



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

April 24, 2018

The Council of the City of Fredericksburg, Virginia, held a regular session on Tuesday, April 24, 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, Assistant City Attorney Robert Eckstrom, Director of Planning and Community Development Charles Johnston, Senior Planner Michael Craig, Development Planner Marne Sherman, Community Development Planner Susanna Finn, Division Manager Parks and Athletics Michael Ward, Public Works Director David King 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 Officer Jason Elliott at this evening's meeting.

Proclamation Declaring the Month of May as Building Safety Month (D18-142). Mayor Greenlaw presented a Proclamation to Building Official Schaffer declaring the month of May as Building Safety Month.

Mr. Schaffer thanked the Council for supporting building safety month and he said they do all they can to keep the City safe.

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

Anne Little (D16-143) – 726 William Street, spoke in regards to the Embry Mobile Home Park. She expressed her concern that the City was moving to a culture of gentrification and pushing out those who need the City and the services it provides. She said the proposed rezoning would adversely impact the College Heights neighborhood. Ms. Little said the City needed policies and ordinances that would protect affordable housing. She urged the Council not to rezone the parcel.

Florence Ridderhof – 913 Mortimer Street, also spoke about the difficulty for those who want to live here but cannot afford to live here. She said there needed to be a plan for affordable housing in the City.

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

7A. Murder Free Fredericksburg – Councilor Frye

Murder Free Fredericksburg – Councilor Frye reported that the City was still murder free and had been since July of 2017. He also reported that there had been a shooting in the Mayfield subdivision and he made a plea for people to turnover any unwanted weapons by reaching out to the Fredericksburg Police department.

City Manager's Consent Agenda Accepted for Transmittal as Recommended (D18-144 thru D18-151). Councilor Kelly removed item 8B from the consent agenda for further discussion.

Councilor Kelly moved approval of the remainder of the City Manager's consent agenda items; 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).

- Ordinance 18-06, Second Read, Approving Non-Exclusive Franchise to Olde-Skool Tours, LLC, to Provide Pedal Cycle Tours of Fredericksburg (D18-144).
- Transmittal of Board and Commission Minutes
 - Architectural Review Board – March 12, 2018 (D18-146).
 - Architectural Review Board – March 26, 2018 (D18-147).
 - Board of Social Services – February 8, 2018 (D18-148).
 - Economic Development Authority – March 5, 2018 (D18-149).
 - Green Committee – March 13, 2018 (D18-150).
 - Public Transit Advisory Board – February 7, 2018 (D18-151).

Resolution 18-37, Directing the Treasurer to Issue a Tax Refund to Employment Resources, Inc., as Required Under Code of Virginia §58.1-3981 (D18-145). Councilor Kelly explained that this was a reimbursement of taxes for the last three years per State statute. He questioned the 10 percent addition to the reimbursement since the City did not do anything to cause this error.

City Attorney Dooley explained that ERI, a non-profit organization, purchased the property in 2012. ERI is a program that educates at risk youth in the Fredericksburg region.

ERI paid both personal property and real estate taxes every since they owned the land. Ms. Dooley said it never rose to the attention of ERI or the City that ERI was exempt from Real Estate and personal property taxes. Assistant City Attorney Eckstrom reviewed the documents and determined that ERI was correct and they were owed a refund but there was a statute of limitations. Ms. Dooley also explained the 10 percent increase and that the law allows the collection of late fee when taxes are late and it also allows that same fee to be collected when there is a refund. Ms. Dooley said they suggested to ERI that it had been a mutual mistake and it would be helpful if they would forgo the interest. ERI proposed to forgo a portion of the interests owed (\$28,000) by \$18,000. In 2014, the City Council agreed to vacate Ludlow Street and the City could have charge \$18,000 for the vacation but that amount was waived because of their charitable nature. When the Council authorized the vacation of the right-of-way the Council obtained a lenders lien and if ERI sold the land in the next ten years that \$18,000 would come back to the City. ERI agreed to reduce the interest by \$18,000 and the City agreed to vacate the lender's lien.

