



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. JONATHAN A. GERLACH, WARD TWO
HON. DR. TIMOTHY P. DUFFY, WARD THREE

June 27, 2023

The Council of the City of Fredericksburg, Virginia, held a public hearing on Tuesday, June 27, 2023, beginning at 7:33 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, Jonathan A. Gerlach and Jason N. Graham

City Council Absent. Matthew J. Kelly, work business.

Others Present. City Manager Timothy J. Barody, Assistant City Manager David Brown, City Attorney Kathleen Dooley, Assistant City Attorney Dori Martin, Planning and Building Services Director Charles Johnston, Principle Planner Michael Craig, Finance Director Robyn Shugart, Budget Analyst Donna Leahy and Clerk of Council Tonya B. Lacey.

Notice of Public Hearings (D23-240 thru D23-273). The Clerk read the notice of the public hearings as it appeared in the local newspaper, the purpose being to solicit citizen input.

Ordinance 23-14, First Read Approved, Approving a Non-Exclusive Franchise to Fredericksburg Model-A-Car Tours, LLC to Provide Motor

Vehicle Tours of Fredericksburg (D23-240). 1 speaker. Assistant Tourism Director Morris explained that this would be a 28-month franchise agreement beginning in August 2023, with four additional one-year extensions to Fredericksburg Model-A-Car Tours, LLC. They will offer 15-20-minute intimate tours of the Fredericksburg area.

Ms. Katrina Canfield – stated that she came from Michigan where she has owned and operated tour services in multiple popular tourist destinations for over 20 years. She said she would like to bring the idea to Fredericksburg.

Councilor Gerlach moved to approve Ordinance 23-14, on first read, approving a non-exclusive franchise to Fredericksburg Model-A-Car Tours, LLC to provide motor vehicle tours of Fredericksburg; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach and Graham. Nays (0).

Suspension of the Rules. In order to place Ordinance 23-14 on for second read Councilor Gerlach moved to suspend the rules; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach and Graham. Nays (0).

Ordinance 23-14, Second Read Approved, Approving a Non-Exclusive Franchise to Fredericksburg Model-A-Car Tours, LLC to Provide Motor Vehicle Tours of Fredericksburg (D23-240). Councilor Gerlach moved to approve Ordinance 23-14, on second read, approving a non-exclusive franchise to Fredericksburg Model-A-Car Tours, LLC to provide motor vehicle tours of

Fredericksburg; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach and Graham. Nays (0).

Accessory Dwelling Units: Amending the Unified Development Ordinance §72-84, Definitions, and Article 72-4, Use Standards, to Establish Regulations Governing the Use of Accessory Dwelling Units (Version 1 Staff and PC Recommendation) or Amending the Unified Development Ordinance §72-84, Definitions, and Article 72-4, Use Standards, to Establish Regulations Governing the Use of Accessory Dwelling Units (ADU) (Version 2 Interior Only) (D23-241 thru D23-273). 42

Speakers. Principle Planner Craig presented a PowerPoint presentation and he began by discussion what was so special to frame the ADU issue and it is the special natural features on the edge of the neighborhoods, open spaces, amenities open space, adjacent to unique walkable commercial districts with a variety of services offered, and they are walkable to regional national destinations. He also discussed the neighborhood types that can be found in the City.

ADUs are a housing strategy that has been envisioned by the City's Comprehensive Plan since 2007 and they fit into existing neighborhood developments. They will ensure an appropriate mix of housing types, they will provide opportunities to "age in place", they will help to build in the pattern of historic neighborhoods and structures and they will provide housing flexibility in neighborhoods while aiding in the

conservation of existing neighborhood character. Mr. Craig explained that ADUs have a long history in the City.

There are two types of ADUs attached and detached. He said it would not meet the bulk demand for housing but it was a part of a larger housing strategy. Mr. Craig reviewed the ADU process to date. There were 18 community meetings held. They reviewed parking and they did an analysis on existing neighborhoods and they had Mr. Guy Miller-Richards come and speak about single family market dynamics. There was a focus on public safety, number of calls and services. He noted that there were maximum size requirements in the ordinance.

