



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. JASON N. GRAHAM, WARD ONE
HON. DR. TIMOTHY P. DUFFY, WARD THREE
HON. CHARLIE L. FRYE, JR., WARD FOUR

August 14, 2018

The Council of the City of Fredericksburg, Virginia, held a public hearing on Tuesday, August 14, 2018, beginning at 7:34 p.m. in the Council Chambers of City Hall.

City Council Present. Mayor Mary Katherine Greenlaw, William C. Withers, Jr., Council members Kerry P. Devine, Dr. Timothy P. Duffy, Charlie L. Frye, Jr., Jason N. Graham 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, Budget Manager Deidre Jett, Economic Development Director Bill Freehling, Planning and Development Services Director Charles Johnston, Senior Planner Michael Craig, Community Development Planner Susanna Finn, Human Resources Director Robert Bell, Purchasing Manager Lynn Enders, Building Official John Schaffer, Consultant for FRED Transit Arnie Levine, Finance Director Robyn Shugart, Safety Manager Arnold Raynor, Zoning Administrator James Newman and Clerk of Council Tonya B. Lacey.

Notice of Public Hearings (D18-271 thru D18-273). The Clerk read the notice of the public hearings as they appeared in the local newspaper, the purpose being to solicit citizen input.

CVAS Properties, LLC (owner) Requests a Special Use Permit for an Automotive Service Use (D18-271 thru D18-272).

CVAS Properties, LLC (owner) Requests a Special Use Permit for a Convenience Store With Gasoline Sales (D18-273). 6 speakers. The two public hearings were held together.

Senior Planner Craig explained that there were two special use permits one for the automotive use and the other for a convenience store with gasoline sales. The proposed store would be located on Hospitality Lane and Fall Hill Avenue.

Mr. Craig presented a PowerPoint presentation and in the presentation he discussed the Existing Conditions – site character, Proposed Use – General Development Plan, Potential Impacts and Proposed Mitigation, Comprehensive Plan/UDO Compliance, Planning Commission Recommendation – to Deny and Staff Recommendation to approve with conditions. (See Doc18-272 for more information).

Mr. Craig stated that the Planning Commission’s recommendation for denial was due to questions regarding the safety of the connection to Hospitality Lane as well as the Fall Hill Avenue trail. Staff recommended approval subject to the following conditions:

- The proposed commercial driveway connection to Fall Hill Avenue is disapproved and should not be shown on the GDP. A traffic impact analysis shall be conducted for the access point to the site from Hospitality Lane and all recommended improvements from the study shall be shown on the site plan for this use prior to its approval
- The use shall maintain the existing 50 foot wide buffer consisting of landscaped and irrigated berms along the entire Fall Hill Avenue frontage of the site

- One-half (1/2) of the cost of construction (including design, engineering, bidding, construction administration, construction and utility relocation) of a traffic signal to be installed in the intersection of Fall Hill Avenue and Hospitality Drive shall be provided to the City prior to approval of a site plan for this use
- The 10 foot wide shared use trails shown on “Trail Exhibit,” by SDI dated August 6, 2018 shall be constructed prior to the commencement of the use. Final design and location of the trails shall be approved by the Zoning Administrator
- All required crosswalks shall consist of brick, stamped concrete, or better, subject to City approval as specified in the Side Agreement.

Jervis Hairston, Silver Companies, representing the applicant, stated that the use was consistent with the Comprehensive Plan and consistent with the area. Mr. Hairston addressed the issues with the trails and the berm. He said that there were no limitations to accessing Fall Hill Avenue in the side agreement. He explained that the side agreement was put in place to protect the residences on the south side of Fall Hill Avenue. Mr. Hairston explained that the 8-10 foot high berm was not approved by the City it just happened to have additional top soil from the Fall Hill Avenue widening project and the Celebrate Virginia project. He said the side agreement does not dictate the size of the berm. He said to state the berm limits access to Fall Hill Avenue when there have been 4 or 5 side amendments administratively approved to the berm was inconsistent. He noted that the berm was made possible by dedication of the right away from the applicant and now they are being limited with access although it was not in the side agreement.