Councilor Kelly made a motion to approve Resolution 18-37, directing the Treasurer to issue a tax refund to Employment Resources, Inc., as required under Code of Virginia §58.1-3981; 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).

Adoption of Minutes. Councilor Kelly moved approval of the April 10, 2018 Public Hearing and Regular Session minutes; motion was seconded by Councilor Ellis and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Resolution 18-38, Approved, Authorizing the City Manager to Enter into a Memorandum of Understanding with Lincoln Hockey, LLC, dba the Washington Capitals, for Installation of an Inline Roller Hockey Rink (D18-152 thru D18-152.1). Staff presented a PowerPoint presentation which discussed the partnership with the Capitals, the location of the rink, the use of the facility, how it would be built, benefit to the schools and completion of the project. See D18-152.1 for more information.

Councilor Devine asked was there an age limit and she asked why the high school was not included. Mr. Peter Robinson with the Washington Capitals stated that the grant they receive from the NHL for the school program was to donate equipment to as many elementary and middle schools as they could in the area. However, with the City's size he realized they could donate to the high school as well since the City only had 4 schools total.

Mr. Ellis asked if the curriculum would be available to all the schools or just at parks and recreation. Mr. Robinson said it was included for all the schools and the Capital's would work directly with the teachers in the school system.

Councilor Frye thanked everyone who was involved in getting this program here in the City.

Mayor said this was a great opportunity and she thanked the Capital's for bringing this opportunity to us.

Councilor Duffy thanked the Recreation Commission and Mr. McVade, the Commission Chair, for spearheading this.

Councilor Duffy made a motion to approve Resolution 18-38, authorizing the City Manager to enter into a Memorandum of Understanding with Lincoln Hockey, LLC, dba the Washington Capitals, for installation of an inline roller hockey rink; 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).

Initiating an Amendment to the 2015 Comprehensive Plan to Change the Future Land Use Designation of the Embrey Mobile Home Park, Sub Planning Area 5B, from Residential or Mixed Use to Commercial (D18-153). Building and Development Services Director Johnston presented this items stating the Cowan East LLC was requesting the City Council to initiate the process to amend the Comprehensive Plan Future Land Use Map and associated text and map in Sub-Planning Area 5B for approximately 6.4 acres generally located between Spotsylvania Avenue and a Dominion Power utility easement, adjacent to the 1500 block of Jefferson Davis Highway. See D18-153 for more information.

Mayor Greenlaw asked what would happen if the amendment was not approved and Mr. Johnston said the property was zoned Mobile Home Park but someone could try to rezone it to Residential R-4 which would be consistent with the Comprehensive Plan and homes could be placed on the legal lots of record.

Mayor Greenlaw asked Community Development Planner Finn to update the Council on the status of the residents that currently live in the mobile home park. Ms. Finn said since the initial purchase of the property the City had created a Mobile Home Taskforce consisting of herself, representatives from the Department of Social Services and representatives from the Central Virginia Housing Coalition. They hosted community fairs and connected those

residents with appropriate services and as time went on they realized they needed more intensive assistance and they began doing field visits and knocking on doors and doing individual assessments with each household. Ms. Finn said she was confident they knew what each household needed and where they wanted to go. She said without a move out date many find no urgency in finding new housing. A barrier for some would be the money required to move, some will be able to move their mobile home and some will not. She said they were working with the Silver Companies as well as the United Way to serve as fiscal agents to help with those move in deposits and moving fees. They have helped two households move, one moved into rental housing within the City and the other relocated their trailer to a mobile home park in Caroline County. Ms. Finn said the work has been slow but as the move becomes eminent they will get moving again.