Mr. Craig stated that since 2015 there had been 16 complaints regarding the construction of illegal apartments, two had no violations, there were three legal non-conforming apartments identified and ten cases of illegal conversion had occurred and remedied. He said the common issue is that most people who need ADUs cannot build one under the current zoning code and instead they build a set of rooms with its own bathroom, sink, etc. without a legal cooking fixture.

Mr. Craig provided information of enforcement and he said part of the Planning Commission recommendation was to fund a rental housing inspection program and they recommended approving a modified Unified Development Ordinance Text Amendment permitting ADUs with conditions. There are two ordinances for the Council to consider one is for an internal ADU and the other was for an external ADU.

Mr. Craig's recommendation was to defer action until the July 11 meeting.

Councilor Graham asked what neighborhoods would not be able to participate in ADUs if they were internal only and Mr. Craig said the key to permitting anyone to participate would be to provide a tool kit of options. He said more option would be more equitable.

Vice-Mayor Frye thanked staff for their work and addressing the what if's. He also thanked the citizens for being engaged. He was appreciative of the Planning Commission for taking this to the public.

Susan Pates, 2010 Fall Hill Avenue, spoke in opposition of the ADU ordinance. She proposed that the City abandon this option and move in a more productive direction. She said the ordinance seemed to be a nationwide effort by special interest groups such as the National Apartment Association and the National Association of Realtors to promote the creation of additional apartments within single family zoning districts. Ms. Pates stated that there was one common theme in the opposition and that is, people are tired of seeing Fredericksburg over developed with new residential development particularly apartments. She was in agreement that there was a shortage of affordable housing but building apartments was not the answer.

Mr. Pates noted that Fredericksburg has the highest number of renters in the entire State. Across the State the percentage of owner occupied is 66.1% and in Fredericksburg it is 64.5% tenant occupied and 33.9% owner occupied. She noted that the George Washington Regional Commission Study on affordable housing was flawed because it was not developed or supported by Spotsylvania County entirely and it is critical since housing issues are inherently regional in nature. Secondly, the report does

not recognize the serious limitation facing the City, the limited space of 10.4 square miles and it is prohibited from expanding its boundaries.

Jim Pates, 2010 Fall Hill Avenue, continued where his wife left off and he asked why was Fredericksburg leading in apartments and rental housing and he referred to the Rappahannock United Way ALICE report. This report highlights the plight of households that are above federal poverty level that are challenged to meet ordinary living expenses. ALICE means asset limited, income constrained, employed families. These households struggle to keep above water although they are gainfully employed. Mr. Pates noted that the report shows that the City had the highest percentage of ALICE households in the region and one of the highest in the entire state.

Mr. Pates stated that when you take the ALICE households and those living in poverty Fredericksburg's percentage of households is 50%. This shows that Fredericksburg has a housing as well as an economic problem. He said by allowing ADU or building more low income apartments in the City will exacerbate the underlying economic problems of half of the City's population and attract more low income residents from around the region. Mr. Pates said the ordinance has expose more serious problems facing the City and it show a more comprehensive approach is needed to address the overall economic wellbeing of 50 % of the City's population.

Mr. Pates and his wife suggested the Council step back from the ADU issue entirely and consider creating a citizen taskforce to look at all the related issues to see what make sense for the City.

Mo Deadman, 214 Princess Anne Street, strongly urged the Council to amend the ADU ordinance as presented by the Planning Commission to include the requirement that the owner of the property live on the property. She said many of the ADU ordinances require this and it would protect surrounding neighbors from problems. If this requirement is not included she asked that Council provide information to residents that informs them of what protections, they will have and who would enforce them.

David Lawson, 806 Daniel Street, the growth in the City is not to be feared he said it has helped him grow himself and his business and that is the true character of the City. He feels that the Planning Commission is doing what it can to preserve the character of the City. Mr. Lawson referred a couple of books to the Council “Suburban Nation, The Rise of Sprawl and the Decline of the American Dream and the “Pattern Language”. He said change was inevitable.

Robert Thomas, 809 Brompton Street, encouraged the Council to adopt the ADU ordinance as written he said the modifications would make it less attractive and it would kill the small narrow expansion of housing that is needed. He said the City needs to decide where the real priorities are, for the young and the future or for those elderly, who are not going to be around long. He said there was a steady supply of young people coming out of the University but they are rushing to leave because the jobs are not here and the housing is not affordable. He said the youth should be the priority and ADU are needed so they will have a place to go.