Mr. Hairston said in order to mitigate impacts to the trail they put in a mid-entrance right in and right out to make it safer or pedestrian and bikers to cross. He said they thought

to help further mitigate the safety issue they would build about a half mile trail down Hospitality Lane and Carl D. Silver Parkway to major destinations (Expo Center and possibly the baseball stadium).

Mr. Hairston clarified that the berm was never put in place in the side agreement to limit access to Fall Hill Avenue. It was to provide a buffer from the uses on the south side of Fall Hill Avenue for the houses along Briscoe Lane. He reiterated that the uses were consistent with other uses in the area and most of the uses were automotive dependent.

Joe Wilson, 913 Caroline Street, said he was involved in developing the Valvoline site and they were not interested unless there was a right in, right out onto Fall Hill Avenue. He said it would result in loss revenue for the City if this was not approved. Mr. Wilson said having served on the Economic Development Authority for eight years, economic development was at the forefront in his mind. He also explained by not having an exit onto Fall Hill Avenue it forces 3 retail stores to exit onto Hospitality Lane and he was concerned that later they would determine that they will need an exit onto Fall Hill Avenue. Mr. Wilson reminded the Council of two extremely dangerous trail crossings within the City (across Route 1 and across Route 3) and he couldn't understand how the proposed right in, right out on Fall Hill Avenue would be more dangerous than the said crossings. He explained that they were proposing to put a stamped crossing with a pedestrian signal. Mr. Wilson also reiterated what Mr. Hairston had stated about the berm.

Rob Murphy, Cushman and Wakefield, representing Valvoline, stated that Valvoline has been interested in the City and they had been working on this site for a period of years. He said Valvoline was corporately owned and this was part of a larger entry into Virginia. The business was one of convenience and they do great near roadways and grocery stores. He said the convenience was tied to speed and proximity to other stores. He explained that

they needed to have an escape lane for their operations. Mr. Murphy said everything would be completed onsite on the inside and customers could not leave cars. The operation was very clean and they would obey all the request for landscaping around the property. Mr. Murphy said the location was great for the applicant but would not work if they did not have more than one exit from the property. He said they recognize the sensitivity to the access off of Fall Hill Avenue.

Vice-Mayor Withers asked when they decided on the site, were they aware that cuts were not allowed on Fall Hill Avenue. Mr. Murphy said they were not aware there was no access and he didn't see anything that would prohibit access.

Councilor Graham asked if they considered putting two ingress and egress on Hospitality Lane and Mr. Murphy said it was proposed but there would be an issue with the proper circulation onto and off of the property.

Keith Oatcher, Senior Engineer with Sullivan, Donahue and Ingalls, spoke regarding permissions along Fall Hill Avenue access and said there were no technical impediments in either the side agreement or access regulations so it was pursued as capable. He also spoke about the two proposed ingress and egress' on Hospitality Lane and he said that having both on Hospitality Lane would load up hospitality Lane.

Harriette Rowe, 1238 Brent Street, encouraged the Council to consider the health and safety of the City residents first. She said the berms were attractive and she said if the Council wanted to keep the berms as they were then they have the right do so. She asked the Council to seriously consider the interruption of the trail because it was a safety issue.

Carl Holtgren, Ramey Kemp & Associates, traffic engineering firm representing the applicant. Mr. Holtgren said the right in turn was warranted based on traffic volumes for 7-11 and Valvoline and the 100 foot taper met standards. Regarding safety for the trails, the

sight distance was good from both directions and there would not be any visual impairment for users of the trail, as well as drivers. He said if the only access was on Hospitality Lane it would put a lot of traffic onto Hospitality Lane, but if there was an exit onto Fall Hill Avenue it would split the traffic approximately 50/50. He said allowing the traffic to exit on Fall Hill would balance the traffic nicely.

