



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 12, 2016

The Council of the City of Fredericksburg, Virginia, held a regular session on Tuesday, April 12, 2016, 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 Beverly R. Cameron, Assistant City Manager Mark W. Whitley, City Attorney Kathleen Dooley, Assistant Economic Development Director Bill Freehling, Planning Services Director Charles Johnston, Zoning Administrator Michael Craig, 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 Officer Stuart Butterfield at this evening's meeting.

Historic Garden Day Proclamation – Mayor Greenlaw presented the Historic Garden day proclamation to Ms. Ann Reamy proclaiming April 26, 2016 as

Historic Garden Day in Fredericksburg and she asked the community to extend its highest praise and commendation to the Rappahannock Valley Garden Club and the Garden Club of Virginia for their service to our communities.

CSX Tanker Cars Update – Randy Marcus, CSX Regional Vice-President thanked the Council and the community for their patience. He said he's only been on the job for seven months. He said they had taken positive steps to mitigate the issue with the trains such as building a privacy fence and planting bushes but the issue was the side track that they agreed to build. They were looking for ways to completely remove the Transflo facility outside of the City to better serve the customers. They have also allocated \$414,000 of their own to put with the \$900,000 allocated by the State for the side track.

The project timeline was as follows: last week CSX submitted to the State planning, design, budget and schematics so they could draft a project agreement within the next 30-45 days. This will allow CSX to secure contractors to build the sidetrack. The construction should begin the first part of the third quarter (July) and be completed by January 2017. There will be instances when the tankers would be seen on the tracks after this work and that should only occur after they have been to Transflo and have been emptied and are waiting to go to Richmond.

Councilor Kelly thanked Mr. Marcus and Councilor Frye for working on this but he wanted to address another safety issue with the railroad bridges at the station. It is known that the drainage system has failed and they continue to leak causing pieces of the bridge to fall and he said he would like to have discussions to alleviate the problem. Mr. Marcus said he would be happy to discuss and to get with the people who work on the bridges.

Councilor Frye said he appreciated the efforts although he was not happy with results thus far.

Councilor Frye showed several pictures of the tankers sitting on the track along Blue and Grey Parkway, Railroad Avenue, Railroad Avenue and CSX Office area and the Transflo facility showing where the tankers were gated up. He expressed his concern with the tankers and stated that if the tankers were to explode it would affect Fredericksburg as well as Spotsylvania and Stafford Counties. Mr. Marcus assured that the materials were transported in safety approved tanks and that everything was done within federal regulations. Councilor Frye clarified that the track would take the tankers away from the homes.

Councilor Duffy agreed this was not at Mayfield problem but a citywide problem and he would like to see it taken care of.

Councilor Kelly noted that with the VRE extending the trains it would require the platforms to be extended and he would like to see it extended across Princess Anne so riders can exit the platform on the other side of Princess Anne Street. Mr. Marcus said there was a team of people that work directly with VRE and he would pass the message on to them.

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

7A. Appointment of City Manager – Mayor Greenlaw

7B. Captain John Smith Voyage of 1608 Memorial Marker – Mayor Greenlaw

7C. Proclamation for National Letter Carriers Day Food Drive – Councilor Ellis

7D. Hazel Hill Update – Council Frye

Appointment of City Manager – Mayor Greenlaw announced that the Council had selected Timothy J. Barody as the next City Manager. He is currently serving as a Deputy County Administrator for Stafford County. In this position he has served as Director of Economic Development as well as Tourism, Parks Recreation, Community Facilities, Legislative Affairs, Information Technology and Base Relations.

Mayor Greenlaw said there was an excellent pool of candidates, 53 total and they interviewed 6 and narrowed it down to two candidates. She asked that Council vote to officially appoint Mr. Barody and approve his contract.

Vice-Mayor Withers made a motion to hire Mr. Barody and approve his contract effective June 27, 2016; motion was seconded by Councilor Devine.

Councilor Devine noted that all 53 of the applicants and especially the 6 they interviewed were highly complementary of the City and she thought that was a nice mirror on the City. She said they were all excited about Mr. Barody coming on board but also sad to see Mr. Cameron go.

Vice-Mayor Withers added that he hoped the citizens understood the great financial position the City was in and it was all due to Mr. Cameron when he started as an Assistant City Manager. He said the City was lucky to have such a good person as Mr. Cameron.

Mayor Greenlaw added that all the applicants were appreciative that the City was in good financial position and she said they were all excited for Mr. Barody to come because he had a great heart for the community.

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

Captain John Smith Voyage of 1608 Memorial Marker – Mayor

Greenlaw explained that the Chesapeake Conservancy asked for approval to place a small monument marking the 1608 voyage of Captain John Smith up the Rappahannock River to the Fredericksburg Area. The monument would be a granite plinth 6 inches square and stands about one foot high. The monument is proposed to be located on the City's property near the site of the former Embrey Dam. The monument will be one of two that the Conservancy plans for the area. There will be a companion monument placed at Belmont. The group hopes to erect markers at 24 places along the Chesapeake Bay and its tributaries.

Councilor Devine moved approval to allow the Chesapeake Conservancy to place a memorial made of granite plinth 6 inches square and stands about one foot high to be located near the former Embrey Dam site; motion was seconded by Councilor Duffy and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Proclamation for National Letter Carriers Day Food Drive –

Councilor Ellis requested a proclamation be prepared again for the Food Drive and he would like to have that presented at the May 10 kickoff event at the Food Lion that is donating the bags for the event at 10:00 a.m. Mayor Greenlaw said she would work it out with Councilor Ellis.