Mr. Thomas asked that the ADUs are not made internal only and do not make them required owner occupied down the line. He said neighborhoods have to change to respond to outside forces.

Melissa Schneider (D23-243) 400 Hanover Street, explained why she was opposed to ADUs. The first reason was rapid urbanization, which she explains that ADU represent rapid urbanization instead of the smart growth approach as promoted in the Creative Maker Districts memoranda and the City's Comprehensive Plan. The second reason would be unintended consequences; they don't put a dent in the housing crisis. She said for some it was a push as a means for middle income and to be able to generate additional income. She said it was also being promoted as a means to provide affordable housing to the poor and promote equity.

Ms. Schneider said there had not been any studies to indicate that this was a legitimate process. She asked to Council to do the studies and listen to their constituents and craft a proposal that protects the beauty of Fredericksburg.

William Withers, Jr., 1103 Kenmore Avenue, noted that the ADU came out of the Planning Commission with a 4-3 vote and one member saying we did the best we could with what we had. He said this was not a real endorsement for something this major. The Planning Commission took several studies from localities that have ADUs and he felt as though they took those ordinances that has the least restrictions and sent it to Council for approval. He implored the Council to study other things that will make this a better project. He said there were a lot of housing projects coming. He suggested that there are simple things that could be added to the ordinance to make it practical.

He asked the Council to look at the parking and the lot size restrictions. He said another question that wasn't asked is how many police would be needed.

Raymond Herlong (D23-244), 1009 Prince Edward Street, stated that it was said that this ordinance would not produce more than 10 ADUs each year, if that were the case why would the Council allow so much angst over 10 units. He asked how this would promote the creation and preservation of affordable housing.

Mr. Herlong thought the ordinance was pro-developer and anti-neighbor. He stated that if this ordinance is passed it must discourage developer involvement, resolve the status of existing ADUs, require perpetual owner-occupancy, not be by-right, require licensing and tracking and require regular inspections. See **D23-244** for more information.

Ryan Klima, 507 Hanover Street, spoke in opposition of ADU, he said Fredericksburg was a very special place because unlike Colonial Williamsburg, most of the historic buildings are original and unlike Alexandria it is safer and a better place for families. He said ADUs have the potential to destroy what makes Fredericksburg special.

Mr. Klima said ADUs will lead to many of the historic homes to fall into disrepair, Fredericksburg lacks the infrastructure to handle increased population and they will push out professionals, business owners and others with single-families. These ADU will lead to many new apartments downtown and he said even the best tenant would not take care of a home like a homeowner living in a house and the worst tenant can cause issues. He said if an ADU is added it would make home less affordable and many will be incorporated into apartments.

Mr. Kilma stated that adding low income residents will cause an increase in crime and drug use. He said Fredericksburg needs to attract more young professionals, business owners and families. He encouraged the Council to reject ADUs.

Seth Casana, 1305 Princess Anne Street, said many of the concerns that had been expressed were absolved in the two ordinances. He said by requiring a homeowner to reside in the home while renting an ADU gets rid of all the issues that come with absent landlords. He expressed that there was nothing wrong with having renters and more homes allow more renters in Fredericksburg.

Melissa Columbo, 418 Bunker Hill Street, was in support of ADUs. She said she has clients who want ADUs and many want ADUs for elderly parent or for family members. She said this was called independent dependents. She said having a detached structure is important and key. Ms. Columbo said the limit should be 600 square feet. She also noted that it was more affordable to build them on property that you already own. Mr. Columbo said enforcement is the key and she asked the Council to please move forward with the ordinance as it is.

Joe Hensley, 801 Mortimer Avenue, spoke as a faith community leader. He said he was in support of expanding regulations around ADUs to include the detached units. He said we need to make it easier for people to live in community and be a blessing for one another. This is an opportunity for people to offer support and care for one another. He was in support of allowing ADUs for people to share resources and help each other. Rev. Hensley said by allowing ADUs it sends a message that we want more people to work and live together. ADUs offer housing that is more affordable for some

and have been a part of Fredericksburg for a long time. He said love of neighbor is important.