Dr. Duffy said this was a difficult situation for our residents because some of the housing was not up to par for people to live in. He said he was sympathetic to go slow but also eager to move fast and come to grips with affordable housing. Councilor Duffy was supportive of deferring action and he complimented staff for reaching out to the residents.

Councilor Kelly also wanted to defer action. He said this would be a new thing for the City. He said this brings two issues up, affordable housing and what direction does the City want to go. Councilor Kelly said in order to have a healthy community you must have a mix of housing. He said the City would have to put resources in, to make this work, as well as having community discussions. Councilor Kelly said he would like to have a work session or two to discuss what the community needs.

Councilor Kelly made a motion to defer action and to have a discussion with the parties involved to discuss work force housing and future development of the City; Councilor Ellis seconded the motion.

Vice-Mayor Withers said this area would make a nice single family residential and he said he would have a hard time being convinced otherwise.

Councilor Frye reminded everyone that this was not the first discussion on affordable housing. He also complimented Ms. Finn for her work and he stated that her work was very crucial.

Councilor Ellis thanked Ms. Finn for her work on this project and trying to get people relocated. He said there was not an affordable policy in the City but it was not because Council does not think about it. He said he would like to see community input on affordable housing.

Councilor Frye asked that there be a date on the motion to defer.

City Manager Baroody said June would be a better time to have a work session on this item.

The maker of the motion Councilor Kelly accepted June as the date to defer.

The motion to defer passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Resolution 18-39, Approved, Approving Revision to Unified Development Ordinance Procedures Manual (D18-154). After a brief staff presentation Councilor Kelly made a motion to approve Resolution 18-39, approving revision to Unified Development Ordinance Procedures Manual; motion was seconded by Councilor Ellis and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Transmitting Water and Sewer Operating Budget and CIP (D18-155). Staff transmitted the Water and Sewer Operating Budget for Council's review and

Councilor Kelly moved to accept the transmittal; 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).

Setting the Real Estate Tax Rate at \$0.81 Per Every \$100.00 of Assessed Value of Real Estate for Fiscal Year 2019 (D18-156). Staff presented the one cent tax increase to Council and Councilor Kelly made a motion to retain the current tax rate at \$.80 per every \$100 assessed value; motion was seconded by Councilor Ellis and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Resolution 18-40, First Read Approved, Appropriating Funds for Fiscal Year 2019 Beginning July 1, 2018 through June 30, 2019 (D18-157).

Budget Manager Jett presented the budget to City Council.

Councilor Duffy complimented staff on all the work on the budget. He said Council had agonized over what they wanted but the budget will do what they City needs. He added that there was not many changes the Council needed to make.

Councilor Duffy disclosed that he was employed by the Fredericksburg School System but he could participate fairly and objectively in the decision.

Councilor Frye disclosed that his spouse was employed by the Fredericksburg School System and he could participate fairly and objectively in the decision.

Councilor Devine said the budget was a well-organized, clear budget it would take care of the needs of the City and provide for economic growth. She said staff did an excellent job.

Councilor Devine made a motion to approved Resolution 18-40, on first read, appropriating funds for Fiscal Year 2019 beginning July 1, 2018 through June 30, 2019; 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).

City Manager’s Report and Council Calendar (D18-158 thru D18-159). City Manager Baroodly reviewed the Manager’s report and Council Calendar. Activities highlighted on the report were as follows: Lansdowne Road Temporary Closure Update, Mary Washington Boulevard at Hospital Drive, Broadband Survey, Upcoming General Election Information, FY 2019 Budget Work Sessions, Annual Asphalt Rehabilitation Program, Park, Recreation and Events, Picnic in the Park, Christmas Parade Sponsorship Proposals, Fresh off the Press: 2017 Annual Police Report and Building Statistics Reports.

Adjournment. There being no further business to come before the Council at this time, Mayor Greenlaw declared the meeting officially adjourned at 8:48 p.m.

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

Mary Katherine Greenlaw
Mary Katherine Greenlaw, Mayor

APPROVED
05-08-18