Councilor Frye asked about a completion timeframe for extension of sidewalks to Riverside Manor. Mr. Fawcett explained that the reason the sidewalks were not extended beyond Carl D. Silver Parkway was because the western end of the roadway project was at the Sheetz and Virginia Department of Transportation would not extend beyond the vehicular improvements. Mr. Fawcett also stated that he and Mr. Nelson met with VDOT and the sidewalk extension was going to be a FY2020 project.

Councilor Kelly said there were some issues that needed to be looked at and he made a motion to defer action on both public hearing items until the August 28 meeting; motion was seconded by Vice-Mayor Withers and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Withers, Devine, Duffy, Graham and Kelly. Nays (1). Councilor Frye.

Adjournment. There being no more speakers to come before the Council at this time, Mayor Greenlaw declared the hearing officially adjourned at 8:23 p.m.

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

Mary Katherine Greenlaw
Mary Katherine Greenlaw, Mayor

APPROVED

08-28-18



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HON. CHARLIE L. FRYE, JR., WARD FOUR

August 14, 2018

The Council of the City of Fredericksburg, Virginia, held a regular session on Tuesday, August 14, 2018, beginning at 7:30 p.m. in the Council Chambers of City Hall.

City Council Present. Mayor Mary Katherine Greenlaw, William C. Withers, Jr., Council members Kerry P. Devine, Dr. Timothy P. Duffy, Charlie L. Frye, Jr., Jason N. Graham 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, Budget Manager Deidre Jett, Economic Development Director Bill Freehling, Planning and Development Services Director Charles Johnston, Senior Planner Michael Craig, Community Development Planner Susanna Finn, Human Resources Director Robert Bell, Purchasing Manager Lynn Enders, Building Official John Schaffer, Consultant for FRED Transit Arnie Levine, Finance Director Robyn Shugart, Safety Manager Arnold Raynor, Zoning Administrator James Newman 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.

New Employees Recognized. Mayor Greenlaw introduced the following new employees Finance Director Robyn Shugart, Safety Manager Arnold Raynor, Zoning Administrator James Newman

Officer Recognized. Mayor Greenlaw recognized the presence of Officer Scott Worley at this evening's meeting.

Public Hearings (D18-271 thru D18-273). The regular session was recessed in order to conduct the scheduled public hearings and immediately reconvened upon their conclusion.

Citizen Comment. There were no speakers participating in the citizen comment portion of this evening's meeting.

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

7A. Uniform Policy Relating to the Allowance of Accessory Dwelling Units (ADUs) on Existing Residences – Councilor Graham

7B. Murder Free Fredericksburg – Councilor Frye

Uniform Policy Relating to the Allowance of Accessory Dwelling Units (ADUs) on Existing Residences. – Councilor Graham requested the start of a public dialog to allow accessory dwelling units on existing residences. Currently, ADU's are not allowed in the City and he would like to see if this could change. Councilor Graham explained that ADU's are a great way for multiple generations to remain in the same City. ADU's allow aging in place, while allowing the next generation homeownership. He would like to discuss whether staff should begin drafting an ordinance.

Vice-Mayor Withers expressed his concern that some of the additions on the back of some homes are so large and would diminish the use of the backyard of the adjoining homes. He would like to see limitation on the lot coverage.

Councilor Graham said he did not have a problem with setting parameters but he wanted to make sure there was the option for people to do if they wanted.

Councilor Kelly suggested that this would be a good opportunity to take this through the Housing Committee for review as a pilot discussion.

Mr. Johnston said staff would be willing to take this on and come back to Council. He said they would like to do some research and discuss whether this should be part of the area plans or stand alone. He would like to bring it to Council at a work session.

Councilor Devine said this topic had come up several years ago and this was a lot to look at. The concern she raised that having college students in the area this could become dwellings for those students. Councilor Duffy had the same concern with the College community. He said he was interested in learning more about it.

Murder Free Fredericksburg - Councilor Frye spoke passionately about the homicide and the suicide that occurred in the City. He spoke of how the media was quick to cover the negative news in the City but would not come when invited to cover the gun giveback program. Councilor Frye said he wished people knew there were other options. He encourage people that have unwanted guns, to turn them into the Police Department. He also praised all the officer that came to help the officer who was injured in the line of duty.