Dana Herlong (D23-245), 1009 Prince Edward Street, stated that the Neighborhood Coalition grassroots collective have taken a stand against the ADUs. She said there were about 400 homes that do not want to allow every R-4 residential property to create ADU rentals. Ms. Herlong said that the Coalition had created a petition and that the signatures were growing daily.

Ms. Herlong expressed her disappointment with the ordinances that were being considered and she offered a third alternative to include safeguard measures: require perpetual owner-occupancy, not be permitted by-right, discourage developer involvement, resolve the status of existing ADUs, require licensing and tracking, require regular inspections, preserve our neighborhoods, environment and habitat and promote a peaceful, livable and balanced community.

Mary Ellen Wheeler (D23-246), 1201 Princess Anne Street, presented a few statistics stating that 64% of the total housing stock in Fredericksburg is rental, the highest in the State of Virginia, poverty threatens 50% of the City's working households and she states that by-right accessory dwelling units accentuates these problems. She said misinformation is masquerading as fact and has been a primary obstacle and she gave two examples. The first was the list of ADUs in the City. She noted that staff had listed 88 homes with ADUs and she said there are 10 identified in the historic district but three were duplex units, two were mixed use, one was a small apartment complex with 5 units and only one could be defined as an ADU. She said if this was the accuracy then

there are very few nonconforming ADUs in the City. She said the second obstacle was attacks. She said she was shouted down by staff saying she had no right to speak against ADUs because she had an ADU on her property, which she said she does not have.

Ms. Wheeler said that residential overdevelopment was steam rolling the City's landscape and overwhelming the schools. She said by-right was wrong for ADUs.

Sue Sargeant (D23-247), 1318 William Street, had a few concerns with the text amendment the first was the importance of owner-occupied at the time of permit. She was concerned with the words "at time of permit". She said none of the 70 other localities in Virginia have that statement.

Secondly, her concern was no by-right. She said they did not want special use permits because they were in perpetuity but there needed to be some type of permit. Third, regarding the side and rear entrances allowed in ADU she asked the Council to consider the situation of a second story interior ADU requiring stairs or elevator for egress. She asked the Council to consider amending the words to no exterior stairs/elevator visible from a façade facing a public street.

Finally, Ms. Sargeant asked the Council to restore the funding for the Rental Housing Inspection program. She said landlords need to be held accountable for unsafe properties.

Maureen & Frank Widic (D23-248), 119 Caroline Street, spoke in opposition of ADUs. They stated that the Planning Commission's vote was 4-3 and that was hardly decisive. The Widics' had similar concerns as the Commissioners who voted against the

ADUs. They are opposed to the by-right designation; they were concerned with the effect ADU proliferation would have on the city's goal to increase its tree canopy. They said there was no need to build on every square foot of space and open space, garden space, property owner's play area for children and adults are all important to quality of life issues.

The Widic's also had concern with parking and the negative effect adding ADUs would have on some neighborhoods. They would not like ADUs in the City but if it is determined otherwise they do not want the by-right provision, only allow ADUs that are fully attached to and part of the existing home and require that provision be made for the potential additional parking needed for the expanded residence.

Sitwat Nadeem (D23-249), 1401 Idlewild Boulevard, spoke in support of ADUs, and he believes that permitting ADUs would benefit the community by providing more affordable housing options for tenants while enabling homeowners to generate additional income. Mr. Nadeem said ADUs have become a viable solution in numerous cities across the country, offering affordable and flexible rental options for tenants.

He said ADUs can also foster a sense of community as residents can live closer to their workplaces, schools and other amenities. ADUs also provide the opportunity for multigenerational living arrangements.

Mr. Nadeem asked the Council to consider implementing regulation that permit ADUs in residential areas.

Patrick Shawn and Kimberly Faherty (D23-250), 1208 Dandridge Street, spoke in support of ADUs, specifically Version 1. ADUs provide housing options within the City

limits that are not getting any bigger. They provide supplemental income for homeowners, as well as in-law suites for family members. They stated that University students and faculty and staff need affordable, safe, convenient housing options.

Mr. Shawn and Ms. Faherty were also in support of: increasing the maximum square footage for detached ADUs from 400 to 600 square feet; allowing more flexibility for property owners to locate ADUs at the rear of their lot; reducing setbacks for 2 story ADUs (such as ones over garages) if they are located on corner lots, to 5 feet; requiring the property owner to live on site as their primary residence at the time of ADU application; allowing existing building (such as garages) to be retrofitted into ADUs to exceed the 600 square foot maximum.

