18-20, Approved, Endorsing the George Washington Regional Commission's Regional Hazard Mitigation Plan 2017 Update (D18-53).** After staff presentation Councilor Kelly made a motion to approve Resolution 18-20, endorsing the George Washington Regional Commission's Regional Hazard Mitigation

Plan 2017 Update; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

**Adopting the City of Fredericksburg, Virginia Economic Development Incentives Policy (D18-54).** Mr. Freehling gave a brief overview of the incentives policy. Councilor Kelly thanked Mr. Freehling and Mr. Baroody for all their work on the policy but there were a few areas he wanted to look at before taking a vote on the policy. Councilor Kelly was concerned that the policy was formulaic because it listed amounts, specific taxes and percentages. He stated by revealing the taxes involved and how much the City would consider rebating it would show the applicant what to expect, it would limit the City's ability to negotiate and it would potentially offer more than was needed to make a deal.

Councilor Ellis said there have been talks about incentives for a long time but he said incentives matter in Economic Development and anything should be on the table. He said it should be a proactive tool for Mr. Freehling to use to go out and get businesses to come to the City.

Councilor Devine said they were getting closer but she had concerns with incentivizing new construction and maybe it should be on rehabilitation and restoration. She said the language needed to be clearer.

Vice-Mayor Withers thanked Mr. Freehling for his work but said he was not ready to vote and he had concerns with the Architectural Review Board portion and he asked if they could be addressed at the joint meeting with the ARB. Vice-Mayor Withers also stated that it may be good to incentivize new construction in the historic district to make sure projects fit in the Historic District.

Councilor Duffy said he was not sure new construction necessarily diminished the historic fabric of the City. He said there were places where it could tell the story of history lost, such as the Mill District. Councilor Duffy said an open process approach to recruiting Economic Development was better than a case by case approach.

Mayor Greenlaw reminded the Council that an incentive policy to work with businesses to offer assistance to expand or create a new building does not mean it has to be a great big building. These are specific things a business can and cannot do when they come to town and in the historic district. Mayor said the City will deal fairly with businesses that come to the City and protect what was most valuable to the City.

Vice-Mayor Withers said one of his concerns was that the City might give an incentive to a business and it would give an advantage over a similar existing business. He said he wanted to make sure the staff was looking at those things.

Councilor Ellis asked staff if had considered a reverse incentives policy to show appreciation to businesses that have been here to help retain businesses.

Council agreed to hold off on a vote.

**Resolution 18-21, Approved, Amending the Fiscal Year 2018 Budget to Transfer \$45,000 from the General Fund Contingency to the School Operating Fund for the Fredericksburg City Public Schools to Assist in Implementing New Software (D18-55).** Councilor Duffy disclosed that he was a member of a business profession, occupation or group of three or more members affected by the transaction and Councilor Frye disclosed that his spouse was a member of a business profession, occupation or group of three or more members affected by the transaction, but that were able to participate in the transaction fairly, objectively and in the public interest.

After a brief summary Councilor Kelly moved to approve Resolution 18-21, amending the Fiscal Year 2018 budget to transfer \$45,000 from the General Fund Contingency to the school operating fund for the Fredericksburg City Public Schools to assist in implementing new software; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

**City Manager's Report and Council Calendar (D18-56 thru D18-57).**

City Manager Baroody reviewed the Manager's report and Council Calendar. Activities highlighted on the report were as follows: Bass-Ellison Building Rededication Ceremony, Public Forum on Cossey Park, Fine Arts Show, The 3<sup>rd</sup> Annual Father-Daughter Dance, Canal Updates Provided to Civic Association, Public Safety Departments Purchase Surveillance Trailers, Building Statistics Reports and Would you like a chance to win \$10 for 2 minutes of your time?.

**Closed Meeting Approved (D18-58).** Upon a motion Councilor Kelly, moved approval of a closed session under Virginia Freedom of Information Act section 2.2-3711(A)(39) for the discussion of confidential information prepared by the City, related to the attraction of a multipurpose outdoor and recreational venue, where competition or bargaining is involved, and where disclosure of the information would adversely affect the financial interest of the City of Fredericksburg; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (7) Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye, and Kelly. Nays (0).

**Return to Open Meeting Approved.** Upon the motion of Councilor Ellis seconded by Vice-Mayor Withers and passed by the following recorded votes, Council

approved a return to an open meeting. Ayes (7) Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye, and Kelly. Nays (0).

**Resolution 18-22, Approved, Certifying Closed Meeting.** Upon the motion Councilor Ellis approved Resolution 18-22 certifying the closed meeting; seconded by Vice-Mayor Withers and passed by the following recorded votes. Ayes (7) Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye, and Kelly. Nays (0).

**Adjournment.** There being no further business to come before the Council at this time, Mayor Greenlaw declared the meeting officially adjourned at 10:00 p.m.

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

*Mary Katherine Greenlaw*  
Mary Katherine Greenlaw, Mayor

**APPROVED**

**02-27-18**