Councilor Duffy added that this was a small community and when things like this happen it was a tragedy. He said it was important for everyone to keep going and continue to do things that help eliminate these issues.

City Manager's Consent Agenda Accepted for Transmittal as Recommended (D18-274 thru D18-279). Councilor Kelly moved approval 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, Frye, Graham and Kelly. Nays (0).

- Transmittal of FRED Transit Progress Report – 2nd Quarter (D18-274).
- Transmittal of the List of Streets – Fiscal Year 2019 Annual Street Rehabilitation (D18-275).
- Transmittal of Board and Commission Minutes
 - Clean and Green Commission – June 4, 2018 (D18-276).
 - Economic Development Authority – May 14, 2018 (D18-277).
 - Economic Development Authority – May 21, 2018 (D18-278).
 - Economic Development Authority – June 11, 2018 (18-279).

Adoption of Minutes (D18-280). Councilor Kelly moved approval of the January 9, 2018 Work Session, June 26, 2018 Public Hearing and Regular Session, July 2, 2018 Special Session and the July 10, 2018 Public Hearing and Regular Session minutes as amended; motion was seconded by Vice-Mayor Withers and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Frye, Graham and Kelly. Nays (0).

Appointment to the Board of Social Services – Nathaniel Hvizdos, Michelle Landry and Christian Zammas (D16-281). Councilor Duffy made a motion to appoint Christian Zammas to serve on the Board of Social Services; motion was

seconded by Vice-Mayor Withers and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Frye, Graham and Kelly. Nays (0).

Resolution 18-66, First Read Approved, Approving a Fiscal Year (FY) 2019 Budget Amendment Appropriating Funds in the Transit Capital Fund for a FREDericksburg Regional Transit (FRED) Bus Transfer Station (D18-282). After staff review Councilor Kelly made a motion to approved Resolution 18-66, on first read, approving a Fiscal Year (FY) 2019 budget amendment appropriating funds in the Transit Capital Fund for a FREDericksburg Regional Transit (FRED) Bus Transfer Station; motion was seconded by Vice-Mayor Withers and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Frye, Graham and Kelly. Nays (0).

Resolution 18-67, Approved, Adopting Guidelines Implementing the Design-Build Contracting Authority authorized by Chapter 43.1 of Title 2.2of the City Code of Virginia (D18-283). After staff review and brief discussion Councilor Kelly made a motion to approved Resolution 18-67, Adopting Guidelines Implementing the Design-Build Contracting Authority authorized by Chapter 43.1 of Title 2.2of the City Code of Virginia; motion was seconded by Councilor Duffy and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Frye, Graham and Kelly. Nays (0).

Resolution 18-68, Approved, Initiating an Amendment to the 2015 Comprehensive Plan to Support the Establishment of a New Public Recreation Facility in Land Use Planning Area 1: Celebrate Virginia

/Central Park, Including Realignment of the Planned Road Network in Celebrate Virginia South (D18-284). After staff review Councilor Kelly made a motion to approve Resolution 18-68, approved, initiating an amendment to the 2015 Comprehensive Plan to support the establishment of a new public recreation facility in Land Use Planning Area 1: Celebrate Virginia/Central Park, including realignment of the planned road network in Celebrate Virginia South; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Frye, Graham and Kelly. Nays (0).

Resolution 18-69, Approved, Initiating Amendments to the Unified Development Ordinance to Define, Permit and Regulate Small Data Centers and Data Centers (D18-285). After staff review Councilor Devine made a motion to approve Resolution 18-69, initiating amendments to the Unified Development Ordinance to define, permit and regulate small data centers and data centers; motion was seconded by Councilor Graham and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Frye, Graham and Kelly. Nays (0).