Robert Podlensy (D23-251), 310 Frederick Street, suggested there be a requirement for off Street parking, at least one space for every bedroom and he asked how Council would address multi-family occupancy in ADUs.

Anne Little (D23-252), 726 William Street, applauded the Council for listening to the residents' concerns. She would like the City to require that all ADUs be owner occupied, always. She said this would discourage ADU acquisition by absentee landlords and keep the City from turning into more rentals. Ms. Little said many of the landlords in the city live outside of the city and even outside the State.

She said more homeownership was needed and should be encouraged in the Mayfield and College Heights neighborhoods. She said this could help those struggling with rising rents.

Ms. Little said she would also like to see an inspection program tied to the ADUs and incorporate rental properties in this inspection program. She said making sure everyone follows the rules make Fredericksburg a better place for all.

Nancy Segarra (D23-253), 121 Hillcrest Drive, expressed concern that in-law or parent suites will eventually be used as rentals for income. She was also concerned about parking, she said on-street parking being grandfathered does not equal more parking spaces it equals more cars.

Lynn Ackermann (D23-254), 1300 College Avenue, stated that she would like to see an ADU ordinance that was less restrictive and controlling. She said once a building is occupied it does not need continuous inspection. She said ADU should be owner occupied when initiated and those who inherit the property should be able to keep it as a rental until they wish to inhabit or sell it. Finally, she said the City needed to rely on its faith and not fears. She supported the Planning Commission's recommendation.

Ernest Ackermann (D23-255), 1300 College Avenue, spoke in support of the ADU ordinance submitted by the Planning Commission. He said they have an ADU on their property and they are able to provide living units for two people. He said as they age it would be a good place for a relative or caretaker to live and assist them. Mr. Ackerman said ADUs are a benefit to him, those living in the it and to the neighborhood. He said he feels strongly that providing ADUs on an appropriately sized lot would be a benefit to the homeowner and those who live in the ADU.

Debra Fults (D23-256), 3200 Linden Avenue, spoke in full support of Version 1, Planning Commission recommendation to allow ADUs both detached and attached to the main structure.

Dugan Caswell (D23-257), 3006 Linden Avenue, spoke in support of the Planning Commission's recommendation to allow and regulate ADUs within the City. He said increasing the type and variety of housing options is what will keep the City vibrant and a place to live and thrive.

Donald Caswell (D23-258), 308 Altoona Drive, spoke in support of enacting regulations that allow ADUs in the City. He said he was pleased with the language that was presented by the Planning Department. He said there is a need for housing alternative that provide options for a variety of living situations. As he ages he said he would like to have the option of building and living in an ADU near family. ADUs will ensure the City retains its small town character and does not become overwhelmed by monolithic apartment buildings.

Meghann Cotter (D23-259), 1222 Brent Street, spoke in support of ADUs. She said ADU's would make sense for aging parents, and adult children who are not able to fully live on their own, or an unforeseen change in income and they may not be able to afford the mortgage it could be used for additional income.

Ms. Cotter said density was not an option in the City, it is the definition of a city. She spoke of the housing crisis in the community and the region is expected to triple in size by the year 2040. She said if the area does not search for tools to be smart about the density it will become a gentrified community.

Ms. Cotter added that if the City does not make a way for ADUs on its terms, people will make their own way. ADUs are an additional way to add diversity to the neighborhoods.

Elizabeth Safely Griffey (D23-260), 1231 Hanover Street, spoke in support of the Council implementing ADU's. She said they will give homeowners the option to build an ADU for aging relatives or caretakers to live close to family. They will provide affordable housing for the local workforce. ADUs will allow property owners to age in place and provide income to sustain their lifestyle and offset the cost of living in the City. Ms. Safely said ADUs would add to the housing supply and benefit residents, property owners, and the City with an increase in supply of affordable housing units.

Mary Beth Rich (D23-261), 1609 Augustine Avenue, endorsed the Planning Commission's proposed ordinance for ADUs. She said enhancing the range and diversity of available housing choices was critical to maintaining a lively progressive and enjoyable community. She urged the Council to support the ordinance as suggested by the Planning Commission.