Hazel Hill Update – Council Frye noted that gas service had been restored to

fifty percent of the units. There are still a few that do not have a gas line connection but they had alternate propane for their hot water and space heaters for heat. He said he would

continue to follow-up until all work was completed because it is unacceptable for anyone to live like this.

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

Jesse Johnson, 1412 Parcel Street, spoke in regards to the CSX Tanker cars. He said this had been a contentious issue for years. There had been \$1million allocated when Senator Houck was in office and that money was not spent and Senator Reeves carried forward those efforts and now Councilor Frye and nothing has changed. The CSX representative was now promising the project completion by January 2017. He asked the Council if they understood environmental racism. It is the placement of low income or minority communities in proximity of environmentally hazardous or degraded environments such as toxic waste, pollution or urban decay. He expressed his concerns that the toxic tanks were stored near the Mayfield community. He asked what the Council was going to do if CSX did nothing to fix this issue.

Bob Straight, Virginia Organizing, 5 South Pointe Lane, 22405, spoke in regards to the tankers. He said it was encouraging to hear CSX's plans to remove the tankers. He said these were toxic materials and if there was an accident it would cause significant impact on the residents in Mayfield and in the Fredericksburg area.

City Manager's Consent Agenda Accepted for Transmittal as Recommended (D16-__ thru D16-__). Following review and as recommended Councilor Kelly moved approval of the City Manager's consent agenda items; 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).

- Ordinance 16-12, Second Read, Amending the Procurement Ordinance to Increase the City Manager's Small Purchase Authority from \$30,000 to \$100,000 and Require Three Quotes for Purchases of Goods over \$5,000 (D16-__).
- Ordinance 16-13, Second Read, Granting a Fifteen-Year Non-Exclusive License to Extenet Systems (Virginia) LLC to Install, Maintain, and Use Telecommunications Cable and Equipment in City Rights-of-Way
- Resolution 16-26, Second Read, Amending the Fiscal Year 2016 City Grants Fund Budget by Appropriating \$145,000 Based on a 2015 Homeland Security Grant for the Purchase of a Vehicle and Equipment for the City's Hazardous Materials Response Team (D16-__).
- Resolution 16-30, Approving FRED Transit's Revised Fiscal Year 2016-2018 Title VI Plan and Procedures and Endorsing FRED's Fiscal Year 2016 Disadvantaged Business Enterprise Utilization Goal (D16-__).
- Resolution 16-31, Authorizing the City Manager to Execute a License with InSite Towers Development ,LLC for Public Safety Radio Communications Equipment (D16-__).
- Transmittal of Boards and Commission Minutes
 - Board of Social Services – December 10, 2015 (D16-__).
 - Recreation Commission – February 18, 2016 (D16-__).

Adoption of Minutes (D16-__). Councilor Ellis moved approval of the March 8 & 22, 2016 Work Sessions and the March 22, 2016 Regular Session minutes;

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 16-32, Renewing the Animal Shelter Agreement with Spotsylvania County (D16-__). After a brief staff presentation Councilor Kelly moved to approve Resolution 16-32, renewing the Animal Shelter Agreement with Spotsylvania County; 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).

Resolution 16-33, Authorizing the Use of \$483,524 in Motor Fuels Taxes for the Virginia Railway Express and \$31,600 for the Potomac and Rappahannock Transportation Commission for Fiscal Year 2017 (D16-__). After staff presentation Councilor Kelly moved to approve Resolution 16-33, authorizing the use of \$483,524 in Motor Fuels Taxes for the Virginia Railway Express and \$31,600 for the Potomac and Rappahannock Transportation Commission for fiscal year 2017; 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).

Resolution 16-34, Amending the Fiscal Year 2016 City Grants Fund Budget by Appropriating \$51,600 for Renovations at Old Mill Park and a Fire and EMS Training (D16-__). After a brief staff summary Councilor Devine moved to approve Resolution 16-34, amending the fiscal year 2016 City Grants Fund budget by appropriating \$51,600 for renovations at Old Mill Park and a

Fire and EMS Training; 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 16-35, Setting the Personal Property Tax Relief Percentage for the 2016 Billing in Accordance with the Changes to the Personal Property Tax Relief Act of 1998 (D16-__). After a summary from staff Councilor Devine moved to approve Resolution 16-35, setting the personal property tax relief percentage for the 2016 billing in accordance with the changes to the Personal Property Tax Relief Act of 1998; 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.

City Manager's Report and Council Calendar (D16-__ thru D16-__). City Manager Cameron asked if there were any questions regarding the Manager's report or the Council Calendar. Activities highlighted on the report were as follows: Earth Day, Historic Garden Week Tour April 26, Arbor Day Celebration, Spring Cleanup Week April 11-15, Parking Promotion Continues in April Near 'Restaurant Row', Department of Social Services Recognizes Child Abuse Prevention Month for April, EDA Transfers Properties to the City, Adding to the Downtown Parking Supply, Detective Reyes Recognized as 2015 Officer of the Year by Elks Lodge, Police Officers Enlist 3rd Graders from LUES in their Search for Leprechauns and Doggie Egg Hunt.

City Manager Cameron also noted that due to the efforts of Congressman Rob Wittman, Fire Chief Eddie Allen and Deputy Emergency Management Coordinator Victor T. Podbielski the City was going to receive FEMA assistance after it had been left off.

Adjournment. There being no further business to come before the Council at this time, Mayor Greenlaw Declared the meeting officially adjourned at 9:20 p.m.

Mary Katherine Greenlaw, Mayor

Tonya B. Lacey, Clerk of Council, CMC