Resolution 18-70, Approved, Initiating an Amendment to the 2015 Comprehensive Plan Amend Chapter 11, “Planning Areas,” to Adopt a New Small Area Plan for Planning Area 6 (D18-286 thru D18-287). Community Development Planner Finn presented a PowerPoint and in the presentation she discussed the amendments to Chapter 10, Planning Areas, to include marker land use transects and applying them to the Small Area Plan 6 in a new General Land Use Plan. The second change was to Chapter 11, Small Area Plans, to create a Small Area Plan for planning area 6, along the Princess Anne Street, Fall Hill and Route 1 corridors and surrounding

neighborhoods with land use and transportation policies. Other items covered in the presentation were neighborhood protection, Maker District, Maker District – TDR, and next steps.

Vice-Mayor Withers expressed his concern with the limited commercial space within the City and he said they have been swept up by apartment buildings and townhomes lately. He noted that he was not aware until recently that all CH and CS zones allow apartments by right. He said he could not see adding additional apartments in the City. He noted that if Council moved on this item he hoped it would exclude sensitive areas. Vice-Mayor Withers asked what the advantage was for a TDR and Ms. Finn explained that the advantage was to incentivize preservation of structures that may face increasing developmental pressure in the future. Vice-Mayor Withers expressed concern that the Maker District may bring more low income jobs and staff explained that the work was not necessarily all low income that it was any entrepreneurial work. Mr. Craig explained that the City was in control of the land use market and because there was so much creativity some entrepreneurs could not find a place to operate and this would help so that they were not excluded. Mr. Craig also stated that they were putting together a community group to create their own main street district and they would go out and decide what they want to bring here.

Vice-Mayor Withers was also concerned with the TDR approval process he would like to see Council approve all large projects so that it could hold a public hearing and he would like this all to be considered when its goes to Planning Commission for review. He also requested the Planning Commission review environmentally sensitive areas as well.

Councilor Kelly acknowledged that this was only the beginning of the process and there were many moving parts but he asked where staff was with the process. Mr. Johnston explained that they were continuing to work with the City Attorney he said they have to

come up with specific mechanisms but they had the state model to follow.

Councilor Kelly said he believes TDR would do more with defining what the City wanted in an area but he believes the City would have to negotiate what it wants from developers. He said this would be the beginning of a great discussions.

Mayor Greenlaw said this was a very ambitious plan and it involved many new and complicated concepts but they were very forward looking for the City.

Councilor Duffy said this gives the City a great opportunity to think about development in the City and he encourage everyone to get involved in the maker district conversations.

Councilor Graham made a motion to approve Resolution 18-70, initiating an amendment to the 2015 Comprehensive Plan amend Chapter 11, "Planning Areas," to Adopt a New Small Area Plan for Planning Area 6; motion was seconded by Councilor Kelly and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Frye, Graham and Kelly. Nays (0).

City Manager's Report and Council Calendar (D18-288 thru D18-289). City Manager Baroody reviewed the Manager's report and Council Calendar. Activities highlighted on the report were as follows: Community Discussions Continue, Riverfront Park Work Continue, Riverfront Park Work Session, Potomac Nationals Team Owners to Hold a Community Meeting, Tickets Now on Sale for Slide FXBG, New Female Recruitment Video, Cleanup from River Rising, Camp Spirit, Safety Camp and Keeping Trails Litter Free.

Closed Meeting Approved (D18-289.1). Upon a motion Councilor Graham, moved approval of a closed session under Virginia Freedom of Information Act section Section 2.2-3711 A. (1) to discuss the performance of specific appointees of the City Council, specifically, the City Manager; motion was seconded by Councilor Devine and passed by the

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

Return to Open Meeting Approved. Upon the motion of Councilor Graham 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, Frye, Graham and Kelly. Nays (0).

Resolution 18-71, Approved, Certifying Closed Meeting. Upon the motion Councilor Graham approved Resolution 18-71 certifying the closed meeting; seconded by Councilor Devine and passed by the following recorded votes. Ayes (7) Councilors Greenlaw, Withers, Devine, Duffy, Frye, Graham 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 10:24 p.m.

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

Mary Katherine Greenlaw
Mary Katherine Greenlaw, Mayor

APPROVED
08-28-18

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