Jennifer Petitt (D23-262), 416 Bunker Hill Street, spoke in support of the Planning Commission's recommendation to allow either attached or detached ADUs by-right.

Marjorie and Jerome Tankersly (D23-263), 208 Braehead Drive, spoke in support of the following: discouraging developer involvement; resolving the status of existing ADU's; require perpetual owner-occupancy; not be by-right; require licensing and tracking; require regular inspections and preserve habitat.

Pat Gaske (D23-263), 1302 Washington Avenue, spoke in support of the following: discouraging developer involvement; resolving the status of existing ADU's; require perpetual owner-occupancy; not be by-right; require licensing and tracking; require regular inspections and preserve habitat.

Thomas Moran (D23-264), 810 Wolfe Street, spoke in support of Version 1 because it would allow them to convert a detached shed that they have into an ADU for their daughter to have independent living. Version 2 would not allow that.

Delores Lecky (D23-265), 1205 Charles Street, spoke in support of making ADUs a by-right option for homeowners. She said the current process in which an ADU would be approved was overly cumbersome for lower income residents. She was pleased with some of the suggestions such as the hard limit on the size of a separate ADU structure, maintaining the occupancy limit of no more than three unrelated persons and the reinstatement of the rental inspection program. ADU's are already a part of the historic fabric of the City and serve a useful purpose.

Catherine Farley and Vincent Ramoneda (D23-266), 536 George Street, implored that the Council not allow ADUs by-right because it would encourage investments by developers who are often not plugged into the community. Careful regulation of ADUs requiring owner-occupied would ensure ADUs remain in-law suites or housing for adult children with disabilities. They said it would behoove the City to reinstate the rental inspection program.

Aaron Frank (D23-267), 2634 Caroline Street, spoke in support to allow ADUs in separate structures and to allow existing structures to be converted into ADUs. He

noted that the AARP supports ADUs for the old, disabled, and the young – the most vulnerable populations. He said there are many reasons why ADUs are good: environment the economy, equity.

Mr. Frank said he grew up in a de facto ADU. He noted that having a kitchen would not change the land use impact but it would improve the lives of the people living in the house. ADUs are a necessary positive step to accomplish many of the goals in which the City strives.

Ralph Joseph (D23-268), 913 Cornell Street, stated that ADUs should be owner-occupied, not by-right and a rental inspection program was essential.

Lindsay Gould (D23-269), 1109 Prince Edward Street, listed the items that were important to him and they were clear definition of an ADU, both internal and external; they must be owner occupied, not by-right and there should be a rental inspection program.

Mr. Gould said parking and safety within the downtown area was a concern as density increases. He said they are told there are no parking issues, but that is not the case for residents.

He suggested the City delve into its housing program as a whole instead of approving band-aids that may not offer housing relief. He stated that the City should work with developers to include affordable housing in their projects.

Hamilton Palmer (D23-270), 1500 Caroline Street, asked the Council to consider a third option with ADUs and that option is to do nothing. He said he was a fan of ADUs but by special use permit only. He said neighbors should have a say in what their

neighbors build. Mr. Palmer was in favor of ADUs, but only after being vetted through the SUP process.

Rachael Sargeant (D23-271), 812 Daniel Street, stated that she would like the following conditions in the ADU Text Amendment discussed: preserving natural habitat, preserving the tree canopy, reducing the carbon-footprint of housing and replacement of native trees when a mature tree is removed. She would also like to see owner-occupied, no by-right and no stairs out of a side entry 2nd floor ADU facing a public street.

Debra Zbrzezny (D23-272), 1403 Graham Street, spoke in opposition to ADUs she said the infrastructure was not designed to support an increase in density. The increase in traffic will create congested housing and reduce the value of single-family homes. She said there was already a major parking issue. Ms. Zbrzezny said there would be an impact on the first responders, crimes will increase as well as fires. All this will change the character of the neighborhoods. Another thing to consider is that it will be an increased demand for electricity, water and sewer services. She said if this ordinance passes the City will need to hire a rental inspection coordinator.

Pat and Mike Worsham (D23-273), 1317 Royston Street, spoke in support of ADU with certain requirements to protect the neighborhood. They said it was important to have owner-occupied at the time of application and they said there needed to be a way for families who inherit properties to continue to operate the property as an ADU. They also suggested a limitation on modifications to homes such as external staircases and there should be a process to examine and review each ADU.

Councilor Duffy thanked everyone who participated in the discussion and he said there was great division and he looked forward to the discussions to come.

Councilor Gerlach thanked staff and the public for coming out and he listed seven items he wanted to discuss in the future: look at the owner definition and make possible technical amendment; look at the definition of a family for technical amendments; look at the existing accessory structures to see if there should be adaptive reuse by allowing ADUs; keep focus on the equities; broaden the focus on how ADUs fit into neighborhood character, population growth, housing supply, cost of living and homeownership; continue discussion of external and internal ADU's and what is needed to reinstated the rental inspection program.

Mayor Greenlaw thanked everyone for their presentations and comments.

Vice-Mayor Frye said no matter what decision is made the most important take away is the dialog. He explained that the community is dialog and he takes pride in that.

Adjourned. There being no speakers to come before the Council at this time, Mayor Mary Katherine Greenlaw declared the hearing officially adjourned at 10:15 p.m.

Mary Katherine Greenlaw
Mary Katherine Greenlaw, Mayor

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

APPROVED
08-08-23

[This page intentionally left blank]



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. JONATHAN A. GERLACH, WARD TWO
HON. DR. TIMOTHY P. DUFFY, WARD THREE

June 27, 2023

The Council of the City of Fredericksburg, Virginia, held a regular session on Tuesday, June 27, 2023, 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, Jonathan A. Gerlach, and Jason N. Graham.

City Council Absent. Matthew J. Kelly, work business.

Others Present. City Manager Timothy J. Baroody, Assistant City Manager David Brown, City Attorney Kathleen Dooley, Assistant City Attorney Dori Martin, Planning and Building Services Director Charles Johnston, Principle Planner Michael Craig, Finance Director Robyn Shugart, Budget Analyst Donna Leahy and Clerk of Council Tonya B. Lacey.

Opening Prayer and Pledge of Allegiance. Council was led in prayer by Vice-Mayor Charlie L. Frye, Jr. followed by the Pledge of Allegiance led by Councilor Jason N. Graham.

Officer Recognized. Mayor Greenlaw recognized the presence of Officer Chris Reyes at this evening's meeting.

Consent Agenda Accepted for Transmittal as Recommended (D23-238 thru D23-239). Councilor Devine moved approval of the City Manager’s consent agenda; motion was seconded by Councilor Gerlach and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach and Graham. Nays (0).

- Ordinance 23-13, Second Read, Amending City Code to Update Small Purchasing Limits in Accordance with the Virginia Public Procurement Act (D23-238).
- Transmittal of the Board and Commission Minutes
 - Economic Development Authority – May 8, 2023 (D23-239).

Public Hearing (D23-240 thru D23-273). The regular session was recessed in order to conduct scheduled public hearings and immediately reconvened upon their conclusion.

Citizen Comment. There were no comments given and/or submitted to be read during the citizen comment portion of this evening’s meeting.

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

8A. Local Hero – Mayor Greenlaw

8B. Solar Carports – Councilor Graham

Local Hero –Mayor Greenlaw congratulated Grace Ann Braxton for bringing home silver and gold medals from the Special Olympics World Games.

Solar Carports – Councilor Graham asked Council to give staff permission to work with the schools on solar carport projects which can be put in parking lots and they would provide shade for cars, and provide energy from land that is not productive most of the day. He would like Mr. Baroody to explore the idea with the schools, on City owned parking lots, and school owned parking lots to provide sustainable energy source on land that will not add to stormwater concerns. Council gave a thumbs up in agreement.

Adoption of Minutes. Councilor Gerlach moved approval of the June 13, 2023 Regular Session minutes; motion was seconded by Councilor Graham and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach and Graham. Nays (0).

Appointment to the Economic Development Authority – Kevin Hughes (D23-274). After the recorded vote was taken, Kevin Hughes was appointed to serve on the Economic Development Authority with a vote resulting between applicants Frank Cirioni, Daniel Clendenin, Anita Crossfield, Kevin Hughes, Maurice Smith, Theodosius Zotos. Cirioni (0); Clendenin (3). Greenlaw, Duffy, Graham; Crossfield (3) Frye, Devine, Gerlach; Hughes (6). Greenlaw, Frye, Devine, Duffy, Gerlach, Graham; Smith (0); Zotos (0).

There was a tie between Clendenin and Crossfield so the Council decided to wait until the July 11 meeting to vote on the other applicant because there must be a supermajority to make an appointment.

Appointment to the Germanna Community College – Shirley Eye (D23-275). Councilor Devine made a motion to appoint Shirley Eye to the Germanna Community College Board; motion was seconded by Councilor Duffy and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach and Graham. Nays (0).

Resolution 23-49, Authorizing the City Manager to Apply to the Virginia Resources Authority for Financing for Rappahannock Regional Solid Waste Management Board Capital Construction Costs, and Declaring intent to Borrow Those Funds (D23-276). After staff presentation Councilor Gerlach moved to approve Resolution 23-49, authorizing the City Manager to apply to the Virginia Resources Authority for financing for Rappahannock Regional Solid Waste Management Board capital construction costs, and declaring intent to borrow those funds; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach and Graham. Nays (0).

Transmittal of Council Priorities (D23-277). City Manager Baroody transmitted the Phase 4 Council priorities, they were posted to the website and he stated that he would brief out on July 11.

Report on Noise Ordinance (D23-278). Chief Layton provided an update on the effectiveness of the Good Neighbor Noise Ordinance. The ordinance was amended in May 2021 to regulate the noise in the downtown business district. The

ordinance became law June 15, 2021. At the work session in November 2022, he reported that they had responded to 50 calls to service regarding noise complaints from downtown businesses. He reported that between November 2022 and June 26, 2023 they have responded to an additional 10 calls. Since the revision of the ordinance they have issued 9 summonses for noise violations such as loud music from bands or DJ at downtown businesses. Chief Layton reviewed the spreadsheet with the Council (see D23-277).

Chief Layton noted that during his last update eight summonses had been issued and six of the summonses had been dismissed in General District Court and two were pending. Of the six dismissed the judge determined that the Police Department should charge the band or the DJ with the violations and not the business manager. Since this determination the Police department has issued 3 summonses, two to a band and one to a DJ and the judge dismissed those but issued an official warning from the Court telling them not to come back to Court and to date they have not been back.

Chief Layton noted that 33 of the calls and six of the summonses occurred at one business. He suggested the ordinance was effective and the number of calls were manageable and he recommends the Police Department enforce the ordinance as written through the summer and bring an update to the Council this winter. He believes the call have dropped considerably. He would like more time to evaluate its true effectiveness.

City Manager Baroody highlighted that they were working on additional public information and they are planning to install signs throughout the downtown to raise awareness.

Councilor Gerlach said he would like to see if the ordinance should be tightened up because as it is written it says noise “generated by a person or a group of people” and he would like to see it changed to “noise generated by or allowed to continue by a manager”. He would like to expand the responsibility beyond the person creating the noise.

City Attorney Dooley explained that the language the judge was landing on was the language that says the person operating or controlling a noise source shall be guilty of any violation caused by that source. She said it was not the worst approach to a criminal violation to the City Code. She said as the word gets around to the bands it will help with curbing the violations.

Councilor Gerlach also expressed concern about the online reviews of the businesses downtown and he is afraid the City will lose business because of the reviews.

Councilor Devine also said she would like to tighten the ordinance up because she does not understand how the business owner is not responsible for a band playing too loud. Councilor Duffy was in agreement with Councilor Devine.

Councilor Devine said there needed to be better balance between entertainment and people enjoying their homes.

City Manager’s Report and Council Calendar (D23-279 thru D23-280). City Manager Baroody directed the Council’s attention to the Manager’s Update:

New Historical Highway Marker, Fourth in Fredericksburg, Around the Town Trolley, FXBG Farmer's Market, Where's Your House Number, Water Bill Assistance, Hydrant Maintenance Flushing Program, The Parks, Recreation, and Events Summer Catalog 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 10:47 p.m.

Mary Katherine Greenlaw

Mary Katherine Greenlaw, Mayor

Tonya B. Lacey

Tonya B. Lacey, Clerk of Council

APPROVED

08-08-23

[This page intentionally